

SOME OBSERVATIONS REGARDING "CHARTER 77"

Part I: The Manifesto: Action, Reaction, and Counterreaction

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February 1977

If efforts by citizens to point out breaches of the Charter of Human Rights and of prevailing laws are regarded from the outset as criminal actions and are answered with various kinds of reprisals and discrimination, this only proves how justified and true was the criticism contained in the manifesto.

- open letter to the Czechoslovak Parliament,
from Jiří Hájek and Jan Patočka, spokesmen
for "Charter 77," February 1977.

"Charter 77," the Czechoslovak human rights movement that came dramatically to life at the beginning of this year, is the latest, the purest, and potentially the most important manifestation of a significantly new form and style of protest that seems to be sweeping across communist-ruled Eastern Europe. The Prague regime's so far nervous and hesitating response is similarly symptomatic of the agonizing dilemma that the form and timing of such movements are posing for governments in the region and indirectly for others, including the new American administration, who must at least react to regime reactions if not to the movements themselves.

Common to all these movements is their carefully exclusive focus on widespread violations of specific "human rights" that are guaranteed by their countries' laws and international agreements. None of them is calling for political reforms that challenge the formal system or otherwise assuming a "dissident," anti-Communist Party of anti-regime stance. This is why their spokesmen so vehemently object to inclusion under the Western press's unhelpful catchall label of "dissidents." Moreover, it is this form, including "internationalization" of the legitimacy of their demands through appeals to international accords signed by their governments—most explicitly and frequently the "final Act" signed by 35 European and North American heads of government at Helsinki in August 1975—that makes it unusually difficult for their

regimes to take the radical steps necessary to silence them. To do so, as early reactions in the West have already made clear, would invoke a quality and distribution of international criticism that would be particularly unwelcome for a variety of reasons at the present time.

On the other hand, the recent history of the region also suggests to these same regimes that initially insignificant movements of criticism and protest, if not firmly contained, can grow, jump class boundaries to engage more than small coteries of impotent intellectuals, and escalate into major crises. Three times in a little more than two decades—in 1953, 1956, and 1968—a little license for criticism, legitimizing popular dissatisfaction and followed by a client regime's inability to cope or its initiation of reforms that were unacceptable to the region's paramount power, has led to Soviet military interventions in one or another of these countries. While these restored the old order and maintained Soviet hegemony, they also raised the specter of an East-West confrontation with incalculably dangerous potential. The domestic price was invariably high, and the fact that East-West confrontations did not take place, because the stakes were so enormous and the challenge to the "national interests" of the Western powers was so modest, offers small comfort to those who know how many wars have happened because events escaped the control of "decision makers" who never meant them to happen.

The situation today is different in many important respects. There have been no demands so far for structural, political, or ideological reforms that could be perceived as challenging Soviet hegemony or one-party rule, although such demands were in fact later arrivals in earlier crises that were ultimately resolved by the Red Army. Other elements, however, are again present. In Czechoslovakia and Poland dissenting intellectuals and discontented workers appear once more to be finding common ground, a rare event that has always alarmed their rulers. One is thus entitled to join the East European regimes in at least wondering what new challenge to domestic law and order and then to détente, the international order, and possibly world as well as regional peace may ensue this time if Charter 77 and its analogues elsewhere are not quickly and effectively suppressed.

These considerations constitute the other horn of the dilemma presently confronting the affected regimes in Eastern Europe—and also, in different quality, the Western powers and public opinions whose moral and political support the human rights campaigners are demanding. To put it more provocatively: are we not about to be presented with more evidence in support of the “Sonnenfeldt Doctrine,” here understood as really only a new phrasing for an old view that others—at one moment including Zbigniew Brzezinski—have also occasionally tried on for size and fit? Evidence, that is, for the view that the only real effect of persistent efforts by East Europeans to gain more independence from Soviet domination and/or from Soviet sociopolitical “models,” given the improbability of change in geopolitical realities, the global balance of power, or the nature of the Soviet system, is to create an unhealthy regional instability and periodic crises that merely threaten East-West peace, which is the only supervenient Western and American national interest in the area. If this is true, it can also be argued that the best American policy is still to pass by on the other side, quickly and with only a softly muttered word of sympathy for Charter 77 and its kin and of disapproval when they are suppressed.

Meanwhile, and even without dramatic developments that would require urgent and difficult policy decisions by the West—which most observers consider unlikely—the immediate regional importance and human drama of present events and

preparations on all sides for the Belgrade conference that will review implementation of the Helsinki “Final Act” in June 1977 have already invoked an impressive array of descriptions, analyses, and expressions of concern in the European and American press and by spokesmen of various political and ideological predispositions (including the Chinese, who have provocatively forecast “a new Prague spring”). A selection of these provides the basis for this Report, which should be considered merely a set of random and premature observations for nonspecialists who may wish to know a little more about a matter that is now and in the immediate future of concern to American policy makers and public opinion. It is likewise the immediacy of these questions—whether merely in anticipation of Belgrade or in more critical circumstances—that excuses violation of a prudent rule: that in a fluid and rapidly developing situation, with partial and often inaccurate secondhand information, one should leave “instant analysis” to newspapers and other instant media, whose mistakes of fact, interpretation, or anticipation at least will not be confounded by additional sources or subsequent developments before they are even published.

I. Prague '77

A manifesto addressed to the Czechoslovak authorities and state news agency, dated January 1, 1977, and signed by an initial group of 242 (in other versions 257) Czechoslovak citizens was the first public appearance of the informal group of human rights campaigners who call themselves “Charter 77.” The signatories came from many social strata, including workers and politically heretofore unexposed academics and scientists as well as prominent political and intellectual veterans of the “Prague spring” of 1968. Excerpts from the manifesto were published in several Western European newspapers on January 7, and the full text appeared in the *Frankfurter Allgemeine Zeitung*. On the same day Prague police detained at least four leading signatories for interrogation as “material witnesses,” a status that meant they were not being charged and could not be held but that also deprived them of legal rights to counsel or to refuse to give evidence. All were reportedly released during the evening, but they and others were detained again for further interrogation on the next and subsequent days. This was the beginning of a

campaign of harassment and intimidation that was to increase in intensity and in imaginativeness during the following weeks.

The manifesto begins by invoking the authority of the Czechoslovak Register of Laws, No. 120 of October 13, 1976, which published (and thereby adopted as domestic law) the text of the International Covenant on Civil and Political Rights, and of the International Covenant on Economic, Social and Cultural Rights, "which were signed on behalf of our Republic in 1968 reiterated at Helsinki in 1975, and came into force in our country on March 23, 1976. Since that date our citizens have enjoyed the rights, and our state the duties, ensuing from them." Regrettably, the manifesto says, all of this still exists "on paper alone." It goes on to cite by article a long series of rights and freedoms that are guaranteed by one or the other of these two United Nations covenants but systematically violated by official organs of the Czechoslovak state, in each case also citing specific modes of violation. The list includes freedom of expression, equality of access to education (denied because of one's own or even one's parents' political views or past actions, e.g., in 1968), the right to "seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print," freedom of religion, rights to free assembly, to participate in public affairs, and to equality before the law, freedom to travel and "leave one's country," and "other civil rights," including restrictions on "arbitrary interference with privacy, life, the family, home, and correspondence." It also notes that Czechoslovak citizens have no constitutional recourse against either arbitrary or systematic violations of civil rights or other laws by state or Party organs.

The manifesto goes on to describe "Charter 77" as "a loose, informal, and open association of people...united by the will to strive individually and collectively for respect for human and civil rights in our own country and throughout the world." It is carefully stipulated that this is not an organization, has no statutes or permanent organs, and "does not form the basis for any oppositional political activity." The document ends by authorizing three of the signatories "to act as the spokesmen for the Charter." These are Jan Patočka, 69, former professor of philosophy at Charles University; Vaclav Havel, 40, an internationally known

noncommunist playwright who was politically active in 1968, now employed in a brewery; and Jiří Hájek, 63, Czechoslovak Foreign Minister in the Dubček period and a pre-1948 Social Democrat expelled from the Communist Party after the 1968 Warsaw Pact invasion. The manifesto also once again invokes international legitimacy and support for its demands:

By its symbolic name Charter 77 denotes that it has come into being at the start of a year proclaimed as Political Prisoners' Year—a year in which a conference in Belgrade is due to review the implementation of the obligations assumed at Helsinki.¹

First Reactions

Two aspects of the story of reaction and counter-reaction to Charter 77 during the first two months of its existence are of particular relevance to any analysis of the movement's longer-range prospects and significance. One is the form—and the apparent uncertainty—of the regime's actions. The other concerns the sources and quality of foreign sympathy for the movement and for the tribulations of the manifesto's signatories, of whom there were to be over 200 more—for a total of 448—by early February.²

The first mention of Charter 77 by name in the Czechoslovak media, on January 12, was interpreted by most observers as the initial step in a now predictable escalation of the regime's campaign against the movement. Identical articles in *Rudé právo* (the Party daily in Czech Prague) and in *Pravda* (the Party daily in Slovak Bratislava) described the Charter 77 manifesto as "an antistate, antisocialist, and demagogic, abusive piece of writing" concocted by representatives of "the bankrupt Czechoslovak bourgeoisie and...the discredited organizers of the 1968 counterrevolution," who were said to be acting "at the order of anti-communist and Zionist centers." Similar or worse epithets, ominously reminiscent of the language of the 1950s, were applied to individual signers—"traitors and renegades," "a loyal servant and agent of imperialism," "a bankrupt politician," "an international adventurer" or "a foreigner without fatherland who was never integrated in the Czech community" (these last with reference to two leading Jewish signatories). These quickly became

common currency in the media and in the dutiful letters and resolutions of condemnation that began to pour in from factories, trade unions, and individual workers, soldiers, and intellectuals.

Then, on January 17, the official media confirmed the arrest, already reported in the Western press, of four persons: playwright Václav Havel, former journalist Jiří Lederer, former Prague theater director Ota Ornest, and theatrical writer-director František Pavlíček, all vaguely accused of "serious crimes against the basic principles of the Republic." All four, it is worth noting, had been active supporters of the "Prague spring" of the 1960s and only Havel—one of the three "designated spokesmen" of Charter 77, as noted above, and prominent in the writers' movement during the Czechoslovak thaw after 1962—was not also a communist expelled from the Party during the post-1968 purges. Two of the arrested—Ornest and Lederer—are Jews. (Lederer, an outspoken journalist of the Dubček era, had already spent time in prison after 1970, purportedly for slandering the Polish state in a series of 1968 articles about student protests and antisemitism in Poland.) Far more significantly, although overlooked in most press reports, one of the arrested had not actually been a signatory of Charter 77. This was the 63-year-old Ornest, also somewhat curiously the only one of the four identified by his full name in the first official announcement, which merely listed initials for the other three. On January 23 Prague television hinted at the nature of the charges that would be brought against Ornest (and putatively the others) by broadcasting a short film, apparently taken by the police from a parked car, that showed the former theater director meeting a man who is described as a Western diplomat in a Prague park, walking and chatting and then apparently exchanging some papers with him. The film clip, which was also televised here in Vienna, came at the end of a program about alleged British espionage activities in Czechoslovakia (a British Ambassador of the 1960s was accused by name of being a spy), but the man seen with Ornest was later identified by Western sources as a Canadian diplomat recently stationed in Prague. Although the Ornest footage did not really show what it purported to prove, it and a blunt statement by police to Havel's wife that his arrest also had "nothing to do with Charter 77" were clear signals that arrests and trials would at least ostensibly be on grounds other

than participation in a human rights movement demanding that existing laws should be observed.

There have been, as of the end of February, no further reliably confirmed arrests on formal charges.

What has happened instead is a continuation of vilification by the media and through "spontaneous" letters and petitions (with a brief pause at the beginning of February) and of the campaign of harassment that began with the first "interrogations" of January 7. The latter has frequently assumed basically petty but cumulatively telling forms. Telephones of adherents of Charter 77 who had phoned or been phoned by Western correspondents were disconnected (except for the phone of Václav Havel, apparently—and a credibly typical Czech touch—because he was on a party line). Drivers' licenses or car registration papers were revoked on minor technical grounds (e.g., the photograph on a license did not correspond to a face that had subsequently grown a moustache). One particularly outspoken signatory, the playwright Pavel Kohout, who had kept police waiting outside his door for hours on January 8 while he coolly completed a series of phone conversations with reporters in Vienna and Bonn, had his wife roughed up by police, then had his phone disconnected "in the public interest," and then was served an eviction notice from his small apartment next to Hradčany Palace (allegedly because it was wanted by the Swiss embassy). A number of signatories were summarily fired from their jobs—often, to be sure, the kind of petty or inappropriate jobs that are all that most supporters of the 1968 reform movement have been permitted to hold in recent years, but still a livelihood and protection against arrest as a "parasite." (Thus, for example, Zdeněk Mlynář, a leading reformer, Party Presidium member, and Central Committee Secretary in 1968, lost his position as an entomologist at the Prague National Museum.)

Briefly, during the last week in January, it appeared that the regime might resort to the tactic used by East Germany in the case of poet-singer Wolf Biermann and by the Soviet Union in the case of Ivan Bukovski and other "dissidents": expulsion to the West. On January 25 the Czechoslovak Ambassador in Vienna requested a meeting with the Austrian Foreign Minister, Willibald Pahr, to ask

for official confirmation of a statement made by Chancellor Bruno Kreisky, during a press conference several days earlier, that Austria was prepared to offer asylum to persons requesting to leave or expelled from Czechoslovakia. The Ambassador was reported to have presented Pahr with a list of eight specific names. For several days Prague radio and television broadcast commentaries and interviews with irate workers, soldiers, and other citizens demanding that signers of Charter 77 should go where their money and orders came from. On January 28 four leading signatories—Mlynář, Kohout, former Party Presidium member and Chairman of the National Front František Kriegel, and writer and social scientist Milan Hübl (plus, according to some sources, Hájek and writer Ludvík Vaculík)—were invited to report to the Prague passport office. There they were very politely informed that they could have exit visas if they did not like living in Czechoslovakia and that, in contrast to recent East German and Soviet practice, there would be no question of revoking their citizenship if they chose to go. All refused the offer categorically. In Vienna Kreisky publicly reaffirmed Austria's traditional readiness to offer political asylum to all who needed it, a subject he said he had raised when on an official visit to Prague some months earlier, but preferably to those who came of their own free will. Expelling dissenters, he and other Western statesmen warned, would be a serious violation of human rights and the Helsinki agreements. In Prague the authorities promptly announced that the idea that they might expel anyone was another slander dreamed up by Western anticommunists.

Meanwhile, Hájek and Patočka, the two "designated spokesmen" still at liberty, continued to issue statements on behalf of Charter 77. "Document No. 3," dated January 15 and published in the *Frankfurter Allgemeine Zeitung* on January 24, appealed to the regime to stop the campaign against the movement, detailed arrests and harassment to that date, and declared the movement's readiness to negotiate with the appropriate authorities. "Document No. 4," dated January 23, and sometimes referred to as "the second manifesto," described the methods and criteria used by Czechoslovak educational authorities to deny access to higher education to the children of politically undesirable elements, ranging from members of the former bourgeoisie to

supporters of the Dubcek reforms in 1968. Several prominent signatories, including Hájek and Kohout, were still able to maintain contact with Western correspondents, even including interviews filmed in their apartments by Western European television crews. Mlynar and Kohout sent open letters to specific Western European Communist and Socialist leaders appealing for support, which seems particularly to have annoyed the authorities, and in early February Western sources reported that Alexander Dubcek, an employee of a food enterprise in Bratislava, had broken silence to say that police surveillance had prevented him from signing Charter 77.

Some Questions Without Answers

Such details are important, in part because they raise and then cast some shadowy light, capable of contradictory interpretations, on a set of still unanswerable questions. The first because most immediate of these: do apparent inconsistencies in the regime's behavior, like the lack of further arrests, the brief suspension of the media campaign against Charter 77 (which began with a *Rudé právo* statement that it would say no more on the subject), or the apparent flirtation with the idea of expelling some leading signers, reflect divisions or changes of mind in the Party leadership, ad hoc responses to the tactics of the movement and international reactions, or successive stages in a consistent strategy? (A secondary and equally unanswerable question, which also serves to remind us that developments in Czechoslovakia cannot be considered in isolation from the vicissitudes of human rights movements in the Soviet Union, Poland, and East Germany, is whether the regime's actions are dictated by Moscow or at least follow prior consultation with appropriate Soviet authorities. Most qualified observers suspect that neither is the case because neither is necessary: authorities in Prague know intuitively and by watching Soviet handling of the Russian human rights movement what would or would not be acceptable to Moscow.)

Speculation on this question, of which there is a lot at the present moment, tends to reflect the individual speculator's presuppositions concerning the preferences and political strength of the Czechoslovak President and Secretary-General of the Communist Party, Gustáv Husák. This in turn has been a much-debated subject ever since Husák

came to power as a consequence of Soviet occupation and Dubček's fall, but with a reputation based on his own disgrace, imprisonment, and torture in the Stalinist period, his Slovak patriotism, and his post-1962 rehabilitation by and association with those who shaped the ill-fated 1968 reforms. For those who still believe that he is in his heart of hearts a Czechoslovak János Kádár, doing his best to ameliorate the system and minimize repression in the face of powerful external (Soviet) and internal ("neo-Stalinist" or "conservative") pressures, it is easy to credit Husák with instances of apparent restraint in handling Charter 77, to blame the conservatives around him (like Alois Indra and Vasil Bilak) for arrests and other excesses, and to interpret apparent wavering between restraint and repression as a sign of intra-regime disagreements or even a struggle for power and Soviet support. Those inclined to some variant of this view are citing in evidence the otherwise curiously belated and moderate nature of Husák's own public reaction to Charter 77. Only on January 21, in a speech before a meeting of the Czechoslovak Socialist Party, did Husák refer to the movement, and then only to say somewhat cryptically: "The situation in our country cannot be influenced by the fact that a pamphlet against socialist Czechoslovakia was signed by 200 or 300 people." Indra, speaking at the same meeting, was perhaps significantly far more severe.

A second reason why the day-to-day experiences of the drafters and signers of Charter 77 are worth examining, and in greater detail than has been done here, is the insights they offer into the nature of ordinary life and subtler forms of control and coercion in post-Stalinist Eastern Europe. One is reminded, for example, that this is no longer the Soviet bloc of 25 years ago, when a dissenting intellectual was not likely to have been working in a brewery as punishment for past crimes against socialism or to have had a car, a phone, or perhaps even an apartment to be taken away as punishment for unregenerately committing new ones. But one is also reminded that deprivation of such things—while not as dramatic as imprisonment, torture, or forced labor—are sanctions that can prove hard to bear especially in a society in which these are but recent and hard-won means of ameliorating everyday life, otherwise still characterized by inconvenience, shortages, and bureaucratic arbitrariness on a scale that already severely strains the patience

and dominates the time of citizens of Prague or Warsaw. And that there is still no recourse against arbitrary and formally even illegal imposition of such sanctions—or of worse ones, as the arrests of January 17 were a possibly deliberate reminder—for merely expressing an unwelcome view.

(The above should not, however, create the impression that there has been a continuous, progressive moderation of coercive sanctions over the past 25 years. In 1972, for instance, Prague defied the eagerness for East-West détente and other factors that were then inducing moderation in the behavior of most bloc regimes by trying and imprisoning more veterans of the 1968 reforms than at any time since the invasion. On the other hand, oppression in communist Czechoslovakia has always and in the worst periods been subject to random mildness, at various times and places, reflecting among other things a combination of post-Hapsburg *Schlamperei* and Czech civility. A recent conversation with an elderly emigré here in Vienna produced an example that is typically although not necessarily Czech—it might also have been Polish or Hungarian. It seems that her family had been among the largest landowners in a certain part of southern Bohemia. Although dispossessed of their land soon after World War II, they stayed on under communism, living in their castle not only unmolested but as active and particularly respected noncommunist participants in public affairs—apparently as much because of as despite their class origin. When the Russians invaded on August 20, 1968, my informant was routed out of bed by local police officers and Party officials in search of advice and help in organizing resistance. According to her story, she took charge of such actions as reversing highway direction signs to disorient the Red Army and moving the local pro-Dubček radio station transmitter from place to place to avoid discovery by the Russians—both characteristic of Czechoslovak passive resistance during the first days of occupation. It was over four years later, however, that another police official came to tell her that she would do well to be over the frontier by the following Monday. She took the hint, but succeeded only after being turned back at four different crossing points, although her passport was in order and she had a transit visa for Yugoslavia; apparently she was already on a list of people to whom exodus was to be denied. She finally got out partly because she chose a border crossing to Hungary, not Austria or

West Germany as in her first attempts, and partly because she encountered an elderly border official who by coincidence had served under her father before the war and who recognized the name. It is incidentally worth adding that I asked her whether her family was Czech or German, since most large landowners in southern Bohemia used to be German-Bohemians, and she is indistinguishably bilingual. "Austrian," she snapped back. Because the name is Bohemianized French, this is probably true.)

What *relative* judgment do we therefore pass on what is now happening in Czechoslovakia and elsewhere in Eastern Europe? Where do we place these events in a typology of objectionable forms of suppressing freedom and violating civil rights that ranges from the methods employed in these same lands only recently (and in many lands on other continents today) to, let us say, the methods of the McCarthy era in the United States, when "merely" blacklisting and other forms of publicly sanctioned economic and social ostracism were frequently quite effective and eventually rejected as politically and morally intolerable?³ And is there a significant correlation between a country's place in such a spectrum of suppression and its level of socio-economic and political "modernization"?

Whether or not they set about doing it consciously and deliberately, at least so far the Czechoslovak authorities are in effect attempting to apply to Charter 77 what might be called a strategy of Minimum Necessary Repression. (Not a bad strategy, incidentally, for a modern authoritarian state whose rulers wish to maintain monopolistic political power but with the least possible public physical coercion—or what Eastern Europeans call "administrative measures"—either as a matter of principle or to avoid international opprobrium or more concrete sanctions.) The reactions of the targets of this strategy and of the outside world are raising another pair of questions that also make the details of the story worth examining: What kind of courage does it require to resist such a strategy? And what does our own (American and Western European) attitude to Charter 77, the Prague regime's response, and their analogues elsewhere in Eastern Europe tell us—perhaps to our surprise—about our possibly subconscious expectations of these regimes and their peoples?

Despite similarities to be found in the Polish, East German, and Soviet human rights movements and regime responses to them, there is certainly something "very Czech" about both the Prague regime's methods and the particular quality of courage displayed by Charter 77's adherents. It is a cliché of contemporary history, rather overused in 1968, that Czechs and Slovaks are prudent "good soldier Schweiks" who do not fight when the odds are absurdly unfavorable, unlike their Slavic cousins the Yugoslavs, who do and who incidentally tend to win, again absurdly. But the Czechs and Slovaks do have a kind of courage of their own. Anyone who visited them in the first months after the invasion of August 1968, as I did, saw this very movingly displayed. Then, in October and November and in Bratislava and in Prague, I had the privilege of experiencing a rare event in human history, of witnessing an entire nation standing up and crying with one unanimous, quiet, nonviolent but firm voice: "Let my people go!" It did not do them any good, and they were not so unanimous when this finally sank in on them a few months later, but that is not the point. The point is that it was dangerous to say and do things so many of them were saying and doing that sad autumn, and they knew it. It was not dangerous, however, in the same way that it is dangerous to take up arms against a powerful enemy or invite the angry attention of authorities that have a known predisposition to kill or torture citizens who disagree with them. Although imprisonment was a risk of unpredictable magnitude then and is so again today, it is more likely now, as it was then, that official sanctions will usually take the form that the regime has tended to prefer ever since "Stalinism" became a bad word: the kind of undramatic, often pinpricking harassment that makes life as well as protest dreadfully inconvenient to downright unpleasant.

I don't know whether it takes more courage to face death, torture, or other dramatic and heroic punishments for standing up and being counted, or to face undramatic and unheroic sanctions like repeated summonses to the police for ostensibly polite interrogations or arbitrary deprivation of a driver's license, a telephone, an apartment, or a job. But it surely takes a different kind, the kind the Czechs and perhaps the Slovaks seem to specialize in, to persevere in defiance of systematic harassment that makes life very uncomfortable but that does not make one a hero or a martyr.

Perhaps, then, this is their way of making up, with a touch of deprecatory self-irony, for their failure to show the Yugoslav kind of courage in September 1938, in February 1948, or in August 1968. At least this seems to emerge from an otherwise also interesting exchange between one of the signers of Charter 77, former Prague University historian Karel Bartošek, and François Fejtö, a leading French specialist on Eastern Europe. It took place during a Paris-Prague telephone interview in mid-January, just before the first arrests:

Fejtö: And what is the attitude of the authorities?

Bartošek: They continue to harass us. Summons to the police, interrogations, searches. It is evident that the police have instructions to respect legality: in no case has the limit of 48 hours of provisional detention fixed by the law been exceeded. It seems to me that the government doesn't want to aggravate the situation and give the affair a spectacular character.

Fejtö: Yes, I also think that it would not be wise on their part, a few months before the opening of the Belgrade conference, where they will be asked to account for the manner in which the Helsinki agreements have been implemented.... But do you think that your action can induce the authorities to change?

Bartošek: To tell the truth, I don't think so. I believe they will not yield. They will try to intimidate us, to divide us, to discourage us, once again, by making it clear that our initiative is without effect. Never mind. In the long term our action will appear as having been necessary for the health of our soul, for the national conscience.⁴

The answer to the question of durability of this kind of courage and determination must depend on the individual and the circumstances, but the evidence of recent Czechoslovak history is not encouraging. The massive "good soldier Schweik" nonviolent resistance of the Czechs and Slovaks during the autumn and winter of 1968-69 flaked away in

little shards in the face of persistent "salami tactic" counterreformation. The metal workers who in December 1968 had sworn to strike if the noblest of the reformers, Josef Smrkovský, were forced out of the Presidency of the National Assembly, did not strike when he went—under the pretext of fair Slovak representation. The printers who in January 1969 swore not to typeset attacks on the principles of 1968 did refuse to produce the first issue of a new hardline newspaper, *Tribuna*, but subsequent issues were published unmolested. And a reformed trade union organization that had cried its defiance of renewed party dictatorship and reduction to a "transmission belt" at its Congress in January 1969 succumbed without a further whimper when Soviet pressure was increased after the "ice-hockey demonstrations" at the end of March.⁵ The arrests generally came later, for those few who still had not learned. On the other hand, the human spirit seems to have remarkable recuperative powers. Most of the signatories of Charter 77 who had been involved in the Prague spring of 1968 may have gradually succumbed to unremitting intimidation, humbly if sullenly sitting on their hands for the past five, six, or seven years. But when the manifesto of January 1, 1977, was offered to them, some subtle battery of courage and shame had apparently been recharged. And they were joined by hundreds more who had not previously been exposed to official reprisals because of involvement in the Prague spring, and who therefore were hazarding more by exposing themselves at this late date, but who for some reason or other have chosen to stand up now. This is probably what is most impressive about Charter 77.

Meanwhile, Western European and American public and official opinion, speaking through the press and with the voices of President Carter, Prime Minister Callaghan, Chancellor Kreisky, Socialist International President Brandt, the heads of most Western European communist parties, and many more, have endorsed Charter 77 and other Soviet bloc human rights movements and condemned efforts to suppress them with a vehemence normally reserved for at least a military action on the scale of Hungary '56 or Czechoslovakia '68. This unprecedented passion is being explained in terms of the "spirit of Helsinki" (or guilty surprise that Czechs, Russians, Poles, and East Germans are taking "Basket 3" so seriously?), tactical maneuvering before the Belgrade conference, a new

international public mood that suffers infringements of human rights less gladly than of late, and (in the case of the American government) a new administration's need to be seen taking the high moral tone and pledges of a recent election campaign seriously. One also suspects that many Western citizens and governments, and not only the Czechs and Slovaks, may be expiating a sense of guilt about their behavior in 1968.

All of these probably are factors, but the passion aroused in the West by Charter 77 and its ilk may have another facet that has generally been ignored. Once upon a time, in the heyday of the Cold War, most of the kinds of people who are presently so incensed over the Czechoslovak regime's treatment of the Charter 77 movement expected far worse of Soviet bloc regimes, assumed there was nothing they could do about it, and were regularly proved right on both counts. As revolutions fought class enemies and then turned to devouring their own children in the purges of "Titoists" and other supposedly insubordinate native communists that marked Stalin's last years, it was heads and not telephones that were cut off. And today what happens to dissenters, to human rights, and to freedom and political participation is demonstrably more shocking in many countries, including several from which the Field Staff reports, than in the news from Prague, Radom, East Berlin, or even Moscow that has commanded the headlines and roused the conscience of the West in recent weeks.

This observation suggests two possibilities. The Western world's present indignation is merely an updating of the old (Cold War) double standard, according to which our Western "bourgeois" governments and peoples were scandalized when communist regimes trampled on human rights, violated their own laws, and were generally beastly to citizens even suspected of dissenting, but made excuses or looked away when right-wing dictatorships in "our" half of a then supposedly bipolar world did the same sorts of things. Or it is a quite new and perhaps unconsciously adopted double standard, one that somehow expects these communist states to come closer to our own (also imperfect) behavior in the area of freedom and human

rights than we feel we have reason to expect of many states in the Third and Fourth Worlds of Africa, Asia, or Latin America.

If the latter is the case, why? Is it, as columnist Anthony Lewis recently suggested, because we find it easier to empathize with "people who are more like us," which presumably means that most of us are still white European racists under the skin? Or has some more subtle change taken place in our preconceptions and consequent expectations of communist societies, at least in Europe? The most that can be said with any certainty is that Western reactions to current events appear to indicate that behavior by these regimes which would have been considered *relatively* unbeastly 25 years ago is no longer regarded as tolerable, and that there is at least some genuine expectation that international objections to such behavior may really have some effect. Time will tell, perhaps very soon, whether the regimes in question deserve the implied compliment.

Among those whose support of the Eastern European human rights movements is for several reasons of particular significance are, of course, the Italian, Spanish, French, and other "Eurocommunist" parties of Western Europe. The catalogue of their statements in defense of Charter 77 in particular and of their criticism of efforts to suppress such movements throughout the Soviet bloc is impressive in quantity and quality, in the number and importance of the Western communist parties that have spoken up, and in the authoritative level from which many such statements have come. Although each of these parties has pressing domestic reasons for taking the stand it has, there is no evidence or unchallengeable logic to support suspicions that they are insincere or merely opportunistic in doing so. It is worth recalling that the occupation of Czechoslovakia in 1968 was the occasion for the first mammoth, public, no-holds-barred criticism of Soviet methods by most of the parties now called "Eurocommunist." For them, too, Czechoslovakia represents a particularly sensitive point.

The significance of their views will be considered further in Part II of this Report.



NOTES

1. From the "authenticated translation" published in *The Times* (London), February 11, 1977. Another but poorer English translation, for the small circulation *New Leader* of January 31, 1977, had already appeared in the *New York Times* (January 27), the *International Herald Tribune* (Paris, February 1), and the *Guardian* (London, February 3). Although the full text was available in the West at least since January 7, when the *Frankfurter Allgemeine Zeitung* published its German translation, it is interesting to note that (at least as far as I have been able to determine) no other mass circulation Western newspaper seems to have carried the complete version until the *New Leader* produced its English rendition nearly four weeks later. Here is an irony typical of many East-West polemics. Eastern regimes organize mass popular campaigns against statements or documents that they decline to publish, so that their citizens are asked to condemn what they have not and cannot read. But Western opinion is similarly asked to be in favor of statements that here, too, are hard to find and read in full. The reasons for nonpublication may be different, but the consequences are analogous. With this in mind (and also because it represents an improved translation), the version published by *The Times* is reproduced as an Appendix to this Report.

2. The most detailed and best running accounts that have so far come to my attention here in Vienna are those carried by the *Frankfurter Allgemeine Zeitung*, the *Financial Times* of London, and *Le Monde* in Paris (primarily from their first-rate correspondents in Vienna: Viktor Meier, Paul Lendvai, and Manuel Lucbert), Austrian radio and television (ORF, also utilizing its own and West German television's interviews with signatories in Prague and Czechoslovak exiles in the West), and in the Research Reports of Radio Free

Europe (see especially Czechoslovak "Situation Reports" 1-7 [January-February 1977], for particularly useful distillations of both Eastern and Western reporting).

3. Even the British, with the French the modern inventors (so to speak) of the "liberal myth" of inviolable human rights, can occasionally still move to an intermediate position on such a spectrum. On February 8, the same day that Reuters reported from Prague the open letter quoted at the beginning of this Report, the same (British) news agency reported from Strasbourg on a hearing before the European Court of Human Rights, which was considering Irish charges of violations occurring in Ulster: "...Mr. Silkin [U.K. Attorney General] said today his government was not contesting the commission's findings... [He] told the panel of 18 judges that British forces would never again use the so-called 'five techniques' of interrogation about which Ireland had complained. These are hooding a prisoner, harassing him with noise, putting him on a bread and water diet, depriving him of sleep and making him lean against a wall for long periods, off balance with arms outstretched." Everything is relative, as the saying goes!

4. Translated from *Le Figaro* (Paris), January 16, 1977. Cf. Patočka's statement, quoted in the *Washington Post*, that Charter 77 was necessary to restore a "certain moral dignity" to people.

5. Cf. Vladimir Kusin, *Political Grouping in the Czechoslovak Reform Movement* (New York: Columbia University Press, 1972), pp. 39ff. and passim.

6. Comprehensive lists and summaries for the first weeks can be found in the RFE Reports cited in note 2 above.



APPENDIX

Full text of Charter 77 manifesto

THE TIMES

11 FEB 1977

The following is the first authenticated translation of the Czechoslovak human rights manifesto, Charter 77, to reach London:

In the Czechoslovak Register of Laws No 120 of October 13, 1976, texts were published of the International Covenant on Civil and Political Rights, and of the International Covenant on Economic, Social and Cultural Rights, which were signed on behalf of our republic in 1975 and came into force in our country on March 23, 1976. From that date our citizens have enjoyed the rights, and our state the duties, ensuing from them.

The human rights and freedoms underwritten by these covenants constitute features of civilized life for which many progressive movements have striven throughout history and whose codification could greatly assist humane developments in our society.

We accordingly welcome the Czechoslovak Socialist Republic's accession to those agreements.

Their publication, however, serves as a powerful reminder of the extent to which basic human rights in our country exist, regrettably, on paper alone.

The right to freedom of expression, for example, guaranteed by article 19 of the first-mentioned covenant, is in our case purely illusory. Tens of thousands of our citizens are prevented from working in their own fields for the sole reason that they hold views differing from official ones, and are discriminated against and harassed in all kinds of ways by the authorities and public organizations. Deprived as they are of any means to defend themselves, they become victims of a virtual apartheid.

Hundreds of thousands of other citizens are denied that "freedom from fear" mentioned in the preamble to the first covenant, being condemned to the constant risk of unemployment or other penalties if they voice their own opinions.

In violation of article 13 of the second-mentioned covenant, guaranteeing everyone the right to education, countless young people are prevented from studying because of their own views or even their parents'. Innumerable citizens live in fear of their own, or their children's right to education being withdrawn if they should ever speak up in accordance with their convictions.

Any exercise of the right to "seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print" or "in the form of art" specified in Article 19, clause 2 of the first covenant is followed by extrajudicial and even judicial sanctions, often in the form of criminal charges as in the recent trial of young musicians.

Freedom of public expression is inhibited by the centralized control of all the communication media and of publishing and cultural institutions. No philosophical, political or scientific view or artistic activity that departs ever so slightly from the narrow bounds of official ideology or aesthetics

is allowed to be published; no open criticism can be made of abnormal social phenomena; no public defence is possible against false and insulting charges made in official propaganda—the legal protection against "attacks on honour and reputation" clearly guaranteed by article 17 of the first covenant is in practice non-existent; false accusations cannot be rebutted and any attempt to secure compensation or correction through the courts is futile; no open debate is allowed in the domain of thought and art.

Many scholars, writers, artists and others are penalized for having legally published or expressed, years ago, opinions which are condemned by those who hold political power today.

Freedom of religious confession, emphatically guaranteed by article 18 of the first covenant, is continually curtailed by arbitrary official action; by interference with the activity of churchmen, who are constantly threatened by the refusal of the state to permit them the exercise of their functions, or by the withdrawal of such permission; by financial or other transactions against those who express their religious faith in word or action; by constraints on religious training and so forth.

One instrument for the curtailment or in many cases complete elimination of many civic rights is the system by which all national institutions and organizations are in effect subject to political directives from the machinery of the ruling party and to decisions made by powerful individuals.

The constitution of the republic, its laws and legal norms do not regulate the form or content, the issuing or application of such decisions; they are often only given out verbally, unknown to the public at large and beyond its powers to check; their originators are responsible to no one but themselves and their own hierarchy; yet they have a decisive impact on the decision-making and executive organs of government, justice, trade unions, interest groups and all other organizations, of the other political parties, enterprises, factories, institutions, offices and so on, for whom these instructions have precedence even before the law.

Where organizations or individuals, in the interpretation of their rights and duties, come into conflict with such directives, they cannot have recourse to any non-party authority, since none such exists. This constitutes, of course, a serious limitation of the right ensuing from articles 21 and 22 of the first-mentioned covenant, which provides for freedom of association and forbids any restriction on its exercise, from article 25 on the right to take part in the conduct of public affairs, and from article 26 stipulating equal protection by the law without discrimination.

This state of affairs likewise prevents workers and others from exercising the unrestricted right to establish trade unions and other organizations to protect their economic and social interests, and from freely enjoying the right to strike provided for in clause 1 of

article 8 in the second-mentioned covenant.

Further civic rights, including the explicit prohibition of "arbitrary interference with privacy, family, home or correspondence" (article 17 of the first covenant), are seriously vitiated by the various forms of interference in the private life of citizens exercised by the Ministry of the Interior, for example by bugging telephones and houses, opening mail, following personal movements, searching homes, setting up networks of neighbourhood informers (often recruited by illicit threats or promises) and in other ways.

The ministry frequently interferes in employers' decisions, instigates acts of discrimination by authorities and organizations, brings weight to bear on the organs of justice and even orchestrates propaganda campaigns in the media. This activity is governed by no law and, being clandestine, affords the citizen no chance to defend himself.

In cases of prosecution on political grounds the investigative and judicial organs violate the rights of those charged and of those defending them, as guaranteed by article 14 of the first covenant and indeed by Czechoslovak law. The prison treatment of those sentenced in such cases is an affront to their human dignity and a menace to their health, being aimed at breaking their morale.

Clause 2, article 12 of the first covenant, guaranteeing every citizen the right to leave the country, is consistently violated, or under the pretence of "defence of national security" is subjected to various unjustifiable conditions (clause 3). The granting of entry visas to foreigners is also treated arbitrarily, and many are unable to visit Czechoslovakia merely because of professional or personal contacts with those of our citizens who are subject to discrimination.

Some of our people—either in private, at their places of work or by the only feasible public channel, the foreign media—have drawn attention to the systematic violation of human rights and democratic freedoms and demanded amends in specific cases. But their pleas have remained largely ignored or been made grounds for police investigation.

Responsibility for the maintenance of civic rights in our country naturally devolves in the first place on the political and state authorities. Yet not only on them: everyone bears his share of responsibility for the conditions that prevail and accordingly also for the observance of legally enshrined agreements, binding upon all individuals as well as upon governments.

It is this sense of co-responsibility, our belief in the importance of its conscious public acceptance and the general need to give it new and more effective expression that led us to the idea of creating Charter 77, whose inception we today publicly announce.

Charter 77 is 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 for the respecting of civic and human rights in our own country and throughout the world—rights accorded to all men by the two mentioned international covenants, by the Final Act of the Helsinki conference and by numerous other international documents opposing war, violence and social or spiritual oppression, and which are comprehensively laid down in the UN Universal Charter of Human Rights.

Charter 77 springs from a background of friendship and solidarity among people who share our concern for those ideals that have inspired, and continue to inspire, their lives and their work.

Charter 77 is not an organization; it has no rules, permanent bodies or formal membership. It embraces everyone who agrees with its ideas and participates in its work. It does not form the basis for any oppositional political activity. Like many similar citizen initiatives in various countries, West and East, it seeks to promote the general public interest.

It does not aim, then, to set out its own platform of political or social reform or change, but within its own field of impact to conduct a constructive dialogue with the political and state authorities, particularly by drawing attention to individual cases where human and civic rights are violated, to document such grievances and suggest remedies, to make proposals of a more general character calculated to reinforce such rights and machinery for protecting them, to act as intermediary in situations of conflict which may lead to violation of rights, and so forth.

By its symbolic name Charter 77 denotes that it has come into being at the start of a year proclaimed as Political Prisoners' Year—a year in which a conference in Belgrade is due to review the implementation of the obligations assumed at Helsinki.

As signatories, we hereby authorize Professor Dr Jan Patocka, Dr Vaclav Havel and Professor Dr Jiri Hajek to act as the spokesmen for the Charter. These spokesmen are endowed with full authority to represent it vis-à-vis state and other bodies, and the public at home and abroad, and their signatures attest the authenticity of documents issued by the Charter. They will have us and others who join us as their colleagues, taking part in any needful negotiations, shouldering particular tasks and sharing every responsibility.

We believe that Charter 77 will help to enable all the citizens of Czechoslovakia to work and live as free human beings.