

SOME OBSERVATIONS REGARDING "CHARTER 77"

Part II: "Freedoms Great and Small"¹

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Charter 77 in Czechoslovakia; Committees for the Defense of Workers formed to lobby for the release and rehabilitation of those arrested after the food price strikes in Poland last summer; mass applications to emigrate submitted to East German authorities and petitions by East German intellectuals protesting communist singer-poet Wolf Biermann's exile and deprivation of citizenship; unofficial committees in Moscow, Lithuania, and the Ukraine to monitor Soviet implementation of the 1975 Helsinki agreements—the "human rights movement" begins to look like an infectious disease, leaping from country to country throughout Communist Eastern Europe. With an occasional voice of support for Charter 77 raised in Hungary and eight signatures on an open letter about civil liberties drafted in Conducator Ceaușescu's Romania and addressed to the 35 signatories of the Helsinki documents, the only Warsaw Pact state that has so far not produced a recorded contribution is Bulgaria. Even in non-Soviet bloc Yugoslavia, which almost everyone would agree is still more "Western" than "Eastern" in the freedoms its citizens enjoy, a petition to the Constitutional Court signed by 60 persons has challenged the legality of instances (admittedly rare) in which a passport has been denied for political reasons. More recently Milovan Djilas, himself a veteran of years in both prewar royal and postwar communist prisons, has held an informal press conference in Belgrade to call attention to the fact that Yugoslavia, too, has its full ration of political prisoners—600 of them, he claimed.

A word about the nature of the "civil rights" with which these movements are concerned is perhaps in order for American readers, for whom the term conjures up images of organized efforts to promote Black, Native American, or women's rights, or redress for illegal activities by the CIA, or FBI. As is indicated by the list of *systematic*, widespread, and general violations of legally guaranteed rights in the Charter 77 manifesto, the East European and Russian campaigners are not concerned with the expansion or with usually occasional violations of a generally respected body of rights, but with the very principle of such freedoms as access to information and education, of religion, and of rights to free expression, assembly, and travel. It is symptomatic that Charter 77 is so explicitly *not* an organization, since organizing such an effort *could* be an illegal act, a violation of the constitutionally anchored "leading role of the Party" (read monopoly of political or quasi-political organization).

Except for Yugoslavia, these are still lands in which a passport is not an occasionally withheld right but a privilege, at present a fairly generously granted one in a country like Hungary but still discretionary and arbitrary. They are lands where police "bugging" of private homes is not an abominable exception but an accepted part of life for most politically activist citizens, including loyal servants of the system as well as "dissidents." They are lands where a teacher's being summarily fired merely because he refuses to sign a "spontaneous" protest against a Charter 77 manifesto that he has not been permitted to read may be shocking but is neither surprising nor technically illegal. Lands, in brief, where a "knock on the door in the middle of the night" is still widely feared by law-abiding citizens, does not happen very often in most places, but might again at any time. Lands where official

1. The title of an article that appeared in *Népszabadság*, the Hungarian Party daily, on Christmas Day 1976 (translated in REF Reports, Background Report 28/1977). The author contrasts the "great freedom" to be found in Hungary and other socialist states with the "small freedoms" (civil liberties) enjoyed by citizens of bourgeois-democratic states in the West.

attitudes and practices are summarized in a statement once made to me by a senior East European diplomat, who may or may not have been fully aware of the implications of what he was saying: "Westerners who complain about human rights in our country do not seem to realize that the 95 per cent of the [non-Party?] population that obeys the laws and that is apolitical or keeps out of politics has nothing to fear from the police."

Political protest, including appeals against violations of civil rights, is not new in any of these countries. As already noted, what is new is the multinational simultaneity of the movements and their narrow focus on specific human rights that are guaranteed by the constitutions of their states and international agreements to which their states have subscribed. The first of these novelties means simply that more people in more places are involved and not, as has usually been the case before now, a series of individual cries in the wilderness that could temporarily embarrass their targets but could not normally pose a serious challenge. The narrow focus on legally guaranteed rights not only makes it difficult for the authorities to move against them without proving them right, as noted, but it also makes it possible to assemble a significant coalition of specific kinds of communists (both in and out of the Party), noncommunists, and anticommunists on a common platform.

As the human rights movements display common as well as country-specific features, so do the reactions of the authorities, at least so far, and west of the Soviet Union. The behavior of the Prague regime has already been described. In Poland, after some early indications that a harder line might be contemplated, the only sanctions actually invoked against the "defense committees" were fines imposed on a few members for "illegally" collecting money for the families of imprisoned workers. Then, in early February, it was announced that those jailed for participation in last summer's food price strikes would be pardoned. Although it was not done in quite the form the defense committees had demanded—as in pardons for Vietnam war draft evaders in the United States there was to be no admission that the strikers' actions had been justified, nor is there any promise of full rehabilitation—it was close enough to raise the question of whether the committees should not now disband. (They have not done so because their

second demand, for an official investigation of alleged police brutality against the strikers, has not been met and is unlikely to be, but they are clearly in a somewhat weakened position.)

In East Germany the reaction has thus far been equally mild or milder: no arrests and only a few expulsions from the Party. The Romanian regime, which does not look to Moscow for guidance in such matters but which has usually been tougher on dissenting intellectuals and artists than any other regime in the area, has meanwhile surprised everyone by its handling of its eight human rights protesters. In a speech broadcast on February 17, three days after the group's open letter was first noted in the Western press, President Ceaușescu thundered against "traitors" who wish to emigrate or who "carry on propaganda against our country." Some Western reporters, prevented by police from calling on members of the group that day, jumped to the conclusion that some or all had been arrested. By the next day, however, it was discovered that six of the eight original signers of the protest, at least four of whom had previously applied to emigrate (two of them reportedly as early as 1970), had abruptly been granted passports to do so. Two were in Paris within the week. This left the only internationally known member of the group and its presumed initiator, novelist Paul Goma, and his translator wife. Goma, an editor of a Bucharest literary journal until 1972, now unemployed and unable to publish his own work in Romania since 1968, had publicly declared that he would not emigrate until all Romanians were granted the right to do so. Instead, he was summoned to meet with a Deputy Prime Minister who is also Party Central Committee Secretary for ideological and cultural affairs. The minister suggested that he submit his unpublished manuscripts for reconsideration and that he should consider writing articles for Romanian newspapers. Altogether it was a very Romanian kind of situation and solution.

In Yugoslavia the vicissitudes of the human rights campaigners in the Soviet bloc and the critical attitude of the "Eurocommunist" parties had been fairly and completely reported in the media until Djilas challenged the Belgrade regime's own record in such matters. Then, while the press turned to questioning the motives behind

the West's frantic concern with civil rights in communist states, word was quietly leaked that an amnesty for at least many of Yugoslavia's political prisoners will soon be announced. This was not, it was said, because of foreign or domestic criticism, but because the conditions that had made such security measures necessary in the early 1970s no longer obtained. (It should be noted that those in Yugoslavia who might be defined as political prisoners are of various kinds, including "Cominformists" and other pro-Soviet elements, Ustaša terrorists and ordinary Croatian and other "nationalists" or "counterrevolutionaries" arrested during the political turmoil of 1970-1972, and such categories as conscientious objectors, the occasional "Trotskyite" student, and professional dissident Mihajlo Mihajlov.)

Some Common Denominators

All of the above raises some immediate and obvious questions about the human rights movements: Why now and so widespread, and why the particular quality of the various regimes' responses? The answers, once again, are in part specific to each country and in part common to all. Some factors in both categories have already been considered in a random way in the discussion of the Czechoslovak case in Part I of this Report, but it may be useful to recapitulate and make some additions to the common denominator list.

One reason why now and so widespread is mutual awareness. Charter 77, for example, clearly reflects the impact of the Soviet and Polish human rights movements. Soviet human rights spokesman Andrei Sakharov, for his part, has recently been reported as saying that he now feels a special responsibility to speak out because of the movements in Czechoslovakia and Poland. In this the Western press and radio have undoubtedly played an important role, for they are still the primary means through which civil rights protesters in one bloc country find out what their comrades in the others are saying and doing. Here, ironically, what these countries *have* done to fulfill the Helsinki agreements has facilitated such communications: there is now less jamming of Western broadcasts, a few more Western (including Western communist) periodicals are admitted and available, and the movement of Western journalists is in most places a little freer.

Another factor, in Eastern Europe if not the Soviet Union, is the state of the economy. After a boom with rising living standards that continued while Western European economies stagnated and battled inflation in 1973-1975, Poland, Czechoslovakia, and East Germany are all beset with serious economic problems. These are only partly their own fault: the causes include rapidly rising costs of energy and raw materials imported from the Soviet Union, balance of payments problems with a West to which they could export less during the recession years, and three successive bad harvests. (One should note—although the implications should not be exaggerated—that these three countries, which have the most serious human rights movements, were also the Soviet bloc countries worst hit by the great European drought of 1976. Hungary, Romania, and Bulgaria, like the Soviet Union, had better weather and enjoyed a generally good harvest.) Last summer's Polish strikes and riots over proposed drastic rises in food prices were only the most dramatic evidence of the effect that even the threat of renewed stagnation or austerity can have on peoples who had only just begun to enjoy and expect more of long-awaited improvements in their standards of living.

Of more directly relevant and particular importance among the common denominators are the documents signed at Helsinki in 1975, the approach of the Helsinki follow-up meeting in Belgrade this summer, and the declaration of 1977 as a worldwide "year of political prisoners" by Amnesty International. All three were specifically cited in Charter 77's manifesto of January 1, and the first two are regularly mentioned by human rights campaigners in all the affected countries. Together they provide a perhaps nonrepeatable combination of formal legitimacy and public international forums for the cause that the movements have espoused. The campaigners clearly hope, although with varying degrees of optimism, that the spotlight of publicity that will focus on Belgrade, and to a lesser extent on Amnesty International's campaign, added to moral support from "Eurocommunists" and at least one prominent American Baptist, may intimidate their governments into making some positive response—or at least into refraining from taking serious punitive action against them.

Additional inspiration and legitimacy for the movements come from the stands taken by the

“Eurocommunist” parties. Along with their general defiance of Moscow and acceptance of political pluralism as well as freedom of expression in their own countries, which are also having their impact on Eastern Europe, these parties had already criticized violations of civil liberties in the Soviet bloc, and apparently to some effect. Most observers are convinced that French and Italian communist criticism was a primary reason why the Prague regime in December released on probation four persons who had been imprisoned since early 1972 and who had held responsible positions in the Dubček period. All of them promptly signed the Charter 77 manifesto.

Statements made by several of the human rights campaigners, even before President Carter's letter to Andrei Sakharov was published on February 17, marking the beginning of a phase of more intensive official United States intervention on behalf of human rights movements throughout the bloc, indicated that they were also counting—again with varying degrees of optimism—on Soviet concern about the attitude of the new American administration.

The assumption throughout is that a series of Soviet concerns—against being placed in the embarrassing position of a defendant at Belgrade, for the survival of East-West détente, and over the attitude of the independent West European communist parties—will make the European communist regimes more rather than less eager to silence their domestic critics, but only if this can be done unnoticed or in ways that will not unduly upset supporters of détente or of some degree of proletarian (communist) solidarity. Such an assumption is reflected in the tactics of the human rights campaigners, who are doing their best to insure that suppressing them effectively would be too noisy a process and thus too damaging to other Soviet interests.

Competing “Myths” of Freedom

Whether this kind of assumption will in the end prove to be valid or dangerous is a question that should be seriously considered by American and other Western policy makers as well as by the Husaks and Hajeks of Eastern Europe. The answer will depend not only on considerations of *Realpolitik* and latter-day Cold War or domestic political advantage, but also on personal and other

factors like sensitive egos and conflicting values (no matter whether these last are considered determinants or mere rationalizations of political behavior.)

First, most obvious, and already a point of some dispute in the West is the question of the threshold beyond which outside pressures, whether liberal-democratic or “Eurocommunist,” are likely to prove counterproductive. Although no one is quite sure where the border lies, there is presumably some specific quantity or quality of such pressure that will lead the target regimes to decide that putative further gains from détente or the remnants of communist solidarity are not worth it. Such a reaction can be triggered by a cool political cost-benefit analysis, simple pique at being preached at by foreign powers and peoples (offensive to personal pride and status or to national prejudice and sensitivity), or all of the above. Reminders have already been issued, in Moscow and elsewhere, that the Helsinki accords promise mutual noninterference in domestic affairs as well as free movement of people and ideas.

Alternatively, one may ask what level and kind of pressure is in the last analysis commensurate with the Western parties' and powers' very limited ability or willingness to do anything serious about it if the other side refuses to pay attention. The Soviet Communist Party's remaining influence over the “Eurocommunist” parties (whether or not one believes it to be as small as these parties are claiming) seems unlikely to be reduced much further by what happens to civil rights and the human rights campaigners in Eastern Europe. As for the United States, the new American administration's increasingly strident complaints about violations of human rights (anywhere and everywhere) combined with its explicit disavowal of the Kissinger strategy of “linking” disparate issues in dealing with the Soviets (e.g., liberalized export of wheat and technology for liberalized export of Jews and “dissidents”) has already led to suggestions on both sides of the Atlantic that President Carter has turned Theodore Roosevelt's dictum for American diplomacy upside down: speak loudly while carrying a very small stick or none at all. This observation is in turn showing signs of inhibiting the words and actions of Western European governments and noncommunist parties—most notably in West Germany—that have a major political stake in

détente. Both the European Community and the neutral-or-nonaligned signatories of the Helsinki documents (Finland, Sweden, Switzerland, Austria, Yugoslavia, Liechtenstein, San Marino, Malta, and Cyprus, whose representatives met in Belgrade on January 31 and February 1 to coordinate their views) have said nervously that the success of the Belgrade "Helsinki II" meeting must not be hazarded in other areas of common East-West interest by too much emphasis on mutual recriminations over the human rights issue.

There is, moreover, a further consideration. If speaking loudly and angrily but without means of bending the targets of one's wrath to one's will does no more and no less than make Americans and Western Europeans feel better, it is almost certainly worth doing, since "feeling better" in this case means contributing to a restored sense of national rectitude that can have a positive effect on domestic morale and behavior. But what if it is taken more seriously by the human rights campaigners in Eastern Europe, who are also capable of naïveté, and who might thereby be encouraged to take further rash steps in the expectation of support more tangible and useful than sympathetic rhetoric? The bitterness of the Hungarians in November 1956 cannot be lightly dismissed on the ground that they were naïve in taking the proclaimed principles of United States foreign policy seriously.

Another problem in dealing with the human rights issue in communist-ruled states—this time one of principle rather than political expediency—is that the two sides are only superficially talking about the same thing (and even then only at Western and "dissident" insistence). The Western liberal or Enlightenment "myth" of inviolable human rights is also an integral part of the Marxist vision of a Good Society, but in the ideology of the kind of communists who rule the Soviet bloc it is one that can be universally guaranteed only after the "greater freedom," which is freedom from class dictatorship and exploitation, has been guaranteed by passing through the "socialist transition period" to "communism." To grant these rights to "class enemies" and other "subjective" or "objective" opponents of such a transformation is neither necessary nor desirable during the revolutionary phase, or even during the socialist phase when the "dictatorship of the proletariat" is necessary to

frustrate counterattacks by remnants of the class enemy (or, in some variants, by new "counter-classes" generated by the socialist transition process itself: party and state bureaucracies, the "techno-managerial elite," and so forth). It is therefore quite consistent for such communists to favor human and civil rights for everyone in "capitalist" countries, where enjoyment of these rights may inhibit or ameliorate exploitation by the "dictatorship of the bourgeoisie," but to restrict their application in their own "socialist" countries, where such enjoyment would similarly facilitate dissent and opposition to the "dictatorship of the proletariat's" necessary ruthlessness in building communism and thus achieving the "greater freedom" that will eventually make the "smaller freedoms" of civil rights and participation meaningful and available to all.

This difference in official values has practical consequences. Regimes in the "bourgeois-democratic" West may and do violate the "human rights" of their citizens, with varying degrees of cynicism or "realism" and sometimes on a fairly large scale. But they do it with somewhat greater peril to themselves precisely because they and those whose support or at least consent is important to their rule know that they are violating principles of the "system" that are part of its and their own legitimacy. Exposure and pressure is in such cases more embarrassing and potentially more effective than in the case of a regime for which such rights may be written into the constitution or the laws but are not fundamental to official or socially sanctioned values. In the latter case leniency in this area will only come as a grudging concession to external pressures and threats of sanctions, perhaps marginally augmented by domestic "dissidents" whose values are those of the "other side" and who are therefore "objectively" advocates of "alien ideas" and the "class enemy."

(This is also one reason why the human rights movements in East European states like Czechoslovakia and Poland pose a more serious challenge to their regimes than does the movement in the Soviet Union. For historical reasons these countries have more people and more social strata, including more communists, who are infected with "liberal myths" like inviolable individual rights.)

All of this is well known in theory. Western statesmen and public opinions are perfectly entitled to ignore it as irrelevant in deciding to raise their voices, in righteous anger that reflects their own values, against the trampling of rights and of those who advocate them in the socialist states. But they are less well advised to ignore it in devising strategies that they hope will impose their own values and standards on the rulers of these states. It is in this sense that the expectations that seem to be implicit in our post-Cold War attitudes to the Soviet bloc regimes, as described in Part I (p.9), become important. Does sounding such a warning make one a neo-Neanderthal Cold Warrior?

Meanwhile and despite all these caveats, the behavior of the communist regimes west of the Soviet Union toward a new form of widespread protest that clearly annoys them does suggest that they are at least momentarily, and for a perhaps transient combination of reasons, more amenable to some forms of pressure than they once were. Whatever else happens, it does seem clear that Helsinki's "Basket 3" provisions—the ones dealing with human rights—have not proved to be the totally meaningless, ineffective counterbalance to concessions made to the Soviets on other subjects that critics claimed they were at the time.



[This Report concludes the series, *Some Observations Regarding "Charter 77"*]