



Taylor & Francis  
Taylor & Francis Group

---

Socialism and Human Rights: Charter 77 and the Prague Spring

Author(s): H. GORDON SKILLING

Source: *Canadian Slavonic Papers / Revue Canadienne des Slavistes*, Vol. 20, No. 2 (June 1978), pp. 157-175

Published by: Taylor & Francis, Ltd.

Stable URL: <https://www.jstor.org/stable/40867298>

Accessed: 05-05-2019 06:41 UTC

---

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



JSTOR

*Taylor & Francis, Ltd.* is collaborating with JSTOR to digitize, preserve and extend access to *Canadian Slavonic Papers / Revue Canadienne des Slavistes*

H. GORDON SKILLING

## Socialism and Human Rights: Charter 77 and the Prague Spring

Charter 77, issued in Prague in January 1977, in the name of more than two hundred signatories,<sup>1</sup> seemed at first sight to be not much more than another of the many protest documents which had appeared in typewritten form during the nine years following the Soviet occupation of Czechoslovakia.<sup>2</sup> It was a relatively brief document, invoking the two international covenants on human rights, which had been signed by Czechoslovakia in 1968 and ratified in late 1975,<sup>3</sup> and describing the many violations of these rights. The drafters of the charter—whoever they were—and its signatories could hardly have dreamed that this “pamphlet,” as the régime derisively called it, would become a central issue of Czechoslovak domestic politics; would make Czechoslovakia, for the first time since 1968, the subject of worldwide attention; and combined with other factors, would place human rights high on the agenda of international discussion.

The unanticipated impact of Charter 77 was a result of three closely related factors, all of which were linked with the issue of human rights under socialism. More than any other event since 1968 the charter demonstrated the continuing potency within Czechoslovakia of the

This is a revised version of a paper to be published in a *Festschrift* in honour of Richard Löwenthal, *Sozialismus in Theorie und Praxis* (edited by H. Horn, A. Schwan and T. Weingartner).

1. Charter 77 circulated underground, in typewritten form, in Czechoslovakia and was published abroad in many languages in many places. For the Czech version, see *Listy* (Rome), VII, no. 1, February 1977; for the English translation, see *The Times* (London, 11 February 1977); for German, *Frankfurter Allgemeine Zeitung*, 7 January 1977 (the Czech version has been used in this paper for all quotations from the charter). See also P. Millard, *Prag Winter, Männer und Mächte hinter der Charta 77* (Vienna, 1977); H.-P. Riese (ed.), *Charta 77: Bürgerinitiative für die Menschenrechte* (Frankfurt, 1977).

2. Most of these documents were published in full in *Listy*, *passim*. For collections of documents, published by its editor, see J. Pelikan (ed.), *Ici Prague, L'opposition intérieure parle* (Paris, 1973), *Sozialistische Opposition in der CSSR: Analyse und Dokumente des Widerstandes seit dem Prager Frühling* (Frankfurt, 1973), *Socialist Opposition in Eastern Europe: The Czechoslovak Example* (London, 1976).

3. For the texts of the two covenants, see *Human Rights: A Compilation of International Instruments of the United Nations* (New York, 1973), pp. 3-17.

spirit of the Spring of that year, and was a vivid reminder of the goal of a more humane socialism of which human rights formed the essential core.<sup>4</sup> It thus touched a responsive chord in the hearts of many citizens and at the same time challenged the very *raison d'être* of the Husák régime whose principal goal had been, from the beginning, the reversal of the reforms and the discrediting of the main leaders and the principal ideas of 1968.<sup>5</sup> At the same time, Charter 77 acquired an international significance both by its appeal to the human rights treaties, which had been “confirmed,” it stated, by the Helsinki agreement, and by its reference to the forthcoming conference in Belgrade in 1977 which was to review “the progress or the lack of it” since Helsinki.<sup>6</sup> Finally, Charter 77 awakened sympathy, as it was designed to do, among certain West European communist parties which had already proclaimed human rights as an integral part of the socialism they espoused. Although this was hardly to the taste of most of the ruling parties—or indeed to some of the non-ruling parties—the idea of human rights was sufficiently potent to have been included in the declaration of the conference of European communist parties held in Berlin in mid-1976.<sup>7</sup>

Partly by design, partly by chance, Charter 77 thus brought into sharp focus, at home and abroad, the profound contradictions in the theory and practice of socialism concerning human rights. Moreover, it revealed the contradictions between the various models, real and ideal, of socialism in this respect. It reminded Czechs and Slovaks of the antithesis between the pluralistic model of socialism emerging in 1968 and the actual pattern of socialism imposed on their country by Gustáv Husák since 1969. It brought out the similarity of “socialism with a human face,” sought by Alexander Dubček and his followers, and the concept of democratic socialism propounded by French, Italian, Spanish and other communists. It revealed the unbridgeable gap between these concepts and the system of “real socialism,” as it existed in the Soviet Union and, in modified form, in other communist countries. More specifically, it pointed up the contradictions between

4. For detailed studies of the reform movement, See G. Golan, *Reform Rule in Czechoslovakia: The Dubček Era, 1968-1969* (Cambridge, 1973); H.G. Skilling, *Czechoslovakia's Interrupted Revolution* (Princeton, 1976); Z. Hejzlar, *Reformkommunismus: Zur Geschichte der Kommunistischen Partei der Tschechoslowakei* (Cologne, 1976); V. Horský, *Prague 1968: Systemveränderung und Systemverteidigung* (Stuttgart and Munich, 1975).

5. See H.G. Skilling, “Czechoslovakia and Helsinki,” *Canadian Slavonic Papers*, XVIII, no. 3 (September 1976), 245-65.

6. For the Helsinki text, see *Conference on Security and Cooperation in Europe: Final Act* (Helsinki, 1975). An appeal for the implementation of Helsinki, and of the covenants, dated 8 November 1975, had already been issued by three prominent Czech dissenters, F. Kriegel, G. Sekaninová and F. Vodsoň, in *Listy*, VI, no. 1 (February 1976), 44-46.

7. See text of declaration in *Pravda*, 1 July 1976.

the commitments on human rights assumed by Prague and other socialist régimes at Helsinki, and under the international covenants, and the widespread denial of such rights in practice.

*The Challenge of the Charter*

Unlike most previous documents of dissent in Czechoslovakia, Charter 77 made no explicit reference to 1968, nor did it contain the usual condemnation of the Soviet intervention by force. Yet its issuance in January— a month which was synonymous for Czechs and Slovaks with the initiation of the reform movement in 1968— was an invocation of the magic of that month, and stirred up memories of the hopes then entertained and later frustrated by the invasion. Even more suggestively, this new January document, in its analysis of the violations of human rights in Czechoslovakia, referred to many issues that had been crucial objectives of the earlier process of change, including freedom of expression, freedom from fear, freedom of information and of the press, religious freedom, the right to travel, and non-discrimination in education. It attacked the Ministry of the Interior for controlling the lives of citizens (wire-tapping, surveillance, house searches, etc.) and for violating the rights of those under interrogation and in prison. It blamed the political system for the restriction, or the complete suppression, of civil rights: “a system of the actual subordination of all institutions and organizations in the state to the political directives of the apparatuses of the ruling party and the decisions of individuals of influence and power.” These decisions, it was stated, were not taken in accordance with the Constitution and other valid laws. And yet they “exercised a decisive influence on the activity of state legislative and executive organs and on justice, on the trade unions and other interest and societal organizations, on other political parties, and on enterprises, plants, institutions, offices, schools and other agencies,” and thus had “greater priority than the laws.” This in turn curtailed the right of equal participation of citizens in public affairs proclaimed by article 25 of the Constitution. Subsequent documents issued by Charter 77 elaborated upon other aspects of democracy, such as economic and social rights, and religious rights.

Charter 77 stated that it was not initiating “programs for political or social reforms or changes.” In its catalogue of wrongs requiring correction, however, it was in fact proclaiming the need for major changes, including reforms of the political system and of the role of the party. It was thus reviving the goals of humanist socialism which for years had been taboo as revisionist and counter-revolutionary. Moreover, by raising the explosive issue of human rights in its full dimensions, Charter 77 was striking, not at a minor aspect of the system which could be corrected, but at its essential core.

Charter 77 was a bold and dramatic defiance of the Husák régime in a more direct sense. The charter denied that it was intended to be “a basis for oppositional political activity,” or even that it was “an organization” at all, having “no statutes, no permanent organs or registered membership.” It was “a free, informal and open community of people of different convictions, different faiths and different professions linked by a will, individually and jointly, to strive for the respect of civil and human rights in our land and in the world.”<sup>8</sup> It asked only for “a constructive dialogue with the political and state authorities,” and offered to prepare documentation and to suggest solutions. Later, in document no. 10, it advanced a number of specific proposals for action. Nevertheless, the charter was the genesis of an opposition which was a new and distinctive challenge to the régime.

The official “spokesmen” for the charter were three distinguished Czechs, strikingly different in background and viewpoint: Dr. Jan Patočka, outstanding philosopher, persecuted many times for his views under both Nazis and communists, a widely respected intellectual, whose political activity had been limited in the past, even during 1968, and who had never been a Communist party member; Dr. Václav Havel, renowned playwright, also a non-communist, an active protagonist of radical reform in 1968, and a courageous dissenter during subsequent years; and Dr. Jiří Hájek, onetime Social Democrat, who had been a leading Communist Party member from 1948, having held high cabinet offices, including that of Foreign Minister in 1968, but was never a member of the party’s Presidium. These three (one of whom, Havel, was arrested almost immediately and detained during the following five months) constituted a permanent committee of action, issuing a series of documents, usually in the name of Patočka and Hájek, on human rights and on the breach thereof.<sup>9</sup>

8. Cf. Charter 77, document no. 3, which again stated that the purpose of the charter’s “civil initiative” was not “political activity.”

9. Twelve documents were issued up to the end of June 1977 with the following contents: nos. 2, 3, and 6, ill-treatment of the charter organizers and signatories, and others; no. 4, discrimination in the admission of young people to middle and higher schools; no. 5, a list of 200 more signatories; no. 7, economic and social rights; no. 8, full list of 617 signatories; no. 9, freedom of belief and religion; no. 10, a review of the results of Charter 77 and proposals for action; no. 11, a list of 133 more signatories, and an analysis of dismissals from work of signers; no. 12, analysis of the plight of writers and ban on their publications. Most of these were published abroad, in Czech, in *Listy*, VII, nos. 2 and 3-4 (May and July 1977); in English, *White Paper on Czechoslovakia* (Paris, 1977).

See also additional reports issued on 6 and 20 March and 5 May. Other key documents (in typewritten form only) included several expositions by Patočka, “What Charter 77 is and is not” (7 January 1977), “What can we expect from Charter 77?” (8 March 1977), and “Why Charter 77 may not be published and what are the logical means of its distortion and its concealment” (no date); also J. Hájek’s essay,

The original declaration, signed by 240 persons, was copied many times and circulated widely, primarily, however, in the Czech areas. Although the intimidation of signatories began at once, their number increased to 617 by early March and to 750 by June 1977.<sup>10</sup> The signers represented a wide cross-section of the population, including not merely expelled party members, but non-party persons, workers as well as intellectuals and professionals, Catholic and Protestant clergy, men and women, residents of other cities as well as of Prague, and a few Slovaks. It was evident that the charter had won the support not merely of the so-called “socialist opposition” — the expelled party members and other reformers of 1968, who had for years been the most prominent voices of dissent — but had become a broad, all-national movement, uniting communists and non-communists, and awakening wide sympathy even among those who did not dare to participate openly. According to Zdeněk Mlynář, Charter 77 aroused keen interest among young people, who had been ten to fifteen years of age in 1968, and who, for the first time, linked their childhood memories of that time with current problems.<sup>11</sup>

Charter 77 marked a turning point in the relationship of régime and population. For years this had been characterized by widespread political apathy, based on an all-pervasive fear, both of those in and out of office, and on a kind of tacit compromise by which loyalty and obedience would be manifested, at least outwardly, in return for economic satisfaction and personal security for those accepting the compromise.<sup>12</sup> Excluded were the thousands of intellectuals and political leaders of 1968, especially those expelled from the Communist Party, who were removed from their positions and condemned to a pariah-like existence on the margin of society. This existential terror was supplemented by more extreme measures in the case of a few selected 68'ers, who were tried and condemned in 1972 to long terms in prison on

---

“Human Rights, Peaceful Coexistence and Socialism”; and an obituary of Patočka. A full analysis of the effect of the charter as of February 1977 was circulated in typescript by Z. Mlynář and published abroad under the title “First Balance of Charter 77,” *Listy*, VII, no. 2 (May 1977), 1-13; also *Die Zeit*, 22 April 1977.

10. Dubček, be it noted, did not sign the charter, but privately indicated his approval of its contents (*Listy*, VII, no. 2 [May 1977], 16-17). His own earlier letter to the Federal Assembly in 1974 strongly deplored breaches of human rights in Czechoslovakia (*Listy*, V, no. 3 [April 1975], 16). Among the signatories of Charter 77 were the following formēr members of the Central Committee: Z. Mlynář, J. Hájek, J. Judl, O. Kaderka, V. Kadlec, F. Kriegel, V. Slavík, B. Šimon, F. Vodsloň, and J. Zelenková. The pre-1948 National Socialist leader, P. Drtina, did not sign, but endorsed the document.

11. Mlynář, *Listy*, VII, no. 2 (May 1977), 4-5.

12. The political climate was described in these terms by V. Havel, in his letter to Husák, *Listy*, V, no. 5 (July 1975), 32-43; an English version is found in *Survey*, XXI, no. 3 (Summer 1975), 167-90.

charges of anti-state activity. The otherwise placid surface of a “consolidated” society was broken occasionally by courageous statements by individuals, including Dubček, Josef Smrkovský, Mlynář and Havel, who protested against their own personal persecution or against the general system of repression, intolerance and discrimination, usually invoking the ideals of 1968.<sup>13</sup>

Charter 77 exploded the carefully nurtured myth of “normalization” and undermined the state of anomie which, in the absence of enthusiastic support, was the régime’s most cherished asset. Largely as a result of the abusive official campaign against it, this document, which was never published in the censored press, became the focus of intense public interest and a stimulus to widespread political activity unlike any event since the August anniversary of 1969. The open endorsement of the manifesto by hundreds of persons testified to the cracking of the ice-jam of fear and apathy, and to the widening circle of those willing to take the risks of public activism. Only one person publicly withdrew his signature from the charter.

Moreover, the original initiative of Charter 77 was supplemented by the spontaneous activity of many other persons. There was a proliferation of unofficial documents of all kinds: commentaries on Charter 77, condemnation of media attacks on it, individual letters of complaint about repressive measures, copies of letters of dismissal from jobs, and literary feuilletons.<sup>14</sup> Hundreds, perhaps thousands, were involved in gathering information, preparing documents, typing manuscripts, translating and distributing them to the foreign press, and transmitting materials abroad. The death of Patočka in March generated a wave of indignation, grief and admiration for this remarkable person. Despite police precautions his funeral was attended by over one thousand persons, a demonstration reminiscent of the similar expression of solidarity with Jan Palach in 1969.<sup>15</sup>

The counteraction by the régime, in the form of anti-charter resolutions and declarations, met with refusal by many to condemn a document whose contents were unknown to them, and instilled humilia-

13. For a review of these statements, see J. Triska, “Messages from Czechoslovakia,” *Problems of Communism*, XXIV, no. 6 (November-December 1975), 26-42. See also sources given in footnote 2 above.

14. A list of such documents up to April 1977 included, in addition to official Charter 77 materials cited in footnote 9 above, some 115 items, most of which reached the present writer from Europe. Many of these were published in *White Paper on Czechoslovakia*.

15. The funeral was described in moving terms in typewritten materials circulated in Czechoslovakia. Eloquent tributes to the deceased by Z. Pinc, L. Dubrovský, V. Černý, V. Havel, and L. Vaculík were also written in this form. The funeral was deliberately disturbed by the noise of helicopters and motorcycles; those entering the cemetery were photographed; many were prevented from attending by police measures.

tion and resentment in the minds of many who felt obliged to sign such party-sponsored statements. This compulsory “activism,” in the style of the ’fifties, when many were forced or “persuaded,” to condemn the victims of the trials, engendered contempt and disbelief, in contrast to admiration for the sincerity and bravery of the Chartists. Another example of manipulated “public activity” was the joint proclamation of the creative unions, adopted at a mass meeting in the National Theatre in late January and later signed by thousands of cultural workers. This statement, a general declaration of support for the régime and its purposes, avoided any mention of Charter 77, and referred only in one sentence to those in all countries— including “a group of such renegades and traitors here”— who served as “an instrument of the anti-humanist forces of imperialism.”<sup>16</sup>

#### *The Campaign Against the Charter*

The official reaction to the open defiance of Charter 77 was predictable, and surprising only in its intensity. The régime, thrown on the defensive, adopted measures of propaganda and repression quite out of harmony with the alleged normalization achieved since 1969.

The campaign was launched by an identical editorial in both *Rudé právo* and Bratislava *Pravda* on 12 January entitled, “The Ship-wrecked and the Self-Chosen,” which described Charter 77 as “an anti-state, anti-socialist, anti-popular and demagogic defamatory libel,” the product of agents of “anti-communist and Zionist centres” abroad. Accusing those responsible of being the organizers of counter-revolution in 1968, the article declared: “The year 1968 will not be repeated.” Two months later another editorial in the party daily referred to the “continuity of treason” from 1968 to the charter, and declared that for these “aliens, the ‘inner emigration,’” who were conducting a common policy with the emigration abroad, “there is no place in our socialist society.”<sup>17</sup> For months verbal assaults on the charter filled the mass media. Ignoring entirely the issue of human rights and failing to respond to the charges of violations, the campaign of vilification of its sponsors employed the tone and the terminology of the ’fifties, and thus, in the minds of many, revived fears which had been temporarily dispelled in the initial euphoria.

The charges of counter-revolution and treason were all the more ominous as they were coupled with repressive measures. The security police made a sustained effort to ferret out the organizers and parti-

16. Text in *Tvorba*, no. 5, 2 February 1977. For the above, see also Mlynář, *Listy*, VII, no. 2 (May 1977), 3-4. Mlynář noted that many felt angry at the high price which was being exacted under the tacit agreement with the régime.

17. *Rudé právo*, 26 March 1977.



cipants in Charter 77, to isolate and quarantine its leaders, and to locate, and destroy, the links of the Chartists with each other and with foreign countries. Police harrassment was designed to punish initiators and signatories, to deter others, to instill fear, and to restore the peace and quiet of pre-charter "normalization." Many persons, including even non-signatories, were subjected to police interrogations, house searches, dismissals from work, brief detentions, or in a few cases, prolonged arrests.<sup>18</sup> Other petty but hampering forms of persecution included seizure of drivers' or automobile owners' licenses, and removal of telephones.

In January, Václav Havel, with three others, was detained, ostensibly not for his role in Charter 77, but for other kinds of alleged subversive activity. He was not released until May, after the completion of the investigation and of an indictment for an eventual trial.<sup>19</sup> An even worse fate awaited Professor Patočka who, in his seventieth year and in ill-health, had been the target of personal abuse in the media and of repeated questioning by the police. After a meeting with the Dutch Foreign Minister in Prague, Patočka was subjected to prolonged interrogation, lasting for eleven hours over a two-day period, suffered a brain hemorrhage and died in hospital a few days later. Dr. Hájek, the third "spokesman," was under constant surveillance and virtually insulated from contacts with others.<sup>20</sup>

Nothing could have more convincingly corroborated the charter's charges that human rights were being violated than this systematic persecution, often illegal in form or substance. It was paradoxical that a government which had ratified the treaties on human rights and thus made them a component of Czechoslovak law considered "illegal" a document which appealed for the observance of these very treaties and laws, and regarded as criminals those who had sponsored or signed it. The charter itself was officially described as contrary to Czechoslovak law, and its spokesmen were warned by the Prosecutor General's office in January of the possibility of legal measures against them.<sup>21</sup>

The Chartists firmly denied the illegality of their actions, and

18. Charter 77 documented these illegalities in its successive statements.

19. Those arrested with Havel were O. Ornest, F. Pavlíček, both theatre directors, and J. Lederer, journalist. All four were tried in October 1977 and sentenced to prison terms ranging from 14 months (Pavlíček) and 17 months (Havel) (both suspended sentences), to three years for Ornest, and three and one-half years for Lederer. Two others were arrested in January for activity connected with the charter: V. Laštůvka, nuclear physicist, and A. Macháček, agricultural engineer. In a trial in September 1977 both were given sentences of three and one-half years' imprisonment.

20. Hájek wrote two letters to the Ministry of the Interior (dated 28 February and 16 March 1977) protesting these actions. He was warned by the authorities of possible legal action (*The New York Times*, 1 June 1977).

21. *Rudé právo*, 1 February 1977.

sharply criticized the measures taken against them in letters of protest to the authorities. In document no. 10 (29 April), Charter 77 called upon the régime to desist from illegal measures and to release from custody all those detained in connection with the charter. It called for the implementation of a decision by the Federal Assembly on 5 April whereby its committees and the deputies were charged with the maintenance of legality and the observance of rights and freedoms.<sup>22</sup> The charter document asked that all citizens be guaranteed the right to submit their complaints of breaches of the legal order. It also proposed the amendment of individual laws, so as to bring their provisions into harmony with the international human rights covenants. It urged that the mass media, state security and other organs be called to order for abuses of their positions. In connection with these, and other proposals relating to the international aspects of human rights, Charter 77 again offered its coöperation in the solution of these problems.

Husák's response to Charter 77 was entirely consistent with the course pursued since his accession to power in 1969. In the ensuing eight years there had not been the slightest deviation from the official condemnation of the 1968 events as "counter-revolutionary" and of Dubček and his supporters as "right-wing opportunists," as expounded in the Central Committee resolution of December 1970.<sup>23</sup> During 1975, in reply to statements of protest by Dubček and others, there had been menacing charges of treason, suggesting the possibility of political trials, but these did not materialize and most of those imprisoned earlier were released by the end of 1976.<sup>24</sup> At the Fifteenth Party Congress in April 1976 Husák expressed a willingness to allow some errant former comrades to re-enter the party, provided they declared full support for its policies, but few, and no one of note, made the demeaning recantation of past errors required.<sup>25</sup> Charter 77 touched off fresh accusations of treason, and this, with the wave of arrests and widespread police harrassment, created an ominous atmosphere. Strangely, most of the top leaders, including Husák, avoided extensive statements on the post-charter crisis, and left the main response to the mass media and the security police. Nonetheless Husák, who had held supreme power as general secretary from 1969 and as President from

22. *Ibid.*, 6 April 1977. This decision was based on a report of the Procuracy and the Supreme Court and urged both institutions to "strengthen legality," to protect the socialist order, and to punish all who break the law.

23. "The Lesson Drawn from the Crisis Development in the Party and Society after the 13th Congress," *Rudé právo*, 14 January 1971. See also Skilling, *Canadian Slavonic Papers*, XVIII, no. 3 (September 1976), 246-47.

24. Those released included M. Hübl, J. Müller, J. Šabata, and A. Rušek.

25. Husák, Fifteenth Party Congress, *Život strany*, 1976, nos. 9-10; Skilling, *Canadian Slavonic Papers*, XVIII, no. 3 (September 1976), 262.

1975, could not escape primary responsibility for this new wave of repression.

There was no evidence of any rift within the leadership on the measures adopted, and no indications that Moscow, which was following a similar policy in treatment of its own dissidents, disapproved. If anything, the post-charter actions of the Prague régime confirmed anew the extremist character of Husák's course, and suggested that he and his colleagues were closely bound, if not totally subservient, to Moscow. There was no evidence that a more realistic wing of the party, if it existed at all, was in a position to modify the régime's policy.<sup>26</sup> There were no signs of any inclination to reassess the events of 1968, or to consider even the slightest reforms in the status quo. The motto of the holders of power seemed to be "*Alles beim alten.*"

#### *A Matter of International Concern*

The initial impact of Charter 77 abroad, mainly as a result of the frenzied counter-measures taken by the régime, was enormous. A wave of sympathy swept through Europe, resulting in expressions of solidarity with the Chartists and condemnation of the régime's counteractions by outstanding intellectuals, by political leaders of differing orientations, as well as by socialist parties and, most significantly, some communist parties. *The Times* of London, referring to "support [for the charter] from almost every part of the political spectrum," termed the Prague régime "a disgrace to European civilization" and argued that Husák, "discredited at home and abroad," deserved to go.<sup>27</sup> By a stroke of good fortune, the issuance of the charter coincided with the first month of the new administration in the United States and with President Carter's public identification with the cause of human rights throughout the world. In fact, the State Department, in an official announcement on Charter 77 events, asserted that Prague was violating the provisions of the Helsinki agreement.<sup>28</sup> Chancellor Kreisky of Austria took the unusual step of offering asylum to leading Czechoslovak dissidents (an offer which all of them declined). A surprising echo of solidarity was heard in Hungary, Poland, Yugoslavia, the Soviet Union, and even in Romania. Although the furore soon subsided, the charter and the campaign against it had created a climate of international concern which made it unlikely that the issue of human rights, and the problems of Czechoslovakia, could escape attention at the Belgrade conference.

The drafters of Charter 77 had sought maximum international

26. Mlynář, *Listy*, VII, no. 2 (May 1977), 5-7.

27. *The Times*, 10 February 1977.

28. *The New York Times*, 27 January 1977.

effect by invoking not only Helsinki and Belgrade, but principally, the United Nations Covenants on Economic and Social Rights, and on Civil and Political Rights, ratified by Czechoslovakia a few months after the conclusion of the Helsinki conference. Ironically, this action by Czechoslovakia, the thirty-fifth state to ratify the covenants, brought them into full force in international law. This had also incorporated the provisions of the two treaties into the body of Czechoslovak law.<sup>29</sup> No doubt, the charter, by invoking the covenants and the Helsinki Final Act, was seeking to undermine the argument used by Czechoslovakia and the Soviet Union that human rights were matters of domestic jurisdiction in which foreign governments, or international bodies, had no right to intervene.

The United Nations covenants set forth a comprehensive listing of human rights in all spheres, but included clauses which limited their scope and provided no effective means by which the rights could be implemented. The exercise of some of the rights was, for instance, subject to "certain restrictions, provided by law," if these were deemed necessary, *inter alia*, for "the protection of national security or public order."<sup>30</sup> The procedures were limited to the mere examination of reports from individual states by a Human Rights Committee, and provided neither for complaints by individual citizens nor for sanctions of any kind. Only if a state voluntarily agreed, by a special declaration, was it possible (under article 41) for other states to lodge a formal complaint of infringement of rights against such a state. But even here further action was restricted to consideration of the matter by the Committee and no enforcement measures were included. A more rigorous procedure was provided in an Optional Protocol, so far adopted by few states, and not by Czechoslovakia, which would permit individual citizens to submit complaints to the Human Rights Committee, and would require states charged to submit statements on the matter at issue. Charter 77, conscious of these limitations, later proposed (document no. 10) that the authority of the committee under article 41 be recognized by Czechoslovakia, but did not suggest the adoption of the Optional Protocol. A further obstacle to action under the covenants resulted from the fact that the United States had so far failed to ratify them, although President Carter had announced his intention to press for ratification.

Even in the event of congressional approval official criticism of Soviet or Czechoslovak violations of human rights would depend on the

29. For the texts of the covenants, see *Human Rights*, pp. 3-17. The announcement of the Ministry of Foreign Affairs concerning ratification, including the full texts of the treaties, was published in the official collection of Czechoslovak laws (*Sbírka zákonů*, 1975, no. 120).

30. Article 19, paragraph 3, Covenant of Civil and Political Rights.

explicit acceptance, by both the United States and the Soviet Union, or Czechoslovakia, of the commitment of article 41.<sup>31</sup>

### *Helsinki and Belgrade*

The drafters of Charter 77 were surely conscious of the limitations of these procedures and were calculating more on the commitments of the Helsinki Final Act and the follow-up conference in Belgrade. Although the human rights provisions of Helsinki were brief and general in comparison with the covenants, the act contained a pledge by its signatories to fulfill their obligations in respect of human rights under the UN Charter, the Universal Declaration of Human Rights, and the covenants (if they were bound by the latter). Helsinki also declared that respect for human rights and fundamental freedoms was one of the ten principles underlying peace and security in Europe, and had thus made this a matter of legitimate international concern. Moreover, Helsinki had been signed by thirty-five states, including some, such as the United States, which had not ratified the covenants. Most important, the review conference in Belgrade would provide a forum for the discussion of violations of Helsinki commitments, and Charter 77 had already placed the question of human rights on the agenda. Its statements constituted a preliminary documentation on the denial of rights in Czechoslovakia available for the assembled delegates.

Initially it was widely assumed in the West, and no doubt hoped in the East, that the chief results of Helsinki had been to endorse the status quo, both territorial and political, in eastern Europe and, under Basket II, to facilitate bi-lateral economic and technical agreements valuable for the economic development of the socialist states. Helsinki seemed therefore to represent a victory for the Soviet concept of *détente* and its version of peaceful co-existence. Even the provisions of Basket III, concerning human contacts, the flow of information, and cultural and educational exchanges, which the Soviet bloc had accepted reluctantly under the pressure of other participants, seemed hardly likely to create serious problems. Fulfillment depended on voluntary national actions or on eventual bi-lateral agreements, and such concessions on the margin of the social and political order would not affect its essential character. Cultural and educational exchanges, for example, would not alter the domestic suppression of cultural and academic freedom; improvement of facilities for foreign journalists would not negate the denial of freedom of the press; the reunification of some

31. An attempt by the US representative on the United Nations Commission on Human Rights to persuade it to deal with infringements of human rights in the Soviet Union failed (*The New York Times*, 6 and 8 March 1977). On the weaknesses of UN human rights procedures and the "double standards" applied, see W. Korey, *Washington Post*, 22 May 1977.

families would not modify the ban on freedom of emigration.

It became clear, however, that the provisions of Basket I, in particular the ten principles of peace and security, which the socialist states had seen as ruling out “interference” in their “domestic affairs,” might have a boomerang effect on these states, if taken seriously by the Western governments. In the case of Czechoslovakia almost all of these principles could be regarded as retroactive condemnations of the Soviet invasion in 1968, and the continuing Soviet occupation and interference in Czechoslovakia’s internal affairs. In this respect the Helsinki act could be seen as invalidating the so-called Brezhnev doctrine which was still invoked as confirming the right of intervention by the socialist bloc to “defend” socialism against domestic or external threats. In particular, the references to human rights were a charge of dynamite which could explode in open criticism of the status quo in the socialist states, and most particularly in Czechoslovakia. Charter 77 demonstrated the possibility of citizens appealing to the Helsinki act and placing their own governments in the dock of home and world public opinion.

Long before Charter 77, Czechoslovakia and its bloc partners were aware of these implications of Helsinki and were preparing a militant response. The charter was taken as evidence justifying the need for stepping up the ideological struggle against enemies at home and abroad. The mass media mounted a five-pronged counteroffensive, the main lines of which were the following: a positive defence of “real socialism” as the epitome of human rights and freedom; an exposure of the defects of bourgeois democracy; a rejection of Western interference in their domestic affairs under the guise of human rights; a defence of their own implementation of Helsinki, especially under Basket III; and a condemnation of the failure of Western states, especially the United States, to carry out their Helsinki commitments.<sup>32</sup> These strategies were presumably refined and coördinated at the conference of the bloc parties’ ideological secretaries in Sofia in March 1977.<sup>33</sup>

The attitudes of the Soviet Union and other communist states toward Czechoslovakia had not been affected in any way by their acceptance of the Helsinki commitments. There was no evidence that

32. For examples of Czechoslovak attitudes in 1977, see editorials in *Rudé právo*, 19 and 22 February 1977; D. Spáčil, *ibid.*, 19 February 1977; J. Kolár, *ibid.*, 23 February 1977. Cf. *Pravda* editorial, 12 February 1977.

33. For brief communiqué, see *Current Digest of the Soviet Press*, XXIX, no. 9 (30 March 1977), 20. It was reported that at this conference Bil’ak failed to win over other bloc allies to joint action against dissidents and Eurocommunists, and that Czechoslovakia’s handling of Charter 77 was sharply criticized (*V. Meier, Frankfurter Allgemeine Zeitung*, 21 April 1977).

the Soviet Union was reassessing, even in the slightest degree, its interpretation of 1968 and its aftermath, or had lost its mortal fear of efforts to democratize socialism. The occupation of Czechoslovakia continued. Full support was given to Husák's extremist policy, if indeed that policy was not dictated by Moscow in the first place. Although lip service was paid to human rights, their genuine implementation, as demanded by Charter 77, was still regarded as a threat to the very existence of socialism of the Soviet type.

Other bloc states endorsed these views. Bulgaria and the German Democratic Republic had few, if any, compunctions; Hungary and Poland perhaps had some misgivings. For the latter two Helsinki offered some benefits, although it contained the danger of criticism of their violations of human rights. Both lived under the Damocles sword of Soviet intervention to prevent serious reforms, a warning derived from 1968 and ever-present in the minds of peoples and leaders. If they had any qualms about the situation in Czechoslovakia, they did not evince them publicly, nor did they even hint at concern over Prague's reaction to Charter 77.

Romania and Yugoslavia occupied special positions, viewing the Belgrade conference as a welcome umbrella protecting their national security and their relative autonomy from Soviet control. Both retained their sympathy with the abortive Czechoslovak reforms in 1968 and their disgust with their suppression by force. Charter 77 had not been condemned, and had been given some publicity. Both of them — authoritarian Romania and less rigid and conformist Yugoslavia — could be embarrassed by a discussion of their own human rights violations at Belgrade. Both desired to avoid a confrontation on such issues which might jeopardize the entire conference and, therefore, their own security.

#### *Prague and Eurocommunism*

It was not surprising that Charter 77 met with a warm response from certain non-ruling European communist parties, in particular the Italian, French and Spanish. It was precisely these parties which had evinced sympathy for the Dubček reform program and had condemned the Soviet invasion. It was these same parties (along with the less influential British Communist Party) which from 1975 on had elaborated the concept of a democratic and pluralist socialism, and an independent path thereto, for their own countries. Although these plans, in some respects, such as their acceptance of a real multi-party system, went beyond official Czechoslovak aims in 1968, their general conception of a socialism which would guarantee human rights closely resembled the goal of the Czechoslovak experiment. Eurocommunism, as it came to be called, perhaps derived its principal ideas, and certainly much of

its inspiration, from the experience of the Prague Spring.<sup>34</sup> In the days immediately after Charter 77, it was these same parties which praised this manifesto of human rights and openly condemned the régime's countermeasures.<sup>35</sup>

The autonomous approach of these parties, as well as the attitudes of the ruling Romanian and Yugoslav parties, had already exerted an influence on the European communist camp. The events of 1968 had had a damaging effect on the unity of the world communist movement, only partially healed at the world communist conference in 1969. As a result, it proved impossible to convene another world conference and extremely difficult to organize even a meeting of European communist parties. Although the latter idea was first broached in 1973, and a meeting, it was hoped, would coincide with the Helsinki conference, its convocation was long delayed owing to the unwillingness of the Eurocommunist parties, as well as the Romanian and Yugoslav, to attend a meeting which would in any way threaten their autonomous position, or condemn their concepts of socialism. When the meeting was finally convened in East Berlin in June 1976 it was the result of a compromise which allowed the autonomist parties to preserve and to expound their distinctive views, and to maintain their independence of action. The final declaration represented a composite of differing views and was not binding on the participants. The statement did, however, endorse the fundamental principles of inter-state coöperation enunciated by the Helsinki Final Act, including respect for human rights, and called for their implementation. It went on to urge "the ratification and strict observance" of the international human rights pacts as being "in the interests of the struggle of the working class and all working people for real social and political rights...."<sup>36</sup>

Leading Czechoslovak ex-communists had hoped that the Berlin meeting would consider their fate, and some had appealed to the participating parties in that vein.<sup>37</sup> Whether the Czechoslovak situation

34. On Eurocommunism, see C. Gati, "The 'Europeanization' of Communism?", *Foreign Affairs*, LX, no. 3 (April 1977), 539-53; K. Devlin, "The Challenge of Eurocommunism," *Problems of Communism*, XXVI, no. 1 (January-February 1977), 1-20.

35. For a summary of international reactions, see *Listy*, VII, no. 2 (May 1977), 31-38.

36. For the Berlin conference, see Devlin, *Problems of Communism*, XXVI, no. 1 (January-February 1977), 1-20, and B.A. Osadczuk-Korab, "Brezhnev's Pyrrhic Victory: the pan-European conference of communists in East Berlin," *International Journal*, XXXII, no. 1 (Winter 1976-77), 178-93. For the text of the Berlin declaration, see *Pravda*, 1 July 1976.

37. Cf. appeal by eleven former Central Committee members in February 1977 to all European communist parties, and a declaration addressed by Mlynář to the Italian, French, and Spanish party leaders, as well as to the French, Italian, Austrian and Swedish socialist leaders. Both texts are given in *Listy*, VII, no. 2 (May 1977), 52-53, 41.



was discussed behind closed doors is not known. The final statement made no reference to it.<sup>38</sup> On the other hand, there was no condemnation of counter-revolution in 1968, and no censure of the ideas of the Prague Spring or of Eurocommunism. Although communists in Czechoslovakia could therefore derive scant comfort from the proceedings, they could, and did, cite the Berlin declaration's reference to Helsinki and human rights in their campaign for human rights.<sup>39</sup>

It remained uncertain whether the Eurocommunist parties could exert an influence on the policies pursued by Moscow or Prague, or indeed were ready to try to do so. A visit to Moscow by G. Cervetti in February 1977, reportedly to press Italian communist views on Charter 77, was apparently rebuffed by Moscow as interference in their own, and the Czechoslovak party's, affairs.<sup>40</sup> Thereafter the Italian as well as the French parties toned down their public stance on East European dissent. At a meeting of the three main parties of Eurocommunism in Madrid in March 1977, the discussions, and the final statement, concentrated on their own programs for constructing a pluralist socialism which would guarantee human rights. Although the statement called for the full application of the Helsinki Final Act, it made no reference to infringements of human rights in eastern Europe.<sup>41</sup> The Spanish communist leader, Santiago Carrillo, however, in his book *Eurocommunism and the State*, openly condemned the Soviet model of socialism, deplored the interruption of the Czechoslovak experiment in 1968, and defended his party's concept of "an unequivocally democratic way."<sup>42</sup>

### *Conclusions — The Future Outlook*

Charter 77 and its aftermath signified that the legacy of 1968, although quelled by the invasion and subdued by years of Husák's rule,

---

See Mlynář's call for action by bloc countries and forthcoming communist conferences with regard to the situation in Czechoslovakia in a 250-page booklet, circulated in typescript and later published abroad under the title, *Československý pokus o reformu 1968, analýza jeho teorie a praxe* (The Czechoslovak Attempt at Reform, 1968: Analysis of its Theory and Practice) (Cologne, 1975).

38. According to Devlin, the only reference to the 1968 invasion was made by Berlinguer in his address (*Problems of Communism*, XXVI, no. 1 [January-February 1977], 16).

39. For instance, Hájek, "Human Rights, Peaceful Coexistence and Socialism" (typescript, 17 February 1977).

40. *The New York Times*, 25 February 1977.

41. *Ibid.*, 4 March 1977. At a press conference, each of the three leaders expressed criticism, in varying degrees, of the deficiencies of the socialist countries in respect of democracy and liberty.

42. "*Eurocomunismo*" y *Estado* (Barcelona, 1977). This was sharply condemned by the Soviet journal, *Novoye vremya*, 24 June 1977.

remained a force to be reckoned with, both in Czechoslovakia and abroad, in the East and the West. The charter, as a renaissance of some of the basic ideas of 1968, was a challenge to the legitimacy of the Husák pattern of socialism and to the régime which had bent every effort to its legitimization. Although the Soviet occupation was not mentioned, the charter by implication expressed the general rejection of that action and of continued Soviet interference ever since. The opposition generated was, as a recent Czech émigré said to the author, only 'the visible part of the iceberg of the opinion of the overwhelming majority of the population.' There is little doubt that the charter was known to almost all, at least in the Czech lands, and generally approved by the greater part of the population. In the world at large, the attention paid to the charter testified to a reawakening of concern with the fate of Czechoslovakia since 1968. Its condemnation by the Soviet bloc confirmed their persistent rejection of democratic reform.

What was expected of the charter, and what had it accomplished? This may be assessed in the strongly legal and moral terms of its creators, as well as in political terms. An outstanding feature of the charter was its appeal to law, both in the form of international treaties and agreements, and of domestic statutes. It seemed almost naïve in its claims for legality from a régime which was considered the epitome of illegality. Yet it was realistic in its modest expectancy of change. If anything, it produced *more* illegality, in the measures of repression taken against it, and caused much suffering on the part of its advocates and supporters. Some felt, however, that minor positive results were attained, notably in new rules for admission to universities, and perhaps in the treatment of certain writers who had not signed the charter. It seemed hardly likely that its invocation of Czechoslovak laws and international covenants would produce significant changes in what were after all essential features of the Soviet-type model of socialism. Its chief accomplishment was to have brought out in the sharpest terms the extent of the breaches of human rights under Husák's version of socialism, and the régime's flagrant violations of international treaties. This in turn served the purpose of making people more fully aware of the rights guaranteed to them on paper, and of the actual denial of these rights in practice.

Charter 77 struck a highly moral tone, perhaps largely owing to the influence of Professor Patočka, the philosopher. In his several eloquent expositions of the aims and achievements of the charter, Patočka attached great importance to its moral purpose. In his first statement, "What the Charter 77 is and is not" he referred to "a higher authority by which individuals are bound by their consciences, and states by their signature on international treaties," and concluded that

“the motives of action did not lie any more only, or in the main, in the sphere of fear and personal advantage, but in respect for that which is higher in man, in an understanding for duty, and for the general weal, for the need to take on himself in this respect discomfort, misunderstanding and a certain risk.” In a later statement, “What can we expect from Charter 77?” Patočka was modest in his assessment of the charter’s achievements, seeing these in the “uncertainty” created among the rulers, and in the realization that the road leading to the application of the covenants would be long and difficult. People saw, he wrote, “that certain things exist for which it is worth suffering; that the things for which one eventually suffers are those for which it is worth living.” He welcomed “the new orientation to fundamental rights, to the moral element in political and private life. The charter constantly reminds us what our life owes to these rights which belong by law to our citizens...whatever the risks...may be.”<sup>43</sup> His own self-sacrifice served as an example for others in following his precepts.

It was in these moral terms that the charter took on its greatest political significance. Arousing many persons to a new activism, and dispelling the fear which had been the greatest impediment to action, the charter broke through the surface conformity and acquiescence of ordinary life. No doubt there were some who wanted to forget 1968 and resented Charter 77 for worsening the situation. For others, however, the charter was a challenge to express themselves again, even at high cost. The régime could, no doubt, destroy this new opposition by ruthless measures and might in the end succeed in doing so. The dissent movement might in any case gradually decline, especially if no great change occurred in the situation, and Belgrade had no serious effect. As late as June 1977, however, Charter 77 was continuing to issue documents and showed every sign of becoming a permanent challenge to the régime.<sup>44</sup> In any case the charter had, in many ways, deeply, and perhaps permanently, affected the political situation. Hostility toward the régime, even among those who were not enthusiastic about the charter, or felt obliged to oppose it publicly, was deepened, and a store of anger and resentment built up which could later produce surprising and even explosive consequences. It had dissipated all hope — if any ever existed — that the régime itself might initiate some relaxation or even modest reform, and eliminated all illusions that the Soviet Union, in the spirit of détente, might exert a positive influence. More

43. See footnote 9 above.

44. The resignation of Havel as spokesman, after his release from prison in May, and the emigration of Mlynář to Austria in June, produced only a temporary lull in charter activities. It was announced in Prague at the end of September that Charter 77 would continue its activities and that two new spokesmen had been selected—the philosopher L. Hejčánek, and the folk-singer, M. Kubišová.

than that, the charter served as a link with 1968 and an element of continuity between the past and what might come in the future.

In international terms, Charter 77 helped make the issue of human rights a focal point of world politics. It dramatically exposed the sharp contradictions between Soviet-type socialism and human rights and threw Czechoslovakia, as well as the Soviet Union, on the defensive in the ideological struggle. This created a dilemma for Western states which were committed to the continuance of *détente* in a genuine and meaningful sense, and were concerned that a polemic over human rights might endanger hopes of specific East-West agreements, notably on arms control. They realized the impossibility of effecting fundamental changes in the socialist systems from outside, and were not likely to be tempted to seek such changes through a policy of diplomatic pressure, as in the case of Rhodesia. Yet they were aware that human rights were indeed, as had been proclaimed at Helsinki, a condition of peace and security and that their denial was a barrier to general *détente*. Charter 77 had reminded them of "the principle of the binding character of internationally accepted obligations," the neglect of which would throw into doubt the meaningfulness of future agreements.<sup>45</sup> It was also clear that Western societies were by no means free of serious imperfections, and would have to face sharp criticism of their own failings. To avoid the issue of human rights at Belgrade, or to let it go by default, would discredit the entire Helsinki accord in both the East and West, and would discourage and weaken the movement for human rights in eastern Europe. It remained to be seen whether Western governments would be able, and willing, to formulate a principled, and at the same time flexible and imaginative policy, expressing their concern for the rights of the peoples of eastern Europe, and contributing to at least a partial improvement of their situation. If such a policy could be found, the future of *détente* would rest on more solid foundations and the possibility of a broadening of freedom in eastern Europe would not be foreclosed.

45. Mylnář, *Listy*, VII, no. 2 (May 1977), 8-9.