

ELEVEN

Two Charta 77 Texts

(1977)

The Obligation to Resist Injustice

Humankind today, torn by ideologies and discontented amid affluence, looks fervently and feverishly for solutions to ever-new technologies. Its reliance on the power of politics and of the state is no less a part of this: the state, after all, seems ever more clearly to be the great generator and storehouse of power, having all other power, physical and spiritual, at its disposal.

More thoughtful humans, however, looking around them, see the failure of the attempt to use technology to create a morality, a genuinely convincing set of principles and firm inner convictions: that is simply impossible. In the absence of an inner human conviction, we can depend neither on habit—hoping that a prevailing order will become a second nature—nor on the power of coercion.

If human development is to match the possibilities of technical, instrumental reason, if a progress of knowledge is to be possible, humankind needs to be convinced of the unconditional validity of principles which are, in that sense, “sacred,” valid for all humans and at all times, and capable of setting out humanity’s goals. We need, in other words, something that in its very essence is not technological, something that is not merely instrumental: we need a morality that is not merely tactical and situational but absolute.

That means that, in this respect, we cannot expect salvation from the state, from the society of producers, from powers and forces.

Both of these texts were privately circulated in typescript in Prague in 1977 and widely reprinted, in many variations of title and text, in the world press. The present translation is based on typescripts on file in the Patočka Archive of Institut für die Wissenschaften vom Menschen, Vienna.

Those who proclaim the sole sovereignty of arbitrary facts would only too gladly trade many of their all-too-evident “truths” for a single, inwardly binding moral truth. That, though, is not possible. In our century, all the great concentrations of power have more than ever had a chance to prove their mettle. With respect to building up human conviction, the results have been just the opposite of their expectations: that much should be clear by now.

No society, no matter how well-equipped it may be technologically, can function without a moral foundation, without convictions that do not depend on convenience, circumstances, or expected advantage. Yet the point of morality is to assure not the functioning of a society but the humanity of humans. Humans do not invent morality arbitrarily, to suit their needs, wishes, inclinations, and aspirations. Quite the contrary, it is morality that defines what being human means.

For that reason, we believe it is time that these simple truths, attested by the painful experience of long decades, these truths of which we are all in some sense aware, should be brought to everyone’s clear awareness—and we believe that this is a right time to bring it about.

The idea of human rights is nothing other than the conviction that even states, even society as a whole, are subject to the sovereignty of moral sentiment: that they recognize something unconditional that is higher than they are, something that is binding even on them, sacred, inviolable, and that in their power to establish and maintain a rule of law they seek to express this recognition.

This conviction is present in individuals as well, as the ground for living up to their obligations in private life, at work, and in public. The only genuine guarantee that humans will act not only out of greed or fear but freely, willingly, responsibly, lies in this conviction.

Charta 77 is an outgrowth of this conviction. It is an expression of the joy of our citizens that their country, confirming the rights of humans with its signature, bestowed on this Act [the portion of the Helsinki Agreement dealing with human rights—TR.] the force of a Czechoslovak law. It is also an expression of the willingness of our citizens to do their part in bringing about the realization and public fulfillment of the principles proclaimed in this Act.

We who have signed Charta 77 are convinced that this Act is far more significant than the usual treaties among nations which deal only with the interests of countries and powers, since it extends to the moral, spiritual realm. We regard that and only that as the reason and the opportunity, as the right time, to show we understand what is involved and to come forward with our initiative.

The distinction between the sociopolitical sphere of state power and the moral sphere, which we noted above, demonstrates that Charta 77 represents

no political act in the strict sense, that it constitutes no competition or interference with political power in any of its functions. Charta 77 is neither an association nor an organization; its basis is strictly personal and moral, and so are the obligations it entails.

Charta 77 does, however, remind us explicitly that, already a hundred and eighty years ago, precise conceptual analysis made it clear that all moral obligations are rooted in what we might call a person's obligation to himself—which includes, among other things, the obligation to resist any injustice done him.

All that means that the participants in Charta 77 act not in pursuit of some covert interest but simply out of duty, obedient to a commandment that is higher than any political privileges and obligation and which is indeed their genuine and only firm foundation.

The participants in Charta 77 do not seek any political role or privilege for themselves, and least of all do they wish to be any moral authority or social conscience. They condemn no one and judge no one. Their sole concern is to purify and reinforce the awareness that there is a higher authority, binding on individuals in virtue of their conscience, and on governments in virtue of their signature on important international treaties, placing them under an obligation not only when it suits them, not only within the limits of political convenience and inconvenience, but by their commitment, represented by their signature, to subordinate politics to justice, not vice versa.

From this perspective it follows clearly that the obligation to resist injustice entails the opportunity to inform anyone whatever about any injustice to which an individual is subjected, that doing so does not exceed the bounds of the individual's obligation to himself, and that it does not constitute a slander against anyone, whether individual or society.

Furthermore, it is important for all to recognize that defending moral rights—obligations to oneself and others—does not presuppose an organization, for what speaks here is nothing but a respect for humans and for the common good that makes us human, a respect present in every individual.

Thus no individual who is genuinely oppressed but who is determined not to surrender his obligation to speak out for himself—which is his obligation to his society as well—should rightly feel isolated and at the mercy of overwhelming circumstances.

For all these reasons, we consider a time when it became possible to sign a Declaration of Human Rights a new historical epoch, the stage for an immense outreach, since it represents a reversal of human consciousness, of the attitude of humans to themselves and to their society. Not simply or primarily

fear or profit, but respect for what is higher in humans, a sense of duty, of the common good, and of the need to accept even discomfort, misunderstanding, and a certain risk, should henceforth be our motives.

January 3, 1977

What We Can and Cannot Expect from Charta 77

What can we expect from Charta 77? Of all the questions we who have chosen to speak out must ask ourselves, of all the questions posed to us at home and abroad, none is more urgent. The goal of all conflict is resolution: regardless of the sympathies evoked by this or that contender's conduct, it is the end result that determines the worth of our actions. When we spoke out as Charta 77, we won sympathy enough: we hardly could have asked for more. But the greater the sympathy, the greater the concern. At first sight, it is not pleasant to be jarred into awareness, out of our comforting illusions, least of all when we hang on a thread over an abyss while our opponents wield all the resources of power and we ourselves have no assets but our ideals. What can the signers of Charta 77 expect to achieve by speaking out? What will be the outcome? Many people even ask whether speaking out in defense of human rights might not make our conditions still worse. Might it not provide the regime with an incentive for yet harsher repression, bringing it down even on those who thus far have avoided public criticism, and occasioning what the regime calls "intensified vigilance," constraining even those who have managed to preserve some elbow room? That, after all, is exactly what happened after we spoke out in 1968–1969. First came the police "interviews," then the many purge commissions followed by expulsions from the party and firings from jobs, accompanied by a systematic accumulation of dossiers on everyone. Some persons found themselves completely excluded from all possibility of earning a living, in some cases the persecution affected their families and relatives and so on and on, down to the present universal "comprehensive reviews"—about which many hope only that they simply must come to an end some day—though of course they need not. Might not silence serve better than speaking out?

Let us not mince words: submissiveness has never led to relaxation, only to greater severity. The greater the fear and servility, the more have the mighty dared, the more they dare and will dare. Nothing can make them relax their grip except a corrosion of their confidence—a realization that their acts and injustice and discrimination do not pass unnoticed, that the waters do not close over the stones they throw. That does not call for empty intimations of future

vengeance but for a demeanor that is dignified, truthful, and unafraid under all circumstances, impulsive by its very contrast with that of our authorities.

The repression might indeed intensify in kind and in individual cases. Some of us may lose even those means of sustenance which hitherto sheltered us, jobs as night watchmen, window washers, janitors, or hospital orderlies. But not for long, since in the end those tasks must be done by someone. Nor, as we know well, would that be something qualitatively new. The price is not at all proportionate to the corrosion of the confidence of the mighty. Never again can they be sure of those they face. Never again will they know whether those who obey them today will still be willing to obey them tomorrow, when another opportunity for self-assertion comes our way.

Let me make myself quite clear. I am not counselling duplicity but its very opposite: never to do or say anything unworthy unless under direct coercion—never from envy, never from cupidity. Such posture commands respect from our opponents and evokes the solidarity of our fellow victims. That has been the basis of the success of the Charta 77 movement thus far—that and the opposite posture of our opponents.

The fact that the opponents of Charta 77, in their furious onslaught, have unleashed a passionate polemic, heedless of facts and realities, that they made use of unsubstantiated allegations, that they condemned us before any competent observer could judge the case, that they beat us down with manufactured resolutions—all that has won us more sympathy at home and abroad than we dared to expect. That alone is an important achievement: clear conscience and decency have proved to be also a powerful factor of political reality. The legality of presentation of the charter, the fact that its entire goal is to strengthen legality, without exceptions and under public supervision, as well as the evident distaste of its opponents for the principle of the equality of all citizens before the law and their repeated resort from facts to personalities—all that has won us much political ground and has forced our opponents to realize that they must seek weapons other than simple, high-handed condemnation of our protest with transparent tales of “subversive centers” and a refusal to deal with citizens they label as “compromised.” Personalities are not at stake: factual arguments are—and the opponents of the charter have thus far offered none.

Yet our questioning sympathizers might still not be content. How long, they can ask us, do you expect to retain the sympathies of your own people if you can offer them no succor other than paper protests? How long can you count on the sympathies of foreign countries which, in the end, must think in terms of world realities and must negotiate with those who control matters

affecting the survival of humankind—disarmament, peace, the supply of raw materials?

Try, if you will, and invert that question. Ask not what we expect from appealing to the signatures on international agreements concerning human rights, economic, social, and cultural rights. Ask instead about the expectations of those who signed them, on both sides of the divide. Might not that reveal what our Charta 77 has already accomplished?

The representatives of many Eastern European countries, if we mistake not, signed expecting that nothing will change in the way the powerful treat the public, that all will go on as before. Signatories from the other side signed in the hopeful expectation of and a public willingness to see in the agreements a new and, indeed, the only assurance that there will be no repetition of the events of the 1920s and 1930s in the Soviet Union and the 1950s throughout Eastern Europe. Those events had taken place in states which swore by socialism and humanity and boasted of the freest constitutions in the world. In constitutional and legal terms, nothing substantive has changed since those events, unless for the worse. Only the international agreements reached at Helsinki introduced a new element and with it a new hope for humankind. The reason by which our Charta and the vicious attack against it attracted so much attention, becoming a major event, was the disappointment of those twin expectations. That is what our Charta has achieved already. It has shown that carrying out the Helsinki agreements will not be as effortless as some had thought. There survives a conception of socialism as despotic rather than democratic, and its spokesmen are not prepared to resolve issues in a discussion with their democratic partners, at least not all issues, not without preconditions. Charta 77 has shown that many need yet to learn the rules of democratic discussion: though they would like to appear to be accepting them, the road ahead remains long. The positive achievement of the Charta is that all of this has been revealed, that the world has not remained blind and unsure, as in a fog. We are convinced that no one fails to realize that the Helsinki agreements must be accepted if we are to break free of the bondage of wars and near-wars and that no one fails to recognize that such acceptance will call for many concessions. But only now, thanks to our Charta, are we realizing how dreadfully long the road to them will be. The response to our speaking out shows that the world is painfully disappointed in its expectations. Or do you really believe that world attention to the Charta was prompted by some unique love for its unknown signers? Or by some conspiracy of the opponents of *détente*? No, the reason is the disillusion over the sham of *détente*, a disillusion

sion which colored the voices of Western socialists and communists as they asked, and even pleaded, for humane treatment for those who signed the Charta.

There you have it, our critics might answer, you are admitting that the chief "positive" achievement of the Charta is that, in the words of one Western politician, "the Eastern bloc states will come to the Belgrade conference in the role of the accused." Neither the words nor the intent are ours. There remains a great deal of time until the Belgrade review of compliance with the Helsinki agreements. The states of Eastern Europe have already made some progress towards it: why should they suddenly grow fearful and panic? In spite of their harsh words and evil deeds, all roads are not blocked. We have even witnessed some relaxation which would not have come about without the Charta, even though we find the form of that relaxation shameful: for instance, the cultural unions are willing now to admit persons heretofore barred, for the price of signing a condemnation of the Charta (in addition to other no less notorious conditions). It is not our task to look into the conscience of those who accept those conditions—only to observe and note the possibility.

But we need to observe and note our inner development as well. Note that our people have once more become aware that there are things for which it is worthwhile to suffer, that the things for which we might have to suffer are those which make life worthwhile, and that without them all our arts, literature, and culture become mere trades leading only from the desk to the pay office and back. We know all that now, not in the least thanks to Charta 77 and all it has meant.

Perhaps the mighty of this world will gradually come to choose our road. Perhaps they will learn at least to think in advance how to make their intended deeds conform to the letter of the agreements. Even that will be a gain. If it becomes a habit, we shall all benefit. The Charta never sought more than to educate. But what does that mean? Every person must learn for himself, though often he can be affected by examples, warned by bad results, or taught by conversation and discussion. Education means coming to understand that there is more to life than fear and gain—and that when we interpret the rule that the goal justifies the means to mean that any aim whatever justifies any means whatever, we shall follow the road to destruction. It is the hope of Charta 77 that our citizens may learn to act as free persons, self-motivated and responsible, while those in authority may realize that the sole respect worth winning comes from a people confident of its worth. May we realize that neither wealth nor strength nor talent is decisive, but a sense of our time and a timely deed to match it.

In sum, what we expect from Charta 77 is that it will introduce a new ideal orientation into our lives. That orientation is not contrary to the socialist one whose monopoly thus far has been so total that it could claim superiority even in a clearly defective form. It is a new orientation to basic human rights, to the moral dimension of political and private life. The Charta will unceasingly remind us how far we fall short of those rights belonging to our citizens by law; it will not cease to remind both our and the foreign public of it, regardless of the risks of such activity.

TRANSLATOR'S NOTES

The first of the two texts above was released on January 3, 1977, the same day as the manifesto Charta 77. The background was the signing of the Helsinki Agreement whose "third basket," guaranteeing certain human rights, nominally acquired the force of law in Czechoslovakia with the signing of the treaty.

The reason why Patočka emphasizes the strictly individual, private nature of any initiative under Charta 77 is that such individual initiative was not explicitly prohibited by Czechoslovak law at the time, while any association of three or more persons could be qualified as conspiracy to commit sedition and be punishable by two years' imprisonment on each count.

Nonetheless, the text could not be circulated publicly. On February 1, 1977, the Office of the Procurator General ruled Charta 77 illegal, stating that the constitutional guarantee of freedom of expression does not extend to what he qualified as "an anti-socialist pamphlet operating with lies and half-truths."

The second text was released on March 8, 1977, just before Patočka's final interrogation and death. Both texts have been privately circulated in Czechoslovakia and reprinted in the West; I have selected for translation what I believe to be the first version of each document. A variant of the first document was published in English, "Political Testament," *Telos* 31 (1977): 151–52, another in French, "Ce qu'est la Charta 77 et ce qu'elle pas," *Istina* 22, no. 2 (1977): 197–201. A variant of the second text appeared in German, "Was dürfen wir von der Charta 77 erwarten?" in *Menschenrechte*, edited by J. Pelikán (Hamburg: M. Wilde, 1977). There were other translations in various languages in the daily press at the time of Patočka's death as well.