



PRESS RELEASE

SOLIDARITY OF THE SHAKEN FINAL REPORT

20. May 2013; Prague

The final report from a two-day international seminar “Solidarity of the Shaken” dedicated to the spiritual legacy of Václav Havel and Jan Patočka. The seminar was organized by Václav Havel library in cooperation with the Centre for Phenomenological Research / the Jan Patočka Archive, the U.S. Embassy Prague and the Běhal Fejér Institute Prague on 15.-16. May 2013.

Moderator:

Matin Palouš, diplomat, former director of the Václav Havel Library

Participants:

Jiří Přibáň, professor of law

Glenn Hughes, professor of philosophy, United States

Josef Moural, professor at Jan Evangelista Purkyně University

Ludger Hagedorn, research fellow of Vienna Institute, teacher at NYU Berlin

Henrik Syse, senior researcher at the Peace Research Institute Oslo

Ivan Chvatík, director of the Jan Patočka Archive

Jan Macháček, journalist, musician and Charter 77 signatory

Wednesday, May 15, 2013, Běhal Fejér Institute, 10:00–11:15

Martin Palouš opened the conference with a welcome to all the participants and guests. He expressed his wish for a mainly friendly discussion and explained the purpose of the seminar. He emphasised that it was the first opportunity to connect the activities and legacy of Václav Havel with those of Jan Patočka. He then explained the term “the solidarity of the shaken” which was first used by Patočka. Afterwards a letter written by Patočka was read and the philosopher’s task was defined. Mr Palouš highlighted the importance of human rights, which are not, “as modern people think, what we should be claiming to have, but are based on the sovereignty of others”. He mentioned the role of both individual human rights defenders and states and international organizations. He noted that the solidarity of the shaken is “the ability to transform experiences into knowledge”. He stressed the necessity of freedom and living openly. He emphasised the importance of empathy, listening and solidarity with people living on frontlines. He concluded by reading a letter of greeting from Václav Bělohradský.

In the discussion mention was made of the stoic theory in connection with Václav Havel and Jan Patočka. Mr Palouš then highlighted the universality of human rights, which is still valid if people look for it. After that “noetic solidarity” was discussed and explained as the “stop

and think” theory. Mr Palouš then offered the example of Adolf Eichmann, who never had the chance to stop and think because of many orders and systems. Mr Palouš then explained the term “post-European human rights situation” as a period of time when Europe is no longer the leading power. He concluded by stating that according to Patočka the solidarity of the shaken is Europe’s most important legacy.

Wednesday, May 15, 2013, Běhal Fejér Institute, 11:30–12:45

Jiří Přibáň focused on the role of political dissent and the problem of legitimacy and legality. He talked about a concept of human rights that is both a moral commitment and a technology of governance. He then noted that to reduce tensions between those two parts is a big political challenge. He said that “we are shaken by an inflation of rights” and that people feel that there is at the same time both too much and not enough talk about human rights. Mr Přibáň outlined the historical evolution of human rights from the French Revolution to European and international human rights documents. He mentioned that most current documents were inspired by the shock of the world wars, the Holocaust and totalitarian regimes. He emphasised that the history of human rights is the “history of struggle”. He highlighted the contemporary question of whether Europe’s post-totalitarian legal systems are rule of law systems or not. He noted that the definition of rule of law differs; post-totalitarian states perceive it as an ideal, moral law, whereas in the UK it is defined as any government ruled by law. Mr Přibáň mentioned that in the 20th century “law became another name for crime against humanity” and raised the question of what makes the rule of law the rule of law. He gave the example of Hans Kelsen, a Polish jurist who asked what the difference between liberal and socialist judiciaries was. He then stated that the basic norm is social classes, because of which systems cannot be called rule of law. He mentioned Viktor Knap, a Czech lawyer who was talented but obsessed with power; he wrote a very strong critique of the Nazi system but a few years later drafted the Communist constitution. Mr Přibáň indicated that law in the 20th century is always sullied by politics, but that the problem is how to analyse different periods of the legal system. He mentioned the Berlin uprising after which repression became a more selective political mechanism. He talked about two concepts of human rights. One classifies human rights as “technicality to be governed” by the EU Court of Human Rights. The other perceives human rights as principles that do not need to be written in a constitution because they are the “substantive core of a democratic constitution”. Mr Přibáň also added that law was not important for socialist systems. He noted that 1956 in Hungary and 1968 in CSSR meant no alternative from Moscow. He moved on to the Helsinki Accords, which included human rights as a technique. He emphasised that Charter 77 was unique because it first formulated the requirement of its government to uphold certain rights and international commitments. He said that the inability to adhere to those commitments meant that the government was illegitimate. He added that the Communists lost their power when they lost “their language” after Gorbachev had said that rule of law as a moral concept is something that we all share. He noted that nowadays the international level divides governance into human, social, political and economic rights. He explained that legitimacy is never given; rather, it is a process. And he defined the role of dissent according to Patočka, which is in offering a negative warning, demonstrating that by showing that dissidents had stopped the Communists from legitimising their system. He concluded with a statement that

sovereignty is ultimate responsibility and is not a power.

In the discussion the concept of a self-defending democracy and more militant democracy, which, provided it worked, could have saved Germany from the Nazis, was explored. Roman Joch asked how we can know what injustice is when we don't know what justice is. Mr. Přibáň answered that justice is what is right and fair, not what is good, because we cannot know what is good. He noted that the important question for a state is who represents the sovereign. He also mentioned that nowadays "morality doesn't have an integrating function anymore", but it is important for the legitimacy of systems.

Wednesday, May 15, 2013, Běhal Fejér Institute, 14:00–15:15

Glenn Hughes expressed his wish to talk mainly about the philosophical context of Patočka's work. He opened his remarks by explaining that most human rights documents, including Charter 77, are based on dignity, which is both their spiritual and moral basis. He raised the question of what is the basis for human beings to claim their rights, offering the answer that the basis is in the human structure. He described human dignity as a value of human beings. He noted that the term human dignity is not specified in those documents, because of its universal applicability. He mentioned the concept of inherited dignity, identifying five elements of it: reason, freedom, responsibility, irreplaceability and vulnerability of every person. He noted that inherited dignity is dependent "neither on its recognition, nor the achievement of a person"; it is not destroyable or removable, it is a given. Mr Hughes mentioned basic human truth, which is also independent, a given with every person and not removable. It also shows our respect for the dignity of newborns, infants, the ill and the elderly. He then talked about absolute reality, which is "not a concept but an experience that is undergone": experience of the absolute, of freedom, of unconditional, of responsibility. He explained the meaning of absolute and unconditional responsibility. Afterwards, he said that the "free human soul is set free of the ordinary". He mentioned the terms eternal mystery and transcendence and explained that a shaken soul must always stand in the position of an open questioner. He emphasized that absolute reality and mysteriousness can exist only when they are sought with questions that remain questions. Mr Hughes explained Jan Patočka's concept of cognitive and existential humility, which requires participation in absolute reality and recognition of the incalculable value of other persons and our responsibility towards them. He then highlighted that we are incapable of living up to such responsibility and that we have already failed to do so. He stressed that it is consciousness of guilt, experience of failure and respect for others that is important to commitment. He indicated that one cannot misuse one's freedom and that "openness is very vital for solidarity". He also noted that those who are able to live up to the truth are able to live up to the solidarity of the shaken and their commitments. He concluded by emphasizing that those who claim that there is no absolute and transcendent reality are those who undermine human rights, providing the example of the USSR.

The discussion raised several questions, for instance, whether there is a difference between Havel's and Patočka's attitudes with regard to experience. The importance of God and Christian stories, documents and symbols was also emphasized. Mr Hughes also stressed that in totalitarian regimes people are replaceable, but democratic regimes have to "maintain the irreplaceability of each human being". Mr Přibáň noted that "society is always relative and the

human being is absolute”. Mr Hughes mentioned that there is nobody who would give legal content to dignity and pointed out that people should not consider dignity a right and go to court over it.

Wednesday, May 15, 2013, Běhal Fejér Institute, 15:15–16:30

Josef Moural addressed the question of whose solidarity and which shattering is meant. He also looked at the question of morality and the personal story of Jan Patočka. He opened his remarks by labelling solidarity as that which is solid. He then read a passage from an essay by Patočka and explained that one has to give up a portion of liberty for solidarity, which is a serious decision. He introduced the term shuddering instead of shaking. In his view, shaking does not evoke lasting damage, while shuddering involves change in an unpleasant way, which lasts for a while. He noted that there are several difficulties in the translation, specifically in the word upheaval – otřesení. He then provided his interpretation of Patočka’s essays. He mentioned that it is not an issue of solidarity with our friends and allies, but with our enemies, despite the present conflict. He then gave the example that we should express solidarity with Lukashenka and Pinochet rather than with their victims. He said that human rights are based on morals, the content of which corresponds with the content of the duties we have. Therefore “duties have to exist along with rights”. He noted that rights of individuals are based on a promise, which creates both a duty and a right. Mr Moural stressed that we have moral duties to all human beings. He also emphasized the solidarity of the shuddered, and he gave an example of soldiers in WWI. He explained why it is important not to be a slave. According to Patočka, it is beneath human dignity, unfair and dangerous and has great potential for manipulation. Mr Moural stressed the importance of the third movement; scientists and engineers had a very powerful position in the USSR, which they still enjoy today. He then moved on to the question of “who Patočka actually was”. He defined him as a dissident, a spiritual idealist and a fighter for human dignity and liberty. He mentioned that Patočka was a keen student of history and philosophy, but that he wasn’t a person of resistance. Mr Moural noted that Patočka’s activities started mainly in 1977 in connection with Charter 77. He described Patočka as “personally decent, devoted to his profession and willing to make compromises”. In Mr Moural’s view, Patočka neither entered the Communist party nor was a committed anti-Communist; rather he decided to stand aside because the system allowed him to do his work, but not to disseminate it. Mr Moural described shuddering as a shared feeling of unpleasant change with consequences within the citizens of a totalitarian regime. He concluded with a statement that the “solidarity of the shuddered might be the solidarity of those who don’t have anything to lose”.

In the discussion Mr Palouš disagreed with the theory that Patočka only decided to take action in last few months of his life. He thinks that Patočka’s ideas were gradually growing and his concept was already prepared. He also noted that Patočka’s concept of the solidarity of the shaken was focussed on the experience of living on the frontline. Mr Palouš explained that Patočka was a contemporary philosopher who wrote heretically and was inspired by world war. **Paul Wilson** disagreed with the term shuddered. In his view, shaken is a better term, because it indicates the energy to go on. He also noted that a theory of solidarity with enemies did not apply in the 1970s.

Ludger Hagedorn concentrated on the question of whose solidarity it is, and for whom. He opened his speech by talking about his paper on Jan Patočka, “Robinson in the heart of Prague”. He said he was not sure whether Patočka was a political philosopher or not. He explained that the main topics in the contemporary world are liberalism, individualism, economics and human rights, but that the question is “what still holds society together?” He indicated that liberalism creates a system of selfish individuals whereas solidarity creates smaller groups. He stressed that the concept of common solidarity and the common good create a problem for society. He then raised the question of why there should be responsibility for the common good. Mr Hagedorn also stressed that solidarity is not only an intention of liberalism but of also of communism, which eventually turned individuals into objects of the state. He explained that that is the reason why in post-Communist countries societies are mainly individualistic. He emphasized that dissident circles were beyond the state, political and economic order. He interpreted Patočka’s concept as the solidarity of those who have lost their trust in the political state. He mentioned communality beyond the state, which could be a trigger for solidarity. He then defined solidarity as something that works only within a society that shares a common interest, conviction or belief. He explained that Marx did not use the term solidarity but brotherhood. Marx’s goal was revolution, which was intended to create unity, not better conditions for workers. He mentioned solidarity with nature and the future and labelled it as unclear. He talked about solidarity with all human beings, which is difficult to define and is connected to Christianity. Afterwards Mr Hagedorn moved on to solidarity toward the nation, explaining that solidarity must be directed toward someone. He noted then that the concept is both inclusive and exclusive. And he mentioned that solidarity could be a modern substitute for brotherhood. He also highlighted that solidarity is an aim that cannot be replaced by equal distribution. He stressed that solidarity is not reducing the suffering of others or co-suffering; rather, it is the sharing of that experience. That is what holds society together. He also emphasized that we should look for solidarity beyond the state, political and economic order. He mentioned that Patočka’s concept considered every political order suspicious of totalitarianism and producing dictatorship. Mr Hagedorn then moved back to his central question and explained that Patočka set no real precondition. He indicated that according to Patočka making a sacrifice for political interest is making a sacrifice for nothing. But it is the sacrifice itself that is important, because of its message of disagreement with the regime. He noted that Patočka’s concept comes from Christianity, but that Patočka was looking for new meanings of solidarity. He explained that “sacrifices have to bring authentic trans-individuality”. He indicated that solidarity is mutual, making the questions of whose and for whom identical. He noted that Patočka meant the spiritual authority of the shaken as a warning and he stressed the spiritual dimension of the solidarity of the shaken. He noted that solidarity is mainly under totalitarian regimes, although he believes that the concept could be applied even in the 21st century. He concluded with the statement that Patočka is difficult to implement but provides great inspiration.

The discussion led to a debate about experience and solidarity among soldiers during the world wars. Afterwards a question about market solidarity was discussed.

Thursday, May 16, 2013, Běhal Fejér Institute, 10:30–11:45

Henrik Syse talked about the difficult ethics of communication, ideological difference and how to uphold human dignity in the face of disagreement. He opened his remarks with a story about how he met Havel and Dubček, noting that it was admirable how they were not bitter but were dignified and responsible. He highlighted that it is important to ask ourselves during a debate whether it is important, what role we play and what is at stake. He noted that there are problems with misusing existential seriousness, providing the example of Breivik. He then read a story from Havel explaining how Patočka became a spokesman in Charter 77. He mentioned that both Havel and Patočka knew their role, which was fighting for human rights and solidarity. He explained that sometimes people hide behind roles and experiment with them, but he stressed that we should take responsibility into account. He expressed his wish for a serious debate, inspired by Havel and Patočka, on the sort of roles we have and what that says. Mr Syse noted that type of role affects our moral evaluation. He indicated that disagreement should not result in violence, because of our empathy with the other side and ability to identify with it. He gave the example of sports fans supporting a particular team. Afterwards Mr Syse described four types of debates and roles in them. First is a debate with a deep difference of values, such as a debate between a democrat and a Communist. The second type is a similar but milder case of political difference within democracy, with differences in values. Such a debate can also eventually lead to respect and understanding of the other side. The third type is accepting a certain role with expected opinions, usually for money. He noted that accepting and changing those roles could be “morally acceptable if those people are aware of what they are doing”. He provided an example of a journalist writing for a conservative magazine. The last type is the result of a certain role and position in society, for instance in the civil service. Mr Syse mentioned that the problem with the fourth type is that people do not defend it that passionately. He then gave an example of a dispute between Hilary Clinton and the New York Times over releasing secret information. Mr Syse explained that they both defended their position and both felt that the other side should understand more, because if the roles were changed they would have opposite opinions. He emphasized that we should respect each other and think about why the other side has a different position. He mentioned that it is extremely important for human rights defenders and for communication in the public space. He concluded with a summary of what we should ask ourselves during a debate – what is at stake, what are the influences of the other party (internet, false information) and whether we would have acted differently in that position. Mr Syse finished his remarks with a quote from Václav Havel about responsibility.

In the discussion mentioned was made of silent inner dialogue, and legislative regulation of freedom of speech for security reasons. The importance of thinking and inner dialogue was then demonstrated through the example of Adolf Eichmann. Mr Syse noted that authorities have to take responsibility and consequences for their roles and actions. Mr Palouš explained that thinking is the only answer we have and when it is absent something is wrong. Mr Syse concluded by outlining that we should listen to advice and create room for discussion.

Thursday, May 16, 2013, Běhal Fejér Institute, 12:00 – 13:15

Ivan Chvatík concentrated on Patočka's concept of the solidarity of the shaken and the possibility of meaningful existence. He opened his remarks by saying that he disagreed "with most of the interpretations till now". He stated that it was clear to Patočka that his attempt was extraordinary and a first step in a long-term program. He explained that Patočka's first essay was about Europe losing its leading position. He noted that Patočka's concept of the solidarity of the shaken was built on experience of a war front, similarly to Heidegger. He mentioned that Patočka uses war experiences as examples to explain what metaphysics is. He summarized Patočka's work, pointed to several interesting and important parts and quotes and provided his own interpretation. He highlighted the absolute freedom which derives from the experience of living on the front. He also stressed the importance of the European heritage and European history, leading to a situation where we all are shaken. He indicated that the shaken had to overcome dogmatic nihilism. He defined the shaken as those who understand history. He revised what all of the shaken should agree upon, he talked about the experience of nothing, which is meaningful in itself and the trouble of life in its everydayness. He summarized Patočka's work about WWI and its meaning for freedom. He then emphasized the key position of the intelligentsia, which has the main influence in the rationalisation of society, and noted that Patočka tried to "wake up the intelligentsia in the '60s". He also highlighted that "the solidarity of the shaken can and must create spiritual authority". Mr Chvatík raised the issue of whether the concept of the solidarity of the shaken was as naive as it appeared and whether it was understood and realized sufficiently. He indicated that the experience of living on frontlines, the experience of nothing and the experience of being itself are all important. He also believes that one of the most important things is history, a view shared by Patočka. He noted that Patočka does not agree with dogmatic nihilism so should be obliged to solve it. But Patočka was in the end unable to solve this problem. Mr Chvatík also quoted a passage from Patočka's essay about transcendence and talked about the problem of absolute and relative meaning and epiphany of the meaning. He mentioned that there is a problem of absoluteness and understanding of nothingness and that Patočka wanted to overcome the paradox in understanding the meaning of the concept. Mr Chvatík concluded with the question "why does Patočka need to connect that which cannot be connected?" and gave the example of absoluteness and nothingness.

In the discussion Mr Palouš asked whether Christians need an absolute meaning and the experience of searching for it. He also asked what the transition between Christianity and non-theological human rights defenders is. Mr Chvatík then described why life is a struggle and why it is important. The problem of agreement within the shaken and the other citizens was discussed. The importance of freedom, life in truth, continuing and inspired by Havel's and Patočka's work, was highlighted. Mr Chvatík also talked about reformulating and applying Christianity and metaphysics in the contemporary world.

Thursday, May 16, 2013, Běhal Fejér Institute, 14:30–14:50

Jan Macháček concentrated on the role of fun and humour in dissent and solidarity. He opened his remarks by noting that when people talk about the '70s and '80s, humour is usually absent. He explained that he remembers it differently; he was attending secondary

school along with many dissidents' children so got involved as well. He noted that political dissent in the Czech Republic was led by people who were interested in culture, or artists themselves. He remembered his beginnings in the group and the period when they were banned from performing. He mentioned the institutions Hrobka and Brak, which tried to institutionalize fun. He admitted that for him it was mainly about fun, because while he was interrogated many times he was never sent to prison, unlike Havel. He then provided many examples of fun in dissent. He mentioned many famous people such as Vondra, Černý, Topol, Bondy, Machovec, Kremlička, Pánek and several others. He talked about silent petitions which were often written and signed in pubs, noting that sometimes people forgot they had already signed them; for instance, Mr Topol signed one about 26 times. He indicated that the protest was not always serious. He mentioned that some aspects of the attitude of the society of the '70s and '80s have been carried over into today's society. For example the opinion that whoever has a mortgage cannot speak freely. He concluded by thinking about how big a risk it meant to be independent and to express one's attitudes freely in the '70s and '80s.

In the discussion Mr Palouš mentioned “ridiculization” as a common strategy to protect one from the system. He gave an example of the Plastic People of the Universe. Mr Macháček then explained how much common people were involved in the dissent. The events on Wenceslas Square, where Václav Havel was also arrested, and Palach Week were explained as the beginning of the events of the new era.

Martin Palouš closed the conference by noting that “we are getting to the end and finishing with memories, which should be kept alive”. And he summarized the main focuses of the seminar. He then expressed his wish to publish a small work stemming from this conference that could be material for students in English. He concluded by thanking Mrs Fejér Wiss for providing such a venue with great hospitality and atmosphere.

THE SOLIDARITY OF THE SHAKEN

Organized by:

Václav Havel Library

In cooperation with:

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U.S. Embassy Prague

The Běhal Fejér Institute

15.–16. May 2013, Prague

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