

Fall 2001

The World After Terrorism, 35 J. Marshall L. Rev. 91 (2001)

Petr Pithart

Follow this and additional works at: <https://repository.law.uic.edu/lawreview>



Part of the [Comparative and Foreign Law Commons](#), [Constitutional Law Commons](#), [European Law Commons](#), and the [Military, War, and Peace Commons](#)

Recommended Citation

Petr Pithart, The World After Terrorism, 35 J. Marshall L. Rev. 91 (2001)

<https://repository.law.uic.edu/lawreview/vol35/iss1/4>

This Article is brought to you for free and open access by UIC Law Open Access Repository. It has been accepted for inclusion in UIC Law Review by an authorized administrator of UIC Law Open Access Repository. For more information, please contact repository@jmls.edu.

KEYNOTE ADDRESS

THE WORLD AFTER TERRORISM

PETR PITHART*

President of the Senate of the Czech Republic
Ladies and Gentlemen, dear friends!

First of all, I would like to thank you for inviting me to address this forum. After the September terrorist attacks, now that not only America but the whole world reflects on how deeply the few tragic hours have changed us, events like this are particularly important. Not only your country but the whole world, including my country, has been changed.

An anti-terrorist defense alliance of a kind unprecedented in modern history has been created, and the Czech Republic takes part in it. I am proud, both as a citizen and as a politician, that my country was among the first to offer its resources to the alliance: notably, a field hospital, an anti-chemical unit, a cargo airplane and a special forces unit.

Since our offer of the anti-chemical unit and the aircraft which is to provide logistical support to the AVAC system has been accepted, Czech soldiers will be directly involved in the struggle with terrorism. They will take it up where their predecessors, Czech chemists, left off in their successful mission within the Desert Storm. Most importantly, my country will once again

* Petr Pithart has presided over the Senate of the Czech Parliament since his November 2000 re-election, as he did from 1996-1998. Mr. Pithart served in the Senate from 1996 to 1998 and as Vice-President from 1998 to 2000. Prior to his election to the Senate, Mr. Pithart emerged from political exile to become head of the Civic Forum, a member of the Czechoslovak Federal Assembly and Prime Minister of the Czech Republic from 1990 to 1992. Following his tenure as Prime Minister of the Czech Republic, Mr. Pithart edited the *New Presence* Newspaper from 1992 to 1996.

After receiving his law degree from Charles University in 1962, Mr. Pithart joined the University's State and Law Theory Faculty and later joined an interdisciplinary research team, which studied the Czech political system, in 1996. While remaining on the law Faculty, he pursued graduate studies at St. Anthony's College at Oxford University from 1969 to 1970, when Mr. Pithart's studies were abruptly halted under the threat of forced emigration. Upon his return to Czechoslovakia as a *Charter 77* signer, Mr. Pithart was relegated to government-assigned positions such as gardener and clerk for nearly twenty years.

highlight a lesson it has learned in its modern history that we must not negotiate with terrorists and various predators, we must not placate them, coddle them and buy our way even by the smallest concessions. We must face them and fight.

I know what I am talking about. My country paid for an appeasement policy three times over the past century: for the first time in 1938, the concession being the Munich Agreement, and the consequence being World War II; for the second time in 1948, the symbol being the February *coup d'état*, and, in effect, the consequence being the triggering of the Cold War; for the third time in 1968, when the Soviet invasion stifled the promising developments of the 60's, and thus, extended the agony of communist ascendancy over a substantial part of Europe by another twenty years, until it eventually toppled in 1989. That is why I say both at home and here—that is why WE say: no more concessions and appeasement. It is the only way to defend democracy and our freedoms. We all have to be firm and stand our ground on this point, no matter how long the war against terror will last.

Now I would like to explore a paradox that is also related to the historical experience of my country. Some people at home, as well as in other post-communist countries, miss the moribund, tired, cynical and quite dysfunctional totalitarian communist regime. Although there are only few of them, one of their arguments often works even with people who value freedom and open society above all. The argument is that everything was safer back then: it was safer to walk city streets and to drive country roads. Figuratively, material existence was safer too. Although there were fewer options, fewer places to walk the street to at night, or drive the road to, let alone choosing the kind of car you wanted to drive, it was safer, surer, and more predictable.

People who miss those times say that the decreased feeling of safety is too high a price for the freedom guaranteed by our revived democracy. On the other hand, others appreciate that civil rights and liberties quickly became part of our reality—or even commonplace—after 17 November 1989, while under communism, they were only a clashing point between the dissent and the establishment. Sometimes I feel that after decades of trampled civil liberties, people want to prove that freedom, boundless if possible, is natural, and that civil liberties can only expand from now on.

However, the events of September 11th confront us with the necessity of discussing again in depth the ranking of all our priorities. At the very beginning of such a debate, we can not but ask whether we are willing to pay for an increased security. And, most importantly, how are we willing to pay for it? Is the currency going to be what affected and humiliated us throughout a half of

the past century, counting four decades of communist totalitarianism as well as the preceding nazi totalitarianism?

Of course, one can counter: will it be really necessary? Could we not increase the security of our world without affecting its operation and our lives? My resolute answer is: no, we could not. There is a price to be paid for strengthened security. Anything that is of real value in human life comes with a price-tag. The value of safety has shot up, and will not come down quickly, so safety will cost us more. Once again—what will the currency be? Could, or should I say MAY, the price be paid in the currency of civil liberties and constitutional rights, the first among them being the right to privacy?

Before we answer the question, let us try to describe what has changed, and what and whom the world faces after September 11th. The problem is we do not know how to do it yet, we are not in a position to define it with confidence and in its entirety yet. For I am not thinking of the one who was specifically behind the terrorist act, but rather the much larger threat to our security, the threat which should perhaps make us agree to having our freedoms and rights limited. So far, we have been only combating symptoms rather than treating the disease. Let us refrain from thinking that this is the only struggle left to pursue. The main thing will not be to fight, but rather to attend patiently to the ailing world and combat the cause of its diseases.

Perhaps we focused on direct defense in the first phase after the attack; perhaps many of us got, let us admit it, frightened. By offering the sacrifice of some of our rights and liberties, we have instinctively shown that we are concerned about the future developments.

Is the word sacrifice appropriate in this context? Should we speak of sacrifice or rather about a price that needs to be paid? My judgment is that the word "price" is more suitable here. Not only because it is less emotionally charged, not only because it entails more composure than surrender, but also because the message it communicates is that we are not giving anything up but rather intend to hold on to what is most important to us.

So, here comes my preliminary thesis. We have to pay for increased security. Let us pay, for instance, by giving up some of our nice modern amenities. Let us pay in our time, our comfort, our will to observe rules, in our material possessions. Let us not, however, sacrifice our rights, our freedoms and our privacy. Those of us who have really lived through totalitarianism, have learned a clear lesson that once relinquished, the civil liberties and rights we had been offered or won are always hard, if not impossible, to regain. It is surprisingly easy to give up one of our freedoms; it is extraordinarily difficult to take it back from institutions that have gained a great power from those relinquished freedoms.

There is another important aspect we need to bear in mind here. Rights and freedoms go hand in hand with duties. For each subjective right, notably a right expressed through a claim, there always needs to be somebody's duty. The two are symmetrical in the narrow sense of the word. Furthermore, a wider symmetry applies: we have real rights because we take on real duties. The problem of today's western civilization is that it is increasingly leaning only toward rights. Duties seem to remain merely a topic for a Sunday school sermon. In such a comfortable civilization of rights without duties, there is a danger of giving up, in the fear of losing security, even the rights and liberties that we could surely keep if only they were counterbalanced by duties.

May you—may we—hold on to our rights precisely for that reason, but may we also use this opportunity to sort them out: may we learn to distinguish real rights from interests clad in the worthy and sometimes fashionable attire of respect for rights, perhaps even the most fashionable attire of all, minority rights. Real rights always go hand in hand with duties; rights that are not paired with somebody's specific responsibility tend to be only declarations; and declarations can turn into mere demagoguery in an atmosphere of strained clinging to the principles of political correctness at any cost.

Let us also thoroughly explore the concept of universality of the rights and freedoms we want to promote. Can we be sure that they are all truly universal? If people are not willing to pay for a right, perhaps by shouldering duties, the right is not universal; it is a confusing fiction or, who knows, perhaps a mere dispensable amenity.

What constitutes an inherent freedom in one place does not necessarily constitute an inherent freedom in another place, given its historical experience. Just a few days ago, somebody in Prague was given a three year suspended sentence and a \$55,000 fine for publishing Hitler's "Mein Kampf;" it helped him none to defend himself by saying he could have done it with impunity in America.

How are we going to pay then, if not in the currency of rights and liberties? Perhaps by giving up precisely those comforts and benefits that we take, thanks to ever developing technologies, for granted. Perhaps it will take us three or four hours to get from one place to another rather than the two hours we are used to. Perhaps we will stand in long lines at airport terminals so that everybody can be checked. Perhaps airfare will be more expensive, because it will have to cover the cost of our and the crew's safety. Various things, not only plane tickets, will be more expensive; various things will take longer and be less comfortable than today. The snail mail we complain about will be even slower, though it is at times hard to imagine. We could come up with dozens and dozens of similar examples.

There is a price to be paid, and the price will not be negligible. The question is in what currency we are willing to pay. Will it be our luxury, our comfort, or our rights and liberties?

Though more extensive and tighter checks of all kinds are probably unavoidable, I do not think we will have to trade our constitutional rights and civil liberties for our security. The more time and funds we will be willing to invest in making sure that those responsible for security observe the rules and do not abuse their increased powers, the less will constitutional rights and civil liberties be affected by the new realities.

We are at crossroads. We have been forced, or rather you, Americans, have been forced on behalf of the whole Western civilization, to make a terrible down payment for liberty, constitutional rights and privacy. The disasters of September 11th were a monstrous, tragic and unacceptable payment for the benefits of the modern world and globalization. We did not admit the possibility of such disasters other than in highest contingency scenarios. Now we know, and once again, have the freedom to choose how and in which currency we want to pay the price of our safety. All of us are at crossroads, both in America, in Europe and elsewhere. Let us all think where to go next. In some places, we adopt legislation of the kind of the American Patriot Act of 2001. Laws are being amended in France and England, too. Organizations monitoring and safeguarding human rights express their concerns.

I do not think that the price we have to pay is terribly high; let us not allow ourselves to be provoked by excessive scares or even self-accusations. However, if we are not willing to pay a real price, then we will become radical only in our words. Paying a price, not bringing sacrifices.

We will now see how deep or shallow the roots of liberties and rights are in our civilization. To be on the safe side, let us assume that the temptation to give up the more complicated for the sake of the more comfortable will not be small.

We will best defend our rights and liberties by fully acknowledging our duties. You Americans, have already paid the highest price for the western civilization, for our freedom, and for our rights. I am here to tell you today, that we Europeans, we Czechs are aware of it, and stand ready to join America in defending our freedom and civilization.

Thank you.

