

PROPAGANDA AND THE SOVIET CONCEPT OF WORLD PUBLIC ORDER*

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I

PROPAGANDA OF THE PERIOD OF WAR COMMUNISM

With the laicization of the state in the nineteenth century, its affairs were divorced from ideology, and political controversy was transferred to the realm of social action. The new state was designed to serve everybody and therefore had to be apolitical. Nineteenth-century liberalism produced the idea of the state dedicated to the rule of law (*Rechtsstaat*), a perfect and continuing form of government able to accommodate the changing social content and a perfect instrument of changing social policies.

The October 1917 revolution in Russia opened a new era which discarded basic ideas underlying the public order represented by the state of the liberal age. The state became a part of the social structure; the single political party controlling the state was identified with the exercise of power and its party program with state policy. This change was the direct effect of conditions of political life in imperial Russia, in which revolutionary parties were proscribed and labor movements and the struggle for social change had no place in public life. Political struggle was carried underground, and police repressions were answered by propaganda, which was subversive and respected no rules.

The situation changed but little after October 1917. The new regime was faced with chaos, armed resistance, and foreign aggression. Revolutionary authorities who took over functions of government were paying no heed to the commands and decrees of the central government, while the political opposition and suppressed nationalities were organizing countercoups or preparing to establish their national states. The most imminent danger to the existence of the new revolutionary regime came from the West, where the continued advance of the armies of the Central Powers was threatening the very base of the Bolshevik power.

In this situation propaganda was the only weapon the new regime had and the only technique of social and governmental action with which it was familiar. Indeed, the Bolsheviks' attainment to power and their position as the ruling party in Russia were from the beginning exploited as another channel for propaganda action.

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The first acts of government, and in particular the new decrees, were acts of propaganda only thinly disguised as legislative activity. Soviet decrees of the early period had little chance of being enforced, and even in the eyes of their authors were not designed to have serious binding effect. They were, according to the recollections of Trotsky, "the program of the Party uttered in the language of power" and, as such, "means of propaganda rather than acts of administration."¹ Lenin, writing in the first days of the new regime, justified the feverish legislative activity of his government as follows:

It does not matter that many points in our decrees shall never be carried out; their task is to teach the masses how to take practical steps. . . . We shall not look at them as absolute rules to be given effect under all circumstances.²

Examples of this type of legislation are too numerous to be listed exhaustively here. The very first act of the new revolutionary government was the Decree on Peace of October 28 (November 8), 1917, which invited "all belligerent nations and their governments to begin immediate negotiations for a just and democratic peace."³ This decree was followed by the decree containing the declaration of rights of the nations of Russia;⁴ later came a note of November 8, 1917, addressed to the diplomatic representatives of the Allied Powers in Russia concerning armistice and immediate peace negotiations;⁵ then came the announcement of the People's Commissar for Foreign Affairs concerning publication of secret treaties,⁶ an appeal of the Soviet government to the Moslem Toilers of Russia and the East,⁷ and so forth, to name only a few.

All these legislative, diplomatic, and administrative acts bore the stamp of the conviction that the tide of the revolution was about to engulf practically all the countries involved in the war. In Lenin's words, the war had reached the moment when it was transformed from an imperialistic into a revolutionary war.⁸ Looking at the general situation from the Russian vantage point, Soviet leaders thought that the program of the world revolution could be implemented without delay. They saw the

¹ TROTSKY, *MOIA ZHIZN* [MY LIFE] 65 (1930). [Translations of all foreign-language material quoted herein are by the author unless otherwise indicated.]

² 16 LENIN, *SOCHINENIA* [WORKS] 149 (1924).

³ *Sobranie uzakonenii i rasporiazhenii raboche-krestianskogo pravitelstva* [Collection of Laws and Decrees], no. 1 (U.S.S.R. 1917) [hereinafter cited as *Sobranie uzak. i rasp.*].

⁴ *Izvestia*, Nov. 3, 1917.

⁵ *Id.*, Nov. 10, 1917.

⁶ *Ibid.*

⁷ *Sobranie uzak. i rasp.* no. 6 (1917).

⁸ As Lenin explained,

"We Marxists do not belong to the absolute opponents of any kind of war Our aim is to bring about a socialist community, which, by abolishing the division of mankind into classes and by bringing to an end any exploitation of man by man and of one nation by another, will unavoidably preclude any possibility of wars in general. But in the war for achieving such socialist community we are bound to find conditions in which the class struggle within a single nation may come into collision with a war between different nations Therefore, we cannot deny the possibility of revolutionary wars . . . which . . . have a direct bearing upon revolutions"

30 LENIN, *op. cit. supra* note 2, at 332-33.

beginning of the mighty revolutionary wave in German and Austrian labor unrest, war exhaustion in the West, and troop mutinies in the Allied armies. Consequently, they paid little attention to the inability of the Russian armies to resist effectively German and Austrian advances on the Russian front. In order to win the revolution in Russia and to carry it west, Bolshevik leaders did not hesitate to subvert the discipline in Russian armies hard pressed by the enemy.⁹ They believed that the weakness of Russian arms would be more than counterbalanced by the disruptive effects of communist propaganda and troop fraternization at the front, which would destroy the discipline and the will to fight of the enemy armies. This understanding of the world situation conditioned the technique and tenor of the Soviet propaganda in those early days of the regime's existence.

Bolsheviks made no distinction among the Allies, enemies, and neutral powers. In its diplomatic and propaganda activity, the Bolshevik government addressed itself to the masses, which in its opinion were seething with revolution and which it proposed to mobilize for the great struggle for the new order. For instance, on November 28, 1917, the Council of the People's Commissars of the RSFSR addressed an appeal to the peoples of the belligerent nations asking them to join the Soviet government in negotiations for an immediate armistice. A similar technique was followed in the Appeal to the Moslem Toilers of Russia and the East of December 7, 1917,¹⁰ the Appeal to the Toilers of the Oppressed Peoples of Europe of December 9, 1917,¹¹ and the Appeal to the Peoples and Governments of the Allied Countries of December 17, 1917.¹² As time went on, Soviet appeals to the "toilers and workers" of the world, or of particular countries, were replaced by appeals to the specific workers' organizations. For example, on May 4, 1918, the Soviet government appealed to the trade unions of the world to support the Soviet republic in its struggle for peace.¹³

The technique of direct appeals to the masses of other countries was not affected by the actual status of Soviet contacts with the governments of the countries concerned. Brest-Litovsk peace negotiations with the Central Powers proceeded to the tune of a massive propaganda campaign exhorting their populations to support the policy of the revolutionary regime.¹⁴ The signing of the Brest-Litovsk Peace Treaty had no effect upon the flow of the Soviet propaganda addressed against the Central Powers in spite of the provisions it contained on the subject.¹⁵

Once the Central Powers were forced to acknowledge their defeat by the Western Powers, the Soviet Union intensified its propaganda activity, combining its notes

⁹ Appeal of the Council of People's Commissars to the Army and Navy of November 9 (22), 1917, I MINISTERSTVO INNOSTRANNYKH DEL, DOKUMENTY VNESHNEI POLITIKI SSSR [MINISTRY OF FOREIGN AFFAIRS, DOCUMENTS OF FOREIGN POLICY OF THE USSR] 19 (1957) [hereinafter cited as DOKUMENTY VNESHNEI POLITIKI].

¹⁰ Sobranie uzak. i rasp. no. 6 (1917).

¹¹ Izvestia, Dec. 9, 1917.

¹² *Id.*, Dec. 17, 1917.

¹³ DOKUMENTY PROLETARSKOI SOLIDARNOSTI [DOCUMENTS OF PROLETARIAN SOLIDARITY] 15 (1962).

¹⁴ See text accompanying notes 20 and 22-23 *infra*.

¹⁵ *Ibid.*

addressed to the republican government of Germany with appeals to the revolutionary organizations which came into being in Germany in the turbulent days of November 1918. Soviet diplomatic correspondence with the new German government concerning withdrawal of German troops from the occupied territories, renewal of diplomatic relations, removal of property from the occupied territories, and so forth, was communicated to the German soviets of soldiers and workers. While on one hand the Soviet government sought support for its demands in its political action, on the other it was contributing to the political education of the revolutionary leaders in Germany. It was convinced that the republican regime in Germany was a transitory stage, and that, eventually, it would be, as it was in Russia, replaced by a workers and peasant government, leading to the revolution which was to be a copy of the Russian Revolution.¹⁶

Eventually, however, the new Russian regime was forced to realize that its hopes that German armies in the occupied territories would succumb to the revolution would not be fulfilled, and that the presence of German armies in the western Russian territories and their withdrawal home were no longer controlled by the German government, either in its official form or in its revolutionary incarnation. It became apparent that German armies in Russia would observe that condition of the Armistice Agreement of November 11, 1918, that the Western Allies were to control the withdrawal of German troops from Russia, thus providing a measure of protection to the incipient national regimes in eastern Europe. This fact turned again the full blast of Soviet propaganda to the revolutionary forces in the West.¹⁷

In time, when the Soviet Union had regained its place in the community of nations, Soviet official propaganda addressed to the masses in support of its policy had to be replaced by other techniques. The direct appeal method was reserved for the moments of crisis and intense political struggle. It was revived in the time of the Second World War and later during the period of so-called "Cold War." It was also used in situations in which Soviet leaders could address themselves to a foreign nation from the position of a major allied power which acquired special responsibilities due to the political settlement following the Second World War. A further example of this technique is to be found in a series of Khrushchev's speeches connected with so-called atomic diplomacy.¹⁸ Another unusual example of direct address by a Soviet leader to a foreign nation was Stalin's New Year's message to the Japanese in 1952.¹⁹

¹⁶ I DOKUMENTY VNESHNEI POLITIKI 598, 601, 602, 605, 609, 611 (1957). Cf. Chicherin's Note of Nov. 14, 1918, *id.* at 567.

¹⁷ II *id.* at 135, 208, 268 (1958).

¹⁸ "The Soviet Union," Khrushchev said, "supports the idea of setting up a rocket and atom free zone in the Scandinavian peninsula and the Baltic area It would be beneficial to the Peoples of all Scandinavian countries if Scandinavia were to become an atom free zone in which there would be no military bases of other countries I hope I shall be understood properly in Norway and Denmark if I say that these countries have landed in the Atlantic Bloc through a misunderstanding" Pravda, June 16, 1959.

¹⁹ *Id.*, May 31, 1952.

The rationale behind this direct approach was that the Soviet government was only formally a government of one country; it was also a leader of the world working class. Its policy has a broader significance, however. During the Brest-Litovsk negotiations, *Izvestia* (the official organ of the Soviet government) wrote:

Allied nations ought to be aware of the fact that negotiations were begun and shall continue irrespective of the course of the Allied diplomacy. In these negotiations where *the Russian delegation represents the interests of the entire democratic world*, the fate of all nations is involved, including those whose diplomats refuse to participate in them.²⁰

After the Second World War the Soviet Union became the representative of the interests of the socialist system, which now includes a number of countries with communist governments. As Khrushchev explained in connection with the Soviet use of the veto power in the United Nations Security Council, creation of the Soviet right of veto gave to the socialist states the same rights as the capitalist states to influence the course of public affairs in the world.²¹

II

RESTRICTIONS ON PROPAGANDA AFTER THE FIRST WORLD WAR

While in the immediate period following the October Revolution (1917) the new regime enjoyed in its isolation a complete freedom of propaganda, the process of returning to normalcy, which became a necessity if the regime were to survive, placed serious limitations on the propaganda activities of the Russian government. Provisions of practically all treaties which provided for the settlement of political questions between revolutionary Russia and other members of the international community contained a clause by which the contracting parties exchanged promises to refrain from hostile and subversive propaganda. German conditions of peace dictated to the Russian delegation at the Brest-Litovsk Conference on February 21, 1918, provided that "Russia shall discontinue all official or officially supported agitation and propaganda directed against the governments or governmental or military institutions of the Central Powers."²² Article 2 of the Brest-Litovsk Peace Treaty of March 3, 1918, stated accordingly:

The Contracting Parties shall refrain from all agitation or propaganda directed against the governments or governmental institutions of the other party. Insofar as this obligation is binding on Russia, it applies to those territories which are occupied by the Four Power Alliance.²³

While these provisions were honored in breach rather than in observance, sanguine hopes for the world revolution began to wane as time went on, and the

²⁰ *Izvestia*, Nov. 23, 1917. (Emphasis added.)

²¹ KHRUSHCHEV, *ZA MIR, ZA RAZORUZHENIE, ZA SVOBODU NARODOV* [FOR PEACE, DISARMAMENT, AND FREEDOM OF PEOPLES] 288 (1960).

²² *I DOKUMENTY VNESHNEI POLITIKI* 113.

²³ *Id.* at 119.

Bolshevik government was forced to realize that formal peace with other nations would require that at least the more drastic forms of subversion by propaganda would have to be discontinued. The Armistice Agreement of January 30, 1920, with Latvia, which was one of the first treaties with Russia's western limitrophes, provided (article 22) that Russia would desist from "all propaganda and its support in the territory of Latvia, directed against its government or political or social order."²⁴

Some time later, Soviet efforts to establish relations with Britain caused Lord Curzon to formulate in a memorandum delivered to the Russian government a number of conditions for the recognition of the Soviet regime. These conditions, eagerly accepted by Chicherin, the Foreign Commissar of the Moscow government (Note of July 7, 1920), stated that both parties would refrain from hostile activities, from conducting official propaganda, and from all measures directed against the other party, whether direct or indirect, and against the institutions of the other party. In particular, the Soviet government was to refrain from all efforts, by means of military action or propaganda, to incite the nations of Asia to hostile activity directed against British interests or the British Empire.²⁵

Peace treaties with the three Baltic Republics concluded in 1920 provided that the contracting parties would not support on their territories activities of organizations or groups pretending to the role of government of the other party, or aiming at the overthrow of the government of the other party.²⁶ The Polish-Soviet Preliminary Peace Treaty (art. 2) of October 12, 1920, provided that "both contracting parties mutually affirm full respect for their governmental sovereignty and the obligation not to interfere in the internal affairs of the other party."²⁷ The final Peace Treaty of March 18, 1921 (art. V), provided that each of the "contracting parties guarantees full respect for the governmental sovereignty of the other party, and shall refrain from all kinds of intervention in its internal affairs and in particular from agitation, propaganda and all forms of intervention or support for such intervention."²⁸

Almost simultaneously with the Polish peace treaty the Soviet government entered into a commercial agreement with Great Britain for the reopening of British-Russian trade, which constituted a *de facto* recognition of the government in Russia. The agreement was clearly meant to be a first step in the normalization of international relations between the two powers. Article A of the agreement obligated both contracting parties to refrain from hostile actions or measures directed against the other party, as well as from conducting within its territory official propaganda, whether directly or indirectly aimed at the institutions of the British Empire or of the Russian Socialist Republic.

²⁴ II *id.* at 337.

²⁵ III *id.* at 17-18 (1959).

²⁶ Treaty of Peace with Estonia, Feb. 2, 1920, II DOKUMENTY VNESHNEI POLITIKI 339; Treaty of Peace with Lithuania, July 12, 1920, III *id.* at 28; Treaty of Peace with Latvia, Aug. 11, 1920, III *id.* at 101.

²⁷ III DOKUMENTY VNESHNEI POLITIKI 248.

²⁸ *Id.* at 623.

Russia in particular agreed not to undermine the British position in India and Afghanistan, and generally not to harm British interests in Asia, while in exchange Great Britain agreed to adopt the same policy in the indigenous states which were formerly a part of the Russian Empire. Furthermore, the prohibition of propaganda included also action outside the territory of each contracting party, including all manner of assistance and the support for propaganda activities by others. Finally, both parties agreed to issue proper instructions to their agents.²⁹

The British-Soviet agreement served as a model for a similar preliminary commercial agreement with Italy, signed on December 26, 1921, which repeated almost verbatim the terminology of the agreement with Britain.³⁰

The abortive Soviet-British General Agreement of August 8, 1924, provided in article 16 that:

The contracting parties solemnly declare their desire and aim to live with each other in peace and friendship, to respect strictly the indisputable right of the other State to order its life according to its will within the limits of its jurisdiction, to refrain and to prevent all persons and organizations, under its direct or indirect control, including organizations in receipt of financial assistance, from doing acts open or covert, which may in any manner create danger for the peace and welfare of any part of the territory of the Soviet Union or of the British Empire, or impair relations of the Soviet Union or those of the British Empire with their neighbors or any other countries.³¹

Similarly, the exchange of notes between the Soviet and French governments of October 28, 1924, which initiated normal diplomatic relations between the two countries contained the following passage in the Soviet answer to the French initiative:

As the French Government, the Central Executive Committee of the Soviet Union also considers that mutual noninterference in the affairs of the two parties constitutes an indispensable condition of relations with other countries in general, and in particular in relations with France, and acknowledges a similar declaration of the French Government in this matter.³²

One of the most complete statements of the mutual duties of noninterference in each other's internal affairs by the Soviet Union and capitalist governments was the exchange of notes between Maxim Litvinoff and President Roosevelt of November 16, 1933, preliminary to re-establishing diplomatic relations between the United States and Russia. The Soviet note (identical in substance to the American reply) ran as follows:

I have the honor to inform you that coincident with the establishment of diplomatic relations between our two governments it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

²⁹ *Id.* at 608.

³⁰ *IV id.* at 596 (1960).

³¹ *VII id.* at 623 (1963).

³² *Id.* at 516.

1. To respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, its territories or possessions.

2. To refrain, and to restrain all persons in government service and all organizations of the government or under its direct or indirect control, including organizations in receipt of any financial assistance from it, from any act overt or covert liable in any way whatsoever to injure the tranquillity, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim, the violation of territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its territories or possessions.

3. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which makes claim to be the government of, or makes attempt upon the territorial integrity of, the United States, its territories or possessions; not to form, subsidize, support or permit on its territory military organizations or groups having the aim of armed struggle against the United States, its territories or possessions, and to prevent any recruiting on behalf of such organizations and groups.

4. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States, its territories or possessions.³³

III

THE COMMUNIST INTERNATIONAL AND SOVIET DIPLOMACY

It was obvious from the beginning that the Soviet government would be disinclined to respect treaty provisions prohibiting hostile propaganda against the regimes of the capitalist countries. Only a few months after the Brest-Litovsk Peace Treaty, the Soviet and German governments were engaged in a lively exchange of charges and countercharges regarding the hostile propaganda which was filling the pages of Russian and German papers. The Russian position was that it was unreasonable to expect the Soviet government to refrain from criticism of the social and economic institutions of the capitalist states or from commenting adversely on their policies. In his reply to the letter of the German consul general in Russia, the People's Commissar for Foreign Affairs admitted quite candidly that:

The Soviet government . . . is an organ of revolutionary struggle. It applies drastic measures against its enemies in the civil war, but at the same time it relies upon the revolutionary conscience of the masses, which it represents, rather than on their passive submission, and in the political camp which it heads it enjoys the

³³ 28 AM. J. INT'L L. SUPP. 3-4 (1934).

authority of the leader of the comrades consciously following the same revolutionary path. . . . The Workers' Peasant Government desires that good-neighborly relations and peaceful coexistence (*mirnoe sozhytelstvo*) with Germany be fully established, paying no regard to differences in the order of the two countries, and it is convinced that the German government is equally desirous of peaceful coexistence; at the same time, while pursuing the policy of peaceful coexistence, it [the Soviet government] remains true to its nature, just as the German government, and expects that it [the German government], as the Soviet government, shall reckon with the consequences of these differences, which have not been an obstacle in the development of good-neighborly relations, just recently established, and correspond to the deeply rooted interests of both parties.³⁴

This is probably the first, and the most candid, formulation of that complex of principles which were to govern Soviet relations with the capitalist world, which more recently has been restated in the form of the doctrine of "peaceful coexistence." Peace on the frontiers, correct diplomatic relations, economic and other forms of international cooperation must not be affected by the fact that at the same time the Soviet Union was engaged in an ideological struggle with the very foundations of the capitalist order of things. Thus the Soviet government claimed the right not to conform to the traditional concept of correct international relations between states and governments at peace. The very purpose of the Soviet government was to promote revolution, and it was an instrument of that revolution and of the revolutionary movement. At the time when Chicherin wrote his note in the name of the Soviet government, the Soviet leadership was convinced that the great transformation of the human society, begun by the Russian revolution, was to be expected but shortly. It was unrealistic then to expect that the Soviet government would desist from the policy which was its very *raison d'être*.

The attitude of the Soviet government could hardly have been countenanced by the German government. On November 4, 1918, Russian couriers were detained, the diplomatic pouch was opened and searched, and the following day, in answer to the Russian protest, the diplomatic mission of the Soviet government was ordered to leave—an event of singular importance in view of the impending German defeat and surrender in the West. At the moment of the long awaited revolutionary upheaval in Germany, Soviet diplomats were absent from Berlin.³⁵

As the days of October receded into history, the regime in Russia, in its quest for respectability and peaceful relations with the members of the international community, was forced to abandon its intransigent position voiced in the note to the German government in November 1918. The Soviet government adopted the position that as a member of the international community it must refrain from hostile propaganda and intervention into the internal affairs of other countries. It recog-

³⁴ I DOKUMENTY VNESHNEI POLITIKI 488.

³⁵ There seems to be little doubt as to the fact that the Soviet mission in Berlin was engaged in espionage and subversive propaganda. As to the events of November 4-5, see I *id.* at 560 ff.; TIMOTHY A. TARACOUZIO, WAR AND PEACE IN SOVIET DIPLOMACY 75-76 (1940).

nized this duty even with regard to states with which the Soviet Union had no diplomatic relations and no treaty obligations dealing with propaganda activities. This seems to be apparent from the Soviet Foreign Commissar's declaration of September 26, 1924, made in connection with the question of American apprehensions as regards establishing formal diplomatic relations with Russia. The Soviet government, in the American opinion, was directly involved in the activities of the Komintern, and as such could not be trusted to adhere to the rules governing the conduct of formal diplomatic relations. Chicherin's answer disclaimed all responsibility for the activities of the Komintern. He drew a parallel between the Communists in governmental positions in Russia and Republicans in the American administration.³⁶ In order to conform to accepted standards, propaganda activity aimed at the promotion of the world revolution was dissociated from the official government of the Soviet Union. The ideal instrument for that purpose proved to be the Communist International (Komintern) created in March 1919 at the Congress in Moscow, dissolved eventually in May 1943.

Originally the Soviet government claimed freedom of the press in order to explain noncomplicity of the Soviet government in the propaganda emanating from Russia. In due course, however, responsibility for propaganda emanating from Russia was disclaimed by the government altogether and was claimed to be organized by the Komintern, which could not be identified with the government of the Soviet Union. Thus the note of September 27, 1921, of Maxim Litvinov (deputy People's Commissar for Foreign Affairs) addressed to Lord Curzon claimed that the Komintern's presence in Russia was due solely to the fact that it was the only country where the activities of the Communist parties were legal. There was in fact as little (or as much) connection between the Soviet government and the Komintern as between the Second International in Brussels and the Belgian government. The fact that there were members of the Soviet government in the Komintern, the note claimed, had as much significance for the government of Russia as the presence of the British and Belgian ministers in the Second International.³⁷

And yet, complaints against Soviet propaganda, whether originating from sources directly identifiable with the Soviet government or those which could be traced to the Komintern, were continuing, and the Soviet government was hard put to impress upon other foreign governments its lack of complicity in the activities of the Komintern or the Profintern (International Union of Trade Unions).³⁸ In the final analysis, the alibi furnished by the Komintern proved inadequate, causing considerable difficulties in Soviet relations with other countries and affecting the flow of trade and economic cooperation between the free-economy countries and the Soviet Union.

³⁶ VII DOKUMENTY VNESHNEI POLITIKI 369-70.

³⁷ IV *id.* at 374-80.

³⁸ VII *id.* at 55, 210-II, 469.

One of the most important affairs of this type was the British-Soviet conflict, a very complex and prolonged affair involving many issues, such as interference with the British fishing rights in the Arctic, treatment of British subjects in Russia, anti-British propaganda in Asia, including action by the Soviet diplomatic personnel, and Komintern propaganda. The first phase of the conflict was liquidated by an exchange of notes (May 29 and July 4, 1923) in which the Soviet government accepted *inter alia* an obligation not only to refrain from propaganda and hostile activities through the medium of its diplomatic agents, but also not to support financially "or by any other means persons, agencies, organizations or institutions which have the aim of spreading dissatisfaction, or supporting rebellion in any part of the British Empire, including British protectorates . . . and to bind all its officials, and official persons, to an unreserved and unfailing observance of these obligations."³⁹

The next phase began with the so-called Zinoviev letter, a document of spurious origin, which caused a good deal of concern in Britain and was exploited for anti-Soviet propaganda. In the ensuing correspondence, while denying the authenticity of the letter, the Soviet chargé d'affaires restated the old Soviet position that the Komintern and its activities could not be controlled by the Soviet government. The Soviet note of November 28, 1924, repeated the previous position concerning the "total and organizational independence of the Communist International of the Government of the Union of Soviet Socialist Republics." "My Government," the Soviet chargé d'affaires in London continued, "has never accepted and is unable to accept the obligation to refuse asylum to the Communist International or other workers' organizations, and even more it cannot accept an obligation to exercise influence upon them."⁴⁰

The next phase, which finally led to a breach in diplomatic relations with Britain and the denunciation of the Trade Agreement of 1921, began with the decision of the Soviet trade unions to support financially and encourage the British coal strike in 1926. This decision caused the British government to complain officially to the Soviet government, and, as the Soviet government's reply was deemed unsatisfactory, on February 23, 1927, the British government lodged a strong protest with a full documentation against the repeated acts of Soviet intervention by means of propaganda into the internal affairs of Britain. While anti-Soviet feelings mounted in Britain, a raid on the offices of the Soviet Trading Corporation (Arcos) on May 11, 1927, led to the seizure and discovery of documents which allegedly proved the complicity of the Soviet trade delegation, which was a part of the diplomatic mission in London, and of the trading corporation in espionage and subversive activities in Britain. As a result on May 27, 1927, Britain severed diplomatic relations with Russia.⁴¹

³⁹ *Id.* at 330, 334.

⁴⁰ *Id.* at 559.

⁴¹ ARNOLD J. TOYNBEE, *SURVEY OF INTERNATIONAL AFFAIRS*, 1927, at 256-78 (1929).

Another incident which demonstrated a complicity of the Soviet trade organization in subversive activities in a foreign country was the 1924 incident which led to the police search of the premises of the Soviet trade delegation in Berlin and the offices of the Soviet trading organization. In a sense the Berlin case, although arising from a different set of facts and circumstances, had common features with the incident in Britain in 1927. In both cases the police were faced with the fact that the premises of the trade delegation, which was legally a part of the diplomatic establishment, were shared by the trade organization, a private (in the receiving country) organization representing commercial interests of the Soviet Union. The two theoretically separate organizations were in fact parts of the single agency, which, owing to its contacts with the social and economic life of the receiving country, could exercise considerable political influence.

The immediate cause of the Berlin incident was the flight of an arrested suspect and his escape from the hands of the German police. The suspect pursued by the police sought refuge in the building of the Soviet trade organization. Members of the organization as well as of the trade delegation (members of the diplomatic mission) interfered with the police and prevented the recapture of the suspect. In retaliation the police raided the premises and brought to light that both the members of the diplomatic corps and the members of the trade organization were deeply immersed in the internal politics of Germany.

The real cause of these difficulties in both Britain and Germany was the fact that members of both the diplomatic mission and the trading organization were revolutionaries with intimate connections in the underground activities in the countries in which they were posted, and were still maintaining these connections while in the employ of the Soviet government. The trade delegation and the trade organization in Berlin were closed on May 14, 1924, and the Soviet-German Protocol of July 29, 1924, which ended the incident, acknowledged that activities of this type were incompatible with the presence of Soviet citizens in Germany in their capacity as agents of the Soviet state:

The government of the Soviet Union confirms that it, in accordance with the agreements in force and on the basis of reciprocity, has prohibited its official persons and government servants . . . to take part in the domestic political life in Germany.⁴²

A third incident which again compromised a government official (a member of the Soviet foreign service) was the case of the Soviet Ambassador in France, Rakovsky, who, while attending in Moscow the sessions of the Central Committee of the Control Commission of the Communist Party of the Soviet Union, had put his signature to a declaration in which the so-called opposition to the official Party line (Trotsky, Kamenev, Zinoviev) called "for the defeat of all the bourgeois states

⁴² VII DOKUMENTY VNESHNEI POLITIKI 449.

which carry on the war against the Soviet Union" and declared "that every honest proletarian in the capitalist countries must work effectively towards the defeat of his government" and that "all soldiers of foreign countries who do not desire to help their slavemasters" must desert to the Red Army.⁴³

This incident occasioned the French government to protest. Soviet Foreign Commissar Chicherin issued a statement in which he repudiated the idea that one of the official representatives of the USSR could organize propaganda inciting insurrection in the country in which he was accredited, and that this certainly did not apply to France. However, the damage was done, and in due course Rakovsky was recalled.⁴⁴

Incidents of this type were causing concern to the Soviet leadership, and on several occasions the Soviet Foreign Commissar warned Soviet foreign service personnel to stay out of politics in the receiving countries.⁴⁵ By 1924, German and British difficulties had convinced the Soviet leadership that a new approach in international relations was necessary, and directives for the conduct of Soviet foreign service personnel were enacted.⁴⁶ These directives were a reflection of the difficulties which the Soviet governmental apparatus was facing in the area of international relations. One of the important achievements of the Soviet policy was, the directives pointed out, that the Soviet Union was able to establish normal relations with a number of countries. The directives acknowledged that occasionally, owing to its specific character, the Soviet state may experience difficulties in its peaceful relations with the capitalist states, but they emphasized that Soviet missions are sent abroad for purposes which rule out propaganda in the countries in which they are accredited and that Soviet missions should adhere to this principle.

At the same time, the directives pointed out, Soviet diplomatic missions represent a state of workers and peasants. It is fitting, the directives suggest, that the conduct of Soviet diplomats should feature simplicity of form, modesty, and absence of ostentation. Soviet diplomatic personnel may refrain, without any adverse effect upon its position, from functions and celebrations which are contrary to the nature of the Soviet state. Similarly, foreign diplomatic personnel in Russia would be excused from participation in similar occasions having a revolutionary character.

And yet, the 1924 directives went only half way to meet the objections of the foreign governments as regards hostile propaganda emanating from the Soviet official sources, or the Komintern, and this ambivalent position was maintained in spite

⁴³ TOYNBEE, *op. cit. supra* note 41, at 288-92.

⁴⁴ *Id.* at 382.

⁴⁵ See Instructions of the People's Commissar for Foreign Affairs for the representative plenipotentiary of the R.S.F.S.R. in Afghanistan (June 3, 1921), in IV DOKUMENTY VNESHNEI POLITIKI 165, and his telegram to the representative plenipotentiary in Persia (Oct. 5, 1921), VII *id.* at 394. It appears, however, that the Commissar's authority even over the foreign service personnel was not always supreme and that interests of diplomacy were at times at odds with political or revolutionary action.

⁴⁶ Decision of the Presidium of the Central Executive Committee of the U.S.S.R. of Nov. 21, 1924, VII DOKUMENTY VNESHNEI POLITIKI 551.

of the protests of foreign governments. In 1930 Gorky's letter, broadcasted from Moscow inciting workers of all states, especially in France and Britain, to oppose their governments' foreign intervention against Russia, caused the British government to protest. In 1935 Ambassador Bullitt protested when the Seventh Congress of the Communist International approved a program of attacks on the economic and political systems of the United States clearly in contravention of the Litvinoff-Roosevelt agreement. The Soviet Union resorted to the usual excuse that it did not control the Komintern and did not assume obligations to silence its propaganda.⁴⁷

IV

PROPAGANDA AT THE CONFERENCE TABLE

The first full demonstration of the Soviet technique of propaganda paralleling negotiations at the conference table was provided by the Brest-Litovsk Peace Conference with the Central Powers. Already during the short negotiations for the armistice agreement the Russian delegation insisted on discussing basic issues of peace and war and on the right to publish freely materials and documents relating to the course of the negotiations. The immediate goal of the massive propaganda campaign attending the Brest-Litovsk Conference, which began on December 9 (22), 1917, was to broaden it into a general peace conference. If that had happened, the political significance of the Russian military defeat would have been reduced to insignificance. Peace propaganda was also designed to weaken the will to fight in the enemy camp and to cause the outbreak of the socialist revolution in Germany. The Soviet government's appeal addressed to the toilers of Germany asked them to support peace negotiations and peace aims of the revolutionary government. Militarist circles in Germany would be denied the fruits of victory in Russia, and a new world order would be established. "However," the declaration warned, "we shall achieve such peace when all countries shall dictate peace conditions by means of a revolution, and when not only Russia but all other nations shall send to the peace conference delegations representing the popular masses and not those representing the capitalist and militarist circles."⁴⁸

The next opportunity to confront the world with the Soviet concept of international relations was the Economic Conference of Genoa (1922), convened in order to re-establish trade and economic cooperation in Europe, including Russia. The Soviets' chief concern was to solicit trade and economic assistance. And yet, the Soviet chief delegate, Chicherin, People's Commissar for Foreign Affairs, considered it essential to open this new phase in Soviet foreign policy with discussion of a matter which was not on the agenda of the Economic Conference. On April 10, 1922, he treated the plenary session of the Conference to a long exposition of the Leninist

⁴⁷ JOHN B. WHITTON & ARTHUR LARSON, *PROPAGANDA: TOWARDS DISARMAMENT IN THE WAR OF WORDS* 28 (1964).

⁴⁸ I DOKUMENTY VNESHNEI POLITIKI 58-59.

principles of peaceful coexistence between Russia's socialist government and the capitalists surrounding. In addition he submitted a proposal for a general limitation of armaments and reduction of armed forces of all countries. Finally, he proposed convening a world peace conference.⁴⁹

The Genoa Conference, which had been a failure in terms of its official purpose, was deemed a success in terms of the Soviet diplomatic game. It was followed by a regional disarmament conference which met in December 1922 in Moscow, including Poland, Finland, Latvia, and Estonia in addition to the host country. The conference produced no results, owing to Soviet resistance to making disarmament a part of an over-all plan for nonaggression guarantees and peaceful settlement procedures, which were, in the minds of the other participants, a *sine qua non* of the disarmament proposals.⁵⁰

The same line was followed during the Lausanne Conference, which met almost simultaneously concerning the regime of the Turkish straits. The Soviet delegation to the conference assumed the mantle of the defender of peace, general disarmament, and the rights of small and weaker nations.⁵¹

The opportunity for propaganda at the conference table in a grand style came during the Disarmament Conference, which, during a crucial period of the interwar era, occupied the center of the international arena. In the eyes of public opinion, the Soviet contribution to the work of the conference was linked with the person of Maxim Litvinoff and marked a new era in the evolution in Soviet foreign policy, which culminated in the Soviet Union's joining the League of Nations, from which it was later to be expelled for its attack on Finland. The Soviet Union's participation in the work of the disarmament conference indicated that its position had changed from that of a revisionist power to that of a defender of the status quo. It had modified its attitude of hostility toward the League of Nations, although preserving some of its basic reservations as to the usefulness of this international organization. In an interview with a *New York Times* correspondent on December 25, 1933, Stalin averred that the Soviet attitude to the League of Nations was not fundamentally hostile and that he could see its usefulness in the preservation of peace. He admitted that "the League may act in some measure like a brake, retarding or preventing an armed conflict."⁵²

Even more important, the Soviet Union, which in the beginning focused its attention on the problem of total disarmament or at least reduction of armaments, disregarding—in line with the 1922 Moscow Conference—all other aspects of interna-

⁴⁹ MATERIALY GENUEZKOI KONFERENTSII [MATERIAL OF THE GENOA CONFERENCE] 89-92 (1922); GEORGH V. CHICHERIN, STATII I RECHI PO VOPROSAM MEZHDUNARODNOI POLITIKI [ARTICLES AND ADDRESSES ON PROBLEMS OF FOREIGN POLICY] 208-12 (1962).

⁵⁰ VI DOKUMENTY VNESHNEI POLITIKI 39 (1962).

⁵¹ See the Declaration of the Russian delegation at the first session of the Straits Commission of the Conference of Lausanne, *id.* at 35-38.

⁵² N.Y. Times, Dec. 28, 1933, p. 1, col. 1; 13 STALIN, SOCHINENIA [WORKS] 280 (1951).

tional security (prevention of aggression and peaceful settlement of international disputes), came out with the most radical statement regarding the definition of aggression. It included in its concept of aggression propaganda that would be incompatible with the right of each nation to "free development according to its own choice and at the rate that suits it best" and with the right to safeguard "the security, independence, and complete territorial inviolability of each state and its right of self-defense against attack or invasion from the outside."⁵³

Soviet participation in the Disarmament Conference opened with the proposal submitted in 1927 to the Preparatory Commission for a complete and total disarmament. It called for disbandment of all armed land, air, and naval forces; destruction of arms, warships, military airships, fortresses, and armament factories; abolition of military service; suppression of military budgets; suppression of military and naval administrations. Military propaganda and instruction were also to be prohibited.⁵⁴ A year later, while the original proposals were still being discussed, the Soviet delegation put before the assembled diplomats another version of the disarmament proposals.⁵⁵

While pushing for the adoption of drastic disarmament measures, the Soviet Union voiced its fundamental opposition to other aspects of the collective security system—prohibition of aggression and peaceful settlement of international disputes—doubting whether the Soviet state could trust the impartiality of international tribunals or international organizations. Still, Litvinoff, speaking at the Disarmament Conference in 1933, had this to say:

We represent the only country in the whole world which has altered its political system and created a perfectly new political system. . . . You are aware that the phenomenon of a Soviet socialist state was so distasteful to the whole capitalist world that, at the time, attempts were even made by way of intervention to restore capitalism in our country, or at least by way of dismemberment to reduce the dimension of the new state.⁵⁶

Litvinoff was further of the opinion that anti-Soviet policy still represented the core of the foreign policy of the capitalist countries and that plans were currently being made to destroy the Soviet system. In consequence, he thought:

. . . it is permissible to enquire whether the Soviet Union may expect a fair attitude towards it and impartial decisions from any international organ, when such an organ consists exclusively of the representatives of a capitalist world which is hostile to it. . . . It seems to me that there can be no two answers to this question, and should anyone here doubt this, I would recommend him to imagine, for the sake of hypothesis, that his own state is the only capitalistic country in the midst of countries

⁵³ CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS, MINUTES OF THE GENERAL COMM'N, 14 DEC. 1932 TO 29 JUNE 1933, at 237 (League of Nations Pub. No. 1933.IX.10).

⁵⁴ PREPARATORY COMM'N FOR THE DISARMAMENT CONFERENCE, MINUTES 30 NOV. TO 3 DEC. 1927, at 10 (League of Nations Pub. No. 1928.IX.2).

⁵⁵ *Ibid.*

⁵⁶ CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS, *op. cit. supra* note 53, at 236.

which have established the Soviet system and are building socialism, and I would ask him to tell us if he thinks his country would entrust the solution of a question vital to itself to an international organ consisting exclusively of representatives of the governments of Soviet countries.⁵⁷

V

THE END OF THE MYTH: EXIT KOMINTERN

The Second World War initiated a basic revision of Soviet attitudes, coloring their foreign policy and reflecting upon the Soviet concept of the world public order. It took some time before the Soviet leadership, still consisting of men who made the October 1917 revolution, adapted Soviet policies to new conditions in the international situation. The Soviet Union was no longer the only socialist state, whose great power status was potential rather than real and which was neither able to, nor did, aspire to the role of the leader in a community of nations consisting exclusively of capitalist countries. Instead, the Soviet Union was one of the few great powers which emerged from the war, having borne the brunt of the war in Europe. Its dominant position in Asia and eastern Europe extended its influence over its smaller neighbors, laying foundations for the future commonwealth of socialist nations, a political system which in international relations follows the Soviet lead and speaks with one voice.

Soviet great-power status was won not in the course of a world revolution, but by the victory in the war in alliance with the great western democracies. The new status was expressed in two forms. First, the Soviet Union, together with four other great powers, assumed responsibility for the liquidation of the aftereffects of the war. Second, the Soviet Union became one of the permanent members of the United Nations Security Council, which according to the original design was to be the center of political decisions on the issues of war and peace. For the first time in its history, the Soviet Union was no longer isolated and was able to guard its interests effectively against the entire capitalist world.

The process of adjustment from the position of virtual isolation to great-power status, including a seat in the great-power directorate of the world, began with the dismantling of the Komintern. This fact more than anything else indicated that the Soviet approach to problems of foreign policy was no longer a matter of ideology but a matter of great-power position. Stalin, commenting on the meaning of the dissolution of the Komintern in May 1943, explained that the dissolution exploded the Hitlerite propaganda that "Moscow" intends to interfere in the internal affairs of other countries and to Bolshevize them and that Communist parties in other countries are subject to orders from abroad. The dissolution of the Komintern, he further pointed out, made it possible for the members of the Communist parties to cooperate with other progressive and patriotic movements of their countries for the struggle

⁵⁷ *Ibid.*

against Fascism and for national liberation. Finally, the dissolution of the Komintern, in the words of Stalin,

made possible the work of the patriots of all countries for the unification of all peace-loving nations into a single international camp for the struggle with the threat of world domination of Hitlerism, clearing the way for the organization in the future of the international commonwealth of nations on the basis of their equality.⁵⁸

Since the dissolution of the Komintern, the Soviet Union has never again resorted to the services of a theoretically independent propaganda agency of this type. The Cominform, created in 1947 and dissolved in 1955, had no connections with foreign Communist parties and played no role in propaganda actions outside the Soviet bloc.

The second revision of the basic Soviet tenets about the technique of international relations in a world consisting of socialist and capitalist states concerned the doctrine of the inevitability of wars. Early in the postwar period, Stalin was rather pessimistic regarding the chances of permanent peace in the community of nations as it then existed. In his electoral speech of February 9, 1946, he maintained that

The Second World War demonstrated positively the possibility of peaceful collaboration between world powers, even in the following period. However, the Yalta and Potsdam agreements were violated by the other powers, and foreign policy of the capitalist states remained fundamentally unchanged. Consequently, as capitalist countries constitute the majority, it is impossible to achieve peaceful change in international relations. Wars shall still be the main method of adjusting the control of the world markets and sources of raw materials, bringing about a shift in the balance of power.⁵⁹

At the same time, even during Stalin's reign it was claimed that, on the whole, the security of the Soviet Union is practically assured, owing to its strength and the growth of the progressive tendencies in the world.⁶⁰ After the death of Stalin, in connection with the dissolution of the Cominform in 1955, *Pravda* wrote that the Cominform was established because the

reactionary circles of the Western Powers broke their wartime policy of cooperation with the USSR and declared the cold war. . . . As a result, the danger of a new war became acute. . . . However, in recent years there have been changes in the international situation. The extension of socialism beyond the boundaries of a single country and its transformation into a world system; the formation of a vast "peace zone" including both the socialist and nonsocialist peace-loving countries of Europe and Asia; the growth and consolidation of many Communist parties in capitalist, dependent countries; . . . reduced the danger of war.⁶¹

⁵⁸ I VNESHNAIA POLITIKA SOVETSKOGO SOIUZA V PERIOD OTECHESTVENNOI VOINY [FOREIGN POLICY OF THE SOVIET UNION IN THE PERIOD OF THE PATRIOTIC WAR] 104-05 (1946).

⁵⁹ VNESHNAIA POLITIKA SOVETSKOGO SOIUZA, 1946 [FOREIGN POLICY OF THE SOVIET UNION] 28 (1952).

⁶⁰ See, for instance, the Declaration of the Nine Parties of September 1947, *Pravda*, Nov. 10, 1947.

⁶¹ *Pravda*, April 18, 1955; *Izvestia*, April 18, 1955.

The communiqué on the dissolution of the Cominform stated as follows:

For the first time in history there has arisen the possibility of preventing new wars and imperialist aggression through the united effort of the peace-loving nations and peoples. . . . New prospects have also opened up for the transition of various countries to socialism including the possibility of using parliaments for transforming the capitalist societies of certain nations into socialist ones.⁶²

In other words, the world situation and the balance of power seemed to rule out important changes in the political ideological morphology of the world by means of great wars, and in this sense the Soviet Union assumed the policy of defense of the *status quo*. Changes, if any, will come through the transition of the colonial peoples to independent statehood, through the economic expansion of the socialist nations, and through a long-range shift in the balance of power from the old industrial societies, the traditional members of the international community, to new centers of power, civilization, and culture, which will hopefully align themselves with the socialist system.

This shifting of ideological positions was significantly aided by the three successive failures of schemes designed to effect forcefully a change in the balance of power. Attempts to isolate and push the Western Powers out of Berlin, the Korean War, and the missile crisis in Cuba have demonstrated that this type of action must end in failure and that the balance of forces is too stable to reward international adventurism of any kind.

VI

PEACEFUL COEXISTENCE AND WARS OF NATIONAL LIBERATION

In the situation where major conflagration and the use of force between the two pretenders to world leadership is excluded, the Soviet leadership responded with two doctrines which conform to the conditions of international life at the present: "peaceful coexistence" and "wars of national liberation."

The Soviet theory of international relations is based upon the Clausewitzian model of politics: Peace is the pursuit of policy by nonmilitary means. Stalin, characterizing the international position of the Soviet state after the period of foreign intervention, stated that "the period of the open war was replaced by a period of peaceful struggle."⁶³ Indeed, coexistence is also struggle, and, as Chicherin pointed out in his note to the German government in September of 1918, the Soviet regime's *raison d'être* is bound up with anticapitalist propaganda.⁶⁴

In terms of the present study, which aims to analyze Soviet propaganda as an international relations technique within the framework of world public order of the present time, the basic Soviet thesis is that anticapitalist (or anti-imperialist) propa-

⁶² *Ibid.* The Soviet position was also dictated by the nuclear stalemate. See Khrushchev's speech reported in *Pravda*, *Izvestia*, Jan. 1, 1960.

⁶³ 5 STALIN, *op. cit. supra* note 52, at 117 (1947).

⁶⁴ See text accompanying note 34 *supra*.

ganda is permissible under international law and is fully compatible with international cooperation. Indeed, it is the very essence of the rule of law. The 1951 edition of *International Law (Mezhdunarodnoe pravo)*, a work sponsored by the Soviet Academy of Science, stated that:

Norms of international law and its institutions serve in the hands of the truly democratic countries and governments as a weapon for the strengthening of democratic principles of legality in international relations, and in the hands of the anti-democratic and reactionary governments to deceive the peoples, as a means of camouflaging their imperialistic plans of expansion and aggression. . . . Economics and policy, philosophy and law represent at the present time an area of struggle of the two camps. . . . International law also represents such an area.⁶⁵

Since the doctrine of the inevitability of war was declared no longer valid, propaganda, the vehicle of the ideological (peaceful) struggle, became the chief technique of the peaceful struggle between the two worlds of socialism and capitalism. Khrushchev made ideological struggle an indispensable condition of peaceful relations of socialist countries with capitalist nations:

Messrs. capitalists accuse us of simultaneously proclaiming the policy of peaceful coexistence and talking about the struggle between the communist and bourgeois ideologies. Yes, this struggle goes on because it expresses the interests of different classes. This is fully legitimate. Capitalists . . . defend by all means the private ownership of the means of production. . . . We communists . . . are opposed to private ownership of the means of production. . . . But the capitalist and socialist countries are situated on the same planet; they cannot depart anywhere from this planet. This means we must coexist. . . . Our ideas will conquer mankind.⁶⁶

As an important Soviet theoretician put it:

Peaceful coexistence is not a conflictless life. As long as different social-political systems continue to exist, the antagonisms between them are unavoidable. Peaceful coexistence is a struggle—political, economic, and ideological. . . . Coexistence means that one does not fight the other, does not attempt to solve international disputes by arms, but that one competes through peaceful work and cultural activities. But we would cease to be Marxist-Leninists if we forgot the elementary laws of social life, the laws of class struggle.⁶⁷

Thus, peaceful coexistence and ideological struggle represent, in the Soviet view, inherent and inseparable elements of international relations between socialist and capitalist countries. In the letter to the *Revue Générale de Droit International Public* (Paris), eight Soviet professors of international law, including the late Eugene Korovin, stated that

The programme of the Communist Party attributes a big place to the definition of Peaceful Coexistence and of its different aspects as one of the forms of the class

⁶⁵ MEZHDUNARODNOE PRAVO [INTERNATIONAL LAW] 3-4 (1951).

⁶⁶ Pravda, April 16, 1957.

⁶⁷ *Id.*, Feb. 13, 1957.

struggle in the international arena,—political, economic, and cultural struggle— which accomplishes itself with exclusively peaceful methods.⁶⁸

And finally, the new program of the Communist Party of 1961 defined peaceful coexistence as a “peaceful competition between socialism and capitalism on an international scale” and as a “specific form of class struggle.”

VII

PROPAGANDA WITHIN LIMITS OF LAW

When Chicherin wrote his note on the anti-German propaganda in September 1918, he claimed that the Soviet government would betray its nature if it desisted from that form of struggle: it may be contrary to international law, or normal rules of diplomacy, but is justified by the law of life. Now, with the doctrine of peaceful coexistence, which the Soviet government claims constitutes the basic principle of international law—in the same manner as for instance the principle *pacta sunt servanda*—ideological struggle and propaganda are legally permitted, and no capitalist state has a claim to demand that a socialist government desist from that propaganda which conforms to the rules of peaceful coexistence. This, however, raises another question concerning what propaganda is permissible propaganda. The answer is that propaganda is permissible when it furthers the aims of the principle of peaceful coexistence. By another definition, propaganda of the Soviet foreign policy, a policy of peace, is permissible.

It is claimed that peace has always been the cardinal objective of Soviet policies since the inception of the Soviet regime. Revolution in Russia was linked to the slogan of the struggle for peace. The Soviet government's struggle for its recognition, for the recognition of the social and economic order of the Soviet policy, and for economic assistance, was linked with the quest for peace. While the direct motivation of this line of policy and propaganda was that peace was needed in order to build socialism and, at present, communism in the Soviet Union, it is also maintained that war, as a means of policy, is incompatible with socialism. The official doctrine is that once human societies of the world shall adopt the socialist form of economy and the Soviet form of government, wars shall disappear from international relations and the era of permanent peace shall come. Even now, owing to the influence of the Soviet Union and of the socialist camp, contemporary international law has adopted a good deal of the future world order. With little concern

⁶⁸ Reprinted in EDWARD McWHINNEY, “PEACEFUL COEXISTENCE” AND SOVIET-WESTERN INTERNATIONAL LAW 128 (1964). For a general treatment of the doctrine of peaceful coexistence see WLADYSLAW W. KULSKI, PEACEFUL CO-EXISTENCE (1959). Legal aspects were discussed by B. RAMUNDO, THE SOCIALIST THEORY OF INTERNATIONAL LAW 25-30 (1964); Lapenna, *The Legal Aspects and Political Significance of the Soviet Concept of Co-existence*, 12 INT'L & COMP. L.Q. (4th ser.) 737 (1963). For the Soviet point of view, see GEORGH P. ZADOROZHNYI, MIRNOE SOSUSHCHESTVOVANIE I MEZHDUNARODNOE PRAVO [PEACEFUL COEXISTENCE AND INTERNATIONAL LAW] (1964); Khrushchev, *On Peaceful Co-existence*, 38 FOREIGN AFFAIRS 1 (1959); Tunkin, *Printsip mirnogo sosushchestvovaniia* [*The Principle of Peaceful Coexistence*], Sovetskoe gosudarstvo i pravo, no. 7, 1963, p. 26, 26-27.

for historical accuracy, the English version of the USSR Academy of Science treatise on international law asserts:

Thanks to the consistent struggle of the democratic forces, above all the socialist countries, the generally recognised principles of International Law have been affirmed in a number of international legal documents. In its Preamble the U.N. Charter, for example, states that member countries undertake "to practise tolerance and live together in peace with one another as good neighbours," and to unite their "strength to maintain international peace and security."⁶⁹

Soviet scholars point out that the Soviet struggle for peace has initiated mass movements for peace in western Europe, leading to peace congresses in Paris, Prague, and Stockholm.⁷⁰

Total support of peace must be understood dialectically, *i.e.*, not excluding the use of arms and force in promoting the spread of socialism, emancipation of colonial peoples, and liquidation of empires. Propaganda of peace is thus compatible with support for "wars of national liberation."

Soviet support for insurgency in colonial empires had little justification in the actual content of rules of international law. From the beginning the Soviet regime acknowledged its adherence to the doctrine of national self-determination. In this sense the principle of self-determination was considered identical with the right to national independence, which in Soviet policy was equated with membership in the Soviet Union, whatever the form Soviet constitutionalism assigned to the member nationality or people: union republic, autonomous republic, autonomous province, or national district. Thus, while theoretically radical, the Soviet doctrine of self-determination was far from revolutionary.

Since the Charter of the United Nations was adopted, the principle of self-determination was declared to be a fundamental policy for the international community. However, this provision of the Charter has hardly made a change in the fundamental rules of international law, as the Charter has not made every people or nationality, whether colonial or not, eligible to be a member of the United Nations, its membership being open to states only.

On December 14, 1960, the United Nations General Assembly adopted the resolution on "Granting Independence to Colonial Countries and Peoples." This resolution had its origin in the speech of Khrushchev who, on September 23, 1960, proposed a "complete and final liberation of peoples languishing in colonial bondage."⁷¹ After some discussion, a modified version of the Soviet proposal was adopted, which provided that:

⁶⁹ ACADEMY OF SCIENCES OF THE U.S.S.R., INTERNATIONAL LAW 17 (n.d.). See also Korovin, *K voprosu o roli narodnykh mass v razvitií mezhdunarodnogo prava* [The Role of the Masses in the Development of International Law], *Sovetskoe gosudarstvo i pravo*, no. 3, 1956, p. 50.

⁷⁰ *Ibid.*

⁷¹ 1960 U.N. YEARBOOK 44-50 (U.N. Pub. Sales No. 61.I.1).

Immediate steps shall be taken, in Trust and non-self-governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desires, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.⁷²

Quite apart from the legal significance of the declaration, which has restated in solemn terms the policy which, as regards its main objective, has been practiced for quite some time and certainly at a greatly accelerated pace since World War II, it seems rather dubious whether it may be interpreted to legalize Soviet propaganda of insurgency. The declaration clearly prohibited the use of propaganda for subversion by stating further:

All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.⁷³

This is not the position of the Soviet government or of the Soviet scholars. Their thesis is that support for the wars of national liberation is action in the name of the international community, as the right of each national group to an independent state is expressly recognized by modern international law, including the Charter of the United Nations. A state supporting a liberation movement acts in the name of the international community and in accordance with the rules of international law. As one of the Soviet international law experts put it,

Wars of national liberation can be equated with one of the forms of international sanctions, the application of which on the basis of the United Nations Organization Charter is being demanded ever more insistently by the peoples towards colonial powers persisting in their illegal policy of barring self-determination of dependent peoples.⁷⁴

VIII

FREEDOM OF INFORMATION AND SUPPRESSION OF FASCIST WARMONGERING

On December 14, 1946, the General Assembly of the United Nations resolved to authorize the holding of a conference of all members on freedom of information and instructed the Economic and Social Council ("EcoSoc") to undertake the convocation of such a conference. The purpose of the conference was "to formulate . . . views concerning the rights, obligations and practices which should be included in the concept of freedom of information."⁷⁵ The matter was dealt with subsequently by EcoSoc, and the date of the conference was set.⁷⁶

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ Tuzmukhamedov, *Mirnoe sosushchestvovanie i natsionalno-osvoboditelnaia voina* [*Peaceful Co-existence and the War of National Liberation*], *Sovetsko gosudarstvo i pravo*, no. 3, 1963, p. 87, 91.

⁷⁵ 1947-48 U.N. YEARBOOK 102 (U.N. Pub. Sales No. 1949.I.13).

⁷⁶ *Ibid.*

While the General Assembly and then EcoSoc were dealing with this issue, Soviet actions in eastern Europe were causing a good deal of anxiety in the West, with the result that on one hand Soviet motives and foreign policy aims were being questioned, while on the other serious doubts were felt as to the future of the United Nations, whose effectiveness in foreign affairs depended upon the concerted action of the great powers. The world press was further upset by the fact that the Soviet Union, never a partisan of free information, subjected foreign correspondents to restrictions and controls which were highly reminiscent of the press regimes in totalitarian countries. In this situation, discussion of the need for free exchange of information in order to safeguard peace by the control of public opinion was contrary to basic Soviet policies. At the same time, the rising tide of alarm in the world over Soviet actions in eastern Europe and in divided Germany called for some kind of Soviet counteraction, in order to reduce the impact of these developments upon the public mind of the free communities.

The Soviet position in principle was expressed in the draft resolution submitted by the Soviet delegate to the Third Committee of the United Nations on August 3, 1947. The draft resolution asked that the agenda of the conference be reconsidered with the purpose of defining the freedom of the press with a view to eradication of Fascist ideologies and exposure of warmongers. Furthermore, freedom of information would be assured only if the broad masses had at their disposal the material resources to establish press organs, to prevent the bribery of privately owned press organs, and to establish proper measures to institute censorship of privately owned press organs.⁷⁷

The Soviet proposals would have provided full freedom for the Soviet press and subjected the press in the free-economy countries to censorship and other control measures. In the discussion of the draft of the resolution, the Soviet delegate declared that in the free-economy countries freedom of the press means the freedom of the reactionary Fascist circles to impose their views on the majority of the people, as only these circles control the means to publish papers and magazines. In the free-economy countries the press represents the views of its owners. The world, the Soviet delegate continued, was interested in the information favoring international cooperation, and therefore only social ownership of the means of information would assure the right kind of information. As this is not possible in the free-economy countries, strict control of the press and criminal liability for distortion of information and warmongering ought to be established there. The future conference ought to determine the propaganda content and deny it to the Fascist circles.⁷⁸ While unable to accept the Soviet point of view, which would in effect rule out the freedom of the press and unhindered flow of information, the General Assembly adopted

⁷⁷ *Ibid.*

⁷⁸ *Izvestia*, Aug. 5, 1947; II VNESHNAIA POLITIKA SOVETSKOGO SOIUZA [FOREIGN POLICY OF THE SOVIET UNION] 358 (1947).

on November 8, 1947, a resolution which on one hand confirmed the duty of all members of the United Nations to uphold fundamental freedoms, including the freedom of expression, and at the same time condemned "all forms of propaganda in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression."⁷⁹

In connection with the discussion in the General Assembly of the Draft of the Convention on the Freedom of Information, the Soviet delegate charged that the draft was totally unsatisfactory and that the Soviet Union would vote against it. The draft prescribed only how the press and other media should be used to provide efficient service for the owners of newspapers and the large publishing houses, but the question of combating the slanderous information about several states including the Soviet Union was never raised. Soviet delegate Gromyko further charged that the Western Powers daily spread false information about the peoples' democracies. Newspaper monopolies were seeking entry into other countries in order to spread slanderous information, to whip up war hysteria, and to arouse hatred. Newspaper correspondents were being employed to gather defense information and information on industry, agriculture, and science. The Soviet Union, Gromyko continued, resorts to censorship to combat the slander of Russia by foreign correspondents. Soviet censorship is not directed against freedom of information but aims to prevent the spreading of distorted information.⁸⁰

On various occasions the Soviet government has charged governments of other countries with hostile propaganda and warmongering. On September 18, 1947, the Soviet representative in the United Nations General Assembly charged the United States government with fomenting war psychosis and propaganda favoring a new war against the Soviet Union. All means of propaganda were used in order to justify an arms race and increased production of atomic weapons. Behind all these activities, the Soviet delegate asserted, were influential circles in America (American monopolies) seeking realization of their expansionist plans. As the Soviet representative explained, large press organs, owned or controlled by American capitalists, were waging war propaganda. Also, various scientific institutions and universities in the United States were guilty of spreading such propaganda. The Soviet delegate asked that a resolution be passed condemning propaganda in a number of countries, including the United States, Britain, Turkey, and Greece, and recommending that such propaganda be prohibited by means of internal legislation, proper censorship, and disarmament.⁸¹

On several occasions the Soviet Union has alleged that certain publications which appeared in various countries violated the November 1947 resolution of the General Assembly. A Soviet note addressed to the United States government charged that an

⁷⁹ 1947-48 U.N. YEARBOOK 88-93 (U.N. Pub. Sales No. 1949.I.13).

⁸⁰ Pravda, Izvestia, May 18, 1949.

⁸¹ 1947-48 U.N. YEARBOOK 88-89 (U.N. Pub. Sales No. 1949.I.13).

article appearing in the May 17, 1948, issue of *Newsweek*, discussing the role of the American military bases abroad, was contrary to the resolution concerning warmongering, and lodged a formal protest with the United States government.⁸² A similar protest was lodged with the government of Holland on the same date.⁸³

In 1951 the Soviet Union passed the Peace Defense Act of March 12, 1951, which declared that, "guided by the lofty principles of Soviet policy of peace," recognizing "that the conscience and the sense of justice of the peoples, who in the lifetime of one generation have gone through the calamities of two world wars, cannot tolerate the impunity with which war propaganda is being conducted by aggressive circles of certain states," and joining hands "with the appeal of the Second World Peace Congress, which expressed the will of the whole of progressive mankind to prohibit and condemn criminal war propaganda," the Supreme Soviet of the USSR resolved to adopt the following law: "1. That war propaganda, in whatever form conducted, undermines the cause of peace, creates the danger of a new war, and is therefore a grave crime against humanity; 2. That persons guilty of war propaganda shall be committed for trial as major criminals."⁸⁴

As a criminal law provision, the Peace Defense Act leaves a number of questions unanswered. Does it provide punishment for crimes against peace committed on Soviet territory only, or also for those committed abroad? What constitutes an act of propaganda? Does it provide punishment for Soviet citizens only, or also aliens? Does it punish only warmongering against the Soviet Union, or also against third states?

On the international forum the question of the legality of Soviet propaganda is an open issue. At the present moment the Soviet Union has declared itself against the old and established practice that prohibits hostile propaganda against other countries with which it maintains normal diplomatic relations. The issue of propaganda belongs to that great mass of law and policy which divides the free world from the socialist countries. There is little doubt that freedom of the press and the free flow of information across national frontiers represents an important technique for the relaxation of tensions and for the buildup of trust and confidence between nations. This freedom would have to be exercised in the name of general weal irrespective of the national interests of individual countries. It is possible to achieve this aim with the press privately owned in the free societies and with social ownership in the socialist countries. Neither free societies nor the socialist countries are prepared to acknowledge the hazards to peace inherent in both systems of press and publishing ownership. And yet, in more recent times an attempt has been made to cross the battle lines drawn in the ideological conflict in the propaganda area.

In the spring of 1962 when the Eighteen Nation Disarmament Conference con-

⁸² *Izvestia*, June 10, 1948.

⁸³ *Ibid.*

⁸⁴ 46 AM. J. INT'L L. SUPP. 34 (1951).

vened in Geneva, the Soviet delegation insisted that the work of the conference must begin with a ban on war propaganda. For the first time since the issue of the freedom of the press was raised, a possibility of a compromise was present, and on May 25, 1962, the conference adopted a resolution which provided that measures of censorship to prevent war propaganda were necessary. The resolution recommended that states "adopt, within the limits of their political systems, appropriate practical measures, including measures in a legislative form, in the case of states which consider such form appropriate, with a view to giving effect to this declaration against war propaganda." Both the United States and the Soviet Union voted with all other delegations to adopt the resolution. However, a few days later the Soviet delegate was instructed to withdraw the Soviet acceptance.⁸⁵

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In the perspective of close to half a century of coexistence with the free-economy countries, Soviet policy is marked by an increasing recognition of the importance of the rule of law within the international community. However, the Soviet government seems to be convinced that its role in history is such that some form of struggle and competition within that international community cannot be avoided and that propaganda is one of the legitimate instruments of its struggle to achieve political aims. While apparently believing that propaganda's use is within the sovereign discretion of each state, Soviet policy tends more and more to recognize that the scope and form of propaganda are subject to restrictions resulting from international law. How stable is this tendency? Will the Soviet government adhere to legal restrictions, even as it has come to view them, in all circumstances in the future? Is it reasonable to hope for an increasing consensus on the legitimacy of subversive propaganda? These are questions which lie well beyond the scope of a legal and historical inquiry.

⁸⁵ N.Y. Times, May 26, 1962, p. 1, col. 1; WHITTON & LARSON, *op. cit. supra* note 47.