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THE DESTRUCTION OF THE UKRAINIAN CATHOLIC CHURCH  
IN THE SOVIET UNION

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## CONTRIBUTORS TO THIS ISSUE

DR. IVAN HRYNIOCH, former professor of philosophy at the Ukrainian Theological Academy in Lviv; member of the Ukrainian Theological-Scientific Society; during the Second World War; prominent member of the Ukrainian anti-Nazi Resistance Movement: Vice-President of the Supreme Ukrainian Liberation Council (U. H. V. R.): author of numerous essay on theology, philosophy, and history of the Church.

DR. JOSEPH S. ROUCEK, professor and chairman of the Departments of Sociology and Political Sciences, University of Bridgeport, Conn., author, co-author, editor and co-editor of some 90 books, contributor to leading American and foreign periodicals in the field of Political Science, History, Sociology, Educational Sociology. Born in Prague, Czechoslovakia.

DR. BOHDAN T. HALAJCZUK, associate professor of the international law at the Universidad Catolica Argentina in Buenos Aires. Author of numerous books and essays on International Law and International Relations as well as Soviet Law and Politics in Spanish, French, English, and Ukrainian.

DR. JOSE JULIO SANTA PINTER, professor of international law at the Faculty of Political Sciences, University Del Salvador in Buenos Aires. Author of numerous books and essays on Government and International Law in Spanish, German, and English (e. g., *TEORIA Y PRACTICA DE LA DIPLOMACIA*; *SISTEMA DEL DERECHO SOVIETICO: LAS RESERVAS A LOS CONVENIOS MULTILATERALES: HUMANISMO Y POLITICA EXTERIOR*, etc.)

ALBERT L. WEEKS, M. A. in History, University of Chicago; Graduate of the Russian Institute and Ph. D. candidate in political science, Columbia University, New York: formerly lecturer in Soviet Government and U. S. Diplomatic History, Columbia University: Instructor in the English Language Program for International Students at New York University.

LEW SHANKOWSKY, professor and journalist, former active member of the Ukrainian Anti-Nazi Underground in Ukraine, author of books and essays on the history of the Ukrainian Insurgent Army (UPA), and of the Ukrainian Underground in Ukraine. Chairman, Editorial Board, PROLOGUE.

DR. MYROSLAV PROKOP, Journalist, former leading member of the Ukrainian Anti-Nazi Resistance Movement, Author of *UKRAINE AND MOSCOW'S UKRAINIAN POLICY IN THE PERIOD OF PREPARATION FOR WORLD WAR II* (Munich, 1957), and of numerous essays on the ideological and political background of the Ukrainian Liberation Movement.



## THE DESTRUCTION OF THE UKRAINIAN CATHOLIC CHURCH IN THE SOVIET UNION

By Rev. Dr. Ivan Hrynioch

### EDITOR'S NOTE

This year marks the 15th Anniversary of the arrest of the hierarchy of the Ukrainian Catholic Church by the Soviet police on April 11, 1945. The arrest and deportation of the Ukrainian Catholic hierarchs was the first step in the Soviet drive to compel the Ukrainian Catholics in Western Ukraine to accept the supremacy of the Moscow Patriarch, and to renounce their union with Rome. In their drive to wipe out the Ukrainian Catholic Church in Western Ukraine, the Soviet applied the same methods they have used in political conquests: a combination of outside pressure and subversion from within.

By their drive to force the "conversion" of Ukrainian Catholics to Russian Orthodoxy, the Soviet government allegedly professing "freedom of conscience" and "separation of the church from the state," actively meddled into internal affairs of a religious body which on the eve of World War II numbered — 4,159,004 faithful, 1 Archbishop-Metropolitan, 10 Bishops, 5 Dioceses, 2,950 priests, 520 monastic priests, 1,090 nuns, 540 students of theology, 3,040 parishes, 4,440 churches and chapels, 127 monasteries, 1 Theological Academy, 5 Ecclesiastic seminaries.<sup>1</sup> In addition, the Church possessed and administered a great number of cultural centers, primary, secondary and professional schools, religious societies, welfare and aid organizations, publishing houses and printing shops, student and youth leagues, etc. By driving them all to Russian Orthodoxy, the Soviet atheistic government truly became an instrument of the

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<sup>1</sup> The source for the data on the Ukrainian Catholic Church is the official publication of the Holy Congregation for the Eastern Church: *Statistica con cenni storici dell' Gerarchia dei fedeli di Rito Orientale*, Roma, 1932, pp. 196 - 197, 208 - 209. Also: *Primi Incatenati-Libro bianco sulla persecuzione religiose in Ucraina*, Roma, 1953. There are also editions of the book in English: *First Victims of Communism*, Rome, 1953, and in German: *Die ersten Opfer des Kommunismus*, Munich 1953. See, German edition, pp. 69 - 70 for data on the Ukrainian Catholic Church. The latter reference presents more recent reports on the Ukrainian Catholic Church based on the individual publications of each Diocese.

"missionary" activities of the Russian Orthodox Church and a sponsor of Russian Church imperialism. However, in this respect, the Soviet government only followed the tsarist Russian policy which was applied to the Ukrainian Church for centuries. It was because of the persecution of Ukrainian and Byelorussian Catholics which fell upon them at different times (1779, 1793, 1837, 1875) and in varying degrees, that the Ukrainian Catholic Church was able to survive only in Western Ukraine and in Carpatho Ukraine, i.e., in these territories which were part of the Austro-Hungarian empire.

There can be no doubt that the chief reason for the persecution of the Ukrainian Catholic Church in the past and present is in the political sphere. The Russian rulers, together with the subservient Russian Orthodox Church, were naturally opposed to Ukrainian aspirations for sovereignty and independence, including the religious sphere. In the existence of independent Ukrainian Churches, Moscow has always seen a threat to its domination of the Ukrainian people and to its imperialistic policy in Ukraine.

To eliminate this threat, the Soviet government planned and carried out a brutal destruction of the Ukrainian Catholic Church in the same way as some ten years before it did away with the Ukrainian Autocephalous Orthodox Church. In 1932 - 1936, in connection with the collectivization of agriculture and the total POGROM of Ukrainian culture, the Ukrainian Autocephalous Orthodox Church was completely annihilated by the Soviet regime. Scores of bishops and archbishops were liquidated as well as thousands of priests and tens of thousands of the faithful. In 1934, in Kiev, capital of Ukraine, churches of inestimable value as historical monuments were totally ruined, as, e.g., the Golden Roofed St. Michael's Monastery of the 11th century. According to a reliable source, the Ukrainian Autocephalous Orthodox Church had 34 bishops and over 3,000 priests and deacons. Out of this number, only 2 bishops returned to Ukraine from exile in bad health, and one of them died in 1943. At the end of 1941, only 270 priests who returned from exile to Ukraine were registered by the All-Ukrainian Church Assembly in Kiev. All the rest disappeared...<sup>2</sup>

The destruction of the Ukrainian Churches was inseparable part of Russian imperialist policy in Ukraine. It is interesting to note that in the religious field, the Russian imperialists and colonialists declare their imperialistic aims more openly than in other fields. In the religious domain, a "sovereign" Ukrainian SSR exists neither for the Soviet regime nor for the Patriarch of Moscow. In this field, Ukraine is regarded by them as an integral part of

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<sup>2</sup> See Mitrofan Yavdas', *Ukrainian Autocephalous Orthodox Church. Documents for the History of the Ukrainian Autocephalous Orthodox Church* Munich-Ingolstadt, 1956, pp. 179. The book is published in Ukrainian, English and German (parallel texts).



Russia, and the Ukrainian Church as an integral part of the Russian Orthodox Church. All this is merely another sign of the fictitious quality which Moscow attaches to the widely claimed and propagated "sovereignty" of the Ukrainian SSR. In the religious field, the "sovereign" Ukrainian SSR has to be closely dependent upon the Patriarch of Moscow as it had in the tsarist times been upon the Holy Synod of St. Petersburg.

In the article which we present in this issue, the sorry tale of the destruction of the Ukrainian Catholic Church in Western Ukraine is told by Dr. Ivan Hrynioch, a distinguished priest of the Ukrainian Catholic Church and Professor of its Theological Academy. The tragic history of the Ukrainian Catholic Church which is known today throughout the world as the Silent Church, indicates what is in store for independent churches all over the world once they fall under the ruthless domination of Moscow.

### 1. Soviet Re-occupation of Western Ukraine in 1944 and Preliminary Steps for the Destruction of the Ukrainian Catholic Church.

During World War II Stalin evolved a new religious policy. The Moscow Orthodox Patriarchate and the "chief procurator's office" in the form of a Committee for the Affairs of the Russian Orthodox Church with Grigorii G. Karpov as its head, were re-established in 1943. A new propaganda slogan of "genuine freedom of religion" was adopted and widely publicized to bear fruit not only at home but also abroad.

When the Red Army re-occupied Western Ukraine in the summer of 1944, it looked as if the new religious policy would work. In comparison with the first Soviet occupation in 1939-1941, atheistic propaganda considerably subsided; the Church, clergy, and religious servants were not badgered, and were even exempt from military service; Divine services and observances of religious holidays were respected, and the church taxes assessed in a reasonable manner. When on November 1, 1944, death claimed the great Metropolitan Andrew Sheptytsky, his funeral was permitted to be conducted with great pomp and participation of the masses of the faithful, clergy, and Ukrainian, Armenian, and Roman rite bishops. The funeral procession was allowed to march along the streets of Lviv, something had been impossible in previous times.

At the same time, however, the seemingly tolerant stage in the attitude of the Soviet rulers to the Ukrainian Catholic Church

terminated. It is true that the succeeding Metropolitan, Archbishop Dr. Joseph Slipyi, could take the Metropolitan See without any hindrance, but the changes in the relations of the Soviet authorities with the Ukrainian Catholic Church had already been felt in the first weeks of his administration.

First it was visible as the new Metropolitan sent a delegation of clergymen to Moscow to establish a **modus vivendi** between the Ukrainian Catholic Church and the Soviet State. Though the delegation offered a gift of 100,000 rubles to the relief of the war wounded, it was not received by high government officials in the Kremlin as expected. The Soviet government was cool toward the Ukrainian Church which was in union with Rome, and the lesser official who received the delegation demanded that the Ukrainian Catholic Church actively oppose the Ukrainian Insurgent Army (UPA). The objections of the delegates that the Church could not actively participate in a totally political and armed internal struggle were rejected and the new Metropolitan's appeals and writings to the Ukrainian population in which he insisted on observing the Fifth Commandment and on the duty of Christian love and charity were not accepted by the Soviet government as adequate proof of the Church's loyalty. Thus, the delegation of the Ukrainian Catholic Church returned from Moscow with the conviction that the Soviet Government had already a premeditated and determined plan for the destruction of the Ukrainian Catholic Church and the first signs of this plan in action became evident in the course of the autumn and winter of 1944 - 1945. As the latter events showed, the Soviet plan for the destruction of the Ukrainian Catholic Church had envisaged the participation in the destruction of three main factors, namely:

1. The Soviet Government with its entire administrative, party, and police machinery;
2. The Russian Orthodox Church headed by Patriarch Alexei with its entire apparatus;
3. A subversion from within by the clergymen and faithful of the Ukrainian Catholic Church "adequately prepared" by means of persecution, terror and provocation.

We shall examine all these participating factors separately.

## 2. Role of the Soviet Government in the Destruction of the Ukrainian Catholic Church

Though, according to Article 124 of the Soviet Constitution, "the church in the USSR is separated from the State," and separation of the State from the Church should mean mutual non-interference in the affairs of both, the Soviet government violating its own Constitution, did all on its part to force the "conversion" of Ukrainian Catholics to Russian Orthodoxy. In its "missionary" activities on behalf of the Russian Orthodox Church, the militantly atheistic Soviet government used all the forces at its disposal: the administrative apparatus, the Communist party, and the police machinery.

As early as the fall and winter of 1944-1945, the Soviet government prohibited the Ukrainian bishops to communicate with the clergy and faithful by word or writing. At the same time, the Soviet authorities began to summon the clergy to regional conferences in which participation by the clergymen was compulsory. In these conferences, the speakers from among the Soviet administrative and party apparatus "enlightened" the clergymen as to the history of the Ukrainian Catholic Church and submitted to most bitter attacks and defamations the Union in Brest Litovsk (1596), the Vatican, the Holy See, and the Catholic Church in general. The clergymen who did not attend the conferences, or were in disagreement with Communist "missionaries" were later arrested and subjected to humiliating hearings, and physical and moral tribulations.

At the same time, the Soviet police machinery (MVD, MGB) started terror against the recalcitrant clergy and faithful. On the faked charges of "collaboration with the Nazi occupants of Ukraine," or "collaboration with the Ukrainian Insurgent Army (UPA)" the clergy and faithful were executed, arrested and deported. The aim of these brutal methods was to frighten the clergy and the masses and make them obedient to accept the further decisions of the government.

It was also the time when the Soviet government appointed to the local administrative organs (raion executive committees) the "deputies for the affairs of the Russian Orthodox Church." These subordinates of G. G. Karpov in Moscow were nearly all party members or officials of the MVD (Ministry of Internal Affairs). Thus,

in spite of the fact that the Russian Orthodox Church did not have a single parish in Western Ukraine (the one which existed in Lviv was subordinated to the Orthodox Metropolitan of Warsaw), the Soviet government created a civil administrative apparatus for the Russian Orthodox Church in Western Ukraine, the only aim of which was the absorption and inclusion of the Ukrainian population into the Russian Orthodox Church.<sup>3</sup>

The next move of the Soviet government against the Ukrainian Catholic Church was initiation of a vast campaign against the Ukrainian Catholic Church in the government controlled press and radio. An article in the newspaper **Vilna Ukraina** in Lviv written by certain V. Rosovych<sup>4</sup> and titled "With Crucifix and Sword" served as a signal to this campaign. The edge of this calumnious article was directed against the deceased Metropolitan, Andrew Sheptytsky ("the servant of reactionary Rome") and its author expounded that Soviet patriotism in Western Ukraine found its expression in the revival of the Russian Orthodox Church and the renunciation of the Ukrainian Catholic Church which in league with the Vatican was supporting the anti-Soviet Ukrainian underground, and therefore could not be tolerated by the Soviet authorities. The article was

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<sup>3</sup> It is interesting to point out that the post of the raion deputies for the affairs of the Russian Orthodox Church were created only in Western Ukraine. In Central and Eastern Ukraine which prior to World War II belonged to the Ukrainian SSR, such posts were regarded as unnecessary on the raion and even on the "oblast" (regional) level. Only the post "of the representative of the Council of People's Commissars (later Ministers) for the affairs of the Russian Orthodox Church on the Council of People's Commissars (later Ministers) of the Ukrainian SSR" was created and P. Khodchenko appointed to it.

<sup>4</sup> Later it became known that hiding under the pseudonym of Volodymyr Rosovych was one of the most despicable Western Ukrainian collaborationists with the Soviet authorities and the Communist party — Iaroslav Halan. This notorious Soviet writer was killed on October 23, 1949 by members of the Ukrainian anti-Soviet underground, as Soviet propaganda maintains "on orders of the Vatican". This caption can be found on the bust of Iaroslav Halan in the Leningrad Museum of Anti-Religious Propaganda. See, also, Petro Karmans'kyi, "Vatikan natkhnennyk mriakobisiv i svitovoi reaktsii" (The Vatican — Inspirer of the Witch Hunters and of the World Reaction), **Radians'ka Ukraina**, Kiev, December 9, 10, 12, 13, 1952, which refers to the underground's attempt against Iaroslav Halan and the court's proceedings against his killers. It is characteristic for the Soviet terroristic system that it forced Petro Karmans'kyi, an old Ukrainian poet (born in 1878), formerly himself an ardent

reprinted in **Radians'ka Ukraina** (official government paper in Kiev), broadcast by radio in different cities, and finally published in pamphlet form. It was widely distributed among the population, and in cities and villages of Western Ukraine numerous meetings were held with additional comments of party orators on the article and further verbal attacks against the Ukrainian Catholic Church.

Following this psychological preparation actual physical attack against the hierarchy of the Ukrainian Catholic Church began. A few days later, on April 11, 1945, the MVD arrested all Ukrainian bishops who were located within its control. We reproduce here eyewitness report which was published in an underground paper **Za Ukrains'ku Derzhavu** (For A Ukrainian State) which appeared in Western Ukraine in 1945<sup>5</sup>:

On April 11, 1945, a special detachment of NKVD troops surrounded St. George Cathedral in Lviv. After a thorough search, according to the best methods of NKVD, the following were arrested: Metropolitan Joseph Slipyi, Bishops Nicetas

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Catholic (he lived for a long time in Rome), already feeble in body and spirit, to make nonsensical accusations of the Vatican as the "inspirer" of the Ukrainian underground fighters who killed Iaroslav Halan. It is ridiculous (if it were not tragic) to maintain that the members of the Ukrainian anti-Soviet underground acted on orders of the Vatican. Iaroslav Halan was hated by the Ukrainian underground because he actively combatted the Ukrainian underground by word and deed (cf., e.g., his article "Natsionalistychni opyri" (The Nationalist Vampires), **Radians'ka Ukraina**, Kiev, August 14, 1946, pp. 2 - 3) and did not refrain even from denunciations to Soviet police of his relatives and close acquaintances who showed sympathies for the anti-Soviet underground struggle. Such denunciations often cost the accused their life or at least deportation to the concentration camps in Siberia.

<sup>5</sup> See, "Nastup stalins'ko-bolshevyts'koho imperializmu na ukrains'ku hreko-katolyc'ku cerkvu," (Attack of the stalinist-bolshevik imperialism against the Ukrainian Greek Catholic Church), **Za Ukrains'ku Derzhavu** (For a Ukrainian State), Vol. II, Nos. 9 - 10 (April-May, 1945), published by E. Legenda OUN printing shop in underground, p. 4. The original of this Ukrainian underground paper is preserved in the Archives of the Prolog, Research and Publishing Assn, Inc. New York. We used English translation given by Walter Dushnyck, **Martyrdom in Ukraine. Russia Denies Religious Freedom**. New York, The America Press, Year of publishing not indicated. See, also, Albert Garter, **The Red Book of the Persecuted Church**. Published under the auspices of the Commission for the Persecuted Church of the International Catholic Organisations. Second English edition. Westminster, The Newman Press, 1957, p. 92ff.

Budka and Nicholas Charnetsky; the Prelates, Rev. O. Kovalsky and L. Kunitsky; Rev. Gorchynsky, Rev. V. Beley; Rev. S. Sampara, Rev. J. Trush; Rev. R. Bilyk, Director of a Catholic School, and Rev. J. Hodun'ka...

The students of the Theological Seminary were rounded up and put in a camp at Pieracki Street. All professors of the Theological Seminary were herded to a meeting organized by the NKVD and informed that the Ukrainian Greek Catholic Church had ceased to exist, that its Metropolitan was arrested and St. George Cathedral would be taken over by the Orthodox Bishop appointed by the Soviet authorities. During the search the NKVD men behaved in a brutal manner, taking all gold and silver objects, liturgical wine, etc. Such is freedom of religion in the USSR.

The underground paper gives an eye-witness report about what happened in Lviv, capital of Western Ukraine and See of the Ukrainian Catholic Metropolitan. However, exactly on the same day, the MVD men arrested in Stanislaviv, the second largest city of Western Ukraine, bishops Hryhorii (Gregory) Khomyshyn and his auxiliary bishop Ivan (John) Latyshevs'kyi. Meanwhile, two bishops of the Ukrainian Catholic Church — Bishop Josaphat Kotsylovs'kyi and his Auxiliary Bishop, Hryhorii (Gregory) Lakota who resided in Peremyshl which was given by the Soviets to Red Poland remained temporarily free. They were later arrested by Polish police on the orders of Soviet government on two occasions, on Sept. 19, 1945 and January 8, 1946, and later handed over to the Russian NKVD.

Following the incarceration of the Bishops, the Metropolitan's residence and all offices were searched. The precious archives and other valuable relics were confiscated and taken to Moscow. Finally, all the high clergymen, the members of Consistories, professors of theology and philosophy at the Academy and Seminaries along with numerous clergymen were arrested and deported to prisons and concentration camps in the eastern part of the Soviet Union.

In this way, the Soviet government deprived the Ukrainian Catholic Church of its rightful hierarchy. On the other hand, by weeding out the ranks of the clergy which had previously numbered a few thousand as well as by terror, arrests and mass deportations

of Ukrainian Catholics, the Soviet government reduced the population to a state of fear and dejection.

After the arrest of the Bishops, the Consistories attempted in agreement with Canonical Law to elect Capitular Vicars whose responsibility was to administer the Bishop's Sees while they were vacant. However, the Soviet government prevented the Consistories to hold the election and thus made impossible for the Ukrainian Catholic Church to have a lawful order. This made the liquidation of the Ukrainian Catholic Church easier.

Deprived of their hierarchy, the Ukrainian Catholic priests who survived the holocaust, became the next target of the Soviet government. The latter issued an order which instituted the registration of the priests with the Soviet authorities. Only "registered" priests could exercise their duties. Besides, parochial committees were formed by the Soviet authorities which not only had to administer the church property, but had the power to accept or to dismiss the priests. The authorities were naturally anxious to put their own men on the parochial committee and thus succeeded in depriving the priests of the support of the faithful.

Finally, the Soviet government instigated the formation of the so-called **Group of the Initiative for the Reunion of the Greek Catholic Church with the Russian Orthodox Church** which was a docile instrument in the execution of the Soviet plans of destruction of the Ukrainian Catholic Church. However, we shall analyze this factor in the destruction of the Ukrainian Church in a separate chapter."

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\* During the Austro-Hungarian and Polish occupation of Western Ukraine, the name commonly applied to the Church which follows eastern rite of worship (Byzantine or Greek rite) but is in union with the Catholic Church and recognizes the leadership of the Pope, was **Greek Catholic Church**. However, the majority of the faithful of the Greek Catholic Church were the Ukrainians and, therefore, the Greek Catholic Church was known in the West also under the name of the **Ukrainian Catholic Church**. The Ukrainian Catholic Church follows the liturgy, laws and customs of the Byzantine Church, but all the essentials of Christian belief, morality and worship it has in common with the Roman Church. Sometimes, because of its union with Rome, the Ukrainian Catholic Church is called a Uniate Church and its faithful — the Uniates. The Russian Orthodox Church and the Russian historians in general preferably used this unofficial designation of the Ukrainian Catholic Church, giving the word "Uniate" a discriminatory meaning.

### 3. Role of the Moscow Patriarchate in the Destruction of the Ukrainian Catholic Church

There is no doubt that a close, pre-meditated, and conscious collaboration existed between the Soviet government and its administrative, party, and police machinery with the Moscow Patriarchate of the Russian Orthodox Church in the destruction of the Ukrainian Catholic Church. Such collaboration was in contradiction to the Commandments of Christian love and charity, the natural and Divine principle of respect of human personality, and of respect of convictions of individuals.

During the Soviet action of destruction of the Ukrainian Catholic Church, the Moscow Patriarchate did not maintain a neutral attitude which could be interpreted as fear of the Soviet government. On the contrary, the Moscow Patriarchate took an active part in the destruction. It inspired, carefully prepared, and deliberately supported the violent action of the Soviet authorities.

It is certainly no more chance that savage and violent attacks of the Moscow Patriarchate against the Vatican appeared already in the first Message of the Council (Synod) of the Russian Orthodox Church on the occasion of the enthronement of the new Patriarch Alexei in February, 1945. In this message, in the language of Soviet propaganda, Patriarch Alexei condemned Pope Pius XII for his Christmas message of 1944. Moreover, the official publication of the Moscow Patriarchate, *Zhurnal Moskovskoi Patriarkhii* brought, in 1945, numerous articles condemning Catholicism in general, the Holy See, the Union of Brest Litovsk, etc. It is evident that this official propaganda of the Moscow Patriarchate played an important role in the destruction of the Ukrainian Catholic Church.<sup>7</sup>

Being true to its anti-Catholic attitude expressed in his message, Patriarch Alexei issued a new message to Ukrainian Catholics of Galicia immediately after the end of the Council (Synod). In this "pastoral letter" Patriarch Alexei openly invited Ukrainian Catholics of Galicia to apostasy. The "pastoral letter" is very characteristic from the point of view of its form and contents. As to

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<sup>7</sup> See, B. Schultze, "L'Attitude de l'Eglise patriarcale de Moscou envers Rome" (Attitude of the Patriarchal Church of Moscow to Rome), *La Civiltà Cattolica*, No. 4, 1946, p. 88ff.



the form, it is striking that the message of the Moscow Patriarch disregarded the hierarchy of the Ukrainian Catholic Church, because it was addressed only to "Dear Pastors, Brothers and Sisters." By disregarding the hierarchy of the Ukrainian Catholic Church, the Moscow Patriarch acted against a custom which regulated the relations between Christian Churches throughout their history. Did the Moscow Patriarch know in advance that the fate of the Ukrainian Catholic hierarchy had already been sealed by the Soviet Government or was he only too anxious to call the "pastors, brothers and sisters" to apostasy over the heads of their lawful hierarchy? In the latter case, the Christian Patriarch adopted only the methods of disorganization from within so successfully used by the atheistic Soviet Government and the Communist Party. The Moscow Patriarch called the clergy and the believers of the Ukrainian Catholic Church to a revolt against their legitimate hierarchy and to apostasy of their religion in the same way as the Soviet government or the Communist Party call "the working-classes," the so-called "progressive" organizations, the camouflaged supporters of Moscow of all possible designations and, finally, the peoples themselves to a revolt against their responsible governments and to a betrayal of their countries. If anybody doubts that the "religious" methods of the Moscow Patriarch and the "political" methods of the Soviet Government and the Communist Party coincide, a look at the message of the Moscow Patriarch to the "Pastors, Brothers and Sisters of the Greek Catholic Church" would dispel whatever doubts might have been left.

As to the contents of the Message of the Moscow Patriarch, it must be first stated that it is imbued with Russian great power chauvinism. The Patriarch not only exulted God's blessings of the arms of those who fought Hitler "despite the Vatican," but also stressed that "Divine Providence has restored to **Russia** her ancient frontiers" and henceforward "the sons of Great Russia and of Galician **Russia**" "may advance, in the bosom of the (Russian)

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\* The original text of Patriarch Alexei's message "To the Pastors and Faithful of the Greek-Catholic Church in the Western Ukraine" was widely disseminated in April and May, 1945, and published in full in *Zhurnal Moskovskoi Patriarkhii*. For English text of the Message, see Walter Dushnyck, *op. cit.* p. 33 ff.

Orthodox Church towards eternal salvation." Accordingly, Patriarch Alexei categorically condemned the whole doctrinal teaching of the Catholic Church ("Catholic dogmas degrade the purity of Oecumenical Orthodoxy") and attacked the Pope's addresses on Christmas 1944 and on New Year 1945, as "complicity with abettors of Fascism and mercy toward Hitler, the greatest scoundrel that the history of the world has ever seen." Such was the comment of Christian Patriarch on the words of Christian love, mercy, and forgiveness preached by the Pope on both occasions."

In the further parts of his Message, the Moscow Patriarch Alexei did not refrain from attacks against the late Metropolitan of the Ukrainian Catholic Church, Andrew Sheptytsky. He accused the late Metropolitan and "his associates" (i.e. all Ukrainian Catholic bishops and high-ranking clergymen soon to be incarcerated) of exhorting Ukrainians "to bow their heads before Hitler." Under the conditions of the Soviet dictatorial regime and under conditions of the terror by the Soviet police, such a passage in the message by the Patriarch of Moscow could not be regarded otherwise than a denunciation of the Ukrainian Catholic hierarchy to the Soviet authorities of collaboration with the enemy. The denunciation did not miss its target. The statement by Patriarch Alexei was repeated and supplemented by Volodymyr Rosovych in the above mentioned article in **Vilna Ukraina** and the accusations of the Ukrainian Catholic clergy in the government press of having been not only abettors of the evil policies of the Vatican, but also collaborators

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<sup>9</sup> Already in April 1945, i. e., in the month in which the organs of the NKVD arrested Catholic bishops and dozens of clergymen, **Zhurnal Moskovskoi Patriarkhii** published two violently anti-Catholic articles which tried to build an ideological "super-structure" for the actions of Soviet government. The article by the Metropolitan Ven'iamin bore the title "Rimo-kaftolicheskaiia tserkov" (The Roman Catholic Church) and was a violent attack against the Church which has 400 million believers among many peoples, and races in all continents and which has existed for nearly 2,000 years. Another article, written by the Bishop of Volhynia, Nikalai, under the title "Voiuiushchii katolicizm" (Militant Catholicism) was leveled primarily against the Ukrainian Catholic Church and its Union with Rome at Brest-Litovsk, 1596. Both articles as all other similar articles subsequently published in **Zhurnal Moskovskoi Patriarkhii** in the years 1945 - 1946 served the Soviet propaganda apparatus and police organs for their actions against Ukrainian Catholic Church including intimidation of the clergy and faithful.

of Hitler, i.e., "enemies of the people" who should be treated accordingly. In fact, when the bishops were arrested, they were brought to a secret trial in Kiev and accused of "treason and collaboration with the occupation forces." The indictment drawn by the Public Prosecutor of the Ukrainian SSR was published at the beginning of March 1946, but the proceedings of the secret trial were never revealed. It was only revealed that Metropolitan Joseph Slipyi was sentenced to deportation and to 8 years of forced labor, while the others were sentenced to penalties ranging from 5 to 10 years of forced labor.<sup>10</sup>

The most tragic element in the accusations by Patriarch Alexei of the Ukrainian Catholic hierarchy, accusations which became instrumental in the destruction of the Ukrainian Catholic Church in Western Ukraine was the fact that they were intentionally false. Even the Soviet rulers dared not slander Metropolitan Andrew during his life, and it is not necessary to defend this Ukrainian Prelate after his death. The Metropolitan died haloed, and up to this very day the Ukrainian Catholics have honored him as a

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<sup>10</sup> See, Albert Galter, *op. cit.*, pp. 92, 93. On April 7, 1960, on the occasion of the 15th Anniversary of the arrest of Ukrainian Catholic bishops, **America**, Ukrainian Catholic Daily published in the United States, summed up the fate of the Ukrainian Catholic bishops in its English edition as follows: Archbishop-Metropolitan of Western Ukraine, Dr. Joseph Slipyi was sentenced in May, 1959, for the third time to a prison term of seven years for writing a pastoral letter to his faithful in Western Ukraine; Bishop Hryhorii Khomyshyn of Stanislav died in Soviet prison in 1947; Bishop Josaphat Kotsylovskyi of Peremyshl died in Soviet prison in 1947; Bishop Theodore Romzha of Uzhhorod died in 1947 of injuries suffered in a collision with a Red Army bus; Bishop Paul Hoidych of Priashev sentenced to life imprisonment; Bishop Nicholas Charnetsky, Apostolic Visitor for the Ukrainian Catholics in Volhynia, sentenced for 10 years, died in Lviv after his release; Auxiliary Bishop of Lviv, Nicetas Budka (Canadian citizen) sentenced to deportation, died in Central Asia in 1949; Auxiliary Bishop of Stanislav, Ivan Latyshevsky sentenced to 8 years died in Stanislav after his release; Auxiliary Bishop of Peremyshl, Hryhorii Lakota died in Vorkuta concentration camp; Auxiliary Bishop of Priashev, Basil Hopko is still imprisoned in a concentration camp; Dr. Petro Verhun, Apostolic Visitor of Ukrainian Catholics in Germany, kidnapped in Berlin in 1945, died in Siberia in 1957. According to recent information in private letters from Ukraine, Metropolitan Joseph Slipyi was released from concentration camp in consequence of unfavorable reaction of world opinion to his third imprisonment during the past fifteen years. However, this information has not been confirmed by any reliable source up to the time of writing this article.

Saint. In Rome, his canonization process has already begun, and the activities of the late Metropolitan's entire life, have become a matter of public record."

The message of the Moscow Patriarch concluded with a truly "revolutionary" appeal in the style of Communist proclamations. We reproduce it here in full in order not to leave any doubt as to its "spiritual" origin:

"Break, tear the bonds which tie you to the Vatican which is leading you into darkness and spiritual ruin because of its religious mistakes; at this time it wishes you to turn your

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<sup>11</sup> The Metropolitan of Western Ukraine, Andrew Sheptytsky was widely known as a foe of the Nazis and Nazism. In his book on **Ukrainian Nationalism, 1939 - 1945**, John A. Armstrong recorded a conversation which the Metropolitan held with **Dr. Frédéric, a German Foreign Office agent who was sent by his superiors on a tour through various Nazi occupied countries. The Metropolitan frankly told Dr. Frédéric of his disapproval of the Nazi methods and even of regarding Nazism as a greater evil than Communism. See, Armstrong, op. cit. p. 172. The confidential report of Dr. Frédéric of Sept. 19, 1943 recording the conversation with Metropolitan Sheptytsky is now preserved in the Archives of the Centre de Documentation Juive in Paris as Document No. CXLV, a-60. Accordingly, the Nazi occupants knowing about the unfavorable attitude of Metropolitan Sheptytsky ransacked his residence in Lviv several times. See, L'Osservatore Romano, 14 and 15 October 1946. Among many of his anti-Nazi activities during the last war, his letter of protest against the Nazi slaughter of Jews addressed to Heinrich Himmler must be cited, as well his own attempts at rescuing the Jews. In his Cathedral, Sheptytsky hid fifteen Jewish children and several adults, among them Rabbi Dr. David Kahane (see Kahane's memoirs in **Undzer Veg**, Paris, Sept. 17, 1948), and on his orders, 150 Jews were hidden in the convents and monasteries of the Ukrainian Catholic Church. See, Philip Friedman, **Their Brothers' Keepers. The Chistian Heroes and Heroines Who helped the oppressed escape the Nazi terror.** New York, 1957, pp. 134 ff. It is evident that the "colleagues" of the venerable Metropolitan Sheptytsky so ruthlessly denounced in the Message of Patriarch Alexei completely shared the anti-Nazi attitudes of their Metropolitan. The same can be said about the entire Ukrainian Catholic Church. The Nazi attitude toward the Ukrainian Catholic Church was negative, i. e., the same as toward all Catholic Churches. They limited the activities of the Ukrainian Catholic Church only to the territory of Galicia and were extremely zealous in preventing the influence of this markedly Ukrainian church to spread outside this territory. Thus, e.g., the Nazis forbade Bishop Nicholas Charnetsky, Apostolic Visitor for the Ukrainian Catholics in Volhynia, to live within the territory of his jurisdiction and he had to live in Lviv. For Nazi religious policy in Ukraine, see Armstrong, op. cit., pp. 36 - 38, 171 - 172, 195 - 197, etc.**

backs on the whole world in arming you against freedom-loving men, to turn you away from the whole world. Hasten return to your Mother's embrace, to the Russian Orthodox Church..."<sup>12</sup>

We have deliberately dwelt on the message of the Moscow Patriarch Alexei because his theses and statements were a sort of guiding line for further actions of the organs of the Soviet government and police, and of the so-called Initiative group for the Reunion of the Ukrainian Catholic Church with the Russian Orthodox Church, aimed at the gradual destruction of the Ukrainian Catholic Church in the years 1945 - 1946. The appearance of the latter group on the arena of destruction had to give an indigenous cover for the co-ordinated action of the Soviet government and the Moscow Patriarchate — the main factors in the destruction of the Ukrainian Catholic Church.

#### 4. Subversion From Within: Role of the So-Called Initiative Group in the Destruction of the Ukrainian Catholic Church.

The official minutes of the so-called Lviv Council of the Greek Catholic Church in Western Ukraine (**Sobor**) which lasted from March 8 to March 10, 1946, and "voted" the annulment of the Brest Union with the Vatican of 1596 and the reunion with the Russian Orthodox Church, give the date of May 28, 1945, as the date when the Initiative Group made its first official appearance.<sup>13</sup>

The task of the Initiative Group was to provide a shield of fictitious legality and spontaneity to the violent actions of the Soviet government and police as well as of the Moscow Patriarchate against the Ukrainian Catholic Church. Both were the initiators, the

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<sup>12</sup> We quote from the text of the Message as published in **Russkaia Pravoslavnaia Tserkov' i Velikaia Otechestvennaia voina**. Sbornik tserkovnykh dokumentov. (The Russian Orthodox Church and the Great Patriotic War. Collection of Church Documents). Moscow, 1946. Publishing House of the Moscow Patriarchate. Translation in Dushnyck, *op. cit.*, p. 35, is slightly differing from the original.

<sup>13</sup> Cf. **Diiannia Soboru Hreko-Katolyc'koi cerkvy 8-10 bereznia 1946 u Lvovi** (Proceedings of the Council of Greek-Catholic Church of March 8-10, 1946 in Lviv), Lviv, 1946, p. 15. This official collection of documents will subsequently be referred to as **Proceedings...** The petition of the Initiative Group was reprinted also in the Lviv Communist daily **Vilna Ukraina** of May 28, 1945.

leading actors, and the liquidators of the Ukrainian Catholic Church, but both attacked it from the outside. Using the old allegory, one could say that the Ukrainian Catholic Church was simultaneously attacked with two swords: with the very material sword of the Soviet government and with the spiritual sword of the Moscow Patriarchate. However, the attackers from the outside were also looking for an instrument which would attack the Ukrainian Catholic Church from the inside and found it in the Initiative Group. The method was neither new nor original: wherever the pressure from outside proved a failure, the Soviets used infiltration to create appropriate groups and movements to legalize the political pressure from outside and to create "spontaneous" upheavals, seizures of power, revolts from within. Such was also the case with the Initiative Group within the Ukrainian Catholic Church.

The leading actors of the Initiative group were three Ukrainian Catholic clergymen: Dr. Havryil Kostel'nyk, Dr. Mykhail Mel'nyk and Antin Pelvets'kyi. While looking for an appropriate instrument which would obediently carry out its plans, the Soviet government focused its attention on Dr. Havryil Kostel'nyk who was well-known in Ukrainian ecclesiastic circles for his eloquence, western philosophical education, and liberal and modernist convictions in the field of theology. As a man of a sentimental and at the same time irritable character, Kostel'nyk constantly turned from one field of knowledge to another, and tried to show his worth in the field of philosophy, literature, poetry, history, Christian mysticism, education, preaching, but at the same time he was a man who was unable to concentrate his thought on one field of knowledge. Therefore, he often moved in extremes and the products of his work, though their originality startled at the first sight, proved to be, after a thorough analysis, without a deep thought and a firm ground. Not without reason the Soviets focused their attention on him already in the time of their first occupation of Western Ukraine, i.e., in 1939-1941. Then they tried to win Dr. Kostel'nyk over to their side and tried to do it during prolonged conversations with him at night. His interlocutors from the NKVD told him that after a careful study of all his publications they came to the conclusion that he is rather a foe of Catholicism or even an unbelieving man, and asked him to attack the Metropolitan Andrew Sheptytsky whom they did not dare attack themselves. At that time, despite considerable moral

tortures, Dr. Havryil Kostel'nyk rejected all Soviet proposals of this kind.

There is no doubt, however, that finally those moral tortures broke the unhappy priest. Kostel'nyk was very fond of his family and the Soviets knew it. Therefore, in 1940, they arrested his 17-year old son and made his release and even protection from execution contingent up on Kostel'nyk's co-operation with the organs of the Soviet police in the sphere of its plans regarding the Ukrainian Catholic Church. To press Kostel'nyk into final decision the Soviet police tortured his son at the same time when the unhappy father was present in the NKVD building for religious discussions with the NKVD officials. Screams of the tortured son pierced the silence of the grim building and grated unmercilessly on the ears of the father. "If you like to stop this, said the NKVD interlocutor, you will agree with our proposals. If you don't cease resisting us, you will see all your family perish..." Upon the outbreak of the war in 1941, the Soviet police deported his son.

Meanwhile, during the Nazi occupation of Western Ukraine, his two other sons entered as volunteers the Ukrainian Division "Galicia" organized by the Germans and fought with it on the front. With return of the Soviet occupation this made position of Dr. Havryil Kostel'nyk quite hopeless. On the other side, when Metropolitan Andrew Sheptytsky died on Nov. 1, 1944, the authority which Kostel'nyk acknowledged unconditionally ceased to exist. It is true that by the order of the new Metropolitan, Dr. Joseph Slipyi, Kostel'nyk headed the delegation of the Ukrainian Catholic Church to Moscow which sought a **modus vivendi** for the Ukrainian Catholic Church. The failure of this delegation in Moscow drove Kostel'nyk to despair. It can be assumed that at that time the Soviet renewed their pressure on the unhappy priest. He was arrested and while he was in prison, the Lviv radio accused his two sons of having been in the German army and he himself was called an "enemy of the people." However, he was suddenly released and put at the head of the Initiative Group. Having broken down this time because of moral pressures and tortures, he remained an obedient instrument of the

organs of the Soviet government and of the Moscow Patriarchate up to his violent death."

Another figure of the Initiative Group was Dr. Mykhail Mel'nyk. He had chosen just because at the time of the creation of the Initiative Group, he was Curate General for that part of the Pere-myshl diocese which lay to the east of the so-called Curzon line and was included in the Ukrainian SSR. Recently it was learned from the letters of individual persons that he had agreed to join the Initiative Group and to head it together with Kostel'nyk and Pelvets'kyi only after his arrest, physical tortures, and moral pressures. Being appointed a bishop of the Russian Orthodox Church, Dr. Mel'nyk died on Oct. 9, 1955 under suspicious circumstances while on a trip to the Moscow Patriarch.

The third member of the Initiative Group was the representative of the Stanislav diocese. It was Rev. Antin Pelvets'kyi who at the time of the creation of the Initiative Group was a dean of Husiatyn. Later, he was also appointed bishop and archbishop of the Russian Orthodox Church, and also died suddenly in Stanislav in 1956.

In conclusion the following should be stated. The leading members of the Initiative Group were neither enthusiasts of the liquidation of the Ukrainian Catholic Church nor volunteers from the ranks of the Ukrainian Catholic clergy who had responded spontaneously and of their own accord to accomplish an unprecedented act of historic importance. They were pitiable human figures with souls broken by the moral and physical tortures and who had been the first to fall victims to Soviet violation of the freedom of human conscience. Their carefully prepared role was to cover the concerted action of the Soviet administrative police and party organs as well as the organs of the Moscow Patriarchate under the sign

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<sup>14</sup> Kostelnyk was killed on September 21, 1948, by a young man who was not identified. The Moscow Patriarch and the Soviet government attributed this killing to the Ukrainian nationalist partisans of the UPA (Ukrainian Insurgent Army) and laid the initiative of this act at the door of the Vatican. The Ukrainian Insurgent Army neither confirmed nor denied the Soviet accusations. This led many Ukrainians to believe that Kostelnyk perished from the hands of the Soviet police, because his usefulness to the Soviets terminated, and Kostel'nyk was now rather a liability than an asset.



of the Initiative Group for the Reunion of the Greek Catholic Church in Western Ukraine with the Russian Orthodox Church. Broken by terror, the Initiative Group played this role under the supervision of police agents.

### 5. From the Initiative Group to the Pseudo-Sobor of the Greek Catholic Church in Lviv

From the first appearance of the Initiative Group on May 28, 1945, which was manifested through several letters, to the Lviv Sobor (Council) of the Greek Catholic Church, which lasted from March 8 to 10, 1946, a long period of time passed, more than nine months, in which the Initiative Group, supported by the organs of the Soviet government and the Moscow Patriarchate, carried on its planned action aimed at the final liquidation of the Ukrainian Catholic Church and reunion of its terrorized part with the Russian Orthodox Church. In the history of the Ukrainian Catholic Church, this nine-months' period was a period of the most terrible persecution of the clergy and faithful, which can be compared only with the well-known persecution of early Christians.<sup>15</sup>

Already the first document issued by the Initiative Group, i.e., its petition to the Ukrainian Soviet Government,<sup>16</sup> was a precious

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<sup>15</sup> Cf. *Primi Incatenati - Libro bianco sulla persecuzione religiosa in Ucraina*. Rome 1953. There are also editions of the book: in English: *First Victims of Communism — A White Book*. Rome 1953, and in German: *Die ersten Opfer des Kommunismus*. Muenchen. 1953. See, *White Book*, pp. 40-46. See, also, *Le Communisme et L'Eglise Catholique*, Paris, 1956, pp. 92-93. Even an official Soviet source speaks about that period very significantly and confirms on one part the terror of the clergy and faithful, and on the other part their discipline and Catholic sentiments despite "re-education." See, *Proceedings, op. cit.*, pp. 26, (influence of Roman education and discipline"), 61 (persuasions and encouragements of recalcitrant"), 62 ("violence of the struggle"), 69 ("influence of Catholic dogmas"), 74 ("difficulties, troubles and dangers of the Initiative group"). In the view of all those statements by the chronicler of the Council, it is indisputable that the liquidation of the Ukrainian Catholic Church was a cynical violation of the fundamental human right to freedom of conscience and religious convictions.

<sup>16</sup> For the text of the petition to the Ukrainian Soviet government, see *Proceedings, op. cit.* pp. 16-19. English text of the petition is given in Dushnyck, *op. cit.* pp. 35-39.

statement by the "initiators" that their decision to form the Initiative Group arose neither from their own convictions, nor from their own "initiative," but came from fear and external compulsion. "We confess that at the end of the German occupation we had no more than one single thought: Fear without any hope" wrote the initiators in their petition to the Ukrainian Soviet government for approval and for consent to their action "to lead our Church out of the state of anarchy (caused by the Soviet government by the imprisonment of all bishops — I. H.) and to consolidate it will the Orthodox Faith."<sup>17</sup>

It is interesting to note that being anxious to "consolidate the Ukrainian Catholic Church with the Russian Orthodox Church" the "initiators" presented in their petition no "religious" arguments for their decision, but solely **political** ones. "For those who think, wrote the "initiators" in their petition, "it is clear that the Uniate Church, in these new **political** conditions and **national** forms, is an historical paradox. When our Ukrainian nation is united in a single **political** state organism, its Church also must be united in one Church, in a **national** Church, **depending on no foreign authority**, in an Orthodox Church, which is the Church of our ancestors" (all italics mine — I. H.) In a word, even according to the words of the "initiators" the main reason for the liquidation of the Ukrainian Catholic Church was the new political reality created by the victory of the Soviet armies and the re-occupation of Western Ukraine by the Soviet Union."<sup>18</sup>

It is also interesting to note for what the "initiators" blamed the Ukrainian Catholic Church before the Ukrainian Soviet government. After a long historico-political motivation of all wrongs done

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<sup>17</sup> *Ibid.* As intelligent clergymen, the initiators knew that there were clear regulations of the Canon Law which solve the question of temporary administration in the Catholic Church in the case of the absence of lawful hierarchy. They knew that such matters were the concern of the Apostolic See which could easily arrange for the appointment of temporary administrators even if the Soviet authorities were anxious to prevent such solution by arresting not only the bishops, but also eminent clergymen of the Ukrainian Catholic Church which could serve as such administrators.

<sup>18</sup> *Ibid.* Having properly honored in the petition Generalissimo Stalin and the Prime Minister of the Ukrainian SSR — Comrade Nikita S. Khrushchev, the "initiators" blamed simultaneously their former hierarchy because, "un-

to the Ukrainian Catholic population by the Vatican, Poland, Austria, and Hitler Germany (all strictly in accordance with the official Soviet historiosophy), the Initiative group "regretted" primarily for the following two "faults" of the Ukrainian Catholic Church: 1) The inner and organic connection with Western Europe; 2) The complete rejection of the Soviet-Russian system. The "initiators" literally wrote the following in their petition:

"... We do not conceal the fact that our people of Western Ukraine were from the fourteenth century under the influence of Western Europe. They were imbued with the ideals that formed Western civilization, and it was because of that that they were enabled to withstand the pressure of Polish super-nationalism..."

And, further:

"On the other hand, we in our hearts **and motu proprio** could not look hopefully at the Soviet Union, because we were afraid of its revolutionary atheism, we were completely alien to its socialism, and we still did not have confidence in the righteous solution of the nationalities problem in the Soviet Union..."<sup>19</sup>

In the opinion of Ukrainians these were the merits of the Ukrainian Catholic Church for which it had devotion also on the part of the Ukrainians of the Orthodox Faith. However, in the eyes of Moscow, these were the worst political crimes for which the Ukrainian Catholic Church had to be destroyed as soon as possible.

Concluding its petition to the Government of the Ukrainian SSR the Initiative Group exposed its plan of action in these words:

"Religious psychology is of a very delicate nature, and one cannot think of an immediate transformation of the Uniate

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fortunately, our bishops have not been able to adopt a sensible point of view. either of the political situation or of the recent situation of the Church" and, therefore, "these historic events have passed over their heads." It is noteworthy, that in his Message, Patriarch Alexei denounced the Ukrainian Catholic hierarchy to the Soviet government, and the Initiative Group in answer to this condemned them sooner than the organs of the Soviet justice passed the sentence on the imprisoned bishops.

<sup>19</sup> Cf. **Proceedings, op. cit.** p. 19. **Dushnyck op. cit.** p. 37.

Church into an Orthodox Church. Time will needed in order... to persuade and educate the clergy, to pacify and re-educate the faithful. The Committee of Initiative, which every day gains new adherents, intends to start the registration of its members, and the publication of books already written under Polish domination. In general it wishes to conduct this affair in such a way as to avoid discord and conflict, because victims in such an action burden it. Lest stubborn persons should be found out, the action should be co-ordinated by the Government, the Initiative Group and the Synod of the All-Russian Orthodox Church, because only such a cooperation guarantees a complete success...<sup>20</sup>

This characteristic passage of the petition of the Initiative Group to the Soviet government stated beyond any doubt that the conversion of Ukrainian Catholics to Russian Orthodoxy had to be forced. The Initiative Group frankly told about "persuasion" and "education" of the clergy, of the "pacification" and "re-education" of the faithful which all in the Soviet system are synonyms for physical and moral terror. Such masked words as "discord," "conflict," "stubborn persons" were only an avowal by the Initiative Group that it had "in accordance with the government and the Synod" to resort to acts of terrorism to enforce the conversion of the Ukrainian Catholics to Orthodoxy.

On the same day, i.e., on May 28, 1945, the Initiative Group in a message to the Clergy of Western Ukraine informed the Ukrainian Catholic clergy of the creation of the Group and its tasks." The contents of the message is similar to the contents of the petition to the Government. However, there is one characteristic difference: in the petition the Initiative Group asked the government for confirmation of the Group., in the message to the clergy, the Initiative Group informed the clergy that "with the permission of the Government an Initiative Group for the Reunion of the Greek Catholic Church with the Russian Orthodox Church has been formed" and that the "government would recognize only the Initiative Group" and that "no other administrative authority in the Greek Catholic

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<sup>20</sup> *Proceedings, op. cit.* p. 19.

<sup>21</sup> Cf. *Proceedings, op. cit.* p. 20-24.

Church would be recognized." This passage stated clearly that before the appearance of the Initiative Group in the open, there was already a secret agreement between the Initiative Group and the organs of the Soviet government about its formation. In this way the Soviet government had *de facto* decided the liquidation of the Ukrainian Catholic Church usurping the power to which it was not entitled according to its Constitution.

It should be emphasized once more that the participation of the Soviet government in the forced liquidation of the Ukrainian Catholic Church, a participation which as we read in the petition of the Initiative Group the initiators considered indispensable, was illegal from the point of view of Lenin's decree of February 1918 and Stalin's Constitution of 1936.

On June 18, 1945, the Initiative Group received the answer from the Soviet government which *de facto* was a decree liquidating the Ukrainian Catholic Church. Because of its importance, we quote it here in full:

To the Members of the Initiative group for Reunion of the Greek Catholic Church with the Russian Orthodox Church: Dr. Kostel'nyk, Dr. Mel'nyk, and Dr. Pelvets'kyi. In reply to your declaration of May 28, 1945, and confirming the instructions of the Council of People's Commissars of the Ukrainian SSR, I communicate you the following:

1. The Initiative Group for the Reunion of the Greek Catholic Church with the Russian Orthodox Church, headed by you, is recognized officially as the sole juridico-ecclesiastic and administrative body having the right to control without reservation the Greek Catholic parishes of the Western Ukraine and promote their Union with the Russian Orthodox Church.

2. The Initiative Group for the Reunion of the Greek Catholic Church has the right to direct those parishes in agreement with the representatives of the Council of People's Commissars for the Affairs of the Russian Orthodox Church on the Council of People's Commissars of the Ukrainian SSR, and, as the case may be, in the districts, in agreement with local representatives.

3. As the registration of Greek Catholic deaneries, parishes and religious houses proceeds, the Initiative Group will send to the representative of the Council of People's Commissars of the Ukrainian SSR for the matters of the Russian Orthodox Church the list of deans, priests and superiors of religious houses who refuse to submit to the jurisdiction of the Initiative Group for the Reunion of Greek Catholic Church with the Russian Orthodox Church.

(Signed) The representative of the Council of People's Commissars for the Affairs of the Russian Orthodox Church on the Council of People's Commissars of the Ukrainian SSR. P. Khodchenko.<sup>22</sup>

Many the world over were inclined to see the end of the existence of the Ukrainian Catholic Church in Western Ukraine in the resolutions of the Pseudo-Sobor in Lviv (March 1946), which were given wide publicity by the Soviet propagandists. However, an informed observer and analyst of the events in Ukraine must come to the conclusion that the quoted decree of the Soviet Government was the formal act of the liquidation of the Ukrainian Catholic Church. The decree deprived — *de facto* and *de iure* — the Ukrainian Catholic Church of its legal basis for existence and reduced it to an illegal institution prohibited by the Soviet law.<sup>23</sup> On the other hand, transferring jurisdiction over the clergy to the selfstyled

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<sup>22</sup> *Proceedings, op. cit.* p. 19-20. Contrary to the idea of "separation of the state from the Church," the Soviet government exercises a tight control over the activities of religious Affairs of the Russian Orthodox Church, and the Council for the Affairs of other religious denominations (Armenian-Gregorian, Old Believers, Catholic, Lutheran, Moslem, Jewish, Buddhist, sectarian). The document quoted above is signed by the Representative of the Council for the Affairs of the Russian Orthodox Church attached to the Council of People's Commissars (later Ministers) of the Ukrainian SSR. In the constituent republics as well as in regions (oblasti) and districts (raions) there are representatives of the Council for the Affairs of the Russian Orthodox Church attached to local authorities. The decisions of the Council for the Affairs of the Russian Orthodox Church are decisions of the Soviet Government and there can be no appeal against them in the Soviet totalitarian system.

<sup>23</sup> There is no doubt whatsoever that the Ukrainian Catholic Church has continued to exist illegally up to the present day. We find often official Soviet confirmation of such existence in Soviet publications. E. g., in his "Retort to a

Initiative Group, the Soviet Government intended to create an impression of voluntary and unforced self-liquidation of the Ukrainian Catholic Church.

Despite all external appearance, however, it can hardly be disputed that the quoted decree of the Soviet government will go down in history as an act of violence of the Soviet government and its obvious interference in the internal affairs of the Ukrainian Catholic Church. By usurping the supreme power in the Ukrainian Catholic Church and by transferring it to the Initiative Group which was illegal from the point of view canon law, the Soviet government ignored and violated the thousand-years-old canon laws and constitution of the Church. By ordering the clergy to register and to submit to the Initiative Group, the Soviet government not only usurped the jurisdiction over the clergy which in all Churches can be given and taken away only by the canonical hierarchy of the Church, but ordered the Initiative Group to draw up lists of persons who were to be subjected to repression by the Soviet government

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fanatic" published in Lviv Daily **Vilna Ukraina** and reprinted by major Soviet Ukrainian newspapers, the Communist writer and editor, Iurii Mel'nychuk confirmed that his "opponents in cassock" and "modernized laymen" are conducting Catholic propaganda and ask the Ukrainians "to support the action for the re-opening of the treacherous Uniate Church." The Communist editor became quite irritated in his article because they also "offer their services in Baptising and re-Baptising of children" "organize lessons of religion and learning of prayers at homes," and even "take photos with fuddled and trustful pupils on the occasion of the First Communion." According to Mel'nychuk, the mentioned opponents "would defame everything new while howling about the splendor of old times and expected changes" and preach the "necessity of penance." The outbursts of the Communist editor could not be explained otherwise than as the confirmation of the existence of Ukrainian Catholic underground. Cf. **Literaturna Hazeta**, Kiev, No. 10, Feb. 5, 1957. p. 4. The theme found its further elaboration in the ideological article by D. Pokhylevych in the official organ of the Communist Party of Ukraine (CPU) under title "Uniates and Their Reactionary Role," **Komunist Ukrainy**, No. 7, July 1959, pp. 77-82. It is another confirmation of the existence of the Ukrainian Catholic Underground in Western Ukraine. We quote from the article: "The Vatican does not leave Western Ukrainian lands in peace, either, although the people liquidated the union here and broke all ties with it. The Pope was sending pastoral letters to his Uniate prelate Slipyi until not long ago, though the latter was by then a private person (a prisoner of the Soviet concentration camp. Actually, it was Metropolitan Joseph Slipyi who sent his pastoral letters from the concentration camp to the priests and faithful of the Ukrainian Catholic Church for which

for their unwillingness to join the Initiative Group and to "struggle" for the reunion with the Russian Orthodox Church.

And yet, even such pressure did not force the Ukrainian clergy to submit to the Initiative Group. Out of a total of some 3,000 Ukrainian Catholic priests and monks in Galicia, only 42 had submitted to the Initiative Group by the end of June, 1945, despite the feverish campaign in which the Initiative Group was engaged to persuade the clergy to submit to the Initiative Group. When a priest refused, he was arrested as a rule by the Soviet police which according to news received in 1946 arrested more than 500 priests for their resistance.<sup>24</sup>

In this tragic and unprecedented situation, the courageous priests of the Ukrainian Catholic Church sent its last appeal in defence of the rights of the Ukrainian Catholic Church and the truth to the Soviet Government. On July 1, 1945 more than 300 priests signed the letter of protest to the Soviet Foreign Minister, Viacheslav Molotov. Though the protest failed to cause any changes in the Soviet policies, this last courageous voice of the Ukrainian Catholic clergy is here quoted in full.

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he was twice sentenced for 7 years of hard labor in each case — I. H.)... The Order of Basilians is also active; they were the backbone of the Uniate Church in Western Ukraine. They are all putting their efforts into galvanizing the dead body of the Union, and they abet their agents to active deeds... We must not forget that not all former Uniate priests broke with the Union. Some of them continue their work among the believers, conducting "soul saving" preachings on openly pro-Uniate and anti-Soviet themes, attempting to give lessons of religion to school children, and fabricating all sort of "miracles" which were allegedly performed by the Late Metropolitan, Andrew Sheptytsky and so on... Thus, the priests Soltys and Syrets'kyi were the organizers of the "Seredne miracle." It consisted in the alleged appearance to a woman in Seredne (Stanislaw province) of a vision of the Holy Virgin who predicted an early rebirth of the Greek Catholic Church. There is a large spring near the village, and the organizers of the "miracle" proclaimed it sacred. Under the influence of other Uniate priests, the faithful began assembling here and nationalist Uniate agents spread nationalist and anti-Soviet rumors among them." The Communist author could not unburden his mind in an official publication more plainly.

<sup>24</sup> Cf. Galter, *op. cit.* p. 94ff. See, also, Gary MacEoin, *The Communist War on Religion*, New York, The Devin-Adair Company, 1951, pp. 57-74.



"To V. M. Molotov, People's Commissar for Foreign Affairs. Following arrest of the whole Episcopate and a great number of priests of the Greek Catholic Church in Western Ukraine, and in consequence of a prohibition of the administration of our Church by our own clergy, Our Church found itself in a very critical situation. This situation is further complicated by the fact that there has been set up in Lviv an Initiative Group for the Reunion of the Greek Catholic Church with the Orthodox Church. This Group headed by Rev. Dr. H. Kostel'nyk of Lviv, Rev. Dr. Mykhail Mel'nyk of Drohobych and Rev. A. Pelvets'kyi of Stanislav, has published an appeal **To the Reverend Clergy of Western Ukraine**, dated May 28, 1945, signed by the above mentioned clergymen.

We, ourselves, priests of the Catholic church, will not reply to the historical inaccuracies contained in this appeal; the facts in question are known to all. In the present letter we simply want to state our own position toward the Soviet Union and to lay our petition before the Government.

In our letter we would like to inform the Government, in the first place, that we profess, and intend to profess, the most pure patriotism to the Ukrainian Soviet Socialist Republic and to the whole Soviet Union, and that we intend to fulfil honestly our duties to the State. We will not on any account engage in any activities of a political nature, but will devote ourselves to the work of the salvation of human souls as well as of ours. We think that such a work will bring benefits not only to the Church but to the State as well.

Our attitude to Dr. Kostel'nyk's initiative is completely negative. We condemn his actions as detrimental and as entirely opposed to tradition of the Church and to the Truth, proclaimed by Christ: "There shall be one fold and one shepherd." It is, therefore, evident that we cannot listen to a voice which incites us to apostasy from the Faith. A situation such as that which at present exists may rapidly lead to one of those religious wars, which as history shows, can bring nothing but loss, not only to the Church, but also to the State.

Therefore, we request the Government to release our Bishops, in the first place, our Metropolitan. And, as long as

they are imprisoned, we ask the Government to grant us the right to settle all questions regarding our Greek Catholic Church. We further ask, that, until the release of the Metropolitan and Bishops, a canonically legal organization may administer ecclesiastic province of Lviv-Galicia. We want to believe that the Government will receive this request favorably and come to our assistance since the Stalin Constitution guarantees to all citizens of the USSR, including ourselves, the freedom of conscience and religious practice.

We know that the Revolution of 1917 was made in the name of high ideals and we believe that these ideals of freedom are respected today and practiced in the whole world. We don't believe that the Government wants to persecute us for our Faith and we consider that the action for the "reunion with Orthodoxy" as a misunderstanding, an action of higher or lower officials taken on their own responsibility.

Therefore, in the name of justice, in the name of the glorious victory of the Soviet Union, we ask the Government to let us and our people in the Western Ukraine keep the freedom in church affairs which we have enjoyed for centuries, and to which we are entitled according to Soviet law. Lviv, St. George's Square, July 1, 1945.<sup>25</sup>

Commentaries to the above letter are superfluous. The letter describes the situation clearly. It will remain an historic document of the Soviet violence regarding the Ukrainian Catholic Church in Western Ukraine. The letter caused no changes in Soviet policy, the Soviet Government gave no answer to its citizen pleading for justice and rights secured by the Stalin Constitution. On the contrary, the Soviet government stepped up the persecution and terrorization of the Ukrainian Catholic clergy and faithful, beginning

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<sup>25</sup> For the first time, the quoted letter was printed in the publication by Foreign Representation of Ukrain'ska Holovna Vyzvolna Rada (Supreme Ukrainian Liberation Council) under the title: "Svoboda sovisty pid bolshevykamy." (Freedom of Conscience Under the Bolsheviks). See, also, *La difesa del Catholicismo en Ukraine*, Rome, 1946, pp. VI-VIII (*idem*, in Italian: *In Difesa del Cattolismo Ucraino*). Also, *First Victims of Communism*, op. cit. pp. 39-40; Dushnyck, op. cit. pp. 27-28.

with the arrest of priests who signed the petition to V. M. Molotov. They were arrested and their churches were closed by the Government in reprisal for their action.<sup>28</sup>

## 6. The Pseudo Sobor (Council) of the Greek-Catholic Church in Lviv

After the Initiative Group had been operating for about a year, the time seemed to the "initiators" and their sponsors ripe for the definitive completion of the "reunion of the Greek Catholic Church with the Russian Orthodox Church." With this purpose, the "initiators" convoked a **Sobor** or Council of the Greek Catholic Church in Lviv for March 8-10, 1946. According to the plans of the "initiators" and their sponsors, the Council had to "reexamine the decisions of the **Sobor** in Brest Litovsk (1596)" and "annual them by detaching the Greek Catholic Church from Rome and unite it with the Russian Orthodox Church." Though the Greek Catholic Church had already been liquidated by the decree of the Soviet Government, the Pseudo-Sobor of the Greek Catholic Church was convoked to create the impression all over the world that the Ukrainian Catholic Church had been incorporated into the Russian Orthodox Church legally and spontaneously. It must be said that when on March 18, 1946, the TASS reported that the **Sobor** of the Greek Catholic Church attended by 214 priests convened in Lviv on March 8-10, 1946, and decided "to break its ties with Rome and to return to the bosom of the Russian Orthodox Church," many in the world, not excepting Catholics, believed in the truth of this Soviet announcement, and were convinced of the voluntariness and spontaneity of this action. However, there is nothing so far from the truth than the Soviet announcement of the self-liquidation of Ukrainian Catholicism.

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<sup>28</sup> According to the news received in 1946, more than 500 Ukrainian priests of the diocese Lviv were in prison. An Armenian priest returning from Lviv, who had been imprisoned in 1946 with Ukrainian Catholic priests, said that the number of Ukrainian priests in jail was about 800. A railway worker related that during one night in the prison of Chortkiv, 150 Ukrainian Catholic priests of the district of Ternopil were deported to Siberia. Nearly in all cases, after the arrest or deportation of the priests, the churches were closed by the Soviet authorities. A considerable number of Ukrainian Catholic priests joined the Ukrainian partisans of the Ukrainian Insurgent Army (UPA) in the forests; some were able to escape to Poland with returning Poles. Cf. **The First Victims of Communism**, op. cit. pp. 40-42.

The Initiative Group invited 225 priests and 22 laymen to participate in the **Sobor**, of whom 214 priests and 19 laymen attended.<sup>27</sup> All participants were selected from the adherents of the Initiative Group though according to the **Proceedings** some of the opponents to the reunion were also invited, but none appeared at the **Sobor**.<sup>28</sup> It is interesting to note that the Initiative Group had already the Patriarch's blessings for the **Sobor** in February, 1946<sup>29</sup> and that the **Sobor** convened just after the publication of the Soviet charges against the arrested Ukrainian Catholic bishops.<sup>30</sup>

The Holy See and the Ukrainian Catholic Bishops outside Ukraine declared the Lviv **Sobor** illegal and its decisions invalid. At this point a few subsidiary explanations should be given: the first concerning the illegality of the **Sobor**. The Lviv **Sobor** was illegal both in term of the Catholic as well as the Orthodox canonical law. The history of both Churches does not record an incident that a **legitimate Sobor** of the Church (oecumenical, local, provincial, diocesan) was convoked by other organs than the legitimate hierarchs of the respective Church, and this is known to very student of

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<sup>27</sup> Cf. **Proceedings**, *op. cit.*, pp. 53-58 for the composition of the **Sobor**.

<sup>28</sup> Cf. **Proceedings**, *op. cit.* p. 53. Statistical data given in the report of Rev. A. Pelvets'kyi are also very interesting. He reported that at the time of the **Sobor**, 986 former Ukrainian Catholic priests joined the "Initiative Group" while 281 despite "persuasions" continued to remain "stubborn" and "recalcitrant." Cf. **Proceedings**, *op. cit.* p. 61. However, Rev. Pelvets'kyi reported only about one third of the Ukrainian Catholic priests and monks, i. e. about 986 who joined the "Initiative Group" and 281 "recalcitrant," i.e. 1,267 priests and monks of the Ukrainian Catholic Church. What happened to the others? If we take that some 300 Ukrainian Catholic priests escaped Communist persecution by fleeing abroad, there were still some 1500 priests who were not accounted for in Rev. Pelvets'kyi's report. However, the statistical data given in Rev. Pelvets'kyi's report point also to the fact that while the Union with Rome concluded at the **Sobor** in Brest Litovsk (1596) was signed by a Metropolitan, 5 Bishops, 3 Archimandrites of the Church, its abolition was decided only by 214 terrorized priests who represented less than 10 per cent of the Ukrainian Catholic Church in the Galician province.

<sup>29</sup> For the Patriarch's telegram blessing the **Sobor** of February 12, 1946, see, **Proceedings**, *op. cit.* p. 62.

<sup>30</sup> For the text of the charges, see **First Victims of Communism**, *op. cit.* pp. 33-34. There can be no doubt that the publication of the Soviet charges against the arrested Bishops of the Ukrainian Catholic Church on the eve of the

ecclesiastic history or of canon law. However, the Pseudo-Sobor in Lviv was convoked by the Initiative Group for the Reunion of the Greek Catholic Church with the Russian Orthodox Church, i.e. by an organ which was not created in accordance with the canons of the Catholic (or Orthodox) Church, and an organ which was self-styled and whose "jurisdiction" over the Greek Catholic Church came from the mandate of the Soviet Government. It must emphasize again that the Soviet Government was not entitled either by canon law or by its own laws (February, 1918, decree about separation of the Church from the State and Stalin Constitution, 1936) to create such an organ and to grant it jurisdiction over the Greek Catholic Church (*nemo dat, quod non habet*). Thus, at the moment of the convocation of the Lviv Sobor, the Initiative Group was an illegal organ not only from the point of view of canon law, but also from the point of view of Soviet law. It is beyond any doubt that such an illegal organ had no authority to convene a Sobor of the Greek Catholic Church and, therefore, all its actions including the convocation of the Sobor were illegal.

In this place we would like to stress again the illegality of the Lviv Sobor from the point of view of the Orthodox canon law. The Orthodox Church, too, neither historically nor juridically acknowledges church councils convoked by un-canonical and illegal church organs or bodies. Thus, in the 1920s, the predecessor of Patriarch

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Lviv Sobor had as its task the intimidation of the participants in the Sobor into docile submission to the will of the "initiators" and their sponsors. In his report to the Sobor, the member of the Initiative Group, Rev. A. Pelvets'kyi, at the time of the Sobor already a consecrated bishop of the Russian Orthodox Church, left no doubt in the participants what fate awaited them if they would dare oppose the "initiators" of the reunion. He said in his report: "Our Metropolitan and Bishops of the Greek Catholic Church did not realize their destiny as it is evident from the announcement by the Public Prosecutor of the Ukrainian SSR (all italics mine — I. H.) and thus did not justify the confidence granted them by the Church; on the contrary they placed the Church under the blow." Thus, the participants were asked to "realize the destiny" in order not to place the Church and themselves under the blows of the Public Prosecutor of the Ukrainian SSR. It is interesting to note that according to *Proceedings*, op. cit. p. 42, the participant, Rev. Vasyl Lesiuk dared oppose the "self-liquidation" of the Church by his proposal to consider the Sobor only as a "preparatory stage" of the eventual "reunion" and asked to postpone any decisions for the "reunion" to some future time.

Alexei, Patriarch Tikhon excommunicated all participants in the councils of autocephalous or "living" churches which were not convoked by legitimate hierarchs of the Orthodox Church. Such was the case, e. g., with the **Sobor** of the Ukrainian Autocephalous Orthodox Church in October, 1921, which established a Ukrainian Autocephalous Orthodox Church in Ukraine. It was not convened by an officiating hierarch of the Orthodox Church, but by the All-Ukrainian Orthodox Council in Kiev, which headed the movement for the autocephaly of the Ukrainian Orthodox Church. Contrary to the Pseudo-Sobor of the Greek Catholic Church in Lviv, the Sobor of the Ukrainian Autocephalous Orthodox Church in Kiev in October 1921, had an overwhelming support of the Ukrainian Orthodox population.<sup>31</sup>

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<sup>31</sup> With the Revolution of 1917 and the revival and development of the Ukrainian Independent State, there also arose a demand for the revival of an Autocephalous Ukrainian Orthodox Church which was incorporated into the Russian Orthodox Church in 1686. The faithful of the Orthodox Church in Ukraine vigorously called for the re-establishment of the independent Kiev metropolitanate, for the revival of the old Ukrainian Orthodox traditions as well as for the introduction of the Ukrainian language into services of the Church. This movement for an independent Ukrainian Orthodox Church was stubbornly opposed by Patriarch Tikhon and the Russian Orthodox Church. In 1920-1921, the armed struggle of the Ukrainian people for an independent Ukrainian State ended in defeat and the central and eastern parts of Ukraine became the Ukrainian Soviet Socialist Republic. However, the struggle for the Ukrainian Autocephalous Orthodox Church continued also under new conditions.

During the Revolution and Ukrainian Liberation War (1917 - 1920), parishes which demanded the re-establishment of an independent Kiev metropolitanate and introduction of the Ukrainian language into services, sprouted all over Ukraine. These parishes were grouped into gubernatorial councils headed by the All-Ukrainian Orthodox Council in Kiev.

Unfortunately, the leaders of the movement for a Ukrainian Autocephalous Orthodox Church were powerless to regulate their relations with Orthodoxy as a whole. The Russian Orthodox Church stubbornly refused to acknowledge the demands of the All-Ukrainian Orthodox Council and refused to consecrate bishops from among the Ukrainian clergy. The appeals of the Council to the Bulgarian Church was turned down and no response was obtained from the Patriarch of Constantinople in the matter of the consecration of bishops.

Impressed by the sense of urgency and the justice of their own cause, the leaders of the All-Ukrainian Orthodox Council convoked the First **Sobor** of the Ukrainian Autocephalous Church in Kiev, in St. Sophia Cathedral for

October 11, 1921. 472 delegates from all parts of Ukraine including Kuban participated in the **Sobor**. The Council appealed to the bishops of the Russian Orthodox Church in Ukraine requesting them to consecrate bishops for the Ukrainian Church. When the Russian bishops refused, the **Sobor** decided to consecrate the first bishops of the Ukrainian Autocephalous Orthodox Church in the manner which was in use during the first centuries of Christianity during the persecutions of the Church, i. e. by the consecration of bishops by the entire clergy assembled at the **Sobor**. In this manner the **Sobor** of the Ukrainian Autocephalous Orthodox Church consecrated the priests Vasyl Lypkivs'kyi and Nestor Sharaievs'kyi into first bishops of the Ukrainian Autocephalous Ukrainian Church. Bishop Lypkivs'kyi was then elected the Metropolitan of Kiev and the entire Ukraine by the **Sobor**. Thereafter, the Metropolitan and his associate Bishop Nestor Sharaievs'kyi consecrated some 27 other bishops of the Ukrainian Autocephalous Orthodox Church.

Metropolitan Lypkivs'kyi proved himself a very competent leader. The number of parishes under his control rapidly multiplied and by 1927 the Church had nearly 3,000 parishes and some 10,600 priests. It was no small achievement to establish and develop this under the harsh conditions of Soviet reality.

The swift development of the Ukrainian Autocephalous Orthodox Church soon roused a counter-attack by the Russian Bolsheviks. At first they did not have the audacity to liquidate the church outright, but only put many obstacles in the way of its development. Thus, e. g., Metropolitan Lypkivs'kyi was refused permission to visit the various parishes under his control, to publish journals and church books, etc. This was followed by more active measures. The GPU issued an ultimatum; either the Church would get rid of Metropolitan Lypkivs'kyi or the Soviet Government would completely annihilate the whole Church. In order to forestall this action, the All-Ukrainian Orthodox Council called the Second **Sobor** of the Ukrainian Orthodox Church for October, 1927. The **Sobor** elected a new Metropolitan, Rev. Mykola Borets'kyi, but refused to denounce Metropolitan Lypkivs'kyi despite the direct GPU threats.

Then the outright persecution of the Ukrainian Autocephalous Orthodox began. During the years 1928 - 1931, tens of Ukrainian intellectuals, clergymen, workers and peasants were executed, or tortured because of their adherence to the Ukrainian Autocephalous Orthodox Church. The mass destruction of churches began and this did not leave out even such ancient architectural monuments as Golden Roofed St. Michael's Monastery in Kiev, St. Nicholas Cathedral, Holy Trinity Church and many others. The GPU outrageously shot, or liquidated through torture and concentration camps about 30 bishops, over 2,000 priests, thousands of faithful. Metropolitan Lypkivs'kyi was arrested and imprisoned. So were all of the other bishops and by 1930 there was not a single one in Ukraine who was not in jail or dead. The years 1934 - 1936 following the

The composition of the "delegates" participating in the Lviv Sobor, is further proof of its illegality. Normally, at the canonically convened councils, the delegates of the entire clergy elected at the local councils and, if necessary, the delegates of the laymen elected by the parishes participate. In the Lviv Pseudo-Sobor of 1946 there participated "delegates" elected by the clergymen who joined the Initiative Group, but the opponents of the Initiative Group were not represented. However, even according to the statistical data, published at the Sobor, the clergymen who joined the Initiative Group represented a minority of the clergy of the Galician province. Only 986 priests of the province joined the Initiative Group according to the Sobor reporter Rev. A. Pelvets'kyi while the Galician province numbered at least 3 000 priests and monks in 1939.<sup>32</sup> How could 19 laymen present at the Sobor represent the three-million-strong Ukrainian Catholic population of the Galician province will remain another secret of this Pseudo-Sobor, its sponsors and organizers.<sup>34</sup>

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mass famine of 1932 - 1933 in which millions of Ukrainians perished and the total pogrom of the Ukrainian culture, were also the years of the final extermination of the Ukrainian Autocephalous Orthodox Church in Ukraine. Then last rigged trials of clergymen and laymen were held by the Soviet courts.

The Ukrainian Autocephalous Orthodox Church was broken up by Soviet terror. However, the spirit that had animated it continued to lie hidden. It was visible in the years of World War II when the Ukrainian Autocephalous Orthodox Church rose like Phoenix from the ashes in the occupied Ukraine. At the time the Ukrainian Autocephalous Orthodox Church displayed great activity and speedily won the overwhelming support of the Ukrainian people. With the return of the Soviets in 1944, the Ukrainian Autocephalous Orthodox Church was again suppressed and brought directly under the Patriarch of Moscow. At present, there is no distinctive Ukrainian Orthodox Church in Ukraine (there is only an exarchate of the Russian Orthodox Church in Ukraine), and the Ukrainian Autocephalous Orthodox Church continues to exist in exile. The metropolitan sees of the UAOC exist in the United States (Philadelphia, Pa.), Canada (Winnipeg, Man.), and in Western Europe.

<sup>32</sup> Cf. Rev. A. Pelvets'kyi's report at the Lviv Sobor in *Proceedings*, *op. cit.* p. 61.

<sup>33</sup> Lists of participants in the Lviv Sobor are published in *Proceedings*, *op. cit.* pp. 58-58.



The mere mention of the composition of the delegates participating in the Lviv **Sobor** raises another point which should be stated in this place. The priests who joined the self-styled Initiative Group for the Reunion of the Greek Catholic Church with the Russian Orthodox Church were actually rebels against the Catholic Church and its legitimate hierarchy. At the moment when those priests joined the Initiative Group, they actually broke their relations with the Greek Catholic Church and became apostates. Since at the **Sobor** in Lviv only the delegates of the clergy which joined the Initiative Group participated and their opponents had no representation, the question arises how could such delegates represent the Greek Catholic Church? The answer is obvious: the "**Sobor**" composed of apostates could not be a **Sobor** of the Greek Catholic Church. It was only a private meeting of former Catholic clergymen who had already renounced the authority of the Catholic Church and were, in fact, no more Catholics. The decisions of this private meeting could not bind the Ukrainian Catholics.

By the latter test we see that the delegates participating in the Lviv **Sobor** of the Greek Catholic Church were no more Greek Catholics though they still had not embraced the Orthodox Faith. However, the arrangers of the Lviv **Sobor**, the most prominent members of the Initiative Group and others in total number of 13 former Greek Catholic priests, had already joined the Russian Orthodox Church officially. In the **Proceedings** of the Lviv **Sobor** there is published a description of a plush ceremony which took place in Kiev, on February 22 - 23, 1946, in which the mentioned 13 former Catholic priests "abjured Latin errors" and formally accepted Orthodoxy. At this moment those most outstanding representatives of the Initiative Group ceased to be Catholic and became Orthodox priests.

Moreover, on Feb. 24 and 25, 1960, two members of the Initiative Group, Rev. A. Pelvets'kyi and Rev. M. Mel'nyk were consecrated Bishops of the Russian Orthodox Church.<sup>34</sup> Taking this into

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<sup>34</sup> The entire ceremony of the conversion of the 13 former Catholic priests to Orthodoxy and the consecration of Rev. Pelvets'kyi and Rev. Mel'nyk Bishops of the Russian Orthodox Church is described in **Proceedings**, *op. cit.* pp. 26-32, in the chapter "Pershe vozz'iednannia u Kyievi" (The First Reunion in Kiev). The following priests were "reunited": 1. Dr. Havryil Kostel'nyk,

account we must state that the Lviv **Sobor** of the Greek Catholic Church was convoked by the Bishops of the Russian Orthodox Church and priests of the Russian Orthodox Church! No student of the ecclesiastic history knows of such an absurdity that bishops and priests of one Church (Russian Orthodox Church) convene the council of another Church (Greek Catholic Church) and pass legislation for this Church. Such an absurdity was only possible in the USSR where under the conditions of the Soviet regime all kind of masquerading and deception is used when necessary. It must be said that the initiators and arrangers of the Lviv **Sobor** of the Greek Catholic Church realized this absurdity and, therefore, kept the entire affair of their conversion to Orthodoxy a secret up to the appropriate moment when they deemed it necessary to disclose it to the participants of the **Sobor**.<sup>35</sup>

It would be a mistake, however, to think that this delay was caused only by the realization of the total absurdity of the participation of the dignitaries and priests of the Russian Orthodox Church in the **Sobor** of Greek Catholic Church. If this secret had been revealed at the beginning of the **Sobor**, the two newly-consecrated bishops of the Russian Orthodox Church and eleven priests who had already "abjured Latin errors" and renounced the authority of the Catholic Church, would not have been able either to

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2. Antin Pelvets'kyi, 3. Dr. Mykhail Mel'nyk, 4. Ievhen Iuryk, 5. Iosyp Marynovych, 6. Tymotei Marko, 7. Ivan Kruk, 8. Vasyl Drelykh, 9. Myron Krutiak, 10. Konstantyn Dobrians'kyi, 11. Roman Doryk, 12. Iurii Vanchyts'kyi, 13. Mykyta Pavlosiuk. On February 24, Pelvets'kyi and on February 25, — Rev. Mel'nyk were consecrated Bishops of the Russian Orthodox Church. At the same day a miter was conferred upon a member of the Initiative Group — Rev. Havryil Kostel'nyk. Thus the original Initiative Group for the Reunion of the Greek Catholic Church with the Russian Orthodox Church consisted since February 25, 1946, of two consecrated Bishops of the Russian Orthodox Church and one wearer of the miter.

<sup>35</sup> Only after the vote was taken at the Lviv **Sobor** about the reunion of the Greek Catholic Church with the Russian Orthodox Church, Rev. Havryil Kostel'nyk who was presiding over the **Sobor**, introduced Rev. Pelvets'kyi and Rev. Mel'nyk to the participants of the **Sobor** as consecrated bishops of the Russian Orthodox Church. However, while making his report at the **Sobor** at the time before the vote was taken, Rev. Pelvets'kyi masquaraded as a "Greek Catholic" priest and the participants were unaware that a Russian Orthodox Bishop was addressing them. Cf. **Proceedings**, op. cit. p. 43.

preside at the **Sobor**, to deliver addresses or to take an active part in passing the resolutions. At best, they could only sit at the **Sobor** as guests or the representatives of a heterodox Church as indeed there were sitting on the second day of the conferences — the Russian Orthodox Bishops Makarii and Nestor and the administrator of the "Ukrainian" exarchate of the Russian Orthodox Church — Mitrat Konstantyn Ruzhytsky who even delivered an address at the **Sobor**.<sup>36</sup>

It is, therefore, a sordid fact that Russian Orthodox bishops and priests, i. e. not the bishops and priests of the Greek Catholic Church, but bishops and priests of an heterodox religion, prepared, organized, convoked and presided at the meeting which called itself a **Sobor** of the Greek Catholic Church. They delivered the main addresses and moved the main resolutions. In their hands were formally and virtually all the decisions of what they called a **Sobor**. It is beyond any doubt that at that moment they were entirely alien to the Ukrainian Greek Catholic Church, the fate of which they were anxious to decide. One must say that such methods are completely unknown in ecclesiastic history, but they are known in the history of the Communist Party which, under the guise of various "fronts" was able to disrupt and to disorganize from inside alien organizations, seize power in them and liquidate them. In using the services of the Initiative Group for the liquidation of the Ukrainian Catholic Church, the Soviet Government and the Communist Party only resorted to its tested methods.

The organizers of the Lviv **Sobor** were conscious of the fact that no church council can be considered legitimate and its decisions valid without the participation of bishops in it. If the Lviv Pseudo-**Sobor** had to be a Sobor of the Greek Catholic Church, it was quite natural that the bishops of the Greek Catholic Church had to participate in it. However, all bishops of the Greek Catholic Church were imprisoned at that time. It is known that the proposal of their joining the Initiative Group and participating in the Lviv **Sobor** was made to Ukrainian Catholic bishops held in Kiev prisons and that they were promised freedom at the cost of their consent. Such a proposal was repeated by the Soviet authorities to the Ukrainian Catholic Bishops,

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<sup>36</sup> Cf. *Proceedings*, op. cit. p. 36.

Most. Rev. Iosafat Kotsylovs'kyi of Peremyshl and his auxiliary, Bishop Hryhorii Lakota who were arrested in Poland and extradited to the USSR. The Soviet authorities resorted to all their methods of persuasion to induce the said bishops into joining the Initiative Group but without any result. The same was demanded from Bishop Theodore Romzha of Uzhhorod (Carpatho Ukraine), but also without result. It is also known that after his first release from the Soviet concentration camp, Metropolitan, Dr. Iosyf Slipyi was offered a high position in the Russian Orthodox Church at the cost of apostasy. His refusal meant the second term of seven years in a Soviet concentration camp.

Thus, the Soviet efforts to win at least one Ukrainian Catholic bishop for the action of the liquidation of the Ukrainian Catholic Church proved a failure. Knowing, however, that the participation of a bishop in a church council is a must if the council had to be considered legitimate, the Moscow Patriarch Alexei helped the Soviet Government solve the difficulty by consecrating bishops who would participate in the Lviv Sobor. Thus, two members of the Initiative Group had become bishops of the Russian Orthodox Church before the Lviv **Sobor** was convoked. This action, however, not only showed the close cooperation between the Soviet Government and the Moscow Patriarch, but showed also a complete illegality and lack of logic of the action itself. If the Lviv **Sobor** had to be exclusively a **Sobor** of the Greek Catholic Church, its "own bishops" had to participate in it, i. e. bishops connected with their Church by the same creed, the same ecclesiastic discipline, and the same regulations of canon law. The Moscow Patriarch was not entitled to consecrate the bishops for a heterodox Greek Catholic Church, because he was not even entitled to consecrate bishops for the Orthodox Church if they belonged to other jurisdiction, e. g. that of the Constantinople or Jerusalem Patriarchates, and what then to say of a heterodox Ukrainian Catholic Church. Thus, the bishops which participated in the Lviv Pseudo-**Sobor** were not bishops of the Greek Catholic Church but bishops of the Russian Orthodox Church and, therefore, their presence at the Lviv **Sobor** could in no way convince of the **Sobor's** legitimacy and validity from the point of view of ecclesiastic law.

The Russian Church dignitaries presiding at the Pseudo **Sobor** and its delegates representing the clergy which joined the Initiative Group, were not representatives of the entire Ukrainian

Catholic clergy. They were in a minority. The majority of the clergy were against the Initiative Group and against the "reunion" of the Greek Catholic Church with the Russian Orthodox Church, but this majority was not represented at the **Sobor**. And this majority consisted of all imprisoned bishops, the imprisoned, departed and chased clergymen, and even these "stubborn" 281 opponents of the Initiative Group mentioned in Rev. Pelvets'kyi report who were still at large.<sup>37</sup> Their absence at the meeting which called itself a **Sobor** of the Greek Catholic Church makes a neat proof of its complete illegality and invalidity of its decisions as well as a sad and sordid story of Soviet violence in the destruction of the Ukrainian Catholic Church in Western Ukraine.

At normal church council the work is usually carried out by various committees which discuss various problems of a theological, historical, liturgical or canonical character. Learned theologians, historians, canonists and liturgists deliberate under the guidance of their bishops and the problems are discussed in detail by the members of the committees. Then the theses for resolutions are prepared and submitted at the plenary session of the council for final consideration and decision. There was nothing of this kind at the Pseudo-**Sobor** in Lviv and nothing that would resemble the customary procedure. Everything had been decided beforehand by the organizers and their sponsors. On March 6, 1946, a pre-council session took place in the office of the Initiative Group with 20 clergymen, delegates to the **Sobor**, participating. At the **Sobor** itself everything proceeded according to what was decided beforehand. There was no election of the presidium of the **Sobor**, because as the chronicler of the **Sobor** says "indeed the formal procedure in which the presidium is elected, was here not necessary. Rev. Dr. Kostel'nyk was in the eyes of all delegates not only the Administrator of the Church, but also the leader of the whole great church movement acknowledged by all... He took the chair... and announced the agenda of the Council..."<sup>38</sup>

The agenda of the **Sobor** consisted of two addresses delivered by the members of the Initiative Group — Rev. A. Pelvets'kyi (al-

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<sup>37</sup> See, **Proceedings, op. cit.** p. 61.

<sup>38</sup> Cf. **Proceedings, op. cit.** p. 35.

ready a bishop of the Russian Orthodox Church) and Rev. Dr. H. Kostel'nyk (already Mitrato of the Russian Orthodox Church), and the discussion. After Rev. Pelvets'kyi finished his address, Rev. Dr. H. Kostel'nyk mounted the platform and gave an address on the motives of the reunion with the Russian Orthodox Church. His main argument was neither theological nor canonical but **political**. He maintained that the Ukrainian Catholic Church was in a new political situation, i.e., within the borders of the USSR and, therefore, in the view of this reality, the Ukrainian Catholic Church must cease to exist, i.e., must break of its dogmatic and canonic relations with the Apostolic See and submit to the authority of the Moscow Patriarch.<sup>39</sup>

Thus, in these two addresses which lasted about forty minutes, all theological, historical, canonical and liturgical problems were presented. Following the addresses eleven participants appointed beforehand addressed the meeting.<sup>40</sup> They all gave mainly political reasons for the liquidation of the Greek Catholic Church.

With the "debate" completed, Rev. Dr. Kostel'nyk read aloud the draft resolutions of the **Sobor**: 1) To annual the resolutions of the **Sobor** in Brest Litovsk (1596), 2) To break off relations with the Roman Church; 3) To return to the Orthodox Faith of the ancestors; 4) To reunite with the Russian Orthodox Church in the USSR. The vote was taken and the meeting unanimously passed resolutions by a spontaneous show of hands. Thus, during some 3 - 4 hours the participants decided all the complicated theological problems, "thoroughly" analyzed the history of the Greek Catholic Church, discussed all the canonical regulations of the Church and resolved the most touchy problems of the Faith and religious convictions of several million Ukrainian Catholics. At last, they hastily decided to annual the resolutions of the Sobor in Brest Litovsk without even analyzing and considering these resolutions. The debates were frequently interrupted by reading telegrams allegedly received from the "enthusiastic" population in far-off villages... Meanwhile, the bells of Lviv churches were ringing but the population of Lviv was not aware why. The chronicler of the **Sobor** sadly states: "It

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<sup>39</sup> For the text of addresses, see **Proceedings, op. cit.** pp. 59-75.

<sup>40</sup> For the text of the debate, see **Proceedings, op. cit.** pp. 77-117.

is possible that they did not hear the bells because of the noise of the modern city, and even the believers who heard them, did not know and wondered why the bells of the churches were ringing for a whole hour... They did not know and were unaware..."<sup>41</sup>

The "enthusiastic" population in far-off villiages was aware...

The Moscow Patriarch was also aware. He tried to influence the course of the meeting not only by consecrating the members of the Initiative Group bishops of the Russian Orthodox Church. He sent a telegram to the council in which encouraged the participants to apostasy. He called on them to break off relations with the Vatican and to submit to the authority of the Moscow Patriarch. He sent his representatives to the council — Bishops Makarii and Nestor and Mitrat K. Ruzhytsky who delivered addresses. The Sobor ended with a plush ceremony at the former Greek Catholic St. George's Cathedral in Lviv with the Kievan Metropolitan and Exarch of the Russian Orthodox Church Ioan and all present dignitaries of the Russian Orthodox Church officiating.<sup>42</sup>

The Soviet authorities were no less concerned with what was happening at the Lviv Sobor. It is unknown how many agents of the secret police were present at the meeting, but the representative of the laymen, Stepan Shchurko who also delivered an address at the Sobor, was undoubtedly one of them. It can be proved by his address at the meeting which was full of propaganda, agitation, and threats.<sup>43</sup> Curiously enough, Stepan Shchurko was director of a public high school in the province of Drohobych, and as such had to be an atheist as no believer can be a Soviet educator.

In the final resolutions of the Pseudo-Sobor in Lviv, we read that the "Union with Rome was concluded only under pressure of the Polish nobility," that "thanks to the efforts and victories of the freedom-loving peoples brotherly united in the Great Soviet Union, all the Ukrainian lands have been united," that, "therefore, it would

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<sup>41</sup> Cf. *Proceedings*, *op. cit.* pp. 33-34.

<sup>42</sup> For the text of Patriarch Alexei's telegram, see *Proceedings*, *op. cit.* p. 62. For the address of Mitrat Konstantyn Ruzhytsky, see *Proceedings*, *op. cit.* 119-126. For the description of the ceremony at St. George's Cathedral on March 10, 1946, see *Proceedings*, *op. cit.*, pp. 47-50.

<sup>43</sup> For Stepan Shchurko's address, see *Proceedings*, *op. cit.* pp. 112-115.

be absurd to maintain the Union with Rome." The "Sobor," resolves therefore "to annul the Union with Rome, to break the ties with the Vatican, and to return to the Orthodox Faith and to the Russian Orthodox Church." It also resolves to inform about its resolutions the Council of People's Commissars of the Ukrainian SSR, the Chairman of the Council for the Affairs of the Russian Orthodox Church with the Council of the People's Commissars of the USSR and to express its thanks "to the statesmen of the Great Soviet Union and the Ukrainian State."<sup>44</sup> Accordingly, telegrams signed by the presidium of the Sobor were sent to the Patriarch of Constantinople Maximos, to the Moscow Patriarch Alexei, to the Exarch of the Russian Orthodox Church in Ukraine, Ioan, to Generalissimo Stalin, to the Premier of the Ukrainian SSR, N. S. Krushchev, to the Supreme Council of the Ukrainian SSR.<sup>45</sup>

Such was the story of the Pseudo-Sobor of the Greek Catholic Church in Lviv. We presented it strictly on the basis of the official minutes of this meeting. It will go down in the history of the two thousand years old Christian Church as unique and everlasting evidence of the violence which was committed on the Ukrainian Catholic Church in Western Ukraine by the Soviet-Russian Government, the hierarchy of the Russian Orthodox Church with the Moscow Patriarch at the head, and by its obedient instrument — the Initiative Group for the Reunion of the Greek Catholic Church headed by the terrorized and morally broken former Ukrainian Catholic priests who became apostates.

### 7. Aftermath of the Pseudo-Sobor, and the Destruction of the Ukrainian Catholic Church

While the Church was going through this tragedy in Ukraine, the work of destruction was carried on in Red Poland against the remains of the Greek Catholic diocese of Peremyshl and the Apostolic Administration of the Lemko territory. On June 25 - 26, 1946, both bishops of the diocese, Most. Rev. Iosafat Kotsylovs'kyi and Most Rev. Hryhorii Lakota were arrested and handed over to the Soviets. Both bishops died in the Soviet prison: Bishop Kotsylovs'kyi in a

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<sup>44</sup> For the text of resolutions, see *Proceedings*, op. cit. pp. 127-128.

<sup>45</sup> For the text of telegrams, see *Proceedings*, op. cit. pp. 133-147.



camp near Kiev on November 17, 1947, and Bishop Lakota in the concentration camp of Vorkuta on November 12, 1950. In the Ukrainian districts given to Poland, the people were torn from their houses and transferred to the Soviet Union, or widely scattered in Poland. The priests who left with their faithful for the Soviet Union had to pass all the ordeals of the Ukrainian Catholic clergy under Soviet rule. Many of them, however, to avoid the danger of apostasy remained in Poland, but few of them now may practice the religion in their own rite. The same can be said of the Ukrainian Catholic population which remained in Poland and is scattered all over the country.

In Carpatho-Ukraine which was annexed to the Soviet Union in 1945, things took a very similar course. Carpatho-Ukraine formed a separate Greek Catholic diocese with its see in Uzhhorod which counted nearly half a million faithful and had 281 parishes, 354 priests, 8 convents, 31 institutes and a theological seminary with 85 seminarists. With the annexation of this territory to the Soviet Union, the Russian Communists intensified their efforts against Greek Catholic Church in Carpatho-Ukraine and violence in these efforts was widely used. The Communist realized that as long as the Catholic Bishop Theodore Romzha remained at liberty, they never would realize their plan for the "reunion" of Carpatho-Ukrainian Catholics with the Russian Orthodox Church and they decided to remove Bishop Romzha by violence, and the intrepid Bishop lost his life in a pre-arranged "road accident." On October 27, 1947 he was returning in his carriage from a village where he had consecrated a church the previous day, and on the road a bus crowded with soldiers and police crashed in to his carriage with the obvious intention of overturning it and killing the bishop. The horses were killed instantly and the carriage wrecked, but the occupants emerged unhurt from the collision. The Communists in their rage did what the accident failed to do: they hit the bishop with iron bars on the head. The Bishop was then transported to the hospital of Mukachiv where he died in the night of November 1, 1947, probably poisoned a few hours before by the nurse.<sup>46</sup>

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<sup>46</sup> For the account of Bishop Romzha's death, see **The First Victims of Communism**, *op. cit.* pp. 56-57. See also Galter, *op. cit.* pp. 107-108.

The final assault on the Greek Catholic Church in Carpatho Ukraine came in February, 1949, when the cathedral of Uzhhorod was confiscated and given over to the Russian Orthodox bishop Makarii who had been named Bishop of Uzhhorod by Patriarch Alexei. At the same time all Greek Catholic churches were closed on the grounds that the Greek Catholic Church officially ceased to exist in the USSR. There followed a mass deportation of both faithful and clergy. The "conversion" of the Greek Catholic Church in Carpatho-Ukraine was completed when at the Monastery of Mukachiv a ceremony was celebrated during which an apostate priest read a formal declaration of the reunion of the Greek Catholic Church in Carpatho Ukraine with the Russian Orthodox Church.

In the neighboring Slovakia there remained the diocese of Priashiv, in which the majority of the faithful were Ukrainians. It numbered some 320,000 faithful, 241 parishes, 311 priests and had a theological seminary with 54 seminarists. The diocese was headed by Most Rev. Paul Hoydych and his auxiliary, Bishop Vasyl Hopko. Here the communist program of the liquidation of the Greek Catholic Church began in 1950 and was completed in January, 1951, by condemning Bishop Hoydych to life imprisonment for the "crimes" against the People's Republic of Czechoslovakia, among others for aiding the raiding Ukrainian partisans of the Ukrainian Insurgent Army (UPA) to cross the territory of Slovakia and to escape to Germany. However, the raid of the Ukrainian partisans across Czechoslovakia took place in 1947. Bishop Hopko is still in prison awaiting trial. The diocese was forcibly converted to Orthodoxy and a Russian Orthodox Bishop, Alexei Dekhterev, a Soviet citizen sent to Priashiv by the Patriarch of Moscow is in charge of it.<sup>47</sup>

To sum up:

1) The deceitful resolutions of the Pseudo Sobor regarding the allegedly legal and formal liquidation of the Ukrainian Catholic Church strictly followed in the next years by the liquidation of Ukrainian Catholic Church on the whole territory of the USSR and satellite Czechoslovakia, and partly also on the territory of satellite Poland.

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<sup>47</sup> Cf. **The First Victims of Communism**, op. cit. pp. 58-59.

2) The whole Ukrainian Catholic hierarchy was liquidated. Of the arrested bishops the following died in prisons and concentration camps: Bishop Khomyshyn of Stanislav (Dec. 24/25, 1945); Bishop Kotsylovs'kyi of Peremyshl (November 17, 1947), Bishop Lakota auxiliary of Peremyshl (November 12, 1950); Bishop Budka auxiliary of Lviv (October 1, 1949); Bishop Liatyshevs'kyi auxiliary of Stanislav died on November 27, 1957, having returned from exile, and Bishop Charnets'kyi died also after having returned from exile. Bishop Romzha died in consequence of a faked "road accident" on November 1, 1947. A reliable report from Czechoslovakia says that Bishop Paul Hoydych of the Priashiv diocese, who was imprisoned for 9 years, died a martyr's death in a prison in Leopoldova in 1960. There are still in prison or in concentration camp: the Metropolitan of the Ukrainian Catholic Church, Dr. Iosyf Slipyi, and Bishop Vasyl Hopko, of the diocese of Priashiv. It must be added that a Greek Catholic bishop in Yugoslavia, Janko Simrak also died in prison.

3) The number of liquidated or deported clergymen of the Ukrainian Catholic Church is not known. On the basis of credible statements of witnesses and private correspondence it can be assumed that about fifteen hundred clergymen and monks are still in prisons or in exile.<sup>49</sup>

4) Hundreds of thousands of Ukrainian Catholic faithful were deported to eastern regions of the USSR where they are living even today.

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<sup>49</sup> In the official journal of the Orthodox diocese of Lviv, Bishop Makarii published statistics of the number of priests who joined the Orthodox Church giving the total as 1,111 (532 from the diocese of Lviv, 302 from Peremyshl, 277 from Stanislav. See, Galter, *op. cit.* p. 97. However the same journal of 1957 (See, *Pravoslavnyi visnyk* (The Orthodox Messenger), Lviv, No. 7, 1957, p. 217) complains that there exist hundreds of parishes in Stanislav and Drohobych diocese which are in the hands of the "disunited" priests (i.e. the priests who did not join the Orthodox Church), and that many parishes in the Holekhiv and Vyhoda raions of the Stanislav province refuse to accept the Orthodox priests, and that the Ukrainian partisans killed scores of former Catholic priests who joined the Orthodox Church. The journal gives the names of 4 priests of Stanislav diocese killed by the Ukrainian partisans of the UPA. See *ibid*, p. 214. *Pravoslavnyi visnyk* of March 1957, No. 3, p. 70, complains of harsh agitation which the "disunited priests" are carrying on against Russian Orthodoxy.

5) On the whole territory of the USSR where there were once 3,040 parishes and 4,440 churches of the Ukrainian Catholic Church, there is today not a single Ukrainian Catholic parish, not a single Ukrainian Catholic Church. All of them have been closed or turned over to the Russian Orthodox Church.

6) There is not a single Ukrainian Catholic school, institute, theological seminary, or publication. All the parsonages, monasteries and buildings belonging to the parishes were nationalized and handed over to the Russian Orthodox Church.

7) Every external sign of Catholic life (religious associations, charity, etc.) has been blotted out.

8) As a consequence of the persecution, the Ukrainian Catholic Church has been illegal in Soviet Ukraine. Its believers and clergy have been driven into catacombs like in the time of the persecution of early Christians.<sup>49</sup>

Taking all this into consideration, the General Secretary for Foreign Affairs of the Supreme Ukrainian Liberation Council in the name of the Ukrainian revolutionary underground which conducted an armed struggle against the Soviet sent a Memorandum to His Holiness Pope Pius XII and the governments of the United States, Great Britain and others in which he

1) Registered a protest before civilized mankind against the usurpation by the Russian Communists of the conscience of the Ukrainian people.

2) Warned all Christian Churches against the false methods of the anti-religious Bolsheviks.

3) Made known that the present Russian Orthodox Church in its services mentions Stalin as "being sent by God" despite the fact

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<sup>49</sup> In 1949, a refugee from Western Ukraine brought this information: "The clergy that has remained faithful to Rome is more numerous than people think; many are imprisoned or deported to Siberia. Others are working as manual laborers or in factories, in hunger, cold and wretchedness, The clandestine apostolate is carried out more and more. The moral condition of those who signed their adherence to the schism is pitiful and some have lost their reason. The common people hold firm to the faith. In some places no one goes to the schismatic church. Some go long distances to see a Catholic priest. Cf. **The First Victims of Communism**, op. cit. pp. 112-113.

that he was the greatest persecutor of Christianity in the history of mankind.

4) Stated that in suppressing the Ukrainian Greek Catholic Church the Russians have exclusively a political aim, and are not moved by any religious considerations.

Furthermore, the General Secretary submitted to the Holy See the following requests: 1) To designate an exarch for the Ukrainian Greek Catholic Church; 2) To make all efforts for the liberation of the imprisoned Ukrainian bishops; 3) To take a canonical stand in regard to the so-called "reunion" of the Ukrainian Greek Catholic Church with the Russian Orthodox Church; 4) To ask the United Nations to send a mixed commission to investigate the "voluntary" reunion of the Ukrainian Greek Catholic Church with the Russian Orthodox Church; 5) To nominate a Field Bishop for the Ukrainian Insurgent Army (UPA).<sup>50</sup>

There is no doubt that the Ukrainian Catholics are now living under violent persecution. The most terrible fact is, however, that they must suffer this terrible religious persecution for purely political ends. The suppression and destruction of the Ukrainian Catholic Church in Western Ukraine was carried out in the interests of the Russian imperialism in order to unite Western Ukraine to Moscow by both political and religious affiliation. And this union with Moscow had to be realized with the aid of the Soviet dictatorship and the persuasive force of Soviet terror and concentration camps, at a terrible cost in human lives.

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<sup>50</sup> For the text of the memorandum, see **Dushnyck, op. cit.** pp. 39 - 45.

## THE FORCED LABOR CAMPS IN THE SOVIET ORBIT

By Prof. Joseph S. Roucek

### THE SOVIET CONCEPT OF LABOR

The forced labor system of Soviet Russia is "an **organic** element, a normal component of the social structure." It is a variety of concentration camps, adapted to accomodate the contemporary needs and policies of the Soviet government.

Basic approach to the problem of labor in the USSR is rooted in the eighth point of the Marx-Engels ten-point program elaborated in the **Communist Manifesto**; it called for the "equal obligation of all to work. The establishment of industrial armies, especially for agriculture."

In the first labor code adapted by the Soviet rulers, this Marxist declaration was applied as the very base of the order. The code passed on December 19, 1918, provided for compulsory labor. Article I was entitled, "On Compulsory Labor," declaring that "All citizens in the Russian Socialist Federated Soviet Republic, with the exceptions stated in sections a and 3, shall be subject to compulsory labor." The

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<sup>1</sup> Cf. Dallin, David J. and Nicolaevsky, Boris I., **Forced Labor in Soviet Russia**, New Haven, 1947, pp. 309 - 320 for literature on forced labor in Russia. The authors rightly observe that the literature on Russian labor camps and forced labor in general is more abundant than is commonly assumed. From recently published works we might note the following: Bahriany Ivan, **The Hunters and the Hunted**, St. Martin's Press, New York, 1957; "Concentration Camps, Prisons, and Justice in Communist Russia" in **The Black Deeds of the Kremlin. A White Book**. Vol. 1. Toronto, 1953, Ukrainian Association of Victims of Russian Communist Terror; Halychyn Stephania, Ed., **500 Ukrainian Martyred Women**, New York, 1956, The United Ukrainian Women's Organizations of America, Inc.; Krasnov, N. N., Jr. **The Hidden Russia**, New York, 1960, Holt; Larsen, Otto, **Nightmare of the Innocent**, New York, 1956, Philosophical Library; Nickerson, Hoffman, **The New Slavery**, New York, 1958, Doubleday & Co.; Noble, John, **I Was A Slave in Russia**, New York, 1957, and *idem* **I Found God in Soviet Russia**, New York, 1959, St. Martin's Press; Parvilahti, Unto, **Beria's Gardens. A Slave Laborer's Experiences in the Soviet Utopia**. New York, 1960, E. P. Dutton & Co. Nnc.; Pidhainy, A., **Islands of Death**, Toronto, 1953; Piddington

exemptions were persons under 16 years of age, all persons over 50 years, and injured or ill persons. Those who were temporarily exempt from compulsory labor were those who were temporarily incapacitated owing to illness or injury, for "a period necessary for their recovery"; and women, "for a period of 8 weeks before and 8 weeks after confinement."

This approach to labor as an obligation was expressed in the subsequent USSR Constitution, Article 12: "In the USSR work is a duty and a matter of honor for every able-bodied citizen, in accordance with the principle — He who does not work, neither shall he eat." The principle applied in the USSR is that of socialism: "From each according to his ability, to each according to his work." Marx, however, demanded: "From each according to his ability, to each according to his **needs**."

Another link in the chain of forced labor is found in the theory concerning crime. According to Marx, the nature of every society is determined by the economic relationship which exist in that society. The reason crime exists in a non-socialist, capitalistic, or feudalistic society, is that the means of production are not owned by the working classes but by the capitalistic or the feudal barons. Thus in a society with the proper economic relationships the reasons for crime and other social ills would disappear."

Yet, from the very beginning of its existence, the Soviet regime had to deal with an extraordinary number of political prisoners. In theory, these prisoners had been the result of the Tsarist environment, and could be corrected, re-educated, and redeemed.

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W. E. R., **Russian Frenzy** London 1955, Elek Books Ltd.; Roeder, Bernhard, **Der Katorgan**, Koeln-Berlin, 1956 (in English: **Katorga: An Aspect of Modern Slavery**, London-Melbourne-Toronto, 1958, Heinemann); Scholmer, Joseph, **Die Toten kehren zurueck**, Koeln-Berlin, 1954 (in English: **Vorkuta: The Story of A Slave City in the Soviet Arctic**, London, 1954, Weidenfeld and Nicholson); Starlinger, Wilhelm, **Grenzen der Sowjetmacht**, Wuerzburg, 1955, Hoelzner. See also Barton, Paul, **L'institution concentrationnaire en Russie, 1930-1957** — a documentary work published by Internat. Commission Against Concentration Camps Practices in Paris (Paris, 1958, Plon) with excellent bibliography (pp. 501-516). For recent developments, see **Saturn**, Bulletin of the International Commission Against Concentration Camps Practices (Commission Internationale contre le Regime Concentrationnaire) in Paris as well as Burmeister, Alfred, "End of Forced Labor?" in **Encounter**, London, April, 1956, and "Soviet Forced Labour Camps" in **Nato Letter**, VIII, 3, March, 1960, p. 13-14.

<sup>2</sup> Dallin & Nicolaevsky, **op. cit.**, 149.

Model prisons were established, but soon something went wrong. With the development of the Soviet regime, the crime rate not only did not decrease but reached unprecedented proportions. Since there were not enough prisons, by 1925 - 26 only 36% of all imposed sentences were actually carried out.<sup>3</sup> To cover up the contradictory reality, the Soviet propaganda machinery stressed this as an example of Soviet liberalism. Nothing was said, of course, about harsh treatment and brutality, summary executions and tortures — and when such stories appeared they were branded as anti-Soviet and capitalist-inspired propaganda.

### THE INTRODUCTION OF FORCED LABOR

The new regime did not make the mistake of the Tsarist government of sending political prisoners to Siberia where they wrote revolutionary pamphlets and books (remember: Stalin, Lenin!) and eventually became active leaders of the Revolution. Instead, the new legal codes of the Soviet Union provided for punishment for "a term of not less than three years in solitary confinement," and the idea of forced labor was introduced: "Invention and dissemination with counter-revolutionary intent, of false rumors or unverified news, which could provoke a public panic, mistrust of authority or discredit the latter, is punishable by deprivation of liberty for a term not less than six months. If the actions are not proved to have been counter-revolutionary, the penalty may be reduced to three months of forced labor."<sup>4</sup>

From these modest beginnings has developed a large program of forced labor. The Tsarist system of sending prisoners to Siberia has been continued by the Soviet government on an even greater scale, and, apparently, with just as much brutality.<sup>5</sup>

There is, however, one basic difference. Under the Tsars most of those exiled were criminals in the usual sense of the concept. Under the Soviets, most of those sent to Siberia appear to be political prisoners.

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<sup>3</sup> Herling, Albert Konrad, **The Soviet Slave Empire**, Wilfred Funk, New York, 1951, p. 9.

<sup>4</sup> Herling, *op. cit.*, 11.

<sup>5</sup> For details on Tsarist Exile System, See Kennan, George, **Siberia and the Exile System**, Century, New York, 2 vols., 1891. Cf. also Dostoevsky's **House of the Dead**; Tolstoy's **Resurrection**.



The first large-scale deportations were those of the Kulaks (rich farmers), who opposed Stalin's socialization and mechanization of their farms. Many of them were assassinated, and other were packed off to Siberia. In the political purges of the mid-1930's, many of those who were not executed were bundled off to Siberia. When the Soviets occupied Western Ukraine, the Baltic States, Czechoslovakia, and Poland, many of those suspected of hostility to the Soviet regime were deported to Siberia. And so were the Chechenes, Ingushes, Kalmyks, Crimean Tatars, etc. of liquidated national republics as well as millions of German, Japanese, Italian, etc. prisoners of war.

Since the Soviets have been denying such reports, there has been considerable controversy over the treatment of those sent to Siberia. Dallin, Margarete Buber and Lipper describe the Siberian conditions as being even worse than those under the Tsars.<sup>6</sup>

#### DEVELOPMENT OF SOVIET FORCED LABOR CAMPS

From these "modest" beginnings the Soviet Union has developed a large program of forced labor. Though the number of inmates or prisoners, camps in exile, and "mode correctional centers" are not available for the early period, Herling estimates that in the 1940 - 1950 decade the prison camps and forced labor camps had a minimum of 8,000,000 workers, and at various times a maximum of 20,000,000.<sup>7</sup>

In the 1940 issue of the Soviet Encyclopaedia (Vol. 57) we find the following definition: "Forced Labor is one of the basic measures of punishment by Soviet socialist law. Forced labor consists in the sentenced persons either being forcibly directed to work organized by corrective labor organs, or remaining at work at his normal place of work, in which case the authority sentencing that person to forced labor imposes a deduction from the wages amounting up to 25%; in the time remaining after his work the sentenced persons is not subjected to any limitations." The 1955 edition contains no entry under the heading "Forced labor." Under other headings, however, reference is made to the use of "compulsion" in

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<sup>6</sup> Burber, Margarete, **Under Two Dictators**, Dodd, Mead, New York, 1951; Lipper, Elinor, **Eleven Years In Soviet Prison Camps**, Regnery, Chicago, 1951; Wines, Frederick Howard, **Punishment And Reformation**, Thomas Y. Crowell, New York, 1919, 181 - 186.

<sup>7</sup> Herling, *op. cit.*, 11.

the USSR "toward a minority, for the purpose of safeguarding the socialist order."

The sensitiveness of the Soviet authorities to foreign criticism induced the Soviet government to enact the Corrective Labor Codex of the RSFSR, approved by the All-Union Central Executive Committee and the Council of People's Commissars on August 1, 1933 (Collection of Decrees No. 48, Article 208), which replaced the term "forced labor (*prinuditelnye raboty*)" by the term "corrective labor work" (*ispravitelno-trudovye raboty*); similar changes were made in the majority of subsequent legislative acts, in particular in amendments to the Criminal Codex (Collection of Decrees 1934, No. 9, Article 51, No. 27, Article 157, No. 42, Article 259, etc). The Code stated clearly that "Persons are directed to corrective labor who have been sentenced thereto by: a) sentence in a court of law, b) Decree of an administrative organ (Clause 8). Clause 129 transferred these "corrective labor institutions" from the jurisdiction of the Republican Ministries of Justice to the NKVD of the USSR.

The Code provided that the forced labor can be directed toward "socially useful ends" (Clause 101) and the MVD was allowed to contract its prison labor out to various industries, cooperatives, and other enterprises and institutions.

As a rule, forced laborers are employed in heavy work, such as mining, heavy construction work, timber work and agriculture in remote areas. In 1941, the Soviet Economic Plan disclosed that forced labor under the control of the NKVD (secret police) accounted for almost half of the total mining output of the USSR, 12% of timber procurement, and considerable quantities of gold, coal and oil. It is known that several large Soviet canals and vast stretches of railway were mainly built by forced labor during Stalin's lifetime, whilst until quite recently prisoners were employed — and possibly still are — in coal, gold, copper and nickel mining, railway, maintenance, chemical factories, road building and a variety of other enterprise of economic significance to the Soviet state in camps disseminated throughout the country.<sup>9</sup>

Forced labor, banishment and exile in the USSR have been completely controlled by the secret police since 1934, and most

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<sup>9</sup> See, "Gulag" — Slavery, Inc. The Documented Map of Forced Labor Camps in Soviet Russia. New Edition (1951) Prepared for the Free Trade Union Committee of the American Federation of Labor. In **Concentrations Camps in the USSR**, New York, Prolog, 1952.

camps had, until recently, MVD armed guards. Today the majority of camps and settlements are to some extent supervised by local authorities with fairly wide powers. Commissions are set up, comprising representatives of local government, and trade unions and Komsomol (youth organizations). These may engage or dismiss officials, reduce sentences, introduce punishments, organized labor schemes and seek jobs for prisoners after they are released.

There are three distinct groups of prisoners in the labor camps: 1) professional criminals (thieves, burglars, murderers), who form a decided minority, but they are usually best treated. 2) "Bytoviks" (defined by Dallin and Nicolaevsky as "offenders against the mode of life"), mostly officials in public institutions found guilty of abuses. They are usually granted posts in the administration of the camp or in the "cultural and educational departments," and are proud of the position of preference over the "enemies of the people," or political offenders. 3) Political offenders may be classified into several categories: a) peasants suspected of individualistic tendencies and thus evaluated as undesirable or the collective farms; b) persons who had been abroad, or have members of their families abroad with whom they communicate (mostly Jews), and who like the peasants, had been sentenced not by a court but simply by the secret police; 3) former inhabitants of the borderlands (mostly Ukrainians, Balts, also Chinese and Koreans); 4) those condemned for their religious beliefs (mostly Catholics, Baptists, members the Ukrainian Catholic Church and of the Ukrainian Autocephalous Orthodox Church); 5) middle or high state officials sentenced for various political offenses; and 6) individuals condemned for specific Soviet wartime crimes (collaboration with the enemy, prisoners of war, nationals of countries occupied at the end of World War II).'

During Stalin's lifetime, the forced labor camps were largely filled, not only with political prisoners who had been guilty of actual opposition to the regime but with those who were merely suspected of being antagonistic to the Party or its policies.

#### RECENT CONDITIONS

After Stalin's death, and as late as 1955 and 1956, repatriated prisoners of war who had undergone Soviet forced labor stated that the vast majority of prisoners in the places where they had been

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\* Y. Dalin & Nicolaevsky, *op. cit.*, Chapter I, "The Corrective Labor Camps," 3 - 19, and bibliography, 309 - 320.

were political. In Karaganda, for instance, all 15,000 inmates had been sentenced under the article of the Criminal Code which deals with "counter-revolutionary crimes." There is no doubt that the amnesties of 1953 and 1955 set free many minor political detainees, but the statements made by Khrushchev, Suslov and others that there are no political prisoners in the Soviet Union today have been disapproved by the fact that, among others, that a number of Jehovah's Witnesses were imprisoned a few months ago for what were termed "crimes against the State, but which turned out to consist simply in practising their religion."

Post-Stalin changes in the Soviet system have brought also mass release from slave labor camps of prisoners of war as well of minor political prisoners. Due to mass strikes and uprisings of inmates of Soviet concentration camps in 1953 and 1954 certain improvements in the labor camps have taken place in recent years. "There are no more labor 'camps,' reported Vladimir A. Boldyrev, Justice Minister of the Russian SFSR in 1959, but 'merely some labor 'colonies'.'" He also told at news conference that the Republic's police force had been trimmed about 40 per cent because of a drop in the incidence of crime.

According to information published in Moscow in 1957, there are now three types of regime in the corrective labor "colonies." Those under the "strict" regime are possibly little better than they were in Stalin's days, but recent reports from refugees state the camps under the "normal" regime now provide adequate clothing, heating in barrack-rooms, blankets — and in at least one camp even

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<sup>10</sup> On persecution of Baptists and Jehovahists and their sentencing in court, see, e. g., V. Shekenya, "There is no place for them anywhere" in *Molod' Ukraina*, Kiev, December 15, 1959, p. 2. Petro Oliferenko and others were sentenced to ten years imprisonment for "organizing and leading the Jehovah underground" in Ukraine, and distributing Jehovahist literature published in Brooklyn, USA. The Soviet press constantly reports of court proceedings against members of religions sects — see, *Digest of the Soviet Ukrainian Press* published by Prolog. Inc. in New York.

<sup>11</sup> For memoirs of returnees from Soviet concentration camps, see Burmeister, Alfred, "Sowjetische Heimkehrerliteratur" in *Ost-Probleme*, No. 9, September, 1956. For strikes and uprisings in the Soviet concentration camps, see Scholmer, *op. cit.*; Piddington, *op. cit.*; Noble, *op. cit.* etc. See also Bulletins of the International Commission Against the Concentration Camps Practices and Passin, Herbert, Van Briessen Fritz, "The Strike at Norylsk" in *Encounter*, London, April, 1956. For Boldyrev's statement, see "Red State's Labor 'Camp' Now 'Colony'" *The New York Herald Tribune*, New York, September 13, 1959.

sheets on the beds — and both reasonable medical care and payment for work. Prisoners work for about 8 or 9 hours a day, 6 and occasionally 7 days a week, and payment varies considerably. In some camps it is equivalent to that of an unskilled worker in the USSR, but in most of them about two-thirds of the prisoners' wages is deducted as payment for food, shelter, clothing, etc. In most camps, **Pravda** and **Izvestia** may now be bought and in one (Pot'ma) prisoners occasionally see Soviet films. In some of the "mild" regime camps, prisoners can be visited by their immediate relatives, and these visitors can occasionally stay in or near the camp if they wish.

Once released, all prisoners are placed at the disposal of the authorities and these may decide to find them employment locally. In effect, this means that prisoners who have been doing unpleasant jobs in remote places can be forced to remain there, though in such cases they are invited to send for their families. However, it is probable that a good deal of the fairly extensive settlement which goes on around labor camp areas in the Soviet Union is now voluntary.

As a result, a number of medium-sities of a peculiar kind have risen in the USSR in the last few years as a consequence of the amnesties and the half-hearted liberalization, which have set free thousands upon thousands of former criminals, and among them large numbers of the worst type of bandits. Some were able to depart and submerge themselves in the vast country; others were obliged to stay in the cities near their slave labor camps and to continue work as "free citizens." Life in such places has become an eternal trial; the authorities and the local police appear to be in fear of those bandits at large, and their deeds usually go unpunished. The term "banditocracy" came into wide use.

At the same time, a substantial body of evidence has been collected by the International Commission Against Concentration Camp Practices and the Soviet laws themselves corroborate the Commission's findings to the extent of showing that forced labor is still an integral part of the Soviet system. Despite the substantial reductions in the past decade the population of the Soviet concentration camps still amounts to several millions, and is an important factor in the fulfilment of Soviet economic plans. Besides the forced labor exists in all satellite states of the Soviet orbit with Moscow deriving principal advantage of this fact.

### SATELLITE LABOR CAMPS

Most of the provisions of the criminal laws of the satellites are carbon copies of the Soviet prototype; the same applies to various legal and "pragmatic" steps used to handle crime and juvenile delinquency.

It is important to remember, however, that, as in the USSR, the satellite includes among the definitions of crime the political aspects of deviant behavior and that there is an interrelation between political, economic, and legal areas. Hence, the lack of political or economic orthodoxy, or intended opposition to the current policies of the regimes, becomes a crime. Thus political prisoners, who form the largest number of criminals in the area, are joined by those who had violated economic decrees or laws; in turn, the "ordinary" criminals thus also became political prisoners, since, in the Marxian theory, these were to disappear with the coming of the socialist society.

The estimates of the total number of camp prisoners in the six satellites vary between 800,000 and 1,300,000. The forced labor camps (usually called Labor Educational Camps, which guard the political prisoners) are known to number over 450. This difference in estimates is due mainly to the lack of a uniform system of "defining" and describing the different categories of camps. Some are run on the Nazi concentration camp system, and many of them (especially in Western Poland and Czechoslovakia) are housed in the old Nazi concentration camps. Originally built by the Gestapo, they form sometimes small towns of some 30,000 "inhabitants" and more. But the more recently built camps are much smaller. They are usually located near large government building projects. Still others are only barracks where the prisoners are confined only during the night, and who work during the day, under escort, outside the camps. In addition, small groups of prisoners are allotted to collective farms and live in not very heavily guarded building, or in tents, on the farms. There are also "transport camps" which house prisoners sent from one camp to another, or deportees for whom no accommodation can be found in their enforced internment place. Special camps have been set up for women and youngsters, and camps for priests (set up usually in old monasteries). (For instance, the former Archbishop Dr. Joseph Beran of Prague was confined for some time in such a camp at the Novar Rise monastery in Southern Moravia, where there were about 300 confined priests).

There are also the ordinary prisons which, for all six satellites, are estimated to hold about 250,000 political prisoners. With the exception of those considered most "dangerous", the able-bodied prisoners are sent out during the summer months to work on government building projects while living in camps — and practically no camp prisoners are freed during the summer months.<sup>12</sup>

ALBANIA. Forced labor was introduced in Albania in the Labor Code, promulgated on August 25, 1947. Law no. 726 of August, 1949 widened the conscription powers of the government.<sup>13</sup> This method of organizing labor was integrated with the provisions of the new Albanian Penal Code of September 1, 1952, which includes among the "crimes" punishable by forced or corrective labor terms of from 6 months to 4 years: producing industrial goods of bad quality, insufficient quantity, or in violation of designated standards (Article 90); departure without permission of a worker or civil servant from a state or social enterprise or institution (Article 202); disobeying orders to work permanently or temporarily for the realization of the state's production and construction plans (Article 204).

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<sup>12</sup> Stolz, George, comp., *FORCED LABOR IN THE SOVIET ORBIT: A SELECTIVE BIBLIOGRAPHY*, Mid-European Studies Center, Mimeographed Series, No. 20, New York, March 15, 1954; Baldwin, Roger N., Ed., *A NEW SLAVERY — FORCED LABOR*, Oceana Publications, New York, 1953; Carlton, Richard K., *THE ECONOMIC ROLE OF FORCED LABOR IN EASTERN EUROPE*, Mid-European Studies Center, Mimeographed Series, No. 35, New York, June 28, 1954; Carlton, Richard K. and others, *FORCED LABOR IN THE "PEOPLE'S DEMOCRACIES"*, Mid-European Studies Center, New York, 1955; Ballin, David J., *THE ECONOMICS OF SLAVE LABOR*, Regnery, Chicago, 1949; Osovski, Vladimir, Ed., *FORCED LABOR AND CONFINEMENT WITHOUT TRIAL; STUDY IN SIX PARTS: BULGARIA, CZECHOSLOVAKIA, HUNGARY, POLAND, RUMANIA, YUGOSLAVIA*. With Supplement: *FORCED LABOR IN THE SATELLITE COUNTRIES AS OF JANUARY 7, 1955*, Mid-European Law Project, Library of Congress, Washington, 1952; Kotschnig, Walter, "Forced Labor Conditions in Communist-Dominated Countries", *DEPARTMENT OF STATE BULLETIN*, XXIII, 510 - 513; Orr, Charles A., *STALIN'S SLAVE CAMPS: AN INDICTMENT OF MODERN SLAVERY*, Beacon Press, Boston, 1952; United Nations, International Labour Office, *REPORT OF THE AD HOC COMMITTEE ON FORCED LABOUR*, E/2431, Geneva, December, 1953; Herling, Albert Konrad, *THE SOVIET SLAVE EMPIRE*, Wilfred Funk, Inc., New York, 1951.

<sup>13</sup> Skendi, Stavro, Ed., *ALBANIA*, F. A. Praeger, 1956, Chapter 9, "Labor", 138 - 147.

**BULGARIA.** Bulgaria has extensive institutionalized Communist labor brigades, labor mobilization, compulsory labor service, "correctional labor" without confinement, and forced labor in camps or prisons"

Labor brigades formed mostly of young peasants and students, provide "voluntary" labor, since service in a brigade is necessary for admission to schools or universities. The so-called compulsory labor service actually has its roots in the same institution founded in 1920 - 21 by the Agrarian government of Stambuliski and never abolished; it covers all men over 20 years of age and all women over 16, using them in community construction projects for a period of 12 months (6 for women) and assuring them a minimum daily wage. The Communist compulsory labor service (instituted by a Decree of August 24, 1946, supplemented on May 9, 1949, and superseded by the Edict on General Rules Concerning Compulsory Labor Service on March 30, 1954) covers all young people of draft age who cannot be drafted into the armed services due to the limits imposed on Bulgaria by the Peace Treaty (1947); actually, the draftees are mostly "unreliable" elements. The service is 3 years, under the command of a special agency of the Council of Ministers (The General Administration of the Compulsory Labor Service). The Council of Ministers direct "Labor mobilization" (Act of March 2, 1948 and subsequent legislation); its Office of Labor Mobilization can "direct individual persons or groups of citizens between the ages of 18 and 50 to perform industrial or other work" and can "mobilize specialists over the age of 50".

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<sup>14</sup> Dellin, L.A.D., "Labor", Chapter 12, 228 - 250, in Dellin, L.A.D., Ed., *BULGARIA*, F. A. Praeger, 1957, and bibliography, 430 - 431; Carlton, Richard, Ed., *FORCED LABOR IN THE PEOPLE'S DEMOCRACIES*, Mid-European Studies Center, New York, 1955; Halasz, Andrew, "Labor's Status in Iron Curtain Countries", *THE ANNALS of The American Academy of Political and Social Science*, in Roucek, Joseph S., Ed., "Moscow's European Satellites", CCLXXI, September, 1950, 94 - 99; Mid-European Studies Center, *PRESENTATION MADE TO THE AD HOC COMMITTEE ON FORCED LABOUR*, New Yourk and Geneva, June 18, 1952 and November 5, 1952: United Nations, International Labour Office, *REPORT OF THE AD HOC COMMITTEE ON FORCED LABOUR*, E/2431, Geneva, December, 1953; *FORCED LABOR AND CONFINEMENT WITHOUT TRIAL IN BULGARIA*, Mid-European Law Project, Library of Congress, Washington, D. C., 1952; Nenoff, Dragomir, *FORCED LABOR CAMPS AND PRISONS IN BULGARIA*, Free Europe Committee, New York, 1951; Herling, Albert Konrad, *THE SOVIET SLAVE EMPIRE*, Wilfred Funk, Inc., New York, 1951, Chapter VI, "Hungary and Bulgaria — Under the Yoke", 134 - 167.



A vast portion of such free labor force is provided by the cadres of forced labor as a result of court sentence and administrative measures. The first group covers all convicted persons who, according to the Criminal Code, must perform "suitable work" and those sentenced to forced labor "without confinement. The second category was introduced as "forced-labor-educational work" in 1948 and included in the new Criminal Code of 1951 as "correctional labor", imposed on such offenses as "disobedience," "carelessness," "undermining labor discipline," "failure to give one's real name," or "spreading slanderous, insulting or false information likely to create distrust in the Government or social disturbances", for the term of up to one year. The sentence is served in the place of regular employment or "elsewhere", and up to 25% of the convict's pay is withheld.

The legal approval of imposing summarily the penalty of forced labor by the police was given in January, 1945 and codified in the Law of the People's Militia (Communist police) on March 25, 1948. Chapter VII of this law, "Measures Against Socially Dangerous Persons," allows the police to send to "labor-educational communities," or a "new place of residence" (deportation), all persons "with Fascist and anti-popular manifestations, those who are dangerous to public order and the security of the state, and those who spread malignant and false rumors". The places of work are defined as "projects of general utility, such as constructions of roads, railroad tracks, canals, dams, buildings, levees, river connections, forest stations, tillage of government or public farms, work in mines, quarries, factories, workshops, and the like". Thus "the frank Communist legislation gives the police unlimited freedom to arrest and confine without trial to forced labor anybody they consider politically unreliable".<sup>15</sup> (It is true that the Militia Law was replaced by the ukase for the People's Militia of March 29, 1955, which has no reference to "labor-educational" communities, but this does not circumvent the right of the police to arrest and deport "without trial and to unspecified destination."

According to the investigation of the UN Ad Hoc Committee on Forced Labor (1952), Bulgaria has some 50 forced labor camps with at least 100,000 Bulgarians as inmates.<sup>16</sup>

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<sup>15</sup> IBID., 246.

<sup>16</sup> The Ad Hoc Committee, REPORT, UNITED NATIONS DOCUMENT E/2431, June 21, 1953.

CZECHOSLOVAKIA. Although Section 2 of the Constitution guarantees personal freedom, which "may be restricted or withheld only on the basis of law," the Law on Forced Labor Camps of October 25, 1948, restricted personal freedom, and established regional boards of 3 members, appointed by the Ministry of the Interior, authorizing them to confine to forced labor camps "persons who are not less than 18 and not more than 60 years old, and who are physically and mentally capable of working, but who evade work or threaten the people's democratic order or economic system..." Such persons can be sent to such camps for a period of from 3 months to 2 years. Furthermore, the convicted person is subject to further restrictions upon the completion of his term.

The forced labor camps are now regulated by the new Criminal Code of 1950 and by the directives issued in its implementation. Before January 1, 1954, confinement in such camps could be imposed as an independent penalty by the Penal Boards of the district People's Committee; under Law no. 102 of 1953, these boards can impose a sentence of correctional labor without confinement. The Criminal Code and the Code of Criminal Procedure provides that parole boards at the Regional Courts may place a convicted persons in a forced labor camp for a period of 3 months to 2 years after he had served the full term of confinement imposed by the court (Sections 36 and 279).<sup>17</sup>

HUNGARY. As was the case with Rumunia, Hungary, which had fought against the USSR until the end of World War II, was occupied by the Soviet forces. Together with the prisoners of war, about 60,000 men and women were deported to the USSR, especially to the Siberian prison camps.<sup>18</sup>

Law No. VII of 1946, which is concerned with the "penal defense of the democratic form of state," and military law No. II of 1939 have been used by the Communist regime of Hungary as legal justification for deporting unreliable elements to labor camps, collective cooperatives, or other areas for compulsory labor. Applied

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<sup>17</sup> Kocvara, Stephen, "The Constitutional System", Chapter 3, 40 - 59, in Busek, Bratislav and Spulber, Nicolas, Eds., CZECHOSLOVAKIA, F. A. Praeger, New York, 1957; FORCED LABOR AND CONFINEMENT WITHOUT TRIAL IN CZECHOSLOVAKIA, Mid-European Law Project, Library of Congress, Washington, D. C., 1951.

<sup>18</sup> Herling, Albert Konrad, THE SOVIET SLAVE EMPIRE, Wilfred Funk, New York, 1951, Chapter VI, "Hungary and Bulgaria — Under the Yoke", 134 - 167.

in a most arbitrary fashion, especially before harvests or at other times when serious lags, sabotages, or unfulfilled quotas are reported, these laws have been instrumental in creating one of the most oppressive features of the Communist regime in Hungary.

By a government decree of January 27, 1950, almost unlimited power over the workers was given to the Hungarian Workers (Communist) Party. This was, however, only an ex post facto step since the Communist minority government had been in control over the special police force (State Security Police — AVO) and the tribunals.

Prior to 1949, about 15,000 persons had been sentenced in Hungary for political reasons; 5,000 of them were assigned to corrective labor. When religious persecution reached its height in 1949, all Roman Catholic orders, with the exception of 4, were dissolved and their members forcibly transported to various parts of the country. Some of the 10,000 priests, monks, and nuns affected were assigned to internment and forced-labor camps. In a new mass deportation in May, 1951, about 75,000 persons were removed from Budapest and other large cities and assigned to slave labor in quarries, mines, and collective cooperatives.<sup>19</sup>

After the Hungarian revolution of 1956, an unknown number, but reaching tens of thousands, of anti-Communist Hungarians, were placed in internment camps, imprisoned, or deported to Siberia.<sup>20</sup>

POLAND. The right to work has become a legal duty to work (Article 14 of the 1952 Constitution). This principle has been of far-reaching consequences since it allows the government to use coercion and compulsion when needing labor. The Decree of January 3, 1946, introduced general labor duty. With minor exceptions, every man between 18 and 55 and every woman between 18 and 45 years of age had to register with the employment office; this step was

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<sup>19</sup> Legislative Reference Service, TENSIONS WITHIN THE SOVIET CAPTIVE COUNTRIES: HUNGARY, Government Printing Office, Washington, 1954, 191.

<sup>20</sup> FORCED LABOR AND CONFINEMENT WITHOUT TRIAL IN HUNGARY, Mid-European Law Project, Library of Congress, Washington, D. C., 1951: Free Europe Press, Hungarian Desk, THE LEGAL ASPECTS OF FORCED LABOR IN HUNGARY, Varga, Laszlo, Ed., Free Europe Committee, New York, 1954: Hungarian National Council, MEMORANDUM ON FORCED LABOR AND FORCED LABOR CAMPS IN HUNGARY: TO THE AD HOC COMMITTEE ON FORCED LABOR OF THE U. N. SOCIAL AND ECONOMIC COUNCIL, n. p., n. d.; Herling, Albert Konrad, THE SOVIET SLAVE EMPIRE, Wilfred Funk, Inc., New York, 1951, Chapter VI, "Hungary and Bulgaria — Under the Yoke", 134 - 167.

supplemented by a decree of 1947 on compulsory neighborhood help in agriculture and by two laws of 1950. These provisions have been used as an instrument of social and political persecution.<sup>21</sup>

A corollary law of February 25, 1948, founded a quasi-military organization, Service to Poland. Boys and girls between 16 and 21, prior to the boys' military service, and supernumeraries up to 30 years of age, are liable for service with special labor units for 6 months, where they receive preliminary labor training while working on public projects. While these provisions have social and economic aims, in practice they are often used for penal purposes. The Law of December 15, 1951, on administrative penal procedure, empowered local authorities to impose "correctional work" up to 3 months to individuals guilty of minor offenses. In the penal code draft of 1956, judges were empowered to replace improvement by correctional labor.

The most drastic form of compulsory labor was created by the Decree of November 16, 1945, on the Creation and Scope of Activities of the Special Commission for Combating Waste and Economic Sabotage. The Commission was granted the right to impose compulsory labor in forced labor camps for a period of up to 2 years (but this term is often prolonged). While the Commission was abolished in 1955, the camps remain.

RUMANIA. The fascist regime, ruling Rumania before the end of World War II, collapsed when the tide of battle in World War II had turned and Rumania was occupied by Soviet troops. Some 500,000 Rumanian prisoners were taken by the Red Army, and of this number only about 190,000 were repatriated. After having been held in special camps for political indoctrination and brought afterwards to Rumania to provide the core of the Rumanian Sovietized Army and of the Communist militia; "the remainder spent between 3 and 7 years at hard labor, in the mines and forests of Asiatic Russia,"<sup>22</sup> In addition, beginning with January 5, 1945, a total of 36,590 men and 32,748 women, Rumanian subjects of German origin, were taken from their homes by the MVD agents and deported to

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<sup>21</sup> Dolina, Joseph, "Labor", Chapter 20, 467 - 490, in Halecki, Oscar, Ed., POLAND, F. A. Praeger, New York, 1957; FORCED LABOR AND CONFINEMENT WITHOUT TRIAL IN POLAND, Mid-European Law Project, Library of Congress, Washington, 1951; Free Europe Committee, SLAVE LABOR AND SLAVE LABOR CAMPS IN POLAND, Free Europe Committee, New York, 1951.

<sup>22</sup> Herling, Albert Konrad, THE SOVIET SLAVE EMPIRE, WILFRED FUNK, New York, 1951, Chapter V, "Romance in Chains", 101 - 133.

the USSR; the number eventually reached some 107,000. In addition, from August, 1944, until the end of January, 1948, about 20,000 Rumanians from Moldavia and Northern Transylvania were deported, together with about 50,000 people from Bessarabia and Northern Bukovina, and some 70,000 from other regions, to the labor camps of Central Asia and Siberia. Around 1947, more than 100,000 Rumanians, in addition, were in the forced labor camps because of their political beliefs and about 50,000 people for "economic sabotage." By September, 1950, these prisons were less crowded as they had been partially emptied by 80,000 prisoners sent to work on the Danube-Black Sea Canal.

The forced labor policies have been masked under the term "voluntary brigade," divided into four categories. The youth-brigades are divided into permanent and temporary brigades. The permanent brigades are manned by unemployed and union-designated manual, office, or intellectual workers, who are given subsistence and nominal pay; temporary brigades are attached to the permanent brigades, and are composed of students, young magistrates, teachers, public officials, and workers drafted for the whole period of their summer vacations; they receive no pay, and only are fed. On a non-permanent basis are the other two types of brigades, employed locally for so-called "sparetime" jobs, or rural or urban areas. They are summoned, for this "free" labor, by the Communist Party or the organizations which it controls. The fourth type is composed of public officials, victims of various political purges, dismissed army officers, and anyone not gainfully employed.

Rumania has laws similar to those which the USSR had enacted, and the laws defining "crimes which would endanger the security of the State and the development of the national economy" (January 13, 1949), are similar.<sup>13</sup> An amendment to the Criminal Code by Decree No. 187 of April 30, 1949, added to Article 1 of the Code: "The actions which are considered dangerous for society can be punished even when they are not expressly prohibited by law. In such cases the extent and limit of criminal responsibility is to be determined in accordance with the legal provisions in force for similar crimes".

The 1952 Rumanian Constitution guarantees each citizen the right to work; the duty to work is seen as a corollary of this right. A worker who has left his job without authorization or has been discharged without being reassigned by the Manpower Office of the

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<sup>13</sup> The text in Herling, OP. CIT., 122 - 123.

local People's Council becomes technically a vagrant.<sup>24</sup> As such he can be.

An ordinance of May 12, 1951, set up a Central Office of Labor Reserves under the Council of Ministers, to provide for the training of "Labor Reserves", as well as for the distribution of "any available skilled and unskilled labor reserves... according to the needs of the national economy." The local People's Councils are in charge of drafting the required number of young workers for the Labor Reserves. A decree of April 18, 1953, amended certain provisions regarding Labor Reserves and established "on-the-job" training courses of from 2 to 10 months. Failure to report to a job by a government employee with "willful intent" to affect adversely the functions of a government institution is punishable with imprisonment from one to 3 months.

In addition to the contributions made by "voluntary brigades" (usually used for unskilled work in farming and simple construction jobs), the state's manpower is strengthened by the military labor battalions, formed at the end of 1949 and placed under a Central Office of Labor Service. The government uses them to discriminate against young men of "unhealthy social origin."

Forced labor camps have existed since 1945, and "at least half have supplied manpower for various state projects." Forced labor is supplied by the Central Office of Prisons.

#### FEW REMARKS ON FORCED LABOR IN YUGOSLAVIA

Since Tito has been cooperating with the Western allies, to a degree, we have not heard so much about his forced labor camps as in the case of satellite countries. But that they exist can be implied from several reports, and especially from Rankovic's report to the Central Committee of the Party on June 3, 1958, on the operations of the secret police, and the provisions of Yugoslavia's new penal law which went into effect in January, 1960.<sup>25</sup>

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<sup>24</sup> Caranil, Andrew G., "Labor", Chapter 14, 248 - 269, in Fischer-Galati, Stephen, Ed., RUMANIA, F. A. Praeger, New York, 1957; FORCED LABOR AND CONFINEMENT WITHOUT TRIAL IN RUMANIA, Mid-European Law Project. Library of Congress, Washington, D.C., 1951; Radescu, Nicolas, FORCED LABOR IN ROUMANIA, commission on Inquiry into Forced Labor, New York, 1949.

<sup>25</sup> Lapenna, Ivo, "Socialist Legality: Soviet and Yugoslav" SOVIET SURVEY. 25, July-September, 1958, 53 - 60: FORCED LABOR AND CONFINEMENT

In October, 1959, a brief article in a small provincial newspaper reported that a Yugoslav living in a town near the Italian border had received a year's suspended sentence for "blaspheming the President of the Republic." Although this was only a minor incident, it illustrates the changing Yugoslav attitude toward political offenses. Deeds or words that in Western Europe or the United States might be frowned on but are not actionable by law are still punishable crimes in Yugoslavia. At the same time, however, the police and the courts tend to be lenient, particularly on minor offenses. This has been increasingly true since 1951, when the Tito government reorganized its legal system. At that time, the regime acknowledged that thousands of persons had been imprisoned unjustly or treated more harshly than their offenses deserved. However, "there are still some areas where the relaxation has not gone far," and "no one can work for the overthrow of the Communist system without facing harsh penalties. Equally, any attempt to stir up religious feeling or dissension among the country's various nationalities gets no sympathy from the courts." Offenses in this latter category are taken seriously in Yugoslavia.

Although the present fashion in the Communist world is to deny the existence of political trials — offenders are generally found guilty of economic crimes — the Yugoslavs make no bones about the fact that they have political prisoners; their justification is their country's vulnerable position in the world, surrounded by hostile forces hoping for the overthrow of the Tito regime. The best known of these prisoners is Milovan Djilas, the former Number Two Man in the government, who turned against the system he helped to build. (Djilas is serving a 9-year sentence in Stremko Mitrovica prison — about 40 miles from Belgrade). How many others there are is not a matter of public knowledge, since no separate records, the officials claim, are kept for political prisoners. But an indication of sorts can be gained from court statistics.

In 1957, for instance, 5,000 persons were sentenced to prison terms of more than 6 months. Of these, 407 were listed as political

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WITHOUT TRIAL IN YUGOSLAVIA, Mid-European Law Project, Library of Congress, Washington, D. C., 1952; Gsovski, Vladimir, Ed., FORCED LABOR AND CONFINEMENT WITHOUT TRIAL. STUDY IN SIX PARTS: BULGARIA, CZECHOSLOVAKIA, HUNGARY, POLAND, RUMANIA, YUGOSLAVIA, Mid-European Law Project, Library of Congress, Washington, 1955; United States, Library of Congress, Law Library, YUGOSLAVIA: CONFINEMENT WITHOUT TRIAL (FORCED LABOR), Library of Congress, Washington, D. C., 1951.

offenders. More than half of the 407 were convicted of spreading religious hatred; 70 others were charged with promoting dissension among nationalities; only about 50 were jailed for acts said to have been aimed at the regime itself. This was far fewer than in earlier years, but even so it was only part of the story. There is at least one category of political prisoners that would not show in these statistics — the so-called deportees.

Under the provisions of a law first introduced in 1948, during the height of the feud between Yugoslavia and the Soviet-bloc nations, persons judged a threat to the security of the state could be "deported" for a period of up to 2 years. This action was taken by police courts. The procedure is not considered a regular trial. A person deported is exiled from his regular residence and usual connections and is forced to live in a place selected by the police. This may be only a remote village or on a closely-guarded barren island in the Adriatic Sea.

Such deportations had virtually stopped by 1955, but the practice was revived in 1958, after the renewed break between Moscow and Belgrade. (A recent report — in 1959 — to Parliament stated that this action was taken against 166 persons during the year that ended in June. Most of them apparently were persons suspected of pro-Soviet sympathies).



## SOVIET INNOVATIONS IN INTERNATIONAL LAW

by

Prof. Dr. José Julio Santa Pinter

## SUMMARY

1. The People's Democracies
2. Diplomatic Immunity for Trade Delegations
3. Territorial Waters
4. The Cosmic Space
5. Conclusions

Even for the Soviet theoreticians it has not been easy to determine the status of the satellite countries, the so-called "People's Democracies". An evidence of this trouble is the large quantity of political and scientific works authoritatively listed by Professor Dr. Lothar Schultz.<sup>1</sup> By the wellknown Mankovsky thesis,<sup>2</sup> the people's democracies would constitute a transition between the capitalist State and the Soviet State, the latter being considered in the apex of the hierarchy of values, the transition from socialism to communism; the ultimate goal, the "socialist State being the dictatorship of the proletariat, the ultimate and the highest step of democracy in a society of classes, since it constitutes a guarantee of true democracy for the working masses, for the true peoples' power, functioning, at the same time, on the historical level, as a transition toward the organization of a classless society".<sup>3</sup> However, there is no unanimity even among Soviet authors regarding the people's democracies, both as a concept in itself and the individual countries, as it began with revolution and the following early 20th century dictatorship of the proletariat, being voiced first by Lenin himself.

Titus Komarnicki analyzes exhaustively the meaning and scope of the new term of international law "Satellite State". For him, it is equivalent to

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<sup>1</sup> "Der sowjetische Begriff der Volksdemokratie," in *Osteuropa-Recht*, Stuttgart, 11th year, No. 2, December, 1958, pp. 297, with a notable original Soviet bibliography on the subject.

<sup>2</sup> As above, 302 - 303, footnote 29.

<sup>3</sup> A. Davletkeldiyev, "Evolution of the Socialist State doctrine through the XXth Congress of the Party," originally printed in *Kommunist*, Moscow, No. 11, 1959, as per the German digest published in *Ost-Probleme*, Bonn, 11th year, No. 21, October 16, 1959, pp. 665:

"colony",<sup>4</sup> with the difference that in the Satellite State there is a "dictatorial interference",<sup>5</sup> satellism being, according to Komarnicki, mere interventionism, and a perversion of the very essence of international law,<sup>7</sup> a complete distortion of the system of the United Nations, as it embodies a regression in the development of international law.<sup>8</sup>

Professor Halajczuk states that "the structure of the relationship between the USSR and its European satellites is openly **subordinative**",<sup>9</sup> on the other hand, Werner Haemisch and Gerhard Herber, of the **Deutsche Akademie fuer Staats und Rechtswissenschaft Walter Ulbricht**, of East Berlin, hold<sup>10</sup> that "socialist countries "coexist" and not only find themselves side by side in peace as they are also linked to each other within a uniform world system, based on objective factors and on the community formed by the common interests and goals, determined by the ruling class".<sup>11</sup>

Khrushchev expressed the same idea at the XXIIth Congress of the Communist Party: "We march ahead in a common front, within which we help and give each other fraternal support".<sup>12</sup> As to the interpretation of this "fraternal collaboration" and this "mutual assistance" of the "socialist" countries, the Soviet military intervention in Hungary, October-November 1956, is a glaring example.<sup>13</sup>

In the world of the "socialist community" a new international law is being fully developed and it already offers abundant literature, even in the West, as this new body of laws would, after the triumph of the socialist revolution, rule the relations among all States,<sup>14</sup> thus strengthening the world socialist system, which "is the most powerful and consequent power for the peace-

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<sup>4</sup> **Legal Problems under Soviet Domination**, published by the Association of Polish Lawyers in Exile, New York City, 1956 ("The Satellite State: A Contemporary Case of Intervention"), p. 16:

<sup>5</sup> Cf. also Walter Kolarz, **Russia and her Colonies**, London 1952, who consistently applies the term "colony".

<sup>6</sup> **Legal Problems**, *op. cit.* p. 18.

<sup>7</sup> **Ibid.**, p. 23.

<sup>8</sup> **Ibid.**, p. 25.

<sup>9</sup> Bohdan T. Halajczuk, **El orden internacional en un mundo desunido**, Del Atlantico Publishers, Buenos Aires, 1958, pp. 314.

<sup>10</sup> Der proletarische Internationalismus, das Grundprinzip in des Beziehungen zwischen den sozialistischen Staaten, — **Staat und Recht**, East Berlin, No. 7, 1959, digest printed in **Ost Probleme**, Bonn, 11th year, No. 18, September 4, 1959, pp. 568.

<sup>11</sup> **Ibid.**, pp. 569.

<sup>12</sup> In **Ost-Probleme**, Bonn, 11th year, No. 18, September 4, 1959, p. 569.

<sup>13</sup> See the USSR Government on the development and the strengthening of friendship and cooperation between the Soviet Union and the other Socialist states, October 30, 1956. Spanish version in **La Situacion en Hungaria y la Regla de Derecho** International Commission of Jurists, The Hague, 1957, pp. 48.

<sup>14</sup> See Haenisch and Herder. *op. cit.*, pp. 570.

ful and equalitarian collaboration between the peoples and the States".<sup>15</sup> Its feature would be the principle of mutual advantage, expressed in the agreements signed by the USSR and the satellites, and by the latter, with each other.

Nevertheless, even inside the "socialist community" there are differences between the peoples language, territory, nationality, history, etc.), a fact which does not bar I. P. Zamerjan<sup>16</sup> concluding that these centrifugal elements within the socialist system are actually **unifying**, a thesis also held by Khrushchev in Leipzig, March 7, 1959; with the victory of the socialist revolution, the matter of frontiers will be different, as all borders will have disappeared.<sup>17</sup>

Therefore, we may say, in short, that the principal characteristic of the so-called people's democracies lies in the **unity of concept of law**<sup>18</sup> and of **government**,<sup>19</sup> a unity based on the system now prevailing in the Soviet Union.

## 2. DIPLOMATIC IMMUNITY FOR TRADE DELEGATIONS

One of the most significant innovations in international law is, in my opinion, the extending of diplomatic immunity to Soviet trade delegations abroad.

As a point of departure for this time, one might well select Article 14, h, of the 1936 Stalin Constitution, which provides for the powers of the federal State, represented by "its supreme power bodies"<sup>20</sup> and the administrative organs of the State"<sup>21</sup> and includes foreign trade on the basis of a **State monopoly**. Previously, foreign trade had been defined as a State monopoly in Article 1 of a Resolution of the Central Executive Committee of the Communist Party, dated March 13, 1922.<sup>22</sup>

To the same effect we might invoke a new document, the agreement on general problems of trade and maritime navigation between the German

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<sup>15</sup> *Ibid.*

<sup>16</sup> "The Evolution of National Relations During the Building of Communism", in *Voprosy filosofii*, Moscow, No. 7, 1959, the summarized German difest printed in *Ost-Probleme*, Bonn, No. 18, *op. cit.* pp. 562.

<sup>17</sup> *Ost-Probleme*, No. 18, 1959, pp. 571 through 573.

<sup>18</sup> Jose Santa Pinter, "Derecho satelite," in *Jurisprudencia Argentina*, Buenos Aires, 1956 - 11, doctrine section, pp. 133. Also "Derecho sovietico y derecho satelite" in *Estudios sobre el comunismo*, Santiago, Chile, 6th year. No. 20, April 1 June, 1958, pp. 15.

<sup>19</sup> Jose Julio Santa Pinter, "Regionalismo e imperialismo," in *Dinamica social*, Buenos Aires, No. 64, 1955, pp. 4.

<sup>20</sup> See Article 30 of the same Constitution.

<sup>21</sup> Article 6 *et seq.*

<sup>22</sup> In "Modern Soviet Legislation" by Miguel Luban, translated by the author and edited by Julian Calvo, Luis Fernandez Clerigo and Mariano Ruiz Fenes. Edition authorized by the Soviet Embassy in Mexico City, no date (probably 1947), pp. 234.

Federal Republic and the USSR, signed in Bonn,<sup>23</sup> April 25, 1958, Article 7 of which states that owing to foreign trade being a monopoly of the Soviet state, Germany agrees to the installation of the Soviet trade representation on her territory.

While we may point out that as a principle of international law this is not universally accepted, the fact remains that it has been agreed to in several bilateral agreements, resulting in the granting of diplomatic immunities to Soviet trade delegations.

As an illustration one may mention the 1925 German-Soviet Treaty Agreement (October 12, 1925), which established that premises occupied by the Russian Trade Delegation would be protected **according to the extraterritorial principles**; the trade and navigation treaty between the USSR and Norway of 1925, which provided for the same principle being applicable to the premises of the Soviet trade delegation even when they were located in buildings other than those occupied by the Soviet diplomatic mission. Similar provisions were contained in the agreements with Estonia (1920), Lithuania (1920) and Sweden (1924), besides the 1934 Soviet-British agreement. The latter repeats virtually the provision previously embodied in the provisional agreement of April 15, 1930 which accorded "full diplomatic privileges and immunities" to the Soviet trade representative and his two deputies.

The Soviet Union holds this principle because of its contention that members of trade delegations are a part and parcel of the diplomatic mission.<sup>24</sup>

What are the privileges granted the trade delegation. During my latest official trip of studies in Germany (1959), I had the opportunity of collecting data on the new Soviet-German trade agreement, the appendix to which is abundant in details on the subject.

The Appendix dealing with the legal status of the Soviet trade representatives in West Germany provides in its Article I that such delegations have the following functions: a) to foster trade relations between the two countries; b) to represent the trade interests of the USSR in Germany and c) to act on behalf of the Soviet government in matters of trade, in Germany.

The delegation has headquarters in Cologne and is a part of the Soviet Embassy (HQ in Bonn), thereby enjoying the following privileges: a) the trade offices are granted the same immunities and privileges given the Soviet Embassy, under international law; b) it may freely use codes in its communications; c) its director and his three deputies are granted every immunity and privilege given members of the Soviet Embassy in Germany; d) the number of additional members of the staff shall be established by common agreement between the parties; e) those employees referred to under "d" shall be tax-

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<sup>23</sup> Text in **Deutscher Bundestag** 3. Wahlperiode; Drucksache 545.

<sup>24</sup> See Donald G. Bishop, "Immunity of Diplomatic Establishment: Soviet Law and Practice," in **Osteuropa . Recht**, Stuttgart, 5th year, No. 1, May 1959, pp. 8 et seq.; especially pp. 10 and 11 (Trade Delegations). See also other literature mentioned by the author.

exempt if Soviet citizens (Art. 2). It is interesting to note, furthermore, that Article 2 ends by stating that the trade delegation is not subject to the legal provisions on chartering of businesses.

As though this would not suffice, and to show how far can this system of privileges reach, Article 4 may be mentioned. It provides that all rights, immunities and privileges listed under Article 2, a, are confined to trade functions, with the following exceptions: a) disputes arising from transactions concluded under provisions of Article 3<sup>25</sup> shall be submitted to German courts if no agreement is reached as to jurisdiction, but — and this is very important in such disputes, be the Soviet trade delegation the plaintiff or the defendant, no measures may be taken to ensure the carrying out of any sentences against it; b) however, the execution of a final sentence against the trade delegation for the causes listed under paragraph "a" may take place, for which purpose the whole of the property and chattels of the USSR, its rights or interests existing in Germany and arising from such business negotiations concluded by the trade delegation or for which the delegation may give guarantee, shall be taken into consideration, with the sole exception of the properties of organizations mentioned under Article 3, paragraph 3.

Properties and premises used by the trade delegations are exempt from any legal action (execution).

On the other hand, Article 3 provides that the trade delegation acts on behalf of the Soviet government and is responsible solely for those transactions or agreements concluded by the delegation itself, or guaranteed by it, having been signed by two persons duly authorized to do so.<sup>26</sup>

If any deal is concluded without the corresponding guarantee of the delegation, between Germans and any Soviet agency which, under Russian law has a legal status, such a deal will obligate only such an agency, not the Soviet government (paragraph 3).<sup>27</sup>

In conclusion: confusion must not arise between the trade representation and the Consulates because the latter have also been dealt with in an agreement, signed on April 25, 1958, between the two countries, which states that its provisions shall apply to the Consular activities of the Embassies (!), while the creation of separate Consulates shall require the conclusion of a new treaty (Article 1).<sup>28</sup>

### 3. TERRITORIAL WATERS

It is well known that while no uniformity of views exists, as regards this important matter, there is some majority opinion recognizing the traditional

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<sup>25</sup> It will be demonstrated shortly.

<sup>26</sup> Para. 2 reads that the official gazette must print the list of persons authorized to sign on behalf of the delegation, that is, of the Soviet government.

<sup>27</sup> This para. 3, referred to in para. 4, b, in fine.

<sup>28</sup> See Regulations for diplomatic missions and consular offices, adopted by the Executive Central Committee and the Soviet of the People's Commissars, 1927, as amended by a March 27, 1956 decree. See also Bishop, *op. cit.*, p. 12.

three miles as the limit of national sovereignty of a country over its territorial waters. This position, which is approximately three hundred years old, had its origin in the range in the contemporary cannon, which did not reach over that limit. This very reason demonstrates how obsolete such a criterion is.

However, other positions exist, as for instance that of some South American republics, recognizing up to two hundred miles, as in the agreement signed in 1952 by Chile, Peru and Ecuador (Southern Pacific Pact), the purpose of which is to preserve the sea resources for the needs of their populations.

Iceland recognizes twelve miles, a source of much friction with the United Kingdom, whose fishing vessels ignore such limit and do so under the protection of H. M. gunboats.

Let us consider the Soviet position in the matter.

The Soviets hold that the imperialistic powers advocate freedom of the sea for everybody so that they can impose upon the other countries their points of view regarding territorial waters.

Even if Imperial Russia accepted in 1787 the three miles limit,<sup>29</sup> the regulations for the border defense units, dated December 10, 1909 mention twelve miles, a figure that has been maintained on several occasions by the USSR since the October Revolution,<sup>30</sup> as for instance in 1921 (Decree of the Council of People's Commissars, May 24, 1921), in 1923 (Order on the USSR frontier defense, September 7, 1923), in 1927 (ditto, July 15, 1927), in 1954, etc.

However, our author<sup>31</sup> holds that the extension of the territorial water limit should vary according to the different states, for historical, economic, political and, above all, strategic reasons; consequently, uniform international law opinions on the matter cannot exist. Therefore, each State should establish its own limits. For this reason, the Soviet Union chose the twelve mile limit, as dictated by reasons of security and sovereignty in territorial waters.

As early as 1927 the League of Nations tried to attain a multilateral regulation of the limit, but its initiative failed because of the divergent points of view of the interested governments. The Hague Conference in 1930 was no more successful than the League of Nations.

The General Assembly of the United Nations charged its International Law Committee with the study of the matter, in Dec., 1949; the special reporter J. P. A. Francois prepared a draft on the basis of the traditional position, but the Soviet delegate Koshevnikov, defended the Russian position that each State is sovereign to fix a limit to its territorial waters, as a uniform limit never existed, that might be accepted by all members of the community of nations. Hence, it would be useless to establish limits because many States, among them the Soviet Union, had adopted the twelve miles limit.

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<sup>29</sup> Samuel Kucherov, "Das Problem der Kuestenmeere und die Sovietunion" in *Osteuropa-Recht*, Stuttgart, 5th year, No. 1, 1959, pp. 15. *Ibidem*.

<sup>30</sup> Compare with A. N. Nikolaev, "The Problem of Territorial Waters in International Law," Moscow, 1954, *op. cit.* by Kucherov, p. 18, note 26.

<sup>31</sup> See previous note.

The draft was changed by its author in February and May, 1953, the limit being extended to twelve miles, but the sovereignty being recognized only over the three mile strip. The draft was considered in 1954, but in 1955 the Committee again took it up, in its seventh session. Its Article 3 reads:

a) The Committee recognizes that international practice is not unanimous in the delimitation of territorial waters;

b) The Committee believes that international law does not warrant the extension of the limit over twelve miles;

c) The Committee holds the opinion that States are not obligated, under international law, to recognize the three miles limit for territorial waters; nevertheless, this statement of the Committee does not affect the extension of territorial waters within said limit.

The Soviet delegate S. B. Krylov failed to give his approval to this draft.

At the 1958 Geneva conference the Russian delegate G. I. Tunkin proposed that each State should have the right of establishing a limit from three to twelve miles, taking into consideration the historical grounds, the geographical circumstances, the economic interests and the military security, as well as the interests of international maritime shipping. This proportion was rejected by the majority. A compromise plan was introduced by the United States extended the limit of territorial waters to six miles. This plan was also rejected, the two blocs holding firmly to their previous positions: the Eastern bloc with its twelve miles, the Western bloc with its three; and some of the South American states with their two hundred miles. Therefore, the problem has been held in abeyance until another United Nations meeting is held in 1960.

Eleven Western Nations (West Germany, Belgium, Spain, the United States, France, Great Britain, Greece, the Netherlands, Italy, Portugal and Turkey have begun negotiations to double the present three miles limit. According to news reports,<sup>32</sup> the United States, France and Great Britain oppose such a plan. It is said that a United Nations sponsored meeting on the subject will be held. On the other hand, Canada, Iceland, Norway and Denmark intended to establish even wider limits, to protect their fishing rights.

#### 4. COSMIC SPACE

This subtitle forces us to state *hic et nunc* two problems, one theoretical and the other practical, i. e., the limit of the state sovereignty over air space and the control of outer space. Before going into details, however, it seems advisable to emphasize the fact that our purpose is not to examine the two problems as stated, but to present the Soviet position in the matter.

As to the first problem, it can be briefly summed up as follows: undoubtedly, international law admits the state sovereignty as extending also to air

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<sup>32</sup> *Clarín*, Buenos Aires, November 16, 1959.

space,<sup>33</sup> a view which has been held by many, since Fauchille.<sup>34</sup> The point is to determine its limit. According to George W. Rehm,<sup>35</sup> three trends can be distinguished: the state power would end where the last trace of gaseous atmosphere vanish;<sup>36</sup> the limit is the limit of possible flight of aircraft;<sup>37</sup> and, lastly, sovereignty would compromise not only airspace but also the whole outer space, *ad infinitum*.<sup>38</sup>

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<sup>33</sup> See also Ambrosini, Cooper, Haley et al.; also Ernesto Bonicatto, "El satélite artificial, derecho aereo y economia," in **La Ley**, Buenos Aires, Vol. 89, pp. 715, especially para. IV and "Reflexiones en torno al derecho aeroespacial," in **La Ley**, Vol. 90, pp. 856, especially para. VII; Ferrerico Videla Escalada, "Reflexiones sobre el regimen juridico del espacio," in **Jurisprudencia Argentina**, Buenos Aires, 1957, IV, doctrine section, pp. 46; many works by Aldo Armado Cocca, particularly his **Teoria del derecho interplanetario**, Editorial Bibliografica Argentina, Buenos Aires, 1957, Chapter VII; Alvaro Bauza Araujo, **Hacia el derecho astronautico**, Montevideo, 1957, Chapter IV and Carlos Alberto Passini Costadoat, **El espacio aereo (dominium coeli)**, Roque Depalma Publisher, Buenos Aires, 1955 and the bibliography listed in all the cited works.

<sup>34</sup> An exhaustive summary may be found in Alex Meyer's **Freiheit der Luft als Rechtsproblem**, Zurich, 1944. See also George W. Rehm, "Sovjetunion und Weltraum," in **Osteuropa - Recht**, Stuttgart, 5th year, No. 2, 1959, 99.

<sup>35</sup> Rehm, *op. cit.*, pp. 99 - 100.

<sup>36</sup> A. Meyer, "Rechtliche Probleme des Weltraumfluges," in **Zeitschrift fuer Luftrecht**, 1953, 1, pp. 37; also Arnold W. Knauth, ditto; 1958; pp. 386; for instance.

<sup>37</sup> John C. Coover, "Legal Problems of Upper Space", Washington, 1956, pp. 6-7, as quoted in **Zeitschrift fuer Luftrecht**, 1956, pp. 178. Check with Article 1 of the 1944 Chicago Convention, which provides that "each State shall have exclusive and absolute sovereignty over the airspace above its territory". It is interesting to note, perhaps, that the report of the Civil Air Transportation Committee of the United Kingdom, set up May 22, 1917, in dealing with the conflicting theories of sovereignty or exercise of control, or limited or unlimited jurisdiction over airspace, added that "a State should affirm its right of sovereignty on the airspace above its territory, for otherwise there would be no way to exercise any legal control on aircraft, no matter how low they should fly, it being possible, however, to adopt the position that either (a) the state sovereignty is to be affirmed *usque ad coelum* or (b) a given state's sovereignty also reaches a certain height, above which aircraft still fly, such high altitudes being then free to all, in the same manner as outside the limits of territorial waters the high seas are open to everybody" (quoted from "The Right to Fly", by John C. Cooper, Spanish translation published by the **Coleccion Aeronautica Argentina**, Buenos Aires, Vol. 18, 1958, pp. 17).

<sup>38</sup> R. C. Hingorani, in **Revue Generale de l'air**, Paris, 1957, pp. 248 et seq. Also Ming-Min-Pen, "Le vol a grande altitude et l'article 1er de la Convention de Chicago," in **Revue Francaise de Droit Aerien**, Paris, 1952, pp. 390 et seq. See Cocca, *op. cit.* Chapter VII.



On behalf of the Soviets, Eugene Korovin dealt with the juridical relationship of stratosphere;<sup>39</sup> W. I. Lisovsky upholds State sovereignty to the 75-kilometer (46 miles) limit, which would include the stratosphere;<sup>40</sup> Kislov and Krylov speak of security and oppose any division of airspace in different zones.<sup>41</sup> <sup>42</sup> For them, the State sovereignty ceases where atmosphere ends.

With the launching of the first *sputnik*, October 4, 1957, the position that a State's sovereignty ceases where the atmosphere ends has been reinforced; outer space would then begin from that limit on.<sup>43</sup> This would be imposed by security reasons.<sup>44</sup>

It is again Eugene Korovin who states, in another work,<sup>45</sup> that sovereignty cannot extend to the cosmic space; such space, however, should not be considered a legal vacuum, being, on the contrary, where procedures of international law would apply.<sup>46</sup>

As to control of outer space — and here we tackle the practical side of the matter — the following can be ascertained:

Since the Russians launched the first artificial earth satellite, voices have been raised in favor of multilateral international cooperation to solve problems created by the control of outerspace, and mainly by the artificial satellites. As an illustration, a quotation would seem appropriate, from a speech of the U. S. delegate to the United Nations, Henry Cabot Lodge, in which he warned the world that 'the opportunity must not be lost to control peacefully the new exploratory efforts of man in outer space'.<sup>47</sup>

<sup>39</sup> "La conquete de la stratosphere et le droit international," in *Revue General de Droit International Public*, Paris, 1934, Vol. 41, pp. 675 et seq.

<sup>40</sup> *International Law* (in Russian), Kiev, 1955, as quoted by Rehm, *op. cit.*, pp. 100, note 10 and S. Kucherov, "Sovjetische Souveraenitaetsansprueche in der Stratosphaere," *Osteuropa-Recht*, Stuttgart, July-August, 1957, pp. 505 et seq.

<sup>41</sup> See also Cooper's thesis of "contiguous space" (and everything in it) in "Legal Problems of Upper Space" *op. cit.*

<sup>42</sup> "The State's sovereignty over airspace is a generally accepted principle of international law" (in Russian), in *Mezhdunarodnaia zhizn'*, Moscow, 1956, pp. 34, quoted by Rehm in *op. cit.*, pp. 100, note 13.

<sup>43</sup> A. Galina, "On the question of interplanetary right", in Russian, in *Sovetskoe gosudarstvo i pravo*, Moscow, 1958, No. 7, pp. 52; as quoted by Rehm; *op. cit.*, pp. 101, note 18. See also the work by the Pole Makowski, *ibidem*.

<sup>44</sup> Check also F. I. Kovalev, *ibidem*, note 20.

<sup>45</sup> "The International Law Regime of Cosmic Space", in Russian, in *Mezhdunarodnaia zhizn'*, Moscow, 1959. No. 1, pp. 71, as quoted by Rehm; *op. cit.* pp. 101; note 21.

<sup>46</sup> Passini Costadoat (*op. cit.*, pp. 132 et seq.) writes of "condominium" of all States and Joseph Kroell (Elements createurs d'un droit astronautique in *Revue Generale de l'air*, 1953, 16th year, Nos. 3-4, pp. 222 et seq.) of a "universal public domain." See also Santa Pinter, "El satelite artificial de la Tierra, el derecho y la comunidad internacional" in *La Ley*, Vol. 88, pp. 849, para. V.

<sup>47</sup> *La prensa*, Buenos Aires, October 11, 1957.

The United Kingdom delegate Alan Noble stated that the launching of the Russian vehicle emphasized the urgent need to create an **international** study group to ensure the peaceful use of outer space, since time ticked by and the United Nations should not waste one minute in the application of controls to new and future scientific developments, such as space vehicles and space stations. He also noted that "without the work of the study group we cannot anticipate what may happen. The technical group should study the legal aspects relating to the control of vehicles in space. New weapons have awakened new fears, so the problem is more urgent than ever before".<sup>48</sup>

In his letter to Bulganin, President Eisenhower suggested an agreement to forbid military utilization of outer space.<sup>49</sup>

It would seem that there is, in principle, an agreement on the prohibition of the use of outer space for military purposes, as the Soviet statement of March 15, 1958 includes the following points:

1. Use of cosmic space for military purposes is forbidden, the governments agreeing to launch their space vehicles in strict obedience to an international program;

2. Foreign bases in other States' territories should be dismantled, namely in the Near and Far East and in North Africa;<sup>50</sup>

3. A U. N. agency would be created to supervise the previous proposals;

4. Another U. N. body would be created to study and explore the sidereal space. The latter agency would prepare and supervise an international program for the launching of intercontinental and cosmic vehicles. Besides, the space research started under the International Geophysical Year should continue. Such a body should act as a clearing house, gathering and transmitting data on outer space and coordinating national study programs of the subject.<sup>51</sup>

Likewise, a meeting of heads of states was proposed, to draft an international treaty to supervise cosmic space (*ibidem*).

E. Korovin again mentioned the subject in his speech on the Day of Tribute to Greece, August 28, 1958, in Munich, referring specifically to the designing, patenting and registration of scientific space devices. He also considered the matter of protection against damages inflicted by such devices.

The same idea of cooperation has been expressed by American Specialists (Cooper, Haley, Knauth and others)<sup>52</sup> and by the U. S. Ambassador to the U. N., Henry Cabot Lodge, who asked the United Nations, November 13, 1958, to take quick steps to avoid a suicidal rivalry for the exploration and control of

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<sup>48</sup> **Clarín**, Buenos Aires, October 15, 1957.

<sup>49</sup> **Noticias graficas**, Buenos Aires, February 3, 1958.

<sup>50</sup> This problem, connected with that of disarmament, always accompanies the Soviet plan of international cooperation in space.

<sup>51</sup> **La razón**, Buenos Aires, 5th edition, March 15, 1958.

<sup>52</sup> See, for instance, Haley, "International Cooperation in Rocketry and Astronautics," in **Jet propulsion**, Vol. 25, No. 11, 1955; pp. 632 and "Basic Concepts of Space Law," *ibidem*, Vol. 26, 11, 1956; pp. 957.

outer space. He also said that this problem should be disassociated from that of disarmament because delay to secure an agreement on disarmament should not hinder the work of peaceful cooperation in outer space, this being the moment to take the appropriate and necessary measures, as "the world must choose between cooperation in this field or its new discoveries causing self-destruction through rivalry between nations".<sup>53</sup>

That was the starting point of a suggestion to create within the U. N. a special committee to undertake the study of peaceful use of outer space.

While the Soviet Union did not reject this plan, Soviet delegate Valerian Zorin stated before the Political Committee of the United Nations that his country shall insist on the dismantling of all U. S. bases abroad as a preliminary condition of cooperation (*ibidem*).

The new draft was sponsored by the United States, Australia, Belgium, Bolivia, Canada, Denmark, France, Guatemala, Ireland, Italy, Japan, Nepal, the Netherlands, New Zealand, Sweden, Turkey, Union of South Africa, Uruguay, United Kingdom and Venezuela. The motion suggested that the committee to be set up should report to the 1959 Session of the UN General Assembly on the following:

1. The work and the resources of UN bodies and other international agencies connected with the peaceful use of outer space;
2. The international cooperation programs which might be adequately carried out by the UN;
3. The future organizational arrangements to facilitate cooperation in the problems of outer space, and;
4. The nature of the legal problems arising from the implementation of programs for outer space exploration.<sup>54</sup>

The Czech delegate Jiri Nosek supported the Soviet position of linking the usage of outer space with disarmament, while Victor Belaunde, Peruvian delegate, held that this thesis would be tantamount to "connect the matter with just one aspect of disarmament", by reason of which the United Nations should approach the matter as it "represented the last phase of the international development of a world family, with international obligation" and because it was important for the UN to exercise "constant watch over the whole world, stamping out any seed of a threat to peace. The UN must prevent any struggle for the supremacy in outer space (*ibidem*)".

On November 18, 1958 the Soviet Union unexpectedly proposed that an 11-member Committee be set up to prepare a program for permanent international cooperation, under UN auspices, about the peaceful utilization of cosmic spaces, forsaking its previous position of linking this matter with the dismantling of American military bases. The proposed countries would be the United States, the Soviet Union, the United Kingdom and France, together with a neutral group composed of India, the United Arab Republic and Sweden,

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<sup>53</sup> Clarin, November 14, 1958.

<sup>54</sup> *Ibidem*.

Argentina as a representative of the South American bloc and three communist countries, Czecho-Slovakia, Poland and Rumania.

This proposal differs from the Western plan in that it mentions the composition of the Committee and the permanent nature of the latter.

Italy, Chile, Peru, Argentina and France have emphasized that new facts required a new law, having therefore asked for a conclusive, uniform and clear-cut statement guaranteeing that all outer space exploration should be beneficial to the human race, with equal rights, on behalf of, and under the high direction of the United Nations.<sup>55</sup>

It was thus that, on December 12, 1958 the General Assembly set up a Committee to report to the next session on the several aspects of the outer space problems. The members of this Committee are Argentina, Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Iran, Italy, Japan, Mexico, Poland, Sweden, the United Arab Republic, the United Kingdom, the United States and the Soviet Union.

On October 6, 1959 the Soviet Union announced that it would propose a meeting of an international science conference to study outer space, under UN sponsorship; at the same time, the Soviet delegate, the Under-Secretary for Foreign Affairs Vasily V. Kuznetsov, stated that his country would not take part in the work of the Outer Space Committee, set up the previous year by the United Nations, to study forms of international cooperation in the matter. He pointed out that such a Committee would be made up in a manner not likely to "ensure equal cooperation of all countries", that is, he wished for a larger representation of the neutral and communist countries. He declared:

"Taking in consideration that the benefits of the exchange of results of scientific research further a quicker progress in the exploration of outer space, the Soviet Government shall push the adoption of its proposal to call a UN-sponsored international conference of men of science to deal with the exchange of experiences in sidereal space."<sup>56</sup>

Besides the "multilateral" international cooperation, there is also talk of a "bilateral" cooperation between the colossi equipped to carry out experiments in outer space: the Soviet Union and the United States. According to **The New York Times**, Khrushchev has affirmed he is ready to put under international control the earth satellite and any pilotless vehicles, as a part of a **general agreement between the USSR and the United States**.<sup>57</sup> Such offer is reported to have been rejected by the Department of State;<sup>58</sup> however, we know of a plan of data exchange on satellites between the Smithsonian Institute and the Soviet Academy of Sciences, as announced by Leon Campbell, director of the U. S. astronomy program for the launching of space vehicles.<sup>59</sup>

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<sup>55</sup> **Clarín**, November 19, 1958.

<sup>56</sup> **La nation**, Buenos Aires, October 7, 1959.

<sup>57</sup> **La nation**, October 8, 1957.

<sup>58</sup> Santa Pinter, "El satellite artificial," etc., **op. cit.**, para II.

<sup>59</sup> **Clarín**, October 15, 1957.

In other words: there is a proposal for cooperation between the two countries as far as satellites are concerned, a matter, we consider quite different from control of outer space as such.

Nevertheless, if a news report is to be believed,<sup>60</sup> the Soviet rocketry experts stated that a plan to carry out cooperative Soviet-American space launchings is being considered. This statement was made by the chairman of the Soviet delegation, Professor Leonid I. Sedov, to the meeting of the American Rocket Association, negotiations between members of the delegation and the representatives of the National Aeronautics and Space Administration (NASA) having taken place.

It is implied that even before an agreement was worked out to set up the UN Outer Space Committee in December, 1959 (approved by the Political Committee of the General Assembly<sup>61</sup> and then by the full General Assembly itself, December 13, 1959, creating a twenty-four member Committee of which seven are communist states, five neutral and twelve Western states), bilateral negotiations had taken place between the American delegate Ambassador Henry Cabot Lodge and the Soviet representative, Under-Secretary for Foreign Affairs Vasily V. Kuznetsov.<sup>62</sup> Time shall tell whether UN-sponsored cooperation may be effective. While past history does not give us much food for optimism, unfortunately, we may hope, nevertheless, that the UN stage may be useful for negotiations and exchange of ideas. If this can be done, we think much will be gained.<sup>63</sup>

## 5. CONCLUSIONS

Space limitations preclude an examination of other equally novel points injected into the doctrine of international law by Soviet initiative; some of them have been incorporated into the language and the practice of our Western democracies, while others still are strictly Soviet views, in opposition to differing theses of Western theoreticians and practical politicians.

A few such matters and Soviet opinions have been dealt with by the author on previous occasions, as for instance coexistence,<sup>64</sup> the concept of aggression,<sup>65</sup> imperialism,<sup>66</sup> borders between communist countries,<sup>67</sup> mainstays of Soviet diplomacy,<sup>68</sup> and others.<sup>69</sup>

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<sup>60</sup> **La nation**, December 13, 1959.

<sup>61</sup> **La nation**, December 13, 1959.

<sup>62</sup> **La nation**, December 14, 1959.

<sup>63</sup> Aldo Armando Cocca, in **Teoria, etc.**, op. cit., pp. 244; expresses his skepticism as regards the UN jurisdiction over "interplanetary space".

<sup>64</sup> "La coexistencia en su sentido original sovietico," in **Dinamica social**, Buenos Aires, No. 61, 1955.

<sup>65</sup> "El concepto sovietico de la agresion," in **Estudios sobre el comunismo**, Santiago, Chile, VI, No. 21, 1958.

<sup>66</sup> "Regionalismo e imperialismo," in **Dinamica social**, Buenos Aires, No. 64, 1955.

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<sup>67</sup> "El problema de las fronteras entre los Estados socialistas" in **Estudios sobre el comunismo**, Santiago, Chile, No. 27, 1960 (at the printer's).

<sup>68</sup> "La diplomacia sovietica" in **Estudios sobre el comunismo**, Santiago, Chile, VI; No. 19, 1958.

<sup>69</sup> "La influencia del pensamiento juridico sovietico en el derecho internacional de Occidente, in **La Ley**, Buenos Aires, Vol. 91, pp. 828. See also "The Influence of Soviet Law in Today's World," in **Prologue**, New York, 1959, Vol. III; No. 1. pp. 35 et seq.

## ROUSSEAU AND THE SOVIET THEORY OF THE STATE

by Albert L. Weeks

One school of sophisticated historians and political scientists maintains that political theory and ideology act as mere rationalizations for the deeds of unleashed political power. Political power, say these observers, is merely a cloak or camouflage, a pontifical ethic to salve the conscience of the rulers and win supporters among naive children of light. It is undoubtedly true, as St. Augustine showed in *The City of God* 500 years ago, that lust for political power is the principal motive for rule on this imperfect earth, an impulse perhaps more than any other driving the Savonarolas, Robespierres, Lenins, Stalins, and Hitlers to their despotic acts. But what the power-for-power's sake school of Prof. Hans J. Morgenthau and others tends to ignore is the dynamic, efficacious function of political theory. As Prof. T. V. Smith, erstwhile philosopher at the University of Chicago, now of Syracuse University, has pointed out: "Ideals are among the most virile actualities, and they impregnate the womb of Becoming with the seeds of their own Being".

The "ideals" in a given political philosophy are not always to our liking. They may impregnate the womb of Becoming in a given political and social system carrying it in a direction which we would consider anti-democratic, anti-liberal, and even dangerous to other states in the world. It is therefore our duty to penetrate and understand this philosophy and not be misled either by pseudo-sophisticated analysts on the one hand or official dogmatists of the given system on the other. We must do this in order clearly to see what the essence of the system is and in what direction it appears to be moving to realize its purposes. The analysis will incidentally help us to understand our own system better.

In analyzing the political philosophy of the USSR, one can find little insight from reading the works of Marx and Engels or even of Lenin and Stalin. For example, when we inquire into the ultimate purpose to be achieved by collectivization of agriculture and etatization of the economy, we get a largely amoralistic, economic answer from official Soviet spokesmen as well as from certain observers abroad: more rational utilization of land, tools, factories,

labor and higher production. But for what purpose? At the sacrifice of what **other values**, human, political, or economic? We have a similar problem whenever we inquire into the ultimate purpose of one-party rule in the USSR. If we are lucky enough to read any official answer to this question, it is simply that Marxism teaches that classes are led by political parties ("the most articulate representatives of the given class") and have world-historical missions to perform — that of the Communist Party being identical to the ultimate goals of World History and objective Necessity, the others being retrogressive, reactionary. But if we ask what precisely are the fundamental principles underlying these vast assumptions and above all the philosophical bases for the political instrumentalities — including the nature and function of the single monolithic Communist Party, the rationale for the dictatorship of the leaders of the proletariat (especially in the contemporary Soviet era of the existence in the two "friendly classes"), the State-run and Party-dictated press, television and all other media, censorship, the determined aim of the State to penetrate the wills and consciences of the citizens whose behavior and even thoughts, say the regime, are determined by their heavily-regimented political and social environment — we are greeted by a conspicuous silence.

We have already seen that we are obliged as thinking citizens of the non-Communist world to find the answers to these questions concerning the essence of the Communist system. But if we cannot find them by reference to the works of Marx, Engels, Lenin, Stalin and others, where can we find them?

Some of what has been written by political philosophers in the State, utopia, society, economics, and public administration may be found here and there in the convolutions of the current **unwritten** philosophy of the Soviet State. One may detect definite traces of latterday Communism in such widely dispersed writings as Plato's **Republic**, Hobbes' **Leviathan**, interesting magazine articles written in the 1870's by the Russian "Bolshevik", Peter Tkachev, in the political and social concepts of Hegel, and in countless other writings. But the most illuminating references and insights come from a thorough and reflective reading of the writings of Jean-Jacques Rousseau, inspirer of Robespierre and the Committee of Public Safety. He was the first modern purveyor of the concept of a "democratic" State penetrating every facet of the individual man and society, all in the name of the whole people and their best interests.



## ROUSSEAU

Rousseau's key concepts revolve about the following basic postulates:

1. Society and State together form an **organism**;
2. The organism's reason consists in the General Welfare and its will in the General Will;
3. A part of each citizen may be referred to the General Welfare and General Will — namely, his individual reason — while his lesser half consists in his "appetitive" will, partisanship revolving about private or small-group interests which tend to drag him away" from his "true" reason and General Will "which is in each citizen";

4. It is therefore the chief duty of the State persistently to indoctrinate the citizen with the dictates of the General Will as represented in the acts of the State power, which are identical to the General Welfare and the true welfare of each and every citizen; a centrally - controlled system of education and indoctrination, "civil religion," censorship, and even communal rearing of children (socialization of the family) are said to be necessary by Rousseau in order to realize the maxim of "forcing the citizens to be free" — that is, forcing the ruled to accept the political truths and dictates of the rulers and to honor and respect them patriotically since their power is theoretically based on the nominally popular voice of the General Will which is "always in the best interests of all".

We find agreement with all four of these main principles in Communist writings (implicitly, of course) and in the existing instrumentalities of the Communist political system, whether in Bulgaria or Poland, China or East Germany or on any other Communist-ruled territory.

Let us examine them more closely, both as Rousseau presents them and as they are reworded and disguised in Soviet writings.

## SOCIETY AND STATE AS ORGANISM

Rousseau's State and society were a good deal more than a mere sum of its parts, of its individual citizens. It was a living organism:

"In place of the individual personality of each contracting party, this act of association creates a moral and collective body... receiving from this act its life, its will. This public person so formed by the

union of all persons formerly took the name of city... now takes the name of Republic or body politic.”<sup>1</sup>

Rousseau makes frequent mention of **une personne publique** when speaking of the State. A recent important Soviet work on philosophy, **Osnovy marksistkoi filosofii**, published in November 1959 by the State Publishers in Moscow, states the following (pp. 340, 341, and 342):

“Marxists view human society as a unique social organism (organism) at the basis of which lie the material productive relations and the economic relationships between people... The Marxist definition of society includes the unity of the whole and the particular... Historical materialism views human society and the social and economic structure as a living organism in constant development and including within itself economic, political, and spiritual relations brought into internal interconnection.”

Lenin's (and from him, Stalin's) several references to society as an organism were probably mainly derived from his exhaustive reading of and agreement with Hegel's principal concepts.<sup>2</sup> Neither Rousseau nor Lenin or other Communist theoreticians make any significant distinction between the interests of the society and those of the State, viewing both as continually interconnected. In this philosophy, therefore, there is no room for the realistic, democratic idea that the State is merely an unmystical assemblage of officials and rules of procedure, of offices and power and a constitution all acting in the capacity of elected agents of the people (society) and accountable to and removable by the people themselves. Similarly, public law for Rousseau and the Communists enjoys a quasi-sacred status as composing the acts of a dynamic “sovereign” General Will concretized in the State.

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<sup>1</sup> J. J. Rousseau. **The Social Contract**. E. P. Dutton Everyman's Library, New York, no date, Book I, Ch. VI, p. 15.

<sup>2</sup> See K. R. Popper. **The Open Society and Its Enemies**. London: Routledge & Kegan Paul Ltd., 1949, Vols. I. and II. In Vol. II, Ch. 12, Prof. Popper observes: “The collectivist Hegel, like Plato, visualizes the State as an organism; and following Rousseau who had furnished it with a collective “general will,” Hegel furnishes it with a conscious and thinking essence, its “reason” or “Spirit”. This Spirit, whose “very essence is activity” (which shows its dependence on Rousseau), is at the same time the collective Spirit of the Nation that forms the State”. And: “The historical significance of Hegel may be seen in the fact that he represents the ‘missing link’... between Plato and the modern form of totalitarianism.”

## THE GENERAL WILL AND THE RULERS

Rousseau first presents his striking concept of the General Will in Book I of **The Social Contract** in the following manner:

"In order that the social contract may not be an empty formula, it tacitly includes the undertaking, which can alone give force to the rest, that whoever refuses to obey the General Will will be coerced to do so by the whole body. This means nothing less than that he will be forced to be free...

"Our will is always for our own good but we do not always see what that (good) is; the people are never corrupted but they are often deceived, and on such occasions only does it **seem** that the General Will wills what is bad...

"The General Will is always right and tends to the public advantage...

"Each individual, as a man, may have a particular will contrary or dissimilar to the General Will which he has as a citizen. His particular interest may speak to him quite differently from the common interest..."

Rousseau then makes his important assertion that the General Will may be found represented in the minds of individuals, as well as standing over them:

"No one would dispute that the General Will is in each individual and is a pure act of understanding. It reasons when the passions are silent on what a man may demand of his neighbor and what his neighbor has a right to demand of him".<sup>3</sup>

However, in the previous quotation Rousseau has indicated that the people "are often deceived," they do not often know what their own best reason is or are prevented from knowing by "passions", partisan interests, etc. This "pure act of understanding" is a rare phenomenon in the mind of an ordinary citizen; that is why Rousseau emphasizes that the tabulating of opinions and votes of citizens is not the proper way to attain political truth:

"Why is it that the General Will is always right unless it is that all continually will the happiness of each... and considers himself voting for all... It proves that the General Will, to be really such, must be general in its object as general in its essence. That is, it must

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<sup>3</sup> This quotation is from the unpublished original draft of Rousseau's **The Social Contract** and is found in G. D. H. Cole's introduction to the American Everyman Edition of **The Social Contract**.

come from all and apply to all; and that it loses its natural rectitude when it is directed to some particular and determinate object, because in such a case we are judging something foreign to us and have no true principle of equity to guide us... It can be seen from the foregoing that what makes the Will general is **less the number of votes than the common interest uniting them.**"<sup>4</sup>

In this admittedly unclear passage the key thought is contained in the concluding sentence; to get the General Will one does not necessarily count votes but, rather, assesses the interest or General Welfare of the whole society and adjusts the acts of government (General Will) accordingly — all in the name of the whole people. Thus, the "pure act of understanding" is less likely to be found in individual citizens or their representatives and their votes than in the minds of specially qualified rulers.

Rousseau makes this clear as he describes how the General Will is to be put into effect and by whom. Note here that Rousseau's understanding of a "legislator" is far from being an analogue of a British M. P. or a U. S. Congressman; he is more similar to a Platonic Philosopher-King or a member of the ruling summit of the Soviet dictatorship of the proletariat:

"The first duty of the Legislator is to make laws conformable to the General Will!"<sup>5</sup>

It is the ruler who will bring individual wills "into conformity with their reason." Rousseau refers to the Legislator as a "god-like man". The Legislator by no means finds it necessary to convene the people to determine the General Will and the General Welfare:

"Must the whole nation be assembled together at every unforeseen event? Certainly not. It ought less to be assembled **because it is by no means certain that its decision would be the expression of the General Will**; besides, this method would be impractical for a large population and is **hardly ever necessary where the government is well-intentioned**; for the rulers well know that the General Will is always on the side which is favorable to the public interest...; so that it is needed only that the **government act justly to be certain of following the General Will.**"<sup>6</sup>

Thus, Rousseau puts the pure act of understanding and the hypostatized General Will in the rulers, saying only that the government

<sup>4</sup> Rousseau. *The Social Contract*, Book II, Ch. IV, p. 29.

<sup>5</sup> Rousseau. *A Discourse on Political Economy*. American Everyman Edition, p. 296.

<sup>6</sup> *Ibid.*, pp. 296-7.

need be "well-intentioned" properly to assess the true best Will and interests of the people, regardless of what the people themselves may think or what they would will if they were given the chance.

One does not find satisfactory candor even in Rousseau for the derivation of the great wisdom he high-handedly assigns the Legislator, the ruler. By his many favorable references to Greek city-states and Greek political philosophy, one may interpolate that Rousseau was an ardent admirer of the system of the Philosopher-King outlined in Plato's totalitarian Republic. When we turn to Rousseau's and the Soviets' instrumentalities of the all-penetrating State, we will see this more clearly.

On the Soviet side, one is immediately struck by the lack of candor in the attribution to the Communist Party of the clairvoyant leader of the people and the government, to the Soviet State as the consistent and unfailing assessor of the best interest of the overwhelming majority of the toilers (both before and after the Bolshevik seizure of power). Nowhere is a "General Will" explicitly posited. However, on a few, rare occasions, Lenin and others gave a suggestion of what their fundamental views were on the will of the people and the general welfare and how these are assessed and how they should be understood. One of the best examples may be found in Lenin's critique of the results of the last free election held in Russia under the Bolsheviks in December 1917 when the Bolsheviks failed to win more than 24% of the votes with a very large turnout of the electorate and after the notorious Cheka (political police) had been instituted:

"The strength of the proletariat... is incomparably greater than the arithmetic weight of the proletariat in the total sum of the population (the proletariat was very small in Russia in 1917 — A. L. W.). This is because... the proletariat **expresses the true interests** of the overwhelming majority of the toilers."<sup>7</sup>

The Leninist Bolshevik leader, Valerian V. Osinsky, made the following Rousseauian observation for the benefit of foreign Communist Parties gathered at the First Congress of the Comintern in 1919:

"When we speak of the will of a nation, do we by any chance mean the opinions of that nation? Not at all... We are for proletarian class dictatorship. Thus, it is clear from this what we mean when we refer to the Will of the Nation... Claims based on universal suffrage mean nothing and prove nothing to us."

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<sup>7</sup> Lenin. *Sochineniia*, 4th ed., Vol. 30, pp. 245 - 50.

Lenin on the proletariat as the true expressor of the whole people's will and best interests:

"The proletariat indeed comes forward here (in Russia) as the representative of the whole nation, of **everything vital and honest in all classes.**"<sup>8</sup>

Lenin implies that the proletariat has a General Will which represents the best wills of all classes. He always made it clear that when he talked about the actual political (and State) expression of this Will and General Welfare that he had the very small group of leaders and "representatives" of the Great Russian proletariat in mind:

"The thinking representatives of the given class (are those who have) the necessary knowledge and experience — the necessary political instinct for rapid and correct solution of intricate political problems."<sup>9</sup>

In the new philosophy text, *Osnovy marksistkoi filosofii* (1959), the leaders (or latterday Philosopher-Kings and "Legislators") are described as follows on p. 615:

"Without clairvoyant, wise, and experienced leaders brought forward and trained by the Party, the working class could not have attained liberation... The Party and its leaders **rescue the people from error**".

Like many of the democratic-sounding phrases in the Soviet constitution is Article 49e which empowers the Supreme Soviet to call referendums of the people. This power has never been used and perhaps could never be used effectively, given the omnipresent Party and government control of voting. On polling the people to get their actual wills, Lenin once said, "You will find no parliaments or referendums in the Soviet power." Trotsky's discussion of the Bolshevik coup of 1917 in his history of the revolution contains the statement, "The real majority of the people... is not to be understood in a formal (referendum) sense."

These various statements of Soviet authorities together with the sweeping laws and decrees which have "come down from above" (to use Stalin's description of the collectivization measures) are testimony to the fact that the unwritten theory of the Soviet State contains these essential, Rousseauian points:

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<sup>8</sup> Lenin *Sochineniia*, 4th ed., Vol. 21, p. 254.

<sup>9</sup> Lenin. *Detskaia bolezn' "levizny" v kommunizme*, Oriz, 1945, pp. 6 - 7; pp. 21 - 2.

1. The True Will of the People in a Communist country is not assessed by voting and referendums at the grassroots, because this mystical Will is bound up with the nation's equally hypostatized General Welfare which can be cognized only by the eminently reasoning, "wise," and experienced leaders representing the proletarian vanguard;

2. Political wisdom is the property of a select few, god-like men; as Lenin said in his prerevolutionary **What Is To Be Done?** the "ignorant" workers themselves can develop only "trade union consciousness"; the knowledge, direction, goals and organization of their struggle can only be brought to them "from the outside" by a small group of intellectual, revolutionary leaders; thus, a legislature in the true, democratic sense is out of place in the Communist system where political truth is a monopoly of a few Communist Party leaders and not subject to public opinion, public discussion, disagreement among the people who form into rival political parties contending for the votes of a free people (hence, the utter ineffectualness of the USSR Supreme Soviet as a truly bill-drafting and law-making legislature).

### THE ALL-PENETRATING STATE

"Make men, therefore, if you command men: if you make them obedient to the laws, make them love the laws and then they will need only to know what is their duty and to do it. This was the great art of ancient governments in those distant times when philosophers gave laws to men and made use of their authority only to render men wise and happy.

"... The General Will is always in the right, but the judgement which guides it is not always enlightened. It must be made to see objects as they are and sometimes as they ought to appear to it: it must be shown the good road it is in search of, secured from the seductive influences of individual wills... All stand equally in need of guidance... (The public) must be made to know what it wills...

"He who dares to undertake the making of a people's institutions ought to feel himself capable, so to speak, of changing human nature or transforming each individual, who is by himself a complete, solitary whole, into a part of a greater whole from which, in a certain manner, he receives his life and being; of altering man's constitution for the purpose of strengthening it; and of substituting a partial and moral existence for the physical and independent existence nature has conferred on us all. He must, in a word, take away from man his own powers (forces) and give him instead new ones alien to him and incapable of being made use of without the help of other men...: so that each citizen is nothing and can do nothing without the rest and without

the forces acquired by the whole which are equal or superior to the sum of all natural powers of these individuals...

"It is not enough to say to the citizens, be good; they must be taught to be so.

"Forming citizens is not the work of a day; and in order to have men it is necessary to educate them when they are children... If, for example, they are early accustomed to regard their individuality only in its relation to the body of the State and to be aware, so to speak, of their own existence merely as a part of that of the State, they may at length come to identify themselves to some degree with this greater whole... to lift their minds perpetually to this great object... It is too late to change our natural inclinations when they have taken their course and egoism is confirmed by habit... the human ego, concentrated in our hearts, acquires that contemptible activity which absorbs all virtue... From the first moment of life, men ought to begin learning to deserve to live... There ought to be laws... teaching obedience to others; and as each man is not left to be the sole judge of his duties, government ought the less to abandon indiscriminately to the intelligence and prejudices of fathers the education of their children, as that education is of still greater importance to the State than to the fathers...

"If children are imbued with the laws of the State and the precepts of the General Will: if they are taught to respect these above all things... we cannot doubt that they will learn to cherish one another mutually as comrades, to will nothing contrary to the Will of Society."

The above passages taken from *A Discourse on Political Economy* (American Everyman ed., pp. 307 - 9) and *The Social Contract* (pp. 38 - 9) show the "democrat" Rousseau in his true, totalitarian posture. Rousseau has postulated the following in the above:

1. The State can transform men, 'human nature,' especially through the educational process and by socialization of the family;
2. Individualism is an extremely dirty word to Rousseau; it keeps the individual mind turned away from the dictates of the State's General Will and prepares the seeds of partisanship, disunity, and the appearance ultimately of a new political grouping which threatens the infallible government;
3. All facets of the society (in another place Rousseau interestingly includes the economy) must be so constituted by the State leaders that people are forced into dependence "on the rest", i.e., the State, without which "the citizen is nothing and can do nothing";
4. Rousseau's State has enormous didactic functions — teaching people to be good, to love the dictates of the General Will, and to have the attitude that they must deserve, or earn the right, to live.



One may find ample support for these views in the practice of Communist rule, if not in the published writings of Communist leaders and theoreticians.

First, as to the total penetration of the State, A. Y. Vyshinsky wrote in his authoritative **The Law of the Soviet State** that Lenin's concept of the dictatorship of the proletariat in the socialist era involved:

"Guidance by the State of the entire process of reorganizing society and recasting the people's way of life and psychology."

The socialization of the entire material and spiritual life of the citizens in the USSR and the efforts to "assimilate" the non-Russian nations are proof of this statement. The "engineers of human souls" are daily engaged in recasting the people's psychology, or trying to. The aim of this is probably best stated by the Grand Inquisitor in Dostoyevsky's great novel, **The Brothers Karamazov**:

"Oh never, never can they feed themselves without us! No science will give them bread so long as they remain free. In the end they will lay their freedom at our feet and say to us, 'Make us your slaves, but feed us...' Who can rule men if not he who holds their conscience and their bread in their hands."

It is perhaps a classical concept of the political theory of totalitarianism, ancient or modern, that the despotic State must penetrate as many of the material and spiritual facets of the individual and society as possible in order to consolidate the regime.

Second, the Soviet position on individualism is well known; it is a strictly "bourgeois phenomenon"; it is considered a fiction by the Communist philosophers since all individuals are ultimately dependent on the class to which they belong, the State in which they live, and on the will of the State and society, all of which determine what is left of the "individuality" of such a controlled citizen. This view may be found in several places in the new philosophy text, **Osnovy marksistkoi filosofii** (1959).

Third, the prerogatives of the Soviet State to legislate on matters that many non-Communist countries would consider a forbidden domain for State interference include laws on marriage and divorce, standardized education and orthodoxical treatment of the humanities (literature, history, philosophy, economics, etc.), "propaganda" against peace and the established order in the USSR, and a host of other subjects. The rationale for these laws is basically that of all ancient and modern tyrannies: an effort to shape citizens

into an easily ruled, obedient mass and to prevent any disturbance of this rational scheme.

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At the very basis of the philosophies of Rousseau and the Communists is contempt of pluralism, variety, discussion, and an impatience for the more just and equitable system of political democracy. There is no doubt that the lust of power and the almost compulsive demand to hang onto that power regardless of the circumstances (Syngman Rhee resigned his office in revolt-torn South Korea; Kadar would not resign when he could stamp out opposition in Hungary) is an important element at the basis of the Communist rulers' psychology. As David Riesman of the University of Chicago wrote in **Individualism Reconsidered**: totalitarians are weak "in their obsessive feeling... that disorder in itself is a terrible thing"; in its place they offer a tempting false security. The result in the Soviet Union prompted Louis Fisher to write:

"It would be difficult to imagine a society in which the individual is more subservient to the State and the State more independent of the individual."

## NATIONAL PRINCIPLE OR DISINTEGRATED PRINCIPLE?

### Turkestan Within Soviet Constitutional Framework

by Dr. Bohdan T. Halajczuk

Turkestan is the most important  
Soviet Republic from the point of  
view of revolutionizing the East.

Io. V. Stalin

A well informed and well intentioned Asian does not deny the existence of Russian colonialism but considers it a phenomenon existing outside of the Asian continent, a phenomenon limited only to a strip of Europe from Estonia to Bulgaria and from Ukraine to Hungary. The Asian often forgets about the existence of a Soviet colony in Mongolia and about the annexation of Tannu-Tuva, which was another Soviet satellite.<sup>1</sup> He also forgets that the Asian area of the USSR is not limited to Siberia (with a backward and sparse aboriginal population) but that it also includes the two highly civilized areas situated on both sides of the Caspian Sea. His indifference may be understandable in the case of the Caucasus — a peripheral region with its largely Christian population, but it is in no way understandable in the case of Turkestan which from both the geographic and the historical point of view can be considered the heartland of Asia and an area of immense significance for the Asian peoples.

Turkestan means "country of the Turks." It is the homeland of the Turkic people which played a role in Asian history very

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<sup>1</sup> No other communist republic — neither the satellite states, nor the union republics of the USSR, were annexed as Tannu Tuva. Karelia reverted to her former status of an autonomous republic of the Russian SFSR after being elevated to the category of a union republic for a period of a few years. It was elevated to the status of a union republic at the moment when "liberation" of Finland was planned.

similar to that played by the German people in European history. Its geopolitical position in the heartland of Asia is of immense importance to Russia because, as Walter Kolarz points out, Turkestan "is indeed the watchtower from which Russia can look into India, Western China and Afghanistan."<sup>2</sup>

This Asian indifference toward Turkestan becomes even less justifiable if one considers the fact that under conditions of Russian colonialism, Turkestan fared much worse than other victims of Russian colonial expansion. If we compare the conditions in the Soviet republics of Central Asia with the conditions in other Soviet republics, we find that discrimination against the former was much more severe. In the European part of the USSR, except in the case of Moldavia, all the Soviet republics represent a direct continuation of the independent democratic republics which were established at the time of the disintegration of the Russian Empire in 1917 (Ukraine, Finland) or in 1918 (three Trans-Caucasian republics, three Baltic republics, Poland). These republics were later subjugated by Soviet Russia largely by means of armed aggression and often after years of bloody war. It must be stressed that the conquered democratic republics (Ukraine, Belorussia, the Trans-Caucasian republics) up to 1923<sup>3</sup> enjoyed a status similar to that of the present satellite countries.

However, the two Central Asian states, Bukhara and Khiva which existed prior to 1917, were abolished by Moscow soon after their Sovietization had been completed, and were replaced with artificial creations having no relation to the historic past. This discriminatory treatment of Bukhara and Khiva by Moscow which, in disregard of the long historic tradition of both states, abolished them in 1925, seems quite amazing if one considers the fact that much

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<sup>2</sup> Cf. Walter Kolarz, *Russia and her Colonies*, London, George Philip and Son Limited, 1952, p. 255.

<sup>3</sup> The only complete study of the status of the independent Soviet republics between 1918 and 1923 is the book by Vasyl Markus, *L'Ukraine Sovietique dans les Relations Internationales, 1918 - 1923. Etude historique et juridique*. Paris, Les Editions Internationales, 1959. The book is reviewed in this issue of *Prologue*.

younger European republics have remained intact up to this very day.'

How old were Bukhara and Khiva? This cannot be expressed explicitly because the history of Central Asia is at best complex and confusing. State after state appeared and disappeared as a result of endless migrations which lasted until the 16th century. Nevertheless, it remains clear that the oasis of Khoresm has been one of the oldest centers of culture and one of the first centers of state organization in the world. In the 16th century, this area was invaded by the nomadic tribe of warriors, the Uzbeks who founded the Khanate of Khiva and the Emirate of Bukhara. At the beginning of the 18th century, the eastern part of Bukhara formed a new Khanate of Kokand. The three Uzbek states of Turkestan reflected to some extent the geography of the area, each state having its center in one of the fertile oases of the region, Khoresm, Zarafshan, and Ferghana, respectively. The arid areas of Turkestan including the minor oases along the Persian border and the steppe regions to the north had no state organization. The Kirghizes, Kazakhs, and Karakalpaks to the east and north, and the Turkmens to the west had only a tribal organization and their dependence on the Uzbek khanates was insignificant.

This political division of Turkestan was maintained until the Russian conquest in the second half of the 19th century. The Rus-

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<sup>1</sup> The status of the Soviet Union republics is a continuation of the status which the Soviet Union republics possessed prior to Sovietization: the Baltic states (Estonia, Latvia, Lithuania) were independent from November 1918 to June 1940; Ukraine from November 19, 1917 to November 20, 1920; Georgia from May 26, 1918 to May 16, 1921; Armenia from May 28 to February 12, 1920; Azerbaijan from May 28, 1918 to April 28, 1920. The Union republics of the USSR have the right of secession from the Union (guaranteed by the treaty of December 30, 1922 and the Soviet Constitution as well as the Constitutions of the Soviet Union republics). To make the use of this right by means of a unilateral decision, each of the Union republics must have the geographic conditions to be able to make use of the right of secession. It must also be stressed that most of the Soviet Union republics have their own historic traditions of old standing: Ukraine was annexed by Russia in 1781, Lithuania-Belorussia in 1795, and Georgia in 1801. Before the final annexation, some countries enjoyed special status within the framework of the Russian Empire, as, e. g., Ukraine from 1654 to 1781, or Livonia and Estonia from 1710 to 1783, etc.

sians took Tashkent in 1865, Bukhara in 1869, Khiva in 1873, and Turkmenia in 1881 - 1884. In 1876, the Khanate of Kokand and the regions which lacked a state organization were annexed by Russia. The two other Uzbek states preserved their existence, but in 1868 Bukhara lost a small, valuable piece of her territory, the ancient city of Samarkand and the surrounding region in favor of Russia. Bukhara after 1869, and Khiva after 1873 became vassal states of the Russian Tsar.

Russian suzerainty was not very troublesome, being limited to the control exercised by the Russian resident. For instance, the Emir of Bukhara enjoyed almost unlimited autonomy in domestic matters. Some writers in international law classified the status of Bukhara and Khiva as "dependencies" or "vasallages" while others considered it a form of protectorate.<sup>5</sup> In either case, it must be said that both Uzbek principalities enjoyed more independence than Morocco under French protectorate, or Zanzibar under the protectorate of the British. However, it seems unbelievable that both Uzbek principalities with their archaic and inoperative state system remained intact under the Romanovs who, during the last quarter of the 18th century, had annexed more viable state organisms, such as Ukraine, or the Lithuanian-Polish Commonwealth. It is sad irony that after having escaped the voracity of the Russian Tsars, both Uzbek states were abolished by those who immediately after taking the power in the Russian Empire solemnly proclaimed the right of all peoples to "national selfdetermination, including separation."<sup>6</sup>

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<sup>5</sup> Olaf Caroe in **Soviet Empire. The Turks of Central Asia and Stalinism**, London, Macmillan and Co. Ltd., 1953, p. 143, calls Bukhara and Khiva "quasi independent states." Henry Bonfils in **Droit International Public**, 5th Ed. Paris, 1908, p. 104, "the protectorate which more or less approaches vasallage."

<sup>6</sup> According to some authors (e.g. Machatschek) Russia internationally maintained an outmoded and even cruel regime in Khiva and, especially, in Bukhara, in order to emphasize the advantages of modern Russian administration in other parts of Turkestan. A comparative study of the role of both states in Turkestan and of various principalities in India and their relation to Russian and British colonial policy would be very interesting as a model of a comparative study of relations of this type. See Walter Kolarz, *op. cit.*, pp. 307 - 315, chapter: "Soviet Nationalities Policy and British Colonial Policy."

In September 1920, the Soviet Russian troops staged a **coup d'état** in Bukhara.<sup>7</sup> The Emir of Bukhara moved his residence to the provincial city of Dushembe (Stalinabad) from where he was exiled to Afghanistan in March, 1921. A similar **coup d'état** was engineered in Khiva where the Khan fell into Soviet hands. The power in both states was taken over by the republican governments consisting of the members of the Young Bukharan Party or the Young Khivan Party. Except for their names, both parties had no analogy with the Young Turkish Party which attempted to save the threatened independence of Turkey while both Turkestanian parties served merely as fronts for the gradual Sovietization of their homelands. It is quite understandable that from the very beginning both republican governments were under the control of Russian commissars attached to them, and lacking an efficient army could not exercise any degree of self-government.<sup>8</sup> However, for the Soviets both states could not be considered "ripe for socialism," and therefore, they had to follow their peculiar road to it. This was manifested by the appellation of both states: while other Sovietized states were called "Soviet Socialist Republics," Bukhara and Khiva under the new name of Khoresm were only "People's Republics". When on December 20, 1922, Russia signed a treaty with her European and Trans-Caucasian satellites forming the Union of Soviet Socialist Republics (USSR), neither of the Central Asian "People's Republics" entered the Union, but retained the status analogous to that of the Mongolian People's Republic at present.

In September 1924, after the suppression of the Basmachi revolt led by the Emir of Bukhara and Enver Pasha, the People's Republics of Bukhara and Khoresm declared their adherence to Soviet socialism and in May of the following year (1925) were dissolved. The centuries-old Uzbek states disappeared suddenly by the

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<sup>7</sup> Cf. Caroe, *op. cit.* pp. 118 ff. According to Caroe, the Soviet troops "plundered the ancient city, destroying many of the medresses and setting fire to the famous library containing at that time possibly the most valuable collection of Muslim manuscripts in the world."

<sup>8</sup> According to Caroe, *op. cit.*, p. 119, the Russian resident in Bukhara resided at Kaghan, working through a Russian commission of two which closely controlled the Bukharan ministers. The government of Bukhara had no army, but only a rudimentary police force.

stroke of a pen. Together with the adjacent regions (up to this point, the Autonomous Soviet Socialist Republik of Turkestan, part of the Russian SFSR) the territory of both suppressed states was subjected to a certain prolonged amalgamation.

During a period of several years, all of Soviet Central Asia was in continuous flux: new union republics were created within the borders of already existing union republics; new autonomous republics were created and raised to the category of union republics; autonomous republics were transferred from one union republic to another; and the whole process was accompanied by a continuous adjustment of borders. The political map of Turkestan looked like Disney's animated cartoons moving swiftly and uninterruptedly. The boundaries between different republics and regions changed with a greater speed than during the era of the nomadic invasions.

At the end of this strange game, Turkestan lay divided among five Union republics: Uzbekistan (with the autonomous republic of the Karakalpaks), Tadzhikistan (with the autonomous region of Badakhshan), Kirghizistan, Kazakhstan, and Turkmenistan. While each of the original Uzbek states was formed in accordance with prevailing geographic conditions, i. e., mainly around fertile oases surrounded by deserts and mountains, the new division of Turkestan completely disregarded the necessary adaptation of the political division to geographic conditions. It could serve as a model of perfect non-adaptation.

Let us taken for instance Turkmenistan. Its configuration is completely excentric, with a desert in the central part, and two populated zones on the borders. One populated zone is situated along the Amu River, and is separated from that situated along the Persian border by the great desert of Kara Kum. However, to create the populated zone along the Persian border, it was necessary to destroy the unity of Khoresm respected for some thousand years. Now it is divided between Turkmenistan and Uzbekistan with all important cities retained in the Uzbek zone.

The political division of Turkestan is even more absurd in the three remaining republics. Their borders entangle in a fantastic manner the fertile oasis of Ferghana surrounded by high mountains. It is a region of intensive artificial irrigation and, therefore, eco-



nomically indivisible." Because of its fantastic and nonsensical division among the different republics, the famous right of secession remains for Turkestanian republics totally illusory. The division deprives the Central Asian republics of the necessary geographic prerequisites for secession and makes it for all practical purposes impossible. Even if Moscow were not able to prevent secession by force, it hardly would be possible to exercise it because of the features of the present political geography in Soviet Central Asia.

The question now arises: what were the reasons for the political division of Turkestan which disregarded the existence of the old Uzbek states in the territory and sacrificed the geographic cohesion of the country. The Soviet answer to this question is that the division corresponded to the solemn Soviet principle proclaimed after the October Revolution: "to each nationality their own national republic." Stalin claimed that the political division of Turkestan into five national republics made possible for the scattered fragments of the various Turkestanian nationalities to reunite into independent states. Are these Soviet claims true?

It is true that the borders of the old feudal states did not respect national frontiers of the various nationalities. They arbitrarily tore national territories into pieces. Thus, e. g. the Tadjiks were divided in half between Bukhara and Russia; the Turkmens were divided among three states: 43.2% lived in Russia, 27% in Bukhara, and 29.8% in Khiva.<sup>10</sup> However, at present,

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<sup>9</sup> Assuming for the sake of argument the official Soviet theory of Soviet union republics as being real, sovereign and independent states in the general structure of the Union, we must, nevertheless, stress that it would be impossible for the Central Asian Union republics situated as they are up and down the same rivers, to reach the necessary agreements for the season-to-season, week-to-week, and day-to-day distribution of water without which the irrigation system does not work. The conclusion is irresistible that one reason for so drawing the political boundaries in Central Asia, was to compel a degree of central direction which make nonsense of a real "independence." Cf. Caroe, *op. cit.* p. 147. We do not know if and how this absurd economic division was improved by Khrushchev's reforms which, overcoming Stalinist centralism, broadened the autonomy of the Union republics and their competitive power through the so-called national economic Councils (Sovnarkhoz).

<sup>10</sup> Data of the 1959 census as announced by the Soviet government. See also Kolarz, *op. cit.* p. 257.

after the "national-territorial delimitation," only 60.9% of Turkmen live in Turkmenistan, 62.0% Uzbeks in Uzbekistan, 40.5% Kirghizes in Kirghizistan, 53.1% Tadjiks in Tadjikistan, and only 29.6% Kazakhs in Kazakhstan.<sup>11</sup> At a first glance, these figures do not offer sufficient justification for the curious "national-territorial" delimitation in Central Asia, but, besides, two more doubtful points remain for further clarification.

The first point arises from the question whether or not the observance of the "national" principle truly required the elevation of the Turkestanian "nationalities" to the highest category in the Soviet constitutional system, i. e., to the category of Union republics. Could it not be sacrificed to a more humble category suitable to the preservation of the country's economic unity? Could not the whole Turkestan be a single republic (Union republic of the USSR) with possible subdivisions (autonomous republics) on the basis of an ethnic criterion? Here is the answer given by competent authors: "The formation of a Central Asiatic federation would be quite logical and would probably correspond to the desires of the peoples concerned. Such a federation is, however, bound to threaten Russian predominance and weaken the links between the central power and each of the five Central Asian Republics. The Soviet central government has, therefore, strongly opposed all federative tendencies."<sup>12</sup> A similar opinion has been expressed by Olaf Caroe: "The Russian object was first, under the cloak of separate race-consciousness, to break down and weaken the natural ties joining the limbs of Turkestan, and then to bring each severed part not into relation with the other parts but into subjection to the outside force, Russia. To serve that end division and subdivision was carried to absurdities. A minority nationalism becomes ridiculous if it has lost its focus. The Russian policy is in fact describable as cantonization, conceived with the object of working against any conception of the unity of the Eastern Turks and bringing the *disjecta membra* under the influence of overwhelming forces of assimilation from without."<sup>12</sup>

Doubts arisen from these opinions must be clarified and the problem of the ethnic basis of the "national-territorial delimitation"

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<sup>11</sup> See Kolarz, *op. cit.*, pp. 259 - 260.

<sup>12</sup> See Caroe, *op. cit.*, pp. 148 - 149.

of Turkestan discussed. The national composition of Turkestan is as follows:<sup>13</sup>

- |                       |                |
|-----------------------|----------------|
| I. Iranians (Aryans): | Tadjiks        |
| II. Turks (Altaics):  | Turkmens       |
| 1. Occidental*        |                |
| 2. Oriental           |                |
|                       | a) Uzbeks      |
|                       | b) Kirghizes   |
|                       | c) Kazakhs     |
|                       | d) Karakalpaks |

\* Occidental Turks are related to the Osmanli-Turkish population.

The difference between various Turkic peoples of Central Asia can be understandable only to a linguist, and even a specialist in dialects, but not to a demographer. However, even from the strictly philological point of view the problem of Turkestanian differences must not be exaggerated, because it is not a problem of differences between authentic languages, but problem of differences between the dialects of a single Turkic linguistic family. Historically, only one literary language exists for all the oriental Turks: the Chaghatai. It is true that among the Turkic tribes there was an infinite and confusing number of ramifications,<sup>14</sup> but nowadays this could be said only about a slight difference between the Uzbeks on the one hand and the rest of the Turkic population on the other. The formation of these differences is due to mere historical contingencies. Suffice it to recall that several Turkic tribes have retained the names of their respective leaders of the 14th century as their "national" names, as, e. g., the Uzbeks and the Nogai (the latter on the other side of the Caspian Sea) are named after the sons of Jenghiskhan: Khan Uzbek and Khan Nogai.<sup>15</sup>

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<sup>13</sup> Cf. Oleh R. Martovych, **National Problems in the USSR**, Edinburgh, Scottish League for European Freedom, 1953. With **Ethnographical Map of the Soviet Union** (scale 1:12,500,000) by Dr. Mykola Kulyckyj. Foreword by Major-General J. F. C. Fuller, C.B., C.B.E., D.S.O. See also, Caroe, *op. cit.* pp. 29 ff and map after page 272.

<sup>14</sup> Cf. Caroe, *op. cit.* p. 41. See also, Anton Hilckmann: "The Philosophy of the History as an Inductive Science." **Dialogue**, Buenos Aires, No. 2.

<sup>15</sup> Cf. Caroe, *op. cit.* pp. 41 ff.

The separation of Uzbekistan and Kirghizistan lacks any serious linguistic foundation. Applying only linguistic criterion, the separation of Turkmenistan would be to some extent justifiable as the Turkmens belong to the occidental group of Eastern Turks. Furthermore, this region is, up to a certain point, separated from the remaining parts of Turkestan in the geographic and even in the historic sense. However, such a separation would not be justifiable from the point of view of the insignificance of the Turkmens within Turkestan. They number only 1,004,000 of whom 924,000 live in their own republic.<sup>16</sup> The cultural contribution of the Turkmens is insignificant; the cradle of their culture lies in Persia.<sup>17</sup>

Of all the languages of Turkestan, the only non-Turkic language (Iranian and, therefore, Indo-Germanic) is the Tadjik. In the opinion of Walter Kolarz, "the existence of a special Tadjik autonomous unit... can be motivated by the fact that the Tadjiks as a people have an individuality of their own." However, he simultaneously observed that "had the Tadjiks freely decided their fate they would hardly have destroyed the united Moslem front in Turkestan to satisfy their national interests."<sup>18</sup>

In speaking of a Tadjik "nationality" with "its own individuality" and "its own national interests," Kolarz seems to have fallen under the spell of typical European concepts of language and nationality which are often confused with each another. Kolarz did not take the bi-lingualism of the Eastern Turks into consideration, and did not explore its roots. Intimate symbiosis between the Turkic and Iranian culture lies at the root of the bi-lingualism of Eastern Turks who belong to the Iranian society (i. e. a cultural community which has manifested itself during many centuries) as defined by the eminent English historian, Arnold Toynbee.<sup>19</sup> In this society, the Turkic element played a dominant political role and the Iranian —

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<sup>16</sup> Data of the 1959 census.

<sup>17</sup> Cf. Kolarz, *op. cit.*, p. 293.

<sup>18</sup> Cf. Kolarz, *op. cit.*, p. 282.

<sup>19</sup> Bilingualism in Uzbek and Tadjik is common in the southern part of Turkestan, especially in the towns from Khodjent to Bukhara. The population of Turkestan, whatever its ethnic origin, was for centuries exposed to Iranian influence and immigration from the south, and was indeed for the first three hundred years after the Muslim conquest actually controlled by Persian rulers. Cf. Caroe, *op. cit.*, pp. 32, 34.

a dominant role in culture. The unity of this vast cultural regions suffered a serious blow as a result of the Shiite schism which broke religious ties between the Turks and Iranians, but which had no repercussions in Turkestan, the traditional territory of expansion of the Iranian culture. This area remained within the orbit of Iranian influence, despite the fact that all Eastern Turks are Sunnis.

It is therefore true that the so-called "national-territorial" delimitation in Turkestan is in fact a delimitation based on linguistic criteria, and even on the criteria of dialectology. In no case is it a "national-territorial" delimitation, because the population of Turkestan is nationally homogeneous. It is only in Europe that language usually coincides with nationality, and the linguistic limits with the national borders. The Italian speaking family generally consider themselves Italians, and the same can be said of the French, Danes, Swedes, Ukrainians, Hungarians, etc.<sup>20</sup> It is therefore understandable that the Italian-French or Ukrainian-Hungarian borders follow the respective linguistic limits, and the same can be said about the national frontiers between, e. g., Russia and the Baltic states. It would only be desirable that this principle would also be applicable to the borders of Russia with Ukraine and Finland.<sup>21</sup> However, it would be absurd to apply this eminently European principle in Turkestan and in the greater part of Asia as well, and this because of fundamental differences in the historic development of both parts of the Old World.<sup>22</sup>

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<sup>20</sup> There are several exceptions, as, e. g., Galicia in Spain, Corsica, Switzerland, Belgium.

<sup>21</sup> A long strip of territory situated along the borders of the Ukrainian SSSR with an area amounting to 114,000 square kilometers, and a population of more than 5,000,000 inhabitants, of which 66% are Ukrainians and 30% are Russians, belongs to the Russian SFSR. Cf. **Encyklopedia Ukrainoznavstva** (Encyclopaedia of Ukrainica), Munich, Vol. I, p. 29: Volodymyr Kubliovych, **Heografiia Ukrainy** (The Geography of Ukraine), Lviv-Krakiv, 1943, p. 315. Finland defeated by Russia in 1944, had to cede not only the sparsely populated Arctic territory of Petsamo, but also the economically developed region of Viipuri and region around the Ladoga Lake. The Finnish population of these regions was not willing to stay in the Soviet annexed territory, and emigrated to Finland.

<sup>22</sup> For a discussion of European and Asian concepts of a nation, see Bohdan T. Halajczuk, **El orden internacional en un mundo desunido** (The International Order in a Divided World), Buenos Aires, Ediciones Del Atlantico, 1958, pp. 171 - 179.

The migrations of the peoples in Europe ended in the early Middle Ages. The cohabitation of different ethnic groups on a single territory since that remote era, brought about the amalgamation of heterogeneous ethnic elements and formation of nationally homogeneous units with a single language. Hungary and Bulgaria present striking examples of such an amalgamation. In the first instance, in the 10th century, the indigenous Slavic population was conquered by Hungarians of Altaic (Finno-Turkic) descent; in the second instance the Slavic population was conquered by Turkic Bulgarians. In both instances, single peoples emerged, the Hungarian and Bulgarian, respectively. In the first instance, the conquered Slavs accepted the language of the conquerors; in the second instance the conquerors accepted the language of the conquered Slavs, but again in both instances a common national consciousness developed. In the ancient era, a similar amalgamation took place in southwestern Europe between the Celts and Romans, and in the Middle Ages between the Celtic-Romans and the Germans.

The historic process in Asia was quite different, where as late as the 16th century great migrations as the above-mentioned invasion of Turkestan by the Uzbeks, or the foundation of the Mogul empire in India were occurring. "The history of Asia," writes Hilckmann, an expert in this area,<sup>23</sup> "has seen processes of denationalization and of political and linguistic transformations of such huge dimensions which admit no parallelism to European history." Truly, the last invasion of Central Europe took place ten centuries ago while of Turkestan only four centuries ago. It is therefore quite natural that the amalgamation of both ethnic elements in the Ferghana Valley could not have been accomplished as it has been in the valley of Pannonia and, the population of the Ferghana Valley therefore continues to speak two languages, the Uzbek and the Tadjik in spite of the intimate economic amalgamation of both groups (imposed by inhabiting same area) and in spite of a cultural amalgamation (promoted under the prevalent influence of Iranian culture). However, this linguistic division in southern Turkestan in no way expresses a national division, nor does it give a base for the partition of this geographic unit among three different republics.

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<sup>23</sup> Cf. Hilckmann, *op. cit.*

What then is the real objective of this Soviet-sponsored "national-territorial" delimitation? "To bring the '*disjecta membra*' under the influence of overwhelming forces of assimilation from without," answers Olaf Caroe.<sup>24</sup> This is an opinion accepted in competent circles and several times repeated in the publications of the political refugees from behind the Iron Curtain. This is the truth, but, is it the whole truth? Is this policy of disintegration aimed at a single Asian country, Turkestan? Or, at least, can it be limited only to that region without any repercussions in the independent countries of Asia? Here is the problem which deserves serious consideration by Asian policymakers. The purpose of this article, however, is merely to point this fact out and to give some elemental data. In our opinion, a distinction must be made between: 1) the independent countries bordering the Soviet Union; 2) the Asian continent in general.

In order to understand the first point, it would be useful to recall the well-known affair of Iranian Azerbaijan. The USSR attempted to incorporate the northwestern part of the present territory of Iran, which from the ethnic point of view constitutes an extension of Soviet Azerbaijan (Sovietized by violence in 1920). This Soviet attempt at incorporation which can be called "Azerbaijanization,"<sup>25</sup> is tested method of expansion also applicable to northeastern Iran and Afghanistan.

"A great part of the inhabitants of Northern Afghanistan," writes Walter Kolarz, "consists, to use the official term, of 'Peoples of the Soviet Union,' namely Tadjiks, Uzbeks and Turkmenians. Soviet estimates as to the strength of these 'national minorities' vary in proportion to the amount of pressure which the Soviet government may wish at any given moment to bring to bear on the Afghan State... Soviet ethnographers have paid particular attention to the Tadjiks of Afghanistan... There can be no doubt that the

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<sup>24</sup> Cf. Caroe, *op. cit.*, p. 149.

<sup>25</sup> At the end of the last century there was an instance of **Tunisification** (submission to an alien protectorate); at the end of World War II of **Lublinization** ("liberation" by the Russian army and the reduction of an independent country to the satellite status, as in case of Poland). By the characterization of the methods of Soviet expansionist policy, we do not want to affect the evaluation of the Azerbaijani national movement or the aspirations of the Azerbaijani people to independence and unity.

Soviet government aims at the creation of a Tadjik irredenta movement... The attraction exercised by Turkmenistan on Western Afghanistan and Northwestern Persia is bound to grow in proportion to the increased Russian financial and manpower investments in the irrigated Turkmenian areas... Once provided with an adequate irrigation system Turkmenistan may, in addition to contributing to the break-up of Afghanistan, exert as great an attraction on Persia as Soviet Azerbaijan... On the strength of the above-mentioned facts Northeastern Persia could easily be proclaimed one day 'the cradle of Turkmenian culture' and styled 'Southern Turkmenistan' along with the term 'Southern Azerbaijan' which has already found its way into the Soviet vocabulary."<sup>30</sup>

We do not think that the government of Kabul accepts with enthusiasm the "Azerbaijanization" of Afghan territory. However, the danger of the "Azerbaijanization" does not prevent the Afghan government from playing a dangerous game of demanding a "national-territorial" delimitation in accordance with the Turkestanian pattern, in Pakistan. We do not know whether the idea of a "Patanistan" was "made in Moscow" or whether Afghanistan had only to play the sad role of a sick person who is merely the passive carrier of a contagious disease. If Afghanistan neighbors are not able to erect a stable "cordon sanitaire," the epidemic might become widely spread. Perhaps, tomorrow, Tibet freed from "clerical chains," will demand the "liberation" of the Altaic populations of the southern slopes of the Himalayas from the oppression by Nehru's India, or the day after tomorrow there will appear the idea of independent states for the Dravidians or other indigenous peoples of India. Very few Asian states would emerge unscathed from the "national-territorial" delimitation a la Turkestan!

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<sup>30</sup> Cf. Kolarz, *op. cit.*, pp. 284, 292 - 293. "The Afghan aspect," adds Kolarz, "is but one side of the Tadjikistan problem and by no means the most important. Although Tadjikistan has no common frontier with Persia, it has become an instrument *par excellence* for the anti-Persian policy of the Soviet government, perhaps even to a greater extent than Azerbaijan. The dominant Soviet conception regarding Tadjikistan is that it is not just an Iranian country but the heart and the head of the Iranian world. Tadjikistan has, therefore, in the Soviet view, a clear claim to leadership over the Persian State in particular." Cf. Kolarz, *op. cit.*, p. 285.



The Roman idea of "divide and conquer" has a Russian parallel in the form of "disintegration and domination." In accordance with this formula, e. g., Lenin first disintegrated the Russian Imperial Army causing a spontaneous and chaotic demobilization, and then from its **"disjecta membra"** created a new Red Russian Army with its iron discipline. A similar strategy, this time long-range, seems to be the aim of Soviet Russian policy in Asia. It aims, first, at preventing the integration process and at disintegrating the existing states by the "national-territorial" delimitation as in Turkestan; and then at incorporating the "raw material" (or **"disjecta membra"** as Olaf Caroe put it) in the execution of the apocryphal testament of Peter the Great. From this point of view, the "national-territorial" delimitation as practiced in Turkestan is worth studying; the peoples of Asia have plenty to learn from it.

## BOOK REVIEWS

"Protracted Conflict," by Robert Strausz-Hupé, William R. Kintner, James E. Dougherty and Alvin J. Cottrell. Harper and Brothers. New York 1959. 203 pp.

This collective work is one of the most successful attempts made in the West, to analyze the gamut of problems facing the free nations of the West, the uncommitted and colonial peoples of Asia and Africa on the one hand, and the communist Bloc, headed by Russia and China, on the other. The complex of these problems is the cause of what authors call the protracted conflict, a term which they borrow from the leader of communist China, Mao Tse Tung. In his study entitled "On the Protracted War," Mao examines the permanent conflict between the communist and noncommunist world as a normal feature of the 20th century, and, like Krushchev, he sees the final resolution of this conflict in the ultimate destruction of the democratic system and in victory of the communist dictatorship.

In their march to this ultimate goal, the communists possess a highly developed theory of policy, strategy, and tactics, and their world activities are aided by an apparatus of conspiracy and subversion. The free nations have no counterpart of this. First of all, they have as yet to recognize the destruction of the communist dictatorship as their ultimate goal, although it constitutes a moral threat to them. No concrete theory of struggle or self-defense has been worked out by them as yet. In the democratic societies everything still goes on in a bungling way, counter-moves to communist aggression are on a case-to-case basis without being incorporated in a single system, and there is no awareness of the fact that this is a life-or-death struggle. Finally, the nations of the West and the uncommitted nations of Asia and Africa are harboring the illusion of an impending evolution of communist totalitarianism and a belief in the possibility of working out a lasting *modus vivendi* with Moscow and Peiping.

In their march toward world conquest, Moscow and Peiping act in three spheres. The first sphere is their own and conquered territory of other nations. They regard this territory as the "zone of peace" in which all freedoms are suppressed, and where all outside

interference is prohibited. This primarily applies to communist Moscow. Within the past forty years it deprived numerous nations of their liberty, such as Ukraine, Georgia, Latvia, Lithuania, not to mention Poland, Hungary and the other Soviet satellites. Any attempts, however, of exposure of this fact by outsiders, is denounced by Moscow as interference in their domestic affairs.

Moscow and Peiping consider the territory of the free nations of the West as their next sphere of action. This is a direct object of communist aggression. They are fully aware that their plan of world conquest could never be realized without a prior destruction of the democratic governments of the West, and primarily of the United States. The only deterrent to a military attack of the nations not under their rule is a fear of the military power of the West. For this reason the communists are trying to first win the western societies by means of subversion, which includes propaganda, fifth columns, espionage, etc.

The neutralist and uncommitted nations of Asia and Africa as well as Latin America constitute the third sphere of nation of communist dictatorships. This is what Joseph Stalin had to say about these nations in his book "Marxism and the National and Colonial Question": "If Europe and America may be called the front, the scene of the main engagements between socialism and imperialism, the nonsovereign nations and colonies, with their raw materials, fuel, food and vast store of human material should be regarded as the rear, the reserve of imperialism. In order to win a war, one must not only triumph at the front but also revolutionize the enemy's rear, his reserves."

"Revolutionizing the enemy's rear" means first of all agitating the colonial and neutralist nations against the Western "colonizers and imperialists," acting in the name of "national and social liberation." This tactic of Moscow has been unchanged since 1917, notwithstanding the fact that in the meantime Western colonialism surrendered to the colonial nations, granting independence to dozens of them, and notwithstanding the fact that in the meantime the Russian empire expanded, swallowing up dozens of recently free nations. In its attempt to appear in the role of defender of the colonial nations in the eyes of the world, Moscow simultaneously justified every act of aggression and enslavement of its own as an alleged realization of the principle of self-determination of nations, and as a sign of progress. In this respect modern communist Moscow is a true follower of tsarism. On the subject of the policy of tsarism,

Friedrich Engels wrote in his time in the book "The Foreign Policy of Russian Czarism" as follows: "Enlightenment was the slogan of Czarism in Europe during the 18th century as was the National Liberation in the Nineteenth. There was no land-grab, no outrage, no repression on the part of Czarism which was not carried out under the pretext of enlightenment, of liberalism, of the liberation of nations. Russian diplomacy alone was allowed to be legitimistic and revolutionary, conservative and liberal, orthodox and enlightened in the same breath."

The authors rightly note that the "revolutionary situation" presently existing in the world, and in particular in the colonial countries of Asia and Africa, was not created by the Russian communists. The independence aspirations of the enslaved nations constitute a natural revolutionary process. The Russian communists, however, knew how to utilize this process to their own ends, and they continue parasitizing on it, usurping all the noble ideas of national and social freedom. The United Nations have become a particularly convenient arena of this play by the Kremlin. On this subject the authors say: "The Communists maneuvered the United Nations into accepting their 'ground rules'." Almost all the debates in the United Nations from 1948 until 1958 over 'threats to peace', 'intervention', 'imperialism' and 'rights to self-determination' dealt with problems and tensions arising primarily within the non-Communist world and between the Western powers and the colonial areas. The question of Soviet imperialism and violation of the rights of self-determination of peoples has been raised under less frequency and with a noticeable lack of fervor by the majority of the U. N. membership."

Even in the case of the perfectly obvious (to the whole world) aggression of Moscow in Hungary in the fall of 1956, the ground rules imposed by the Kremlin were not violated by the free nations. True, they unanimously branded Russian aggression, but did nothing effectively to help the Hungarian people. In final analysis they acquiesced in considering Hungary an "internal zone" of Soviet Russia which cannot be interfered with. At the same time, however, these rules were not adhered to by the Kremlin, e. g., in the Near, Middle, or Far East.

Under these circumstances there is ample reason for serious apprehension for the result of this protracted conflict, and especially if we take into account that since the end of World War II the initiative in international events lies almost exclusively with the Kremlin, and the free nations are in retreat. This can be changed

only by radically revising the attitude of the free and uncommitted nations to communist imperialism. A revised attitude will mean first of all the realization of the mortal threat to all still free nations in the event that totalitarian communism triumphs. This would have to be followed by a rejection of any illusions of a possible evolution in Moscow or Peiping, development of a theory of self-defense and counter-attack, and last but not least, a transfer of the struggle to the communist sphere of action, i.e., to the enemy's own territory. It is precisely the territory of the enemy which is replete with internal contradictions of a national, social, and economic nature. There is a permanent conflict within the USSR between the enslaved nations and the ruling communist elite, and it should be the goal of the free nations to deepen these contradictions by giving moral support to these aspirations for freedom within the communist bloc. Simultaneously the free nations of the West should support the aspirations of the uncommitted nations, abolish the remnants of Western-European colonialism, and thus pull the rug from under Moscow's intrigues: this will ensure unity of all nations in the struggle against the aggression of communist colonialism.

### **Myroslav Prokop**

Editor, Digest of the Soviet  
Ukrainian Press.

Jose Julio Santa Pinter: **Teoria y practica de la diplomacia**. Buenos Aires, Ed. Depalma, 1958. 355 pp.

Dr. J. J. Santa Pinter, who has been a contributor to **Prologue Quarterly**, has produced a large and carefully written volume which, as indicated by the title, consists of two parts.

The second, practical part, is a textbook for diplomats which is outstanding among this kind of literature for its rich and up-to-date documentation. Incidentally, it is quite noteworthy that the author requested all the embassies and legations accredited to the Argentine Government to give him information on the rules and regulations of admission to diplomatic service, such as competitive examinations, educational requirements, etc., in their respective countries. These answers, carefully assembled and annotated, give a complete picture in comparative analysis of this matter in the different countries. The index of the laws referred to in the text of the book alone, consists of 4 full pages. Argentine jurisprudence on diplomatic immunities (a seemingly limited field), is illustrated with examples of 52 cases. This should

give the readers an idea of the scope of the practical part of the book which, of course, is of greater interest to professionals than the general readers.

The theoretical part of the book will interest a much wider circle of readers. The authors give a comparison of different known definitions of diplomacy and differentiates among them; he adds his own definition which contains a detailed analysis divided into 15 points. He examines the problem of professional ethics and dispels the fairly widespread notion that diplomacy is in partnership with deceit. He also compares the old diplomacy with the new, and both with that of the future; "atomic" and "peaceful" diplomacy, and idealistic with realistic. He differentiates between diplomatic methods used in peacetime and in war, and in the periods between the two. There is an interesting chapter on Byzantine diplomacy: its organization, professional personnel, and extremely subtle and successful methods. Students of Eastern European and especially of early Ukrainian history know how masterfully Byzantine diplomacy influenced the Hordes, and, whenever necessary, was able to keep the Grand Duchy of Kiev in check with their help.

From the standpoint of subject matter, the most interesting is his Chapter 5, in which Dr. Santa Pinter classified diplomacy according to type: first by states (USA, USSR, Vatican, United Kingdom, Germany, Argentina), and then by regions (America, Europe, the Arab world, Asia, Soviet and satellite blocs). The most space is dedicated to Soviet diplomacy whose general characteristics are explained point by point: principles, methods, strategy and tactics; there is a separate analysis of the diplomacy of Soviet satellites. In this connection the author quotes from articles by three Ukrainian authors published in this quarterly: K. Kononenko, M. Prokop, and L. Shankowsky.

Dr. Santa Pinter believes that the power of Soviet diplomacy lies in an adroit coordination of two means: diplomatic negotiation and action in the terrain, i. e., within the limits of the given non-communist country. Guided by the ends of its own interests exclusively, it is absolutely unprincipled: depending on place and time it may turn out to be imperialistic or nationalistic, democratic or totalitarian, industrial or agrarian.

The author distinguishes two areas of Soviet diplomatic activity: tactical and strategic, i. e., short and long range. The first manifests itself in rapid and concentrated use of all available means: newspapers, saboteurs, communist controlled trade unions, etc. The second pursues its goal by peaceful means and avoids taking chances: it conducts propaganda, sponsors pacifist movements, gets control over intellectuals (particularly professors), youth, women, and systematically infiltrates all fields of public and economic activities. This long-range Soviet diplomacy identifies any anti-communism with warmongering and would have people believe that a majority of mankind is neither pro- nor anti-communist, but simple indifferent. Patiently and gradually, it proceeds to neutralize the spirit of the popular masses.

Soviet diplomacy is probably the only one besides the Vatican which, from the very beginning is fully cognizant of its goal and deliberately pursues it. It has its long-range projects and realizes them step by step without letting anyone detour it from the chosen road. Every action, every combination, and even every retreat constitute a forward step and a stage in realizing the long-range concepts.

Contrary to widespread belief, Soviet diplomacy does not want war, it considers war a brutal and risky means resorted to by primitive politicians. War is only acceptable as a last resort: but it is better to have others engage in war furthering the Soviet cause. It is better first to exhaust all peaceful diplomatic means such as trickery, persuasion, insinuation, and, the most important: terrorizing. The Russians love to conduct protracted negotiations, waiting until the opponent loses his patience; they try to tease the opponent into revealing his hand. This is a delicate and difficult game which requires a high intellectual concentration: its road to victory is wiser and more successful than war; the latter is a means for weak politicians who are incapable of engaging in a drawn-out diplomatic experience.

What is the explanation of the high level of Soviet diplomacy? The answer can hardly be found in the well-worn theory which, unfortunately, has wide circulation, and which associates Russian communism with pure Marxism, and considers the Moscow Politburo to be some kind of "international clique." Dr. Santa Pinter, however, sees things as they really are and calls them by their true name: "This is a native ability of the Russians. Being Oriental, they possess it in a great degree, and being positivists, they greatly developed it" (p. 65). Citing the book of Marcel Brion about Attila, the author makes an analogy between the diplomacy of that king of the Huns and that of the present Moscow government: considering the fact that much of the present USSR was once part of the state of the Huns, he makes the assumption that the Russians of today took over the diplomacy of the Huns and are successfully using it.

Dr. Santa Pinter has picked the correct method of explaining the secret of Soviet diplomacy's success. It should only be added that the subtle and untiring diplomacy of Attila was not peculiar exclusively to this historical personage, but also to other Central Asian conquerors, particularly Jenghis Khan and his successors, the most noteworthy being Batu. Incidentally, we know from Ukrainian history the fine diplomatic game played by the Tatar Khan with the king of Galicia-Lodomeria, Danylo, and his son Lev I. Asian diplomacy is one of the elements acquired by the ancestors of the present Russians while in Tatar bondage for 250 years. This decisive influence on the Russian state and mentality has been proved by a number of respected historians.

Dr. Santa Pinter's analysis of the diplomacy of Soviet satellites states that "it is not independent, but carries weight as part of the activities of the USSR."

**B. T. Halajczuk**  
Catholic University  
Buenos Aires.

### THE UKRAINIAN SSR IN INTERNATIONAL RELATIONS

Vasyl Markus: *L'Ukraine Sovietique dans les relations internationales 1918 - 1923. Etude historique et juridique*. Preface de Charles Rousseau, Professeur à la Faculté de Droit de Paris. Paris, Les Editions Internationales, 1959, 326 pp.

We finally have in print the dissertation defended by Vasyl Markus at the University of Paris in 1956, for which he was granted the degree of Doctor of Jurisprudence.

The book consists of 4 parts: 1) Ukraine as a national state, 2) Ukraine under Soviet rule, 3) Foreign relations of the Ukrainian SSR, and 4) the Ukrainian SSR under international law. Each of these 4 parts is divided into 4 or more chapters, and the latter into subchapters. This system facilitates reading, and much has to be said for the carefully compiled name and subject index. There is an appendix to the book, consisting of 16 documents (some of which are not easily accessible to Western scholars); also an abundant bibliography of books and journal articles in the Ukrainian, Russian, French, English, German and Spanish language.

The author could have exhausted the subject even if he had omitted the first part: this would have made the book more uniform and saved him much labor.

To the credit of the book is the author's preface, designed to acquaint the Western readers with the Ukrainian national movement in general, and during the pre-World War I period in particular.

The subtitle of the book is "historical and juridical study," and the author gives his explanation of this in the following words: "Our theme is not purely juridical, it is also historical, since we deemed it necessary to assemble data concerning the foreign relations of the Ukrainian SSR in order to draw certain conclusions of a juridical nature, particularly since there is no juridical study of this kind available to this date." The division of purposes between the historian and jurist is clear: the jurist limits his interest to a qualification of facts from the standpoint of juridical science. Markus



the jurist was unable to limit himself to this strictly juridical purpose because there has been no historian paving the way for him by writing a serious study of the history of the Ukrainian SSR, or of the Soviet republics for that matter, up to the period starting with 1923. The author charges this omission to the regime, citing in evidence the self-criticism published in "Radians'ke pravo" (Soviet Law), No. 1, p. 27) and explaining that "the former status of a sovereign state, with autonomous competence in international relations is today a cause of major embarrassment to the rulers of Ukraine in Moscow."

Markus makes a considerable contribution to Ukrainian historical science by giving a complete review of the history of the communist regime from 1917 to 1923 from the standpoint of its international relations with the Moscow hegemony, with other forcibly Sovietized national republics and with independent ("bourgeois") nations, primarily with neighboring states. The author apporions this material between the second (pp. 47 - 104) and third (pp. 107 - 206) part.

Part two, divided into 5 chapters, analyzes the Ukrainian SSR as a member of the so-called "brotherly family of socialist republics" or, the content and form of its dependence on the RSFSR in the order of stages of enslavement. After a purely historical presentation of the origin of the Soviet in the Ukrainian SSR and of the development of its relations with Moscow, the author moves to the juridical plane, making a juridical analysis of these relations and defining the legal status of the Ukrainian SSR. The last chapter in part two lists the organs of foreign relations of the Ukrainian SSR, i. e., on the one hand central institutions, and on the other diplomatic, consular and commercial missions.

Part three, dedicated to the relations of the Ukrainian SSR with non-communist nations, presents much material which is entirely new. Out of a total of six chapters in this part, four deal with Ukrainian relations with Poland, one with Rumania, and one with the Western Allies (the French Expeditionary Force). The last chapter describes the participation of the delegation of the Ukrainian SSR at the conference at Brest (1918), and at Genoa and Lausanne (1922); in addition, there is a listing of sporadic action taken by the Ukrainian Soviet government.

A subchapter in the book by V. Markus, entitled "The Bessarabian question and Ukrainian-Rumanian relations 1918 - 1923," at least partially fills the existing gap in Ukrainian legal literature on Ukrainian-Rumanian relations. It clearly states the illegality of the Rumanian annexation of Bessarabia and a critical attitude toward the act on the part of Rumania's powerful allied friends who reconciled themselves with the *fait accompli* on much later; particular emphasis is put on the series of protests made by the governments of

Kharkiv and Moscow, thanks to which the status of fact could not change into a legal status. Moreover, the chapter contains a review of numberless border incidents, matters of navigation rights over the Dnister river etc.

The first of the chapters dedicated to Poland gives a summary of the Polish-Soviet war, the second chapter analyzes the Treaty of Riga, and the third - relations following the conclusion of peace.

From the standpoint of international law, the two concluding chapters of the book are the most interesting. They are: "The Legal Status of the Ukrainian SSR in Relation to the RSFSR between 1919 and 1923" and "The Ukrainian SSR in the Light of International Law."

The Ukrainian SSR remained a subject of international law but, like the other "brotherly" republics, had to surrender the executive powers in a number of areas of national activities. This produced an odd situation, quite difficult to define juridically. Markus cites opinions expressed by Soviet and Western authors and subjects them to a critical analysis. He reduces to a single table (pp. 93 - 95) all definitions of that period pertaining to: federation, confederacy, protectorate, administrative union, and cites all **pro and contra** arguments of applying these definitions. This table alone is a worthy culmination of an exhaustive legal-historical work on what this reviewer refers to as "the first generation of satellites." It is probably unique in the world.

Markus' book observes all the rules of methodological research in the field of this branch of human knowledge and shows a fundamental mastery of the subject and complete independence of thought. He openly stresses at one point his disagreement with his Professor, Charles Rousseau who, incidentally, is one of the leading international jurists of our time.

This reviewer believes that two quotations from the preface by Professor Rousseau will adequately characterize the value of the work: It illustrates the originality of the Ukrainian political phenomenon and presents original and profound thoughts on purely juridical problems, such as the problem of international recognition of the Ukrainian SSR, its form and status in relations to the RSFSR and to other Soviet republics, the problem of continuity of Ukrainian statehood and the "heavy question" of duality of inheritance after the Russian empire.

Professor Rousseau expresses the wish that the author might devote more time to a research of further aspects of Soviet federalism.

Bohdan Halajchuk

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