

Recent Studies of Communist Affairs

GERMANY

Sowjetrecht und Klassenbildung (Soviet Law and the Formation of Classes), by Reinhart Maurach, in *Ost-Europa*, Stuttgart, December 1955.

Any sound analysis of Soviet law must operate on two levels: the theoretical and the practical. The author of the present article has taken account of this dual need and, as a result, has come up with a brief but useful capsule study of Soviet legal philosophy.

The classical Marxist conception regarded law as part of the so-called "superstructure," *i.e.*, as one of the non-material (social, political, cultural, *etc.*) institutions of society, which merely reflect the material (economic) basis of organization. In other words, law was an instrument of the dominant class, set up to protect its own material interests in the struggle with the oppressed classes. Stalin added an important modification to this doctrine, asserting that under certain conditions (namely those in the USSR), the superstructure can influence and change the essential nature of the material base. This revision, as Mr. Maurach points out, clearly strengthened the theoretical foundations of law within the Soviet state by assigning new, dynamic qualities to it.

According to Soviet doctrine there are no ruling and subject classes in the USSR, but only harmoniously cooperating groups of workers, peasants and intelligentsia within the all-encompassing working class. In fact, however, the ruling intelligentsia, whose interests are intimately bound up with the continuance of the Soviet Communist regime, has asserted and continues to assert its demands for great protection of its privileged material and social status. This trend is reflected in the evolution of Soviet law. While conceding nothing in the non-material, political sphere, the state has made a number of significant concessions to the security and property-minded managerial class, particularly since the end of World War II.

A few examples suffice to illustrate the author's point: (1) Personal private property is more strictly protected than in many capitalist countries; since 1947, common larceny is punishable by five years' imprisonment. (2) Real property such as houses may now be held in perpetuity, according to a law of 1948; previously such property reverted to the state after a tenure of no more than 50-65 years. (3) Inheritance rights for family members, totally abolished in 1918, were fully restored in 1945, together with regulations tightening the legal bonds and obligations of the family unit.

Thus the spirit of Soviet law has come to reflect the ossified conservatism of Soviet society. What was once an instrument for change in the hands of a revolutionary movement has become the coveted shield for a relatively narrow privileged class.

INDIA

Nationalism and Communism in Asia, by Shao Chuan Leng, in *United Asia*, Bombay, Vol. VII, No. 4.

A decisive struggle is taking place today on the Asian continent between two powerful ideologies—nationalism and communism. But while these doctrines are ultimately irreconcilable—one leading potentially to freedom and independence and the other to tyranny and domination by Moscow or Peiping—they have many surface similarities. The danger of communism lies precisely in this seeming affinity, and in the possibility that pseudo-nationalist communism may appear to offer quicker and easier answers to the problems and aspirations of the Asian peoples than genuine nationalism.

In support of his thesis the author outlines three principal characteristics of Asian nationalism: (1) xenophobia and anti-imperialism; (2) revival of national culture and traditions; (3) socio-economic reform. Lenin's important theses on the national and colonial question, presented to the Third Communist International in 1920, had the appearance of compatibility with these goals and have been quoted *ad infinitum* by the Communists in their bid for support among the Asian peoples.

Mao's victory on the mainland of China, proclaimed as a victory over imperialism, has greatly strengthened communism's pose as the champion of nationalistic causes. While both Moscow and Peiping exercise control over the various Communist parties in Asia, the author believes Chinese influence has been growing in relation to that of the USSR.

Tactics for achieving power in Asia have varied from country to country, ranging from open aggression in Korea and armed rebellion in Indochina, Malaya, Burma, and the Philippines, to "united front" and "peaceful revolution" slogans in Indonesia, Japan and lately India. Perhaps the most effective appeal put forward is the promise of "shortcut" and "easy" solutions to Asia's economic and social problems. Yet the author shows that wherever genuine nationalism has espoused the cause of progress, communism has had little success. In the Philippines and the Andhra province of India, for example, progressive nationalist leaders took the helm, and the Communists were overwhelmingly defeated. On the other hand, in two Asian countries where communism did triumph—Indochina and China—the success of the movement was a direct consequence of weakness in the indigenous nationalist leaderships and of powerful military assistance from abroad.

The armor of communism is by no means impregnable, argues the author. Its chief weakness is the obvious subservience of local party organizations to foreign powers, which is fundamentally incompatible with the basic premise of nationalism. The answer

to the false promises of communism is *enlightened* Asian nationalism. Where it rules, communism cannot survive.

L. L.

THE UNITED STATES

The Wavering "Line" of Indian Communism, by Morton Schwartz, in *Political Science Quarterly*, New York, LXX, No. 4 (December 1955).

The continual dilemma of the Communist Party of India (CPI), as its domestic policies are forced to wag along behind the shifting needs of Soviet foreign policy, are admirably summarized in this article. Mr. Schwartz states:

In its effort to build strength, with the hope of eventually winning India over to the Communist bloc, the Communist Party of India (CPI) has employed three basic strategies: cooperation with the Indian government, attempt at revolutionary seizure of power, and united front with other leftist parties *vis-à-vis* the Congress Party.

In early 1947 the CPI supported Nehru's new government because the Soviet Union's policy at that time was one of cooperation with the democracies; but when Andrei Zhdanov's speech at the founding conference of the Cominform in September 1947 indicated the Soviet desire for more militant tactics, the CPI reacted immediately. Ranadive replaced Joshi as Secretary General of the CPI and a series of Communist-led strikes, riots and disorders rocked India.

In 1949 Ranadive criticized the CPI leaders in Andhra for slavishly following Mao Tse-tung's precepts of basing the party on the peasantry, and the wrath of the Cominform was brought down on Ranadive. *For a Lasting Peace, For a People's Democracy* berated the CPI in these words:

The path taken by the Chinese people . . . is the path that must be taken by the people of the various colonial and semi-colonial countries in their fight for national independence and people's democracy.

Obviously the CP of the Soviet Union concurred, and the CPI took the hint. In July 1950 Ranadive was replaced by Rao, leader of the Andhra group.

The CPI now (1950) "adopted the tactic of a 'united anti-imperialist front,' an adaptation of the Chinese Communist concept of the 'block of four classes.'" Accordingly, alliances were sought with bourgeois parties, even though reliance on armed revolt was not completely discontinued until after the outbreak of the Korean war in June 1950. In October 1951 Ajoy Ghosh was elected General Secretary of the CPI, and a united front policy was adopted. The CPI ran candidates in the elections held later that year and in early 1952. Today, as an accepted temporary tactic of Communist parties, "the CPI continues to employ the parliamentary system adroitly in its search for further areas of vulnerability."

Mr. Schwartz feels, however, that the present CPI attitude is no major reversal, but merely one of calculated watchful waiting. Indeed, early in 1951, shortly before the CPI inaugurated their policy of parliamentary opposition, a commission of Indian

Communists returned from Moscow with a new directive stating that the main objectives of the CPI

. . . cannot be realized by a peaceful parliamentary way. These objectives can only be realized through a revolution, through the overthrow of the present Indian state and its replacement by a people's democratic state. . . .

Mr. Schwartz concludes that revolution remains the ultimate extension of any success the CPI may achieve through their tactic of parliamentary opposition. When the Soviet Union deems it useful, the CPI will resort to armed rebellion.

Report on the "International Congress for the Philosophy of Science" in Zurich, Switzerland, August 23-28, 1954, by Max Reiser, in *Philosophy of Science*, Baltimore, Maryland, Vol. 22, No. 4 (October 1955).

While the lack of free play of ideas in the Soviet Union is a recognized fact, Western observers have equally recognized the high level of technical accomplishment among Soviet scientific specialists. Thus, the appalling barrenness of Soviet speculative thought revealed at the August 1954 International Congress for the Philosophy of Science came as somewhat of a surprise even to the most sophisticated and well-informed of the Western philosophers present. In a report on the Congress, Dr. Max Reiser offers an extremely critical evaluation of the contribution of the Soviet scholars present.

The "keen interest" and "tense curiosity" with which the Western delegates to the Congress awaited the arrival of the Soviet philosophers did not survive the reading of the first Soviet paper. This is how Dr. Reiser reports it:

The leading paper . . . ["The Science of Society and of Social Life," delivered by P. N. Fedosseev, Director of the Philosophy Institute of the USSR Academy of Sciences] was in fact a heterogeneous mixture of arguments about the aims and achievements of Soviet social policies and of their expected benefits for the future of mankind . . . Fedosseev [*sic*] expounded at the same time the epistemological theory . . . that all those teachings rejected by him could not but be true since they were all contrary to human progress and happiness and because, as he pointed out, it was proved time and again by history that evil theories detrimental to humanity were false and had to be false.

Fedosseev then recommended that the dissemination of "untrue" theories be prevented, a bald-faced espousal of thought control which was greeted by the assembled scholars "with great astonishment." It was obvious, writes Dr. Reiser, that the Soviet philosophers considered their Western colleagues "as presumptive carriers of . . . nefarious political creeds or convictions."

The second major speech (ten were read in the Congress' discussion sections), by the Soviet scholar B. M. Kedrov, dealt with the classification of sciences, and it also illustrated the distance between Soviet and Western thinking. Kedrov advanced a principle of classification originated by Friedrich Engels and

praised his principle as an improvement on Auguste Comte's. "Such a paper," writes Dr. Reiser, "might have interested somebody perhaps 70 years ago. . . . The audience listened baffled and speechless . . ."

As the Congress progressed, the gap between the Soviet philosophers and those from the West became increasingly apparent. The Soviet delegates hardly

participated in the discussions following the other papers. They sat "tight and tense on their benches," writes Dr. Reiser; "one had the clear impression that they felt themselves as a beleaguered group in a besieged fortress . . ." The best he can say about the Soviet philosophers' contribution is that its low level proved embarrassing to the other delegates.

R. B.

Will They Be Rehabilitated?

At the Twentieth Congress of the CPSU, the old Stalinist historian A. M. Pankratova, editor of the journal *Voprosi Istorii* (Problems of History), strongly criticized the entire trend of Stalinist historiography (which she so eminently represented for over two decades), for its "arbitrary handling of facts," for "embellishing historical events," for "fostering a personality cult" and, last but not least, for "poorly reflecting . . . the activities of the Old Bolsheviks, the collaborators of Lenin." "Poorly reflecting" is a magnificent understatement, for during the Great Purge (1935-39) virtually the entire Bolshevik "old guard"—the men who made the revolution and headed the Soviet state in its first decade—was destroyed. Some were shot, some disappeared, and some committed suicide.

Leon Trotsky—organizer of the Bolshevik Revolution, first Foreign Commissar and Commissar of War. Assassinated in Mexico in 1940.

Grigori Zinoviev—member of the party from 1901; after October Revolution, Chairman, Petrograd Soviet; chairman of the Comintern, 1919-26. Shot in 1936.

Leon Kamenev—member of the party from 1901; editor of *Pravda*, 1914; Lenin's deputy as Chairman of the Politburo after the October Revolution; Chairman, Moscow Soviet, 1918-26; Ambassador to Italy, 1927. Shot in 1936.

Sergei Mrachkovsky—member of the party from 1905; organizer of Bolshevik insurrection in the Urals, 1917; military hero during Civil War (1918-19). Shot in 1936.

Ivan Smirnov—party member from 1898; several times imprisoned by Tsarist police; Chairman of Communications, 1923-27. Shot in 1936.

Vagarshak Ter-Vaganian—Old Bolshevik; leader of the Armenian CP after 1917; prominent theoretician; founder and first editor of the principal theoretical organ *Pod Znamia Marksizma* (Under the Banner of Marxism). Shot in 1936.

Yuri Piatakov—participated in revolutionary movement from 1904; prominent during Civil War; Chairman, first Soviet government in the Ukraine, 1918; held various posts between 1920 and 1936, last one being that of Vice-Chairman, People's Commissariat of Heavy Industry. Shot in 1937.

Perhaps the first step toward the rehabilitation of some of Stalin's victims (and there were thousands) has already been taken (see "Iconoclasm in Moscow," p. 2). Even if that were true, however, a staggering task still faces Soviet historians. We offer below a list of some of the leading Bolshevik figures whose lives were destroyed and whose reputations were defamed by the Stalinist dictatorship. The list is far from complete: it does not include the thousands of Soviet diplomats, foreign Communist leaders, government and party functionaries, military leaders, writers, scientists, scholars (among them a good number of historians . . .) and other prominent figures who vanished as "enemies of the people." Will they be rehabilitated?

Karl Radek—participated in revolutionary movement from 1904; one of the principal leaders of the left wing of the German Social Democratic Party before World War I; after 1917, prominent in both the Russian and the German CP. Sentenced to 15 years' imprisonment in 1937, but not heard of since.

Nikolai Muralov—one of the oldest Bolsheviks; one of the leaders of the Moscow insurrection in November 1917; a hero of the Civil War. Shot in 1937.

Leonid Serebriakov—in revolutionary movement from the age of 14; first arrested at the age of 15; after 1917, member of the Moscow Soviet Presidium; Secretary of the Central Committee of the CPSU, 1919-20; Secretary of All-Russian C. E. C. of Soviets; Commissar of Communications, 1922; held various posts until his execution in 1937.

Grigori Sokolnikov—member of the party from 1905; after October Revolution directed nationalization of banks; Commissar of Finance, 1922; Deputy Chairman, State Planning Commission, 1926; Ambassador to Great Britain, 1929; Assistant Commissar of Foreign Affairs, 1934. Sentenced to 10 years' imprisonment in 1937, not heard of since.

Alexei Rykov—in revolutionary movement from childhood; Commissar of Home Affairs in first Bolshevik government; successor to Lenin as Chairman of the Council of People's Commissars (*i. e.*, Premier), 1924-30. Shot in 1938.

Nikolai Bukharin—one of the foremost theoreticians of the party, author of *The ABC of Communism*; head of the Comintern, 1926-29; co-author (with Radek) of the Soviet Constitution of 1936; Editor of *Pravda* and later of *Izvestia*. Shot in 1938.

Correspondence

Editors' Note: Letters should be no longer than 300 words, and may be addressed to the Editors, *Problems of Communism*, U.S. Information Agency, 1776 Pennsylvania Avenue NW, Washington 25, D.C., or to the nearest office of the U.S. Information Service. The Editors welcome any communications dealing with matters discussed in *Problems of Communism*.

KHRUSHCHEV AND SOVIET FOREIGN POLICY

. . . The last issue of your publication carried a most challenging and stimulating article by Andrew Haven, "The Time Factor in Soviet Foreign Policy," which gives a very interesting summing-up of past Soviet diplomacy and stresses the characteristic features of post-Stalinist behavior in the international sphere.

Moscow's current diplomatic line is to calm Western apprehension by suaveness while penetrating Asia and the Arab world by the use of appropriate propaganda weapons. Its objective, however, remains unchanged—the disintegration of the Western alliance. Mr. Haven's conclusions are fully corroborated by Khrushchev's speech at the opening session of the Communist Party Congress.

While noticeably soft in tone, the foreign policy set forth by Khrushchev is a dynamic one. His speech was confident, even triumphant. He is sure that the Western political and economic system will collapse. The main significance of his declarations, however, lies in the summons which he addresses to Communists and Socialists to bury their differences and cooperate. The aim is obvious: to pave the way for efforts to create "popular front" regimes which will usher in Communist revolution in legal guise.

The Stalinist policy of brute force was fraught with peril for the world. But the new Soviet policy of outward softness is no less dangerous, because it encourages neutralism in the free world. It is more imperative than ever that the democracies maintain their unity and combat the spurious Communist "popular front" tactics on the domestic front.

Paris, France

Andrew Perlaky

[Mr. Perlaky was formerly Hungarian chargé d'affaires in Brussels.]

WHICH WAY TITO?

It might be rather late in the day to discuss the significance of the Soviet visit to Yugoslavia in May 1955, but it seems to me that even Richard Lowenthal's penetrating analysis (in issue 6, November-December 1955) omitted to take into account a fact of crucial importance. After Bulganin and Khrushchev had left Yugoslavia, some Western commentators were of the opinion that Tito made some real concessions to Moscow, when subscribing to the view that Peiping must be "accorded its rightful place in the United Nations" and that "the lawful rights of the Chinese People's Republic in relation to Taiwan (Formosa)" must be satisfied. They overlooked, however, that this had been the Titoist point of view right from the beginning and that no change of outlook—not to speak of a concession to Moscow—was implied here.

But there exists another criterion for judging whether Belgrade yielded to Moscow pressure in any important respect, and this is the German problem. Here Tito was only prepared to agree on

generalities about the necessity of a solution of the German question "on a democratic basis and in accordance with the wishes and interests of the German people, as well as the interests of general security." Moscow certainly pressed Belgrade to agree on a declaration condemning Western German rearmament, and it would hardly have been surprising if the Titoists had followed a somewhat watered-down Moscow party line just on this issue. Yet the commentators of the Belgrade regime had consistently been in favor both of EDC and the Paris Agreements and the Bulganin-Tito statement brought nothing that would have forced them to eat their words. While recognizing Mao Tse-tung and Ho Chi Minh, Tito so far did not show any readiness to recognize the Pieck-Grotewohl regime.

All of this is not said to prove that Tito ever was or still is an absolutely reliable ally of the free world. But it seems to me to prove that Tito did not capitulate before Moscow on any essential point—and later events are only apt to confirm this impression.

London, England

J. W. Bruegel

[Mr. Bruegel is a Czech expert on international law and a newspaper correspondent.]

Mr. Lowenthal replies: Mr. Bruegel is certainly right in stating that Tito's moral support for Mao Tse-tung and Ho Chi-Minh, as expressed in last year's Belgrade declaration, was not new; that is why I did not discuss it. I am afraid he is less correct in assuming that there has been no change in Tito's attitude to the German problem, though that was not clear from the text of the declaration.

I do not agree that Yugoslav commentators were consistently favorable to the Paris agreements. They were consistently favorable to German rearmament as ending an untenable discrimination; before the Paris agreements were ratified, they showed some mild interest in the idea of a united, armed and neutral Germany without committing themselves. They then accepted both the Paris and Warsaw agreements as inevitable on "realist" grounds, and by the time of the Geneva conference of Foreign Ministers they came to support the Soviet view that a European security pact incorporating both German states was the best way to reduce tension and bring German unity nearer, and that free all-German elections were not a "realist" way to unity. In private, Yugoslav spokesmen now explain that they would regard general diplomatic recognition of the East German regime by uncommitted and Western states as justified, though they do not wish to take this step alone.

The fact is that in the last few months Yugoslav diplomacy has moved closer to the Soviet position, not indeed as the automatic result of any "surrender" implied in the Belgrade declaration, but for similar reasons, and to a similar extent, as some of the uncommitted nations of Asia have moved that way. The doctrinal