SOVIET CONCEPTS OF THE STATE, INTERNATIONAL LAW AND SOVEREIGNTY

BY MINTAVTS CHAKSTE

Formerly Justice of the Supreme Court of Latvia

The failure of the United Nations Organization to promote cooperation among its members in solving urgent international problems is a disappointing feature of the post-war world and compares unfavorably with the opening stages of the League of Nations activities, which were marked by a will to cooperation among the members and considerable success in resolving outstanding international problems. The reasons for this failure may be manifold, but it would seem that among them there is also a want of agreement on some basic concepts which are essential for the normal functioning of the Organization. As the main task of the Organization is the development of cooperation among nations according to the proclaimed principles for the achievement of the avowed aims, it appears to be indispensable that among the nations there exist a broad agreement on concepts which are not only essential for the understanding and observance of the purposes and principles of the Organization, but also of importance in determining mutual relations among the member states themselves. These would be the concepts of the state, law and sovereignty, which form the basis of every international order. It must, however, be admitted that there exists no agreement on these concepts among the members of the Organization. It is just there that the rift between East and West manifests itself in a conspicuous way, and deprives the Organization of an essential prerequisite for successful functioning.

An attempt will be made in this article to outline the Soviet variation of the three concepts, those of the state, law and sovereignty, and to define the ideas on which is based the theory which determines the relations between the Soviet state on the one hand, and the democratic states of the West on the other. This theory could hardly be considered a factor encouraging collaboration between the two groups of states. On the contrary, it renders collaboration rather problematic.

Soviet Concept of the State

The notion of a sovereign state is the point of departure in settling most questions that concern international relations. It would be essential to every international order to proceed from a common point of departure. The actual situation, however, is that Soviet theory has developed a concept of the state of its own which substantially differs from the traditional ones.
And as the Soviet theory of the state forms one of the cornerstones of the whole ideological structure of the Communist dogma, it cannot but have repercussions on Soviet foreign policy determining the relations between the Soviet Union and the non-Communist states. Lenin himself has undertaken the task of formulating this theory in accordance with his interpretation of Engels' book, *The Origin of Family, Private Property, and State*. In his famous pamphlet, *State and Revolution*, which ever since its publication in 1918 has become a source of reference for his followers, Lenin declares that in this book "the fundamentals of Marxism as to the historic rôle and significance of the state have been explained with complete clarity." He goes on to say: "The state is the product of irreconcilable class antagonism. The state arises then and there, when and where class antagonism cannot be objectively reconciled. Or to reverse the object: the existence of the state proves that class antagonism is irreconcilable." One of the characteristics of Lenin's theory is the emphasis on the impossibility for a state to be a conciliator of clashing class interests. He quotes Engels to the effect that "not only the states of antiquity and the Middle Ages had been organs of exploitation of slaves and serfs, but even the contemporary representative state is an instrument of exploitation of hired labour by capital." As regards the democratic republic with a system of universal suffrage, it deserves, in Lenin's opinion, no better treatment, as it is, according to him, the same instrument of exploitation of the proletariat by the bourgeoisie. Quoting Engels, he maintains that in a democratic republic "wealth exercises its power indirectly but all the more surely," and describes the democratic republic as "the best political camouflage of capitalism." Capitalism, once having taken possession of the democratic republic, "builds up its power with such reliability that no change of persons, institutions, or parties can ever disrupt it."

Lenin recalls that Engels considered the system of universal suffrage to be the instrument of bourgeois domination, and quotes Engels' definition of this system as "the scale for measuring the maturity of the working class. It can and will be nothing else in the contemporary state." In accordance with Engels' theory, Lenin propounds the view that the state is destined to pass out of existence. The classes, the real creators of the state, would disappear as they had come into being, and:

with the extinction of classes the state itself will inevitably pass out of existence. The society which will organize production on a new basis of free and equal associations will relegate the state where it shall belong: to the museum of antiquities along with the spinningwheel and the bronze axe.

2 Ibid., p. 377.
3 Ibid., pp. 377–378.
4 Ibid.
5 Ibid.
SOVIEET CONCEPTS OF THE STATE

The Communist theory of the disappearance of the state is of practical significance to the extent it has its repercussions on Communist tactics. Engel’s words that “the state will not be eliminated (abgeschafft) but will wither away (absterben)” have caused a controversy among their interpreters. Lenin gives his own interpretation of those words. He points out that, according to Engels, only the proletarian state or the semi-state (Halbstaat) as it is sometimes called, which will succeed the bourgeois state, can and will “wither away.” The latter will first be transformed into a proletarian state. This transformation can be achieved only by means of a proletarian social revolution. And Lenin himself was a most ardent champion of the social revolution and never ceased to emphasize the necessity of training the masses for this revolution. In it he saw the essence of the whole theory of Marx and Engels.⁶

As the development within the Soviet Union after the extermination of the bourgeoisie and the establishment of the proletarian state appeared to stand in contradiction to the theory of “the withering away of the state,” it had to be accommodated to the Soviet realities. The task was performed by Stalin. He gave his interpretation of this theory in his address to the 18th Party Congress. Stalin pointed out that in developing his theory Engels had not had in mind the special case of building up socialism in one country surrounded by capitalist states. He asserted that capitalist encirclement was the real cause why the state had not “withered away” in the Soviet Union. And he answered the question whether the state will continue to exist after the victory of Communism in the affirmative, in case the capitalist encirclement were not eliminated, and in the negative, if it were eliminated and substituted by a socialist one.⁷

Such is the short outline of the theory of the state with which the proletarian state, the Soviet Union, appeared on the international stage and began to establish and develop its relations with the states of what this theory called the capitalist encirclement. According to the Marxist and Leninist theory the latter was the very incarnation of all the evils for the destruction of which the international proletariat, supported by the Russian proletarian state, has to fight the last and decisive battle. The weapons to be used in this battle were not ballot boxes and voting procedures which, according to the theory, could not disrupt the encirclement, but violent upheavals summed up in the term “world revolution.” To be sure, this concept of the state could not be ignored or distorted by Soviet jurists who were confronted with the task of solving the problems of the legal aspect of the intercourse between the Soviet state and the states of the “bourgeois encirclement.” Their task was formulated as follows:

... in a given epoch (the 20th century) and working on given historic material how are we to consider in a legal sense contemporary capitalist states and the Union of Socialist Federative Republics now entering into a variety of mutual legal relations—are we to regard the respective state formations as subjects of a single personality, or are we to consider them as relations between rulers and the ruled, or in any other way?  

The answer reads: “We consider that for the supporter of the class nature of the state there can be no hesitation as to the choice. If a bourgeois theorist defending the doctrine of class solidarity and coöperation could consider, at least in the form of lip-service, the state as embodying these principles and the state power as a super or classless factor, whose corresponding expression was the personified unity of state personality (Esmain)—this legal scheme applied to the U.S.S.R., a state from bottom to top built up on the principle of class dictatorship, at once reveals its inconsistency. It would be puerile to suppose that the Soviet power acting within and without its country as the exponent of class interests of the Russian and international proletariat could at the same time act in any degree as the exponent of views and wishes of the parasitic exploiting classes of its own country. The government of workers and peasants has never pretended to be a national power in the sense of bourgeois ‘sacred unity.’ On the contrary, in its international relations it has many times confirmed the strictly class character of its domination and no less explicitly drawn a distinct line between the ruling classes and working masses of Western Europe, America, and Asia, and appealed to the latter over the heads of the former.”

Having illustrated his views with facts from Soviet international practice, Korovin goes on:

These illustrations permit to draw the conclusion that the theory of class structure of the contemporary state is not only a very instrumental hypothesis for understanding the mutual relations between Soviet Russia and the world of imperialistic colossuses and pygmies, but also the official doctrine of the U.S.S.R. which is consistently realised by the government in building up the structure of the republic as well as in its international relations.

Korovin’s views had been criticized by another Soviet jurist, Pashukanis. He also was in agreement with the Marxian concept of the state as an instrument of class oppression, and denied the possibility of a state being a reconciler of clashing class interests. But he considered that in foreign relations the state could be treated as a unity, and could be personified and regarded as a subject. However, the proletariat remained the ruling

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9 Íbíd., pp. 23, 30.
10 Meždunarodnoye pravo perèèèhodnogo vremen, p. 32.
class of the Soviet state, and as such the proletariat monopolized the international and legal representation of the state.  

Be that as it may, Pashukanis, however, did not state whether the non-Soviet state could also be treated as a personified unity, and restricted his arguments mainly to the Soviet state. It would seem that from an orthodox Marxian viewpoint, a non-Soviet state with irreconcilable class interests could hardly be regarded as a personified unity. If we consider the career of a Soviet writer as evidence of his compliance with the official doctrine of the Soviet state, then we should have to dismiss the views of Pashukanis as deviating from the official doctrine. Pashukanis disappeared from the Soviet stage in one of the purges, whereas Korovin stands high in the ranks of Soviet jurists. He would be a safer guide than Pashukanis through the labyrinth of official Soviet doctrine.

The implications of the Soviet concept of the state are not only of theoretical interest. They are of practical significance as well. The treatment of the problem of intervention by the Soviet theory is instructive in this respect. It admits that contemporary legal theory, with few exceptions, unanimously condemns intervention, and nevertheless, the Soviet theory does not reject intervention as such. Korovin considers the interventions of the Allied Powers in Russia in 1918–1919 as the realization of the principle of class struggle on an international scale, and says:

As such, they, in their legal aspect, are acceptable to the legal sense (правосознание) of the transitional epoch, as class struggle is the established method of mutual relations between opposite worlds on the international arena. The strictly negative attitude of the Russian working people to the various interventions by the Allied Powers does not indicate the rejection of intervention as a method of class struggle. It was the rejection and condemnation of those given interventions.

And he points out that under certain conditions intervention may become “the mightiest instrument of progress, a surgical measure to ease the birth pangs of a new world.”

It would seem that in the many Soviet interventions since 1939 these “surgical measures to ease the birth pangs of a new world” have been carried out in pursuit of this theory.

Another consequence of the Soviet concept of the state would be the character of the Soviet diplomatic representatives abroad. Korovin says that the representative of the U.S.S.R. “does not personify the semi-mythological personality of the state-Leviathan but is no more and no less than the plenipotentiary of the ruling class in the republic.” The question as to whom the Soviet plenipotentiary is accredited is left open.

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12 Korovin, Međunarodnoe pravo perekhodnogo vremeni, p. 61.
13 Korovin, Sovremennye međunarodnoe publichnoe pravo, p. 32.
by Korovin, but some instances from the Soviet practice, e.g., in the Baltic states, would show that as soon as circumstances are ripe, the Soviet plenipotentiary appeals to the “masses” over the head of the government.

**Soviet Concept of International Law**

The Soviet approach to problems of international law is entirely determined by the Marxist and Leninist theory. Professor Korovin says:

> It is the right moment to comprehend the elementary truth that such notions as Marxism, proletarian dictatorship, and the rest of the ideological foundations of the state and social order of contemporary Russia are categories binding in many ways: one cannot at the same time propagate them, defend the class nature of social relations, accept economic materialism as the basis for sociology, and simultaneously endeavor to enact policy law . . . on the basis of unprincipled eclecticism. In controversies of doctrines and theories, in heated disputes of jurists, historians, and diplomats, the jurist of the U.S.S.R. has only one place—he must remember, know, and defend it.\(^{14}\)

In line with these ideological foundations, international law is given a strictly class character: “International public law is the sum-total of legal norms governing rights and duties of collectivities of the ruling classes—participants in international intercourse.” Commenting on this definition, the author says:

> The concluding part of this definition expresses the class character of international law, as well as of law in general, which in the course of history has been particularly closely connected with the organization of the state, and had for a long time constituted a monopoly of the most privileged ‘top’ of the feudal and bourgeois society.\(^{15}\)

It would be a matter of impossibility for the Soviet state representing the dictatorship of the proletariat to accept and let itself be governed by this law of expressly bourgeois character.

The deeply rooted fundamental difference of the legal and social order of capitalist society on one hand and socialist order on the other entails a manifold and substantial alteration of legal norms governing mutual relations between the bourgeois countries and the socialist ones. The sum-total of these norms will form one of the “regional” international legal systems which could be designated as “the international law of the transitional epoch.” . . . The historic limit for the international law of the transitional epoch would not be the day when the state machinery is handed over to the “museum of antiquities,” but the day of victory of the proletarian revolution in the countries of the capitalist West.\(^{16}\)

Thus the Soviet jurist considers the intercourse between the Soviet state and the non-Soviet ones only as a temporary phenomenon to be ended

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\(^{14}\) *Međunarodno pravo perešednovo vremeni*, p. 7.

\(^{15}\) *Korovin, Sovremennoe međunarodnoe publichnogopravo*, p. 5.

by the world revolution abolishing the capitalist order of the world. This view is in complete harmony with the Soviet concept of the bourgeois state, and it proves the consistency with which Soviet legal theory reproduces the fundamentals of Marxism. But this intercourse would be not only of a temporary duration but also of a limited scope. Whereas, according to this theory, the only basis of inter-state or international law, are "the events of the social life of peoples which could be summed up in two fundamental groups of interests—the needs of intellectual character (spiritual needs in a broad sense) and economic interests (material needs in a narrow sense)," and because "intellectual intercourse presupposes some common evaluation, unity of convictions legal, ethical, and political," Korovin examines the question whether and to what an extent "is it possible to speak of an intellectual unity in the legal, moral and political spheres of a Socialistic Soviet Republic and any of the states of the bourgeois order?" 17

Such a possibility is denied. Among the reasons which make an intellectual unity between a Soviet republic and the states of the bourgeois order impossible, the very existence of the Soviet state is mentioned as "a most convincing negation of the whole of the bourgeois order as such, and a constant threat to its security." The way to this unity is blocked by the "cornerstones of Soviet home and foreign policy" such as "the bet on world revolution," "the actual and economic impossibility of a lasting existence of a socialistic oasis," etc. And lastly, the legal order of the bourgeois states "protecting the 'sacred property' of a select handful and defending the exploitation of man by man," appears to be "a synonym of violence and want of justice" from a socialist viewpoint which also contributes to the same effect. Therefore the conclusion is that "an intercourse on the basis of intellectual unity (ideological solidarity) between countries of bourgeois and socialist cultures, cannot exist as a rule, and hence the rules of international law covering this intercourse become pointless." Only a limited intercourse on the basis of "values of the so-called humanitarian order" is considered to be possible, e.g., for the prevention of epidemics, preservation of monuments of antiquity, works of art, etc. 18

As regards intercourse on the basis of economic interests, Korovin distinguishes between international legal relations of a "technical type" (postal, telegraphic, railway, river conventions) and international relations of "material interests of a social and legal character" (commercial treaties, customs unions, protection of industrial property, problems of international private law, etc.). Whereas he recognizes that in the first group the relations would develop and grow, in the second group agree-

17 Korovin, Mezhdunarodnoye pravo perehodnogo vremeni, pp. 12–13.
18 Ibid., pp. 13, 15–16.
ments would be "entirely determined by political requirements of a given moment."\textsuperscript{19}

Such was the basis of international law in relations between the Soviet state and the non-Soviet states as viewed by Soviet legal theory before World War II. It remains to be seen whether World War II, and in particular the compliance of the Soviet Union with the Charter of the United Nations, have in any way changed the theory and widened the basis of international law in relations between the Soviet state and the non-Soviet ones.

No substantial changes of basic ideas have become apparent in postwar Soviet legal theory. Since the end of the war Korovin himself has published articles on problems of international law in Russia as well as in the United States. Although the contents of the articles, which were published approximately at the same time, are not identical and differ in some substantial points, supplemented by each other they provide, however, a possibility of studying the trends of Soviet postwar legal thought.

The background against which the postwar development of international law takes place is described for the Russian reader as follows:

\textit{Imperialistic reaction wages a furious fight against the realization of democratic principles and forms in international relations, against the consolidation of peace and collective security, and tends to perpetuate imperialistic violence and privileges. International law is for the time being the arena of the struggle of two opposing tendencies—the progressive-democratic and the reactionary-imperialistic.}\textsuperscript{20}

This description is missing from the article published by the same writer in the United States,\textsuperscript{21} although a month later he repeats this description for the Russian reader in somewhat different terms:

\textit{International relations of the post-war period are characterized by the clash and struggle of two opposing tendencies in international politics—the progressive democratic and reactionary-imperialistic... the second of these tendencies is the reflection of the interests of influential reactionary groups of the great capitalist states... They hate democracy in all its forms and are willing always to bargain with fascism...}\textsuperscript{22}

The progressive-democratic tendencies, it goes without saying, are represented by the Soviet Union, the reactionary-imperialistic by the great democracies of the West. For the present, international law is regarded as the arena of a struggle for the abolition of anti-democratic trends, sur-

\textsuperscript{19} Korovin, \textit{Mežunarodnoe pravo perekhodnogo vremeni}, pp. 10-17.

\textsuperscript{20} Korovin, "\textit{Mežunarodnoe pravo na sovremennom etape}," \textit{Bolshevik}, October, 1946, p. 26.


\textsuperscript{22} Korovin, "\textit{Parižnaya mirnaya konferentsiya}," \textit{Bolshevik}, November, 1946.
vivals and forms and the affirmation of the principles of democracy in international relations. As this arena, the international legal order, consists of a body of legal rules and of rights of states, the subjects of international law, and their corresponding duties, one may well ask which are the anti-democratic trends, survivals and forms of this order and which the democratic ones, and what is the attitude of the progressive-democratic tendencies in this arena to the anti-democratic elements which still possess legal validity? This is one of the problems Soviet legal theory has brought up for discussion.

On the other hand, this theory considers international law as being a form for the realization of collaboration among peoples. At this point Korovin’s American and Russian articles differ again. Whereas the American article simply states that “international law is one of the forms for the realization of this collaboration,” the Russian article gives a more precise definition. According to it, “international law, in the shape of its progressive norms and democratic institutions, is one of the forms for the realization of that collaboration of democratic states. . . .”

Hence it follows that not international law as such in all its parts, but only “the shape of its progressive norms and democratic institutions” represents the form of collaboration not among all nations, but only among the “democratic states.” Here is no need to specify which states are to be regarded as “democratic.” Korovin expressly mentions such states as Poland, Yugoslavia, Rumania, Bulgaria and Hungary. As regards the great democracies of the West, they are not mentioned by Korovin in the group of “democratic states,” and they apparently belong to “the great capitalist states reflecting the interests of influential reactionary groups.” Would that mean that international law is not recognized as a form of collaboration between the Soviet state and the democracies of the West? In principle, Soviet legal theory denies international law this function. Korovin says:

In the final analysis it must be admitted that there is not and cannot be such a code of international law as would be equally acceptable to the cannibal and his victim, to the aggressor and the lover of freedom, to the “master race” and its potential “slaves,” to the champions of the sanctity of treaties and to those who would treat pacts as “scraps of paper,” to the advocates of humanising and abolishing war and to the proponents of totalitarian war, to those who “value every tear of a child,” to quote Dostoyevsky, and to those who try to build a third or any other empire on a foundation of women’s corpses and children’s skulls.24

If the “great capitalist states reflecting the interests of influential reactionary groups” are not expressly mentioned in this passage, that does

23 This Journal, Vol. 49 (1946), p. 742, and Bol’shevik, October, 1946, p. 25.
24 This Journal, Vol. 49 (1946), pp. 745-748.
not mean that Soviet legal theory can admit the existence of a code of
international law that would be equally acceptable to these states and the
Soviet state. The very substance of the Marxist and Leninist theory pre-
ccludes such a possibility. It is here that international law has become
"the arena of the struggle of two opposing tendencies." Korovin, however,
adopts that a certain body of rules could be acceptable to the bourgeois
states and the Soviet one, it would seem, for a limited period of history
to which he has given the name of "transitional epoch." He writes:

Like any other law, international law reflects the will of the ruling
classes. The reality of international law, however, is not precluded
by the fact that for the time being there are on the international
stage bourgeois states as well as feudal and socialist ones. Each of
them, carrying out its own line and directed by its own motives, might
be interested in supporting and preserving a certain amount of gen-
erally binding legal norms in international relations. 25

That looks like a temporary concession made by the Soviet jurist to the
non-Soviet states. The basis for this concession is the interest of states
in preserving some legal norms in relations with one another. The Soviet
state, however, acts in this case according to its own line and is directed
by its own motives. That would mean that as soon as a curve in this line
brings about a change of this interest, the legal norms would lose their
basis and will be regarded as null and void. Interest alone actually re-
mains the factor determining the conduct of the state. A legal régime
could hardly exist on such an uncertain basis. Soviet practice itself illus-
trates the uncertainty of a legal régime in its relations with non-Communist
states. Only the Soviet-Nazi agreements of 1939 and the resulting Soviet
aggression against her western neighbor states need be mentioned. The
whole international legal structure which the Soviet Union herself had
helped to build up was destroyed by her, a considerable number of valid
pacts and treaties handled as "scraps of paper," and legal norms ruth-
lessly violated. These acts were the actual result of the concept of interest
as the only basis of law. The victims of this concept were the states along
the Soviet western frontier: Finland, Estonia, Latvia, Lithuania, Poland,
to mention only the first in a long list of victims.

Soviet Concept of Sovereignty

In its foreign policy the Soviet Union professes to be the champion of
the principle of sovereignty. In line with this policy, Soviet jurists declare
sovereignty to be one of the oldest democratic principles of international
law, and the legal form of a democratic foreign policy. It is defined
as the legal and actual independence of the state in carrying out its func-
tions, and its economic independence as the basis of a real independence is
particularly stressed. These declarations and definitions, however, would

25 Bolshievik, October, 1946, p. 25.
be misleading if taken at their face value. A closer examination of the Soviet theory would reveal not only the reasons which have contributed to the Soviet attitude towards the principle of sovereignty, but also the contents of the Soviet concept of this notion.

As regards the reasons, Korovin states:

The Soviet Union is destined to act as the champion of the doctrine of "classical" sovereignty in so far as its formal seclusion acts as a legal armour protecting it from interference of those factors under the pressure of which the frontiers of contemporary capitalist states are changed and the forms of their law altered. So long as beyond the frontiers of the U.S.S.R. there is only the ring of bourgeois en-circlement, every limitation of sovereignty on behalf of it would be a greater or lesser victory of the capitalist world over the socialist order. . . .

That would mean that the Soviet Union supports the principle of sovereignty as a means for isolating itself from the interference of the non-Communist encirclement, or as Korovin puts it, "the traditional policy of 'splendid isolation' of the United Kingdom is repeated by the Soviet republic. . . ." 27

Since World War II, when the ring of the "bourgeois encirclement" has been pushed a good deal westwards, the Soviet Union has not abandoned the principle of sovereignty. Only the reasons for its maintenance have been formulated somewhat differently: "In a world where there are rich and poor, exploiters and exploited, weak states and strong ones, and independent countries and colonies, to reject the conception of sovereignty or the other legal guarantees of national independence and freedom would always help those who are strong and would never benefit those who are weak." 28 Another aspect of the Soviet concept of sovereignty was stressed by Korovin in a lecture delivered before the Social Science Academy of the Russian Communist Party in 1947:

Sovereignty, as conceived by Soviets, is a weapon in the struggle of the progressive-democratic forces against the reactionary-imperialistic ones. Under contemporary conditions sovereignty is destined to act as a legal barrier protecting against imperialistic encroachment and securing the existence of the most advanced social and state forms—socialist and those of a people's democracy; it is a guarantee of the liberation of the oppressed peoples in colonies and dependent territories from the imperialistic yoke. 29

In short, the Soviet Union now supports the principle of sovereignty not only to protect "the most advanced social and state forms from imperialistic encroachment," but also to defend the "poor, weak, and exploited against

26 Современное международное публичное право, p. 42.  
27 Международное право преддоголого вреямени, p. 45.  
29 Пловдив, May 3, 1947.
the rich, strong and exploiters," and "to liberate the oppressed peoples in colonies and dependent territories from the imperialistic yoke."

The rich, the strong, and the exploiters in this concept are, of course, the great democracies of the West. What is the attitude of Soviet theory towards their sovereignty? Professor Levin, another Soviet jurist, writes:

One should always remember the distinction between the contents, the essence of sovereignty, on the one hand, and its form, on the other. The supremacy of the power of the state as the political organization of the ruling class is the essence of sovereignty. . . . In the bourgeois state the proclaimed form of "the sovereignty of the people" conceals class dictatorship of the bourgeoisie. . . . Sovereignty is full power and independence of the state as the political organization of the class which possesses the tools and means of production and dominates economically. One cannot speak of sovereignty without these conditions. That is why "the sovereignty of the people" in conditions of the bourgeois state . . . is . . . a fallacy. . . . For the first time in history the Soviet state has realized the real sovereignty of the people. . . .

In other words, the sovereignty of the non-Communist states, as conceived by the Soviets, is synonymous with class dictatorship of the bourgeoisie. The latter is the very thing for the destruction of which, according to the fundamentals of Marxist and Leninist theory, the international proletariat, supported by the Russian Soviet state, has to fight. It would be in complete contradiction to the fundamentals of this theory, if Soviet legal thought were to support and justify this kind of sovereignty. Therefore in the writings of Soviet jurists we could hardly find arguments in favor of the sovereignty of non-Communist states. All they say in favor of sovereignty is related to the sovereignty of the Soviet state, other "democratic" states, and colonial and other oppressed and exploited peoples. An instructive example as to how Soviet theory deals with the problem of sovereignty is afforded by the case of Franco Spain. Levin opposes the view that the sovereignty of Spain could be invoked to protect her from interference with her domestic régime. According to him, that would be "an attempt to distort the real meaning of sovereignty." And he explains:

Under contemporary conditions sovereignty and democracy are indivisible. The principle of sovereignty is subordinated to the principle of democracy as a more general and universal principle of relations between states and relations within a state. A régime brought about by aggression and representing a constant threat of aggression, certainly cannot claim to be protected under the cover of the principle of sovereignty."

It is needless to say that the principle of democracy to which reference is made here is that of Soviet democracy. This principle does not cover

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30 Principe suveraństwa w sovetskim i meždunarodnom prave (Moscow, 1947), pp. 6-8; also Korovin, Pravda, May 3, 1947.
the democratic states of the West. The Soviet theory, therefore, in its final consequences does not comprise the sovereignty of the democratic states of the West. Measured by the Soviet principle of democracy, their sovereignty would never comply with the postulates of that principle. "The dictatorship of the bourgeoisie" is an insurmountable obstacle for the Soviet theory.

This conclusion is well confirmed by the strictly negative attitude Soviet theory has adopted in dealing with the problem of limiting state sovereignty. The speeches of Mr. Eden and Mr. Bevin in the House of Commons to this effect have not met with the approval of Soviet jurists. Professor Korovin comments on them:

The chief fault of these theories lies in their authors' inability or refusal to understand that the roots of aggressive nationalism, which the world parliament is to check, lie in the very nature of imperialism. . . . The nature and essence of imperialism cannot be changed by any amount of parliamentary voting.

No less incorrect is the idea that state sovereignty is absolutely synonymous with rampant nationalism, in other words, something like a bull in a china shop on a world scale. It is indisputable that any state of the imperalist type always holds forth such a threat. But it is just as indisputable that there is another type of state (the Soviet), whose social structure completely precludes even the possibility of such a transformation.  

It would seem that this view is inconsistent. If any state of "the imperalist type" in possession of unlimited sovereignty constitutes a threat to become something like a "bull in a china shop on a world scale," then why not eliminate this threat by limiting its sovereignty? In the same article, Korovin himself admits that "in the interests of the preservation and consolidation of sovereignty, as a factor of universal progress, it becomes necessary temporarily to limit to a considerable degree the sovereignty of the most aggressive nations, that is, Germany and Japan." Why, in the case of Germany and Japan, could sovereignty be limited, whereas in the case of other states of the "imperialist type" the limitation would be a hopeless undertaking?

Soviet theory, however, would not admit being inconsistent. The sovereignty of Germany is to be limited only temporarily, until Germany is transformed into a democratic state:

Through a limitation of the sovereignty of the aggressor nations history is leading us to the strengthening of the sovereignty of the peace-loving state and to the affirmation of sovereignty as a legal form of democratic international policy, and, in the final analysis, to the strengthening of the sovereignty of the German people itself if and when Germany becomes a peace-loving and democratic state.  

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33 Ibid., p. 744.
34 Ibid.
Thus Germany’s sovereignty could be restored if and when she has become a democratic state along with Bulgaria, Rumania, Yugoslavia, Hungary and Poland, of which Korovin states:

The major successes of democracy in a number of states in post-war Europe (Bulgaria, Rumania, Yugoslavia, Hungary, Poland) simultaneously with a fundamental change in their foreign policy, convincingly testifies that sovereignty and democracy, just as sovereignty and socialism, are conceptions that not only are wholly compatible but mutually enriching.26

As regards the states of “the imperialist type,” the sovereignty of which conceals “the dictatorship of the bourgeoisie” and always holds forth the threat to become “something like a bull in a china shop on world scale,” their essence, according to this theory, cannot be changed, and the only outcome left then to them is to be destroyed by the world revolution. Therefore, it would be not only useless but even harmful to rearm them with sovereignty in their relations with the Soviet state, the proponents of this revolution, to protect them from the causes and effects of this revolution.

Thus we could sum up the Soviet concept of sovereignty as follows: In its legal aspect it establishes the right of the Soviet state to independence, including the right to reject any outside interference. In relations with what we might call the democratic states of the West, this concept, however, lacks reciprocity, as it does not grant these states the protection of sovereignty. Along with this aspect, sovereignty is also a principle of Soviet foreign policy aiming at the “liberation of all democratic peoples on the European continent and the overseas colonies” and the establishment of “democratic states” such as contemporary Poland, Hungary, Rumania, Yugoslavia.

It remains to review what will become of the principle of sovereignty in relations between the Soviet states themselves. Soviet legal theory has suggested that their mutual relations would be governed by an inter-Soviet law. As regards the principle of sovereignty, it will apparently lose its functions of being the legal armor protecting the Soviet state from encroachment by “the states of imperialist type.” The political function of “liberating the peoples from the imperialist yoke” would also be accomplished. Would that mean that this principle would actually pass out of existence in relations between Soviet states? Soviet practice with the states of Eastern Europe seems to suggest that the principle will lose its significance, and will be substituted by the principle of the proletarian dictatorship which, from a principle governing only the internal relations of the Soviet state, would develop into a principle governing even international relations between Soviet states.

26 Ibid., p. 748.
Of course, the term "sovereignty" will be retained, but the subject-matter of this term will be different. The Soviet federal law has already developed a new notion of sovereignty which no longer means internal and external independence of the state to carry out its functions. According to the Soviet federal law, the member States of the Soviet Union are supposed to be sovereign. Professor Levin emphasizes that "the characteristic feature of the Soviet federation which distinguishes it from all bourgeois federations is the recognition of the sovereignty of every constituent republic, i.e., of the member states of the Union. Article 15 of the Constitution of the U.S.S.R. confirms that the sovereignty of the constituent republic is restricted only by Article 14 of the Constitution enumerating matters belonging to the competence of the Union." 36 Article 14 of the Constitution, however, deprives the constituent republic of the Union of every more or less important state function and transfers them to the Union. What is left to the constituent republic could hardly be called sovereignty in a non-Soviet concept. And even this minimum of power is exercised by the Communist Party of the respective republic, which, on its part, is absolutely subordinated to the leaders of the Communist Party of the Union. The complete centralization of power is an accomplished fact in the Soviet Union. That could hardly be otherwise in a dictatorial régime, whatever its name. If Soviet jurists, nevertheless, refer to the sovereignty of a member state of the Union, that could only mean that their concept of sovereignty is a different one from that which regards sovereignty as a synonym of external and internal independence of the state to exercise its functions. It is most likely that in international relations between Soviet states, that would be the Soviet concept of sovereignty which would be realized as the only one compatible with the principle of proletarian dictatorship.

This outline would show that the Soviet concepts of the state, law, and sovereignty are entirely dominated by the Marxist and Leninist theory. The starting-point is the idea of the irreconcilability of clashing class interests which has brought about an insurmountable rift in human relations. The method of class relations is that of class struggle, of which Stalin has said that "the acutest form of it was the proletarian dictatorship," and that it was needed "to suppress the bourgeoisie and to root out capitalism." 37 At first the rift existed in relations between classes within one state, but after the erection of the proletarian state, the Soviet Union, the rift became evident also in relations between separate states. Korovin, in line with that theory, has pointed out that in relations between the Soviet state and the non-Communist ones, class struggle was a recognized method of policy. Before him Stalin has shown what would be the task of the Soviet

36 Levin, op. cit., p. 11.
37 Stalin, op. cit., p. 227.
state in the field of international relations. He asserted that "the victory of the revolution in one country, i.e., Russia, ... was at the same time the beginning and prerequisite of the world revolution." He stressed the duty of the country of the victorious revolution to help the proletariat of other countries in their revolutionary efforts, and, quoting Lenin, explained the nature of the help. It should consist of "the maximum of what a single country could give to develop, support, and start the revolution in all countries," and, along with that, "the victorious proletariat of one country ... should rise against the remaining capitalist world attracting the oppressed classes of other countries, starting revolts against the capitalists in these countries, and, in case of necessity, even sending its military forces against the exploiting classes and their states." These views could not be ignored when not only the Soviet concepts of the state, law, and sovereignty, but also the whole Soviet international policy, are examined. They would contribute considerably to better interpretation and understanding of the concepts as well as of the policy.

As regards the three Soviet concepts, they could be regarded as the generalization of the Soviet international experience and the line of its future course as, according to Korovin, "The task of the Soviet science of international law is to prove equal to Soviet international practice, to generalize and comprehend its experience, to map out and blaze new trails for it." As these concepts, and the theory out of which they have been developed, have not been abandoned nor altered since the Soviet Union subscribed to the Charter of the United Nations, one may ask how they are to be brought into harmony with the purposes and principles of the United Nations Organization; how the theory of world revolution is to be reconciled with the task of maintaining peace and security; how the principle of sovereign equality of all members is to be realized in relations between the Soviet state and the states representing what they call the dictatorship of the bourgeoisie; how conditions are to be established under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained; and how friendly relations are to be developed among nations if the recognized method of these relations is the principle of class struggle. These are some of the many questions which the Soviet concepts of the state, law, and sovereignty have put before the nations of the world. It would seem to be a hopeless task to find a reasonable solution unless an intellectual unity is restored among the nations.

28 Ibid., p. 104.