

On the Political-Juridical Fundamentals of the Soviet Union (Who did tear down the Berlin Wall?)

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ABSTRACT--- *The collapse of the Soviet Union in a peaceful way was the hugest achievement of progressive forces. The author classifies 12 reasons which have slowly been damaging the political system based on Communist doctrine from inside. The essence of all these reasons is that there was no legal state and which has been ruled by one political party without any juridical logics. The Communist Party dictated legal principles, created Socialist culture in educating a human being to be without the concept of a Homeland, religion and national habits. These elements have contributed to the development of national movements and to the rebirth of religion among different nations. Yet, in the human history it is well-known that, beyond the objective causes, even subjective reasons turn out to play an important role, as for those that contributed to the fall of the Berlin Wall. In this context, it is also possible to include the action of Mikhail Gorbachev, who had the intention to reform the political system that, for the above mentioned reasons, was not able to cope anymore with the economic requirements of the State. (For this reason, a common say was also introduced: We, here in the Kremlin, launched a joke with the Perestroika, whereas they (the Western countries) have taken it very seriously). However, at the same time, it is important to remember that some personalities such as the Pope Johannes Paul II, Lech Wałęsa and the US President Ronald Reagan, demonstrated to be able to win the widespread sense of fear, inspiring millions of people to pursue the path toward a new life. Their strategy gives us the example that, nowadays, with great and inspired willpower it is still possible to tackle and cease any type of antagonism. The communism has failed its initial project only due to its own mistakes.*

1. INTRODUCTION

The aim of this article is to describe the Soviet Union, the largest empire of the XXth century, by classifying the reasons which have broken this political system. The Soviet Union was the largest Empire of the twentieth-century. Its surface extended to around one-sixth of the whole globe making the USSR the biggest state in the world. The Soviet Union was an extremely powerful country when it came to its military power. Additionally, it had about two hundred and fifty million inhabitants, amount second only to those of China and India. However, this empire was destroyed without any kind of direct military intervention, but in a pacific way. In 2005, V. Putin publicly expressed his longing for the Soviet Socialist Union of Republics (SSRS), Russian hymn was returned with the music of SSRS and called the collapse of Soviet Union “the largest geo-political tragedy of the XXth century”¹. There are lots of books and conferences about the collapse of Soviet Union as a Communist state but there is a wish to make the reasons synthesised in a scientific way. The main aim of this article is to bring some considerations on the historical facts and juridical data related to this great Empire, and try to draw several considerations on the political-juridical fundamentals of the Soviet Union. Once these observations are carried out, it will be easier to describe the reasons that contributed to the collapse of the USSR. This is due to the consideration that the juridical method will help us to clarify the internal situation of the State, whereas the historical analytical method will allow us to better explain the events connected with the international situation. This article is based on various sources collected from the Western social and anti-communist literature. It contains the objective and subjective reasons that determined the collapse of the Soviet Union

In order to begin our analysis, let us divide the history of the Soviet Union into different historical periods. We can say that the Soviet Revolution represents the transition from the capitalism to the socialism. This consideration allows us to delineate the different periods in which the USSR history can be divided, namely: first, between 1917 and 1924, i.e. the so-called revolutionary period; second, between 1924 and 1929, it represents the consolidation of the regime and the development of NEP; third, between 1929 and 1936, Stalin is in power and 1936-1941 can be defined as the period of preparation for the WWII; fourth, between 1941 and 1945, i.e. the period of the Second World War; fifth, between 1945 and 1953, which is the period of Stalin’s triumph; sixth, between 1953 and 1985, namely the Cold War period; seventh, between 1985 and 1991, that represents the period of the decline and collapse of the State.

2. THE CONSTITUTIONALLY UNCONTROLLABLE SECRET SERVICES

The role of the Secret Services is the first distinctive trait of this State, that claimed to be democratic but that in reality was deeply authoritarian. They were established the second day after the Soviet Revolution, on the 7th of December 1917. Their establishment was expressly required by Lenin, who appointed Felix Edmundovič Dzerzhinsky, a Polish personality coming from a family of noble origins, as the chief of this secret organization. Dzerzhinsky was a

strong person, able to commit the cruelest crimes against the Soviet government's enemies, being they real or just presumed. After the promulgation of the Decree on the Red Terror (September 5, 1918 - Decree enacted immediately after the events that took place on the 30th of August, during which the leader of Cheka of Petrograd was murdered and Lenin was injured), Dzerzhinsky gave birth to a policy that he had already announced several months before, when he was talking about the necessity to use terroristic interventions against the enemies of the Soviet government. *"The Cheka is not a Court of Justice¹. Its task is to defend the revolution and defeat the enemy, without a need to worry if its sword accidentally falls on the head of some innocent"*². The Cheka had gained numerous rights and a great freedom of action from the government. Among these powers, it is possible to underline the right to carry out searches of premises, sequester personal properties, arrest people, deport prisoners to the concentration camps, and organize hasty executions of enemies. One of the principles of Dzerzhinsky was that a shooting to a rival allowed terrorizing other hundred thousand people. The Cheka's Special Committees, renamed Troikas because they consisted of three persons (тройка in Russian means group of three people), began to scare even the same communists, due to the brutal and very often arbitrary methods utilised. Once the civil war was subdued and the Whites defeated, Lenin started to understand that the Red Terror could be attenuated and the same Cheka necessitated to be reformed. In fact, it appeared necessary to define the real competencies of this body as well as to confine its functions only to the political sphere³. Therefore, a Decree enacted on the 6th of February 1922, replaced this body with a new organization called GPU. The State Political Directorate (GPU) was founded as a special section of the communist party that, however, continued to have tasks that overcame the legal attributions. Among them, we can outline the role of surveillance and persecution towards the regime's opponents. Additionally, through its actions, the GPU provided with new labour force the lagers present in the Soviet territory⁴. However, sometime later, hundreds of thousands of people somehow disappeared from those places, that immediately were filled with new persons⁵. In the USSR, the political police changed several times its name. In the first years of the Empire, the secret services represented a section of the Commissioner of the Interior (NKVD), then a section of the People's Commissar for the State Security, later on a section of the Ministry of the Interior, but despite these changes in its denomination, its members continued to be named Chekists (namely members of the Cheka). This name was used in remembrance of those people who wore a leather jacket and a cartridge belt, and who had become almost legendary heroes in the Soviet Union to favour the development of the Bolshevik power⁶. The Communist Party, through the action of the KGB, put into effect its plan against each religion.

The Secret Services had real power with both foreigners and the USSR citizens. For instance, one of the many circulars that were released in 1940, which turned out to be secret to the Chiefs of the provincial sections of the NKVD, stated that it was necessary "to send operative personnel in each place where religious believers could gather during particular feast days, such as cemeteries, etc. Additionally, even secret informers and spies were sent to these strategic places. For this purpose, the secret agents had to be meticulously educated. They were always required to inform the NKVD, about the existence of possible instruments of anti-Soviet propaganda, as for example the dissemination of counter-revolutionary posters, the diffusion of anti-Soviet speeches, etc. Additionally, they had the right to arrest those persons who were active actors of the anti-Soviet movements, however, they were required to avoid to irritate the population with their actions" (this document was signed by Barauskas B., Deputy Commissioner for the Internal Affairs of the RSSL⁷).

With the rise to the power of N. Khrushchev, the Soviet political police was once again separated from the Ministry of Internal Affairs (MVD). Additionally it changed its name (ВЧК, ГПУ) and, for the umpteenth time (that is the most important thing), it changed internal organization, methods and goals. On the 13th of March 1954, the Комитет was established within the Council of Ministers (Государственной Безопасности KGB- Committee for State Security). The KGB had a higher autonomy and a bigger extent of powers than any previous similar organism. The KGB authority - as concerned the fulfilment of obligations addressed to its role of internal security's preserver - extended itself to fields that officially belonged to other institutions in the USSR and abroad. However, at the same time, in order to prevent possible abuses of power, its activity was subjected to specific norms that tended to lead it back to the spirit of socialist legality and the Leninist idea that had animated the first years of Cheka. In other words, the plan was to transform it in a valuable tool for the sake of the State, regulated by the directives of the party, to avoid what had happened during the Stalinist

¹<http://kauno.diena.lt/naujienos/ekonomika-ir-politika/ssrs-zlugimas-zemes-drebejimas-vis-dar-kreciantis-pasauli-279632#ixzz3AZDrc3r>

²Traslation by the author of this article from the book in Italian "L'Inquisizione Rossa" (B. Levitskij, translated by D. Bernardi, Florence, 1969, page 19)

³Lenin, "Opere Complete", XXXIII Volume, in 45 V. translated by Di Amadesi L., Rome, 1954-1970 - p.157

⁴I. Zemcov. Reality and Threat of Perestroika Movement. Guide. London, 1989. p. 448: hundreds of thousands of people started to be gathered in concentration camps and it was labour force for free

⁵L. Shapiro. The Communist Party of the Soviet Union, London, 1990. p 646

⁶Cf. Ibid., pages 590-591

⁷Diocesan Commission for the Church of the Silence, Lithuania, the Catholic Church in the storm (in Italian: "Lituania, la Chiesa cattolica nella tormenta"), Part 1, (from June 1940 until June 1941), number 5 of the series "Lithuania", Urbana, 1967, page 49.

period, when the KGB was under the control of the secretary-general of the party itself⁸. Ivan Aleksandrovič Serov was appointed to the role of KGB chief. Despite having been one of the substitutes of Beria, he was always quite extraneous to his actions and additionally he also had showed in various occasions to have excellent skills as organizer. From that moment on, the penetration of KGB in every sphere of the society was absolutely scrupulous.

The Soviet citizen shortly thereafter his birth fell under the norms of the State and under the careful eye of the KGB. The members of KGB (kegebists, sometimes defined with disgust “kegebesniki”) followed each citizen throughout his life, until the day of his funeral. In 1979, Yuri Andropov, the then-president of the KGB, claimed, “the Chekists were required to fight for each Soviet person, when this citizen for some kind of reason was mistaken. This was to help him to retake the right path and was also seen as one of the main tasks of the organisms in charge for the State security”⁹. Sometimes the secret agents penetrated even in funeral processions in order to assure that the restrictions concerning the religious ceremonies were respected. At the same time, the main aim was also to identify the participants of these Christian ceremonies in order to take notes of the ideological heresy that the personal sorrow could express¹⁰.

The Soviet propagandists attribute all the responsibility for the above-described situations only to Stalin. However, it is clear that alone he could not kill millions of people. For this reason, the responsibility for what happened belongs to the essence of communism, being it a system well elaborated by Lenin and later refined by Stalin and by his successors through the action of the secret services¹¹.

The psychology of Stalin did not bear smarter leaders of revolution than he himself. In fact, the people who appeared to have higher skills and who committed more for the communism were killed¹². This had to sound as an admonishment for all the persons that, despite having in mind the real essence of the communism and the meanness of the system, continued to carry out the communist propaganda. These people were in a way even more responsible for what happened. The development of the Soviet society as well as of the international situation generated numerous and radical changes even in the organization of the KGB. On the 1st of June 1989, during the Congress of the People’s Deputies, the writer Yuri Vlasov openly criticized the KGB, defining it as a *hidden Empire* that continued to exercise a strong control over the society that was incompatible with the reforms wanted by Gorbachev.

Vlasov asked for new regulatory mechanisms. For example, in accordance with his thought, the designation of the President and the management of the same organization had to constitute a prerogative of the Congress itself. Already in January of the same year, Siniavski pointed out that “at the moment the KGB, besides the exercise of the military power and the bureaucracy, is the main enemy of Perestroika, that continues to exercise a direct control on the State and that is strongly in alarm for the prospective of natural freedom towards which the Russian society is trying to go”¹³. Therefore, in September 1990 Gorbachev, clearly aware of the dangers that this organization, literally a State within another State, could represent for the fulfilment of his policy, depoliticized the KGB. At this point, his efforts had to address not only to the external security and to the safeguard of the Soviet constitutional system, but also to the repression of the internal criminality (such as corruption, the Mafia, and the black market that pervaded more and more the Russian society). This was not a very easy task as the secret services, poorly controlled by the legislative institutions, were always the bulwark of the power, the tool to interfere in the churches’ affairs, to violate the human rights, and to export the revolution abroad.

3. THE AUTHORITARIAN STATE WITH NO HUMAN RIGHT PROTECTION

During the congress of the CPSU, great relevance was given to one of the main problems of the juridical sciences, identified with the type of rights protection that the USSR was able to guarantee to its citizens. In the past, the debate was not so relevant, every action of the State was indeed taken in name of the social property’s defence. This was seen as the main justification of the state actions. Moreover, this also represented the principle of legality of the socialist society¹⁴. The same concept of socialist legality was underlined by the Constitution of 1977 in the article 4, 1st paragraph: “The Soviet State and its organs act on the base of the socialist legality”. The Soviet authors insisted on the importance of the

⁸G. Nilov, *Grammar of Leninism*, London, 1990, p. 44: besides, –all the structures like KGB, VCK, QPU, OGPU, NKVD, KGB were always in the hands of the party as a tool of the power of the party leader...”

⁹D. P. Nosrev, *On Duty for the State*. Leningrad, 1982 (clandestine publication) // *Chekistyp*. 11.

¹⁰Cf., J.Barron, *KGB. The Secret Work of Soviet Secret Agents*, Bantam Books, New York, p. 132.

¹¹The daughter of Stalin S. Alliluyeva claimed in the book “Twenty letters to a friend”, translated in Italian by P. Zveteremich, Milan 1967, p. 241. (the text is translated in English from Italian by the author of this article: “Who did excogitate all this craftiness? He was not the one (not Stalin). It was a system of which he was the first prisoner, in which he was the first to suffocate...”).

¹²G. Nilov, p. 75: “On October 31, 1925, by the Decision of Stalin M. Frunze has been killed during the surgery operation ... This murdering has already been not the first one political crime.. Another example concerns the case of Kuybyshev. His murder was planned in a moment that was very favourable to the rise to the power of Stalin. The majority of the homicides took place in moments that turned out to be extremely opportune to Stalin. Every crime was planned for very precise reasons as well as each homicide was planned just when it was needed, neither before nor later.”)

¹³A. Siniavski, “Che mestiere facevi sotto Stalin?”, Source: *Corriere della Sera*, January, 21 1989, page: 5.

¹⁴*The Communist*, 1956. n. 11, page 20.

element that referred to the system's stabilization seen as the real justification of the principle. This was because the idea of legality was defined as the system of the stable relationships between the state power and the population¹⁵. Hence, the continuous and systematic violation of the human rights was justified on the base of the just-mentioned concept. In the USSR, there was an absolute deprivation of the personal freedom, at the same time the trade unions were deprived of their economic and social rights, whereas any kind of strike was absolutely prohibited. The only allowed union associations were the ones that strongly related to the Party. Simple violations of the citizens' rights were the closure of the borders, the ban of emigration and tourism, and the prohibition to exchange information. The article 12 of the International Covenant on Economic, Social and Cultural Rights, claims: "1. every individual who is legally in the territory of a state has the right to the freedom of movement and to the freedom of choice of residence in that territory. 2. Every individual is free to leave any country, including his nation". The human dignity as well as the guarantee of people's freedom to exercise their convictions, along with a full protection of human rights, is embraced by the democratic states as well as by the Church. The same human rights are seen as a guarantee given by the relations between State and Church. The situation in the Soviet Union was very different. It is interesting to recall how when one disciple remembered to one General of the KGB that they were also required to respect the laws enacted to guarantee the freedom of believers, the latter answered without hesitation: "the Constitution is not written for you, but just for foreign countries"¹⁶.

The internal situation apparently got better during those periods in which the foreign policy was subjected to a certain crisis, for example during the war against the Afghanistan. This was because, in these periods, all the eyes of other national parliaments, journalists and politicians tended to monitor with more attention on the respect of the human rights in the USSR.

4. THE DENIAL OF THE PARLIAMENTARY DEMOCRACY

The centralization of the fundamental powers in the ruling bodies of the Soviet Union met a directive given by the same Lenin. During the first years of its existence, the USSR set the Council of Soviets at the base of its organization (Cober - Council), whereas the Panrussian Council of Soviets was appointed at the apex, representing an organism of the assembly extremely copious characterized by a rather difficult internal functioning. The latter additionally designated an Executive Committee¹⁷. The Council of People's Commissars had the governmental functions. The article eight of the Constitution enacted in 1924 consolidated the Congress of the Soviets at the base of the state power. This body nevertheless assembled rather rarely. The article 13 placed as a natural substitute the Central Executive Committee of the Soviet Union. This organism was constituted by two chambers: the *national Soviets*, through which all the federal and autonomous Republics, the regions and the national districts seemed to be represented, and the *Soviet of the Union*, through which the entire population of the Federation had to be represented. The article 141 defined that "within the congressional districts the task of the candidatures' presentation was a prerogative of the social organizations and other labour associations". However, these coincided solely with the organizations of the communist party, the labour unions, the cooperatives, youth organizations and cultural societies. The Constitution of 1977 underlined with the article 6 that "the USSR communist party was the engine that regulated and oriented all the communist society; and, therefore, the central element of its political system and all governmental and social organizations was the unique party". The same Constitution, again with the article 6, denied any possible political opposition being it parliamentary or articulated through the existence of trade unions. Any kind of initiative developed out of the communist influence turned out to be a crime punishable by the law. The freedom of speech, the freedom of the press, and the freedom to organize rallies, demonstrations or parades in the streets were guaranteed only in compliance with the interests of the population and with the main aim to consolidate and develop the socialist regime. The compliance of the citizens' behavior with the Communist edification was not regulated through the law but just through the directives of congresses of Communist Party. Under the domination of the political party, people were deprived of the supremacy of conscience. Every aspect of the public life was reduced to the constrain typical of a very close society, as it was the one led by the Marxist-Leninist ideology. The Soviet State remained until the end a totalitarian regime. So, the Constitution that relied on the socialist legal order, tended to deny the parliamentary democracy and the *libertas Ecclesiae*. In addition, this is a point on which it is really necessary to focus our attention, as the problem of the parliamentary democracy is a principle that summarizes those aspects of the freedom on which the relationships between the Church and the State are always based.

5. THE GOAL OF THE JURISPRUDENCE IS THE NATIONAL SECURITY

In order to preserve the State's security, every citizen had to give up his own personal security. Moreover, at the same time the jurisprudence was not enough effective to protect the dissidents, i.e. those citizens who strove for a non-Soviet world. On the other hand, the main aim of the ruling elite was to assert and strengthen the State's authority in order to prevent a potential attack by the external enemies and safeguard the coexistence of the nations¹⁸.

¹⁵Cfr. G. De Vergotini, *Diritto costituzionale comparato*, Padova, 1989, page: 660.

¹⁶Aa. Vv. *Storia religiosa dei popoli baltici*, A. Caprioli, L. Vaccaro, 1987, pages: 243-244.

¹⁷G. De Vergotini, see the bibliographical part of this article, page: 742.

¹⁸D. René, *I grandi sistemi giuridici contemporanei*, published in Padua in 1980, page 182.

In his book “Crisma e Reliquie” (literally “Chrism and Relics”), Aleksandr Iakovlev stated that during all the history of Russia and the USSR, from the October revolution until 1991, around 60 million people lost their lives: 13 million victims during the civil war, 15 million during the repressions undertaken by Lenin and Stalin, 30 million during the Second War World, and 2 million with the deportations of the ethnic minorities, such as the Volga Germans, Tatars and Chechens. A. Iakovlev included in this numbers even the multitude of Soviet soldiers who, imprisoned by the Germans and later set free, were considered traitors by Stalin and, for this reason, were sent to Siberia to die¹⁹.

6. THE SOVIET JURISPRUDENCE HAD AN ECONOMIC ORDER

On the 24th of December 1920, while talking on the law proposal for the development of the agricultural economy to the communist part of the 8th Panrussian Congress of Soviets, Lenin used for the first time the word “Kolkhoz”. During the process of collectivisation, the land was given by the State to the Kolkhoz for a perpetual and free utilisation. Agricultural equipment and technical-organizational suggestions were provided under payment by the MTS, acronym for *MAŠINNO-Traktornye Stancii*. All the peasants had to work a lot for all their life rewarded by a very poor salary. In his cultural programme, Lenin included the education of farmers and peasants. However, the main goal at the base of this project was the creation of socialism.

After the first period, the requirements provided by a necessary development of the production (at any costs) constituted the prerogatives for the instauration of the NEP (the new economic policy). Within this context, the personal interest began to assume a quite relevant factor. Due to this consideration, in all the economic sectors it was thus necessary to give space to the individual initiative and to the free market. For a certain limited period, the internal economy required a slight return to capitalistic forms²⁰. The effects of the NEP were immediately significant. Lenin declared: “We have already begun the necessary reorganization (in the Russian text: *Perestroika*) of our economy policy. Now it seems that we are repudiating our previous ideas, but in reality we are simply going back to take a run-up to a better step forward”²¹. Despite the quite good economic results achieved, in 1928 Stalin decided to put an end to the NEP, introducing the first five-year plan and the strained collectivisation of the agricultural economy. The same collectivisation spread a lot in 1929. Only in Kazakhstan the process of collectivisation caused about 1 million victims²². Around 4 million were instead the victims of the famine in Ukraine.

For three times the USSR tried to recuperate a quite good economic level. For example, N. Khrushchev attempted to give birth to economic reforms as well as Kosygin who in 1966 tried to make economic reforms in every sector. In the Soviet history, several leaders declared always to look for a full realisation of the communist ideological programme, but in reality them all faced problems to cope with the economy policy. Due to the existence of these problems, the economic reforms were not fulfilled. During the interwar period, the Soviet economy stagnated, whereas all the other Western countries strongly improved their national situations. Moreover, very often the Soviet citizen questioned the political authorities to ask why the internal welfare of the Union had deteriorated so much. The communism was a social order without classes, where there was only one owner of all the productive means, and that was the population, and where there was a total social equality between all the members of the society. Additionally the socialist society was an environment where, at least ideologically, the productive forces developed along with the complete growth of the human personality, relying on the continuous evolution of the sciences. The communist was a highly organized society of free and aware workers, based on forms of self-government. At the same time, even the administrative bodies, the state firms and the cooperatives were efficiently organized. The strong respect of the communist legality, i.e. the direct respect of the juridical order, represented an absolute imperative of the socialist world. In the USSR the legality principle was more necessary and more demanding than in the other industrialized countries, where the jurisprudence tried first of all to achieve the full justice between all citizens²³.

The handbook of the communist party of the USSR stated that the Constitution founded all its legislative base on the socialist principle and that the productive means formed the economical core of the Soviet Union²⁴. This meant that the collectivisation and the economic planning represented the fundamental aspects of the State.

The state interference in each economic sector ended up paralyzing the private initiative. In the article 14 (paragraph 3) of the USSR Constitution of 1977, it was said that: “The State, combining the material and moral incentives, and encouraging the spirit of innovation and the creative attitude towards the work environment, tends to favour the transformation of the work as the first vital necessity of every Soviet citizen”. In order to organize the socialist legality principle, the appointed authorities created an accountable institution, namely the Office of Public Prosecutor. This body had a particularly relevant function. In accordance with the Soviet jurists, the jurisprudence was the reflection of a certain

¹⁹Russia // *Il tempo*, November, 30, 1995, number 327, page 11. Some other historians state that the victims should be even more than 60 million.

²⁰G.N. Nicolai, *op.cit.* p. 118.

²¹*Ibid.*

²²Cf. *L'Enciclopedia della Storia Universale*, De Agostini, Novara, 1995, p. 722.

²³Cf. V. Vaitiekūnas, *The Justice of the Soviets*, New York, 1959, p. 65.

²⁴Cf. Aa. Vv. *The History of the Communist Party of the Soviet Union*. Vilnius, 1960, p. 427– 428.

economic structure. In the past it was necessary to increase the production on the base of the core elements of the socialism, in order to generate wealth that alone would have met the needs of each person²⁵.

7. THE EDUCATION WAS THE MAIN TASK OF THE SOVIET JURISPRUDENCE.

The main aim was to destroy those social tendencies and behaviours that badly influenced every human being. These aspects were a legacy of centuries of erroneous economy²⁶. The regime regulated all the life, including the private sphere of each citizen, following the principle that called for a political and social ideology spread through the most various channels, suppressing every attempt of adverse propaganda. The study of the social eminence of the Church was absolutely forbidden, even in the catholic seminars of Kaunas and Riga. The general idea of Marxism-Leninism was to build a society in which the jurisprudence would have been regulated by the daily habits. The State thus would have been allocated to a related end. Nonetheless the crimes continued to increase and the jurists required special laws to try to fight the just mentioned phenomenon, even more than the ones that were needed in the Western world. The most efficient tool used for the education of citizens was openly described in the book “Arcipelago Gulag”. Through the presentation of historical conclusive evidence, Aleksandr Solženicyn proved that the lagers were instituted in 1918 and, with the flow of the years, multiplied with a geometric progression making the rest of the country a sort of frame of the concentration camps. The lagers remained significantly widespread even after the death of Stalin. Aleksandr Solženicyn referring to the presence of these intimidating places and to the continuation of the illegality in his nation, presented two highly relevant examples. The first one referred to the suppression of a labour strike in 1962 in Novocherkassk, while the second one attentively described the unaltered oppression that afflicted the Evangelical-Baptist Christians simply for their religious belief²⁷. Nijolė Sadūnaitė, on trial for her activity as a reporter, wrote: “The old torture stocks used in the past and described in *Arcipelago Gulag* have been replaced with new methods. The KGB utilises warm and cold cells. The priest Alfonsas Svarinskas (1983), many others and myself had been imprisoned in the so-called warm cells. Here, the lack of air and the extremely high temperature, tended to suffocate the prisoners who sweat over and over again [...]. Vice-versa, Genutė Vavickaitė, Onutė Vitkauskaitė and many others had been incarcerated in the cold cells. Here the walls were insomuch humid that they seemed to ooze water”²⁸. Nowadays nobody can calculate with accurate precision how many people were in the prisons and in the internment camps during all the history of the Soviet Union.

8. THE PROGRAMME OF THE PARTY AND ITS INFLUENCE ON THE JURISPRUDENCE, CULTURE AND ECONOMY

The crisis of the Leninism clearly arose in 1920 and the death of Lenin made absolutely impelling the choice of a new programme that could ensure the further development of the country²⁹. In the battle for the power, the winner was Stalin. He was not able to give birth to an original personal programme, but this lack was filled with the physical elimination of all the political rivals³⁰. Lenin had advised his successor, Stalin, against pursuing the cult of his personality. Stalin tried to follow the lines undertaken by Lenin but he was simply crueller and less competent. The Stalinism could be labelled as a revolution from the top. This definition can be given after the analysis of some typical traits of the Stalinist period, such as: the accelerated industrialisation, the further enhancement of the Party-State system, the strong censure of every form of religious expression that had to be restrained or subjugated to the communist party's needs³¹. The documents of the Party had a higher value than the same Constitution. The regime presented itself as a real oligarchy, where the power belonged to the ruling class. This dominant group perpetuated itself through processes of co-optation, presenting itself as the only elite capable to guarantee a glorious future to the nation. However, at least in theory, the ultimate goal of the system was to reach the instauration of the communist society, without the existence of the State and without any jurisprudence. Although it is impossible to demonstrate the contrary, because this aim was never achieved, the official doctrine has always considered that the law has always preserved a unique role in all the socialist societies³².

Stalin introduced and accepted the new Constitution in 1936. It stated the triumph of the socialism and proclaimed the gradual transition to the communism. In the Constitution of the USSR, it was stated that it was the most democratic constitution of the world³³. When the new Constitution entered into force, many other Western countries obtained strong inputs to pursue the democratic road.

The 20th Congress of the Communist Party, that took place in 1956, declared the peaceful transition from the

²⁵D. René, op. cit., page 162.

²⁶Ibid. page 162.

²⁷A. Solženicyn, *Arcipelago Gulag* 1918-1956, vol. 2, Il rovescio della copertina, translated by: Di Olsufieva. Milano 1976-1978. (All this book underlines the inhuman situations of the Soviet prisons).

²⁸N. Sadūnaitė, Come sono finite nell'obiettivo del KGB, n. 8 della serie “Lituania”, Urbania, 1984, p. 38.

²⁹V. Zaslavsky, Storia del sistema sovietico, l'ascesa, la stabilità, il crollo, Rome, 1995, page 87.

³⁰Ibid. page 88.

³¹Ibid. page 98.

³²G.D. Vergotini, Diritto costituzionale comparato, Padua, 1999, page 654.

³³A. Barkauskas, Our Constitution. The Wire of Progress, Vilnius, 1978, p. 19-20.

capitalism to the communism. At the same time, it stated the strong opposition to the reformers who tended to deny the dictatorship of the proletariat, without which it was indeed impossible to fully liquidate the capitalism³⁴. N. Khrushchev in one of his speeches, condemned Stalin but simultaneously praised his political action: “The essence of the criticism towards the Party of the cult of personality was to remove the harmful consequences as well as to force the positions of the socialism, and not to deny the positive role played by J.V. Stalin in the life of the party and the country”³⁵ [Lithuanian text: Asmenybės kulto partinės kritikos esmė buvo pašalinti žalingus šio kulto padarinius ir tuo pačiu sustiprinti socializmo pozicijas, o ne paneigti teigiamą J.V. Stalino vaidmenį partijos ir šalies gyvenime]. Moreover, this was actually a very common trend that happened in the Soviet Union with great frequency, i.e. the successor always tended to criticise his predecessor. At the same time, all the literature had to celebrate the directives of the Party Congress. The historians were required to write about the rapid victory of the communism: “the communist party of the Soviet Union is decidedly more enlightened by the socialism than by the capitalism. It was guided by a deep harmony and a strong affection for the worldly society”³⁶. The history was in this way falsified³⁷.

The Constitution of the USSR enacted in 1977 with some articles referred to the directive and programmatic principles of the internal and external state policy. In the preface of the same Constitution it is said that: “the final objective of the State is the edification of the communist society without the existence of classes”. The idealization of the USSR jurisprudence was a direct consequence of the fact that the Soviet regime was ideocratic, based on the Marxist-Leninist ideology. The juridical system did not pursue the justice and the truth, but only the state interests. Therefore, in the USSR the jurisprudence could be interpreted in different manners depending on the State’s needs. Moreover, it is properly in this consideration that the problem of the discretion is hidden. *Nihil certum est sine ordine certo*.

9. THE RUSSIFICATION OF THE OTHER POPULATIONS

One of the most characteristic features of Russian nation is looking for Messiah. They feel the duty to carry their culture and make the influence in the world. The tsars, the Communist Kremlin tried to make the nations living in Russia the Russian ones. When Russia annexed Crimea, V. Putin’s ratings increased even up to 80 per cent.³⁸ People of a free world should have in mind that there is a nation which lives with war instinct inside. Historians should analyse the fact how Russia reached Japan border from Moscow Grand Duchy and in the West, if not the Grand Duchy of Lithuania in middle ages which has stopped the invasion of Mongol Orders, the Russians might have reached the Peninsula of Pyrenees.

All the USSR Constitutions stated the right for every nation to abandon the Soviet Union (see the article 117 of the Constitution enacted in 1977). However, this was possible only on the paper. All the Republics that were members of the USSR, were not free at all. Lenin, in order to achieve the full communist ideology, began the direction towards a State without nationality. The Kremlinologists observed that: “the Soviet has never wanted cultural areas or a community of cultures, and has systematically tried to destroy them”³⁸. Therefore, the communism in its first programme placed the concept of nationalism with the only intent to nullify the national traditions. In addition, this consideration allows us to say that the fundamental goal of the communist Party was always to repress and cancel the nationalistic tendencies. In the public use, the Russian language was adopted as the official language. All the other national languages were abolished. The cultural field was filled with the communist ideology that was always contrary to the development of national contents. Even the art field was subjected to a radical change. In fact, each art movement started to rely on the so-called socialist realism. In 1924, in order to undermine the Islamic world, Stalin began to subdivide the Turkestan in different Republics, namely: Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, and Kazakhstan. *Divide et impera*, this was the principle that moved Stalin’s initiative. However, the Islamic world preserved its specificity based primarily on its religion that deeply influenced people’s way of living³⁹. After the revolution, the Russian territory was characterized by the presence of around 196 populations. About 50 had been simply destroyed from the history, annexed to other more numerous populations. N. Khrushchev, disapproving the Stalinism in February of 1956, “did not even speak about the

³⁴Ibid. page 575.

³⁵At the same time, the text in Italian was already a translation of another official text in Lithuanian language presented by A. Barkauskas, page. 579.

Another example is as follows: [...] - “In the action of the friend Stalin, we can underline two parts: the positive one, that we consider extremely valuable, and the negative one, that we want to deny and refuse” (Once again this text has been translated first in Italian and then in English by the author of the article).

³⁶“The Communist Party of the Soviet Union disclosed the advantages of Socialism more than the ones of the Capitalism. It has also faced the widest love and sympathy of the world society”, A. Barkauskas, *Our Constitution. The Wire of Progress*, Vilnius, 1978, page. 579.

³⁷“The imperialists with a temporary victory achieved extraordinary results better than in Finland. They managed to provoke the reactionaries of Finland to act against the Soviet Union”.

³⁸H. Carre D’Encause, *Decline of Empire, The Soviet Socialist Republics in Revolt*. Translated by M. Sokolinsky, H. La Farge, New York, 1979, p.268.

³⁹Ibid. page 267: But besides these nationalities there are also the Muslims who form a supranational group, just as affirming a marked speciality.

deportation of around 400.000 Volga Germans (among which all the leaders were executed), neither of Jewish citizens, nor of the about 1.250.000 Polish people, neither of slaughter of the mass graves in Katyń, nor of Tartars, who were completely eliminated from Crimea⁴⁰. The Germans only in 1972 got the possibility to live in other regions of the USSR. Until that year for them it was forbidden to come back to the lands where their ancestors had lived. However, in a way the most surprising thing was that the most subjected people to the communist firearms were the same Russians.

10. THE ANTI-SEMITISM

The policy of Russian tsars persecuted and discriminated Jewish people, supported anti-Semitism in the society and as a result of that Jewish were active in implementing Russian Socialist revolution. Despite their idealism and devotedness in establishing Communist regime, Stalin has rapidly showed his genius by “cleaning” the Government from the influence of Jewish. Huge number of Stalin’s colleagues have been murdered: Lev Kamenev (1807 – 20-08-1936), Grigorij Evseevitch Zinovev (23- 09 – 1883 – 25-08-1936, Simon Dimanstein (1881-1937), Shalva Eliava (18- 12- 1883– 3-12-1937), Yakov Stanislavovich Ganetsky (15-03-1879– 26-11-1937), Olga Kameneva (1883–11-0 – 9-1941), Lev Trotsky (7-11-1879–21-08-1940) and many other personalities⁴¹. After a while, these persons were subjected to political trials and they were forbidden to immigrate to Israel. The Kremlin tried to concentrate all the Jewish people in one district near the border with China, named Autonomous Republic of the Jewish. The use of the Yiddish language was not authorized, neither for the publication of books nor for the teaching process. During the whole 1961, in twelve USSR cities were closed 12 synagogues. The Soviet authorities were worried about the fact that the Jewish people could gain international solidarity. This fear represented one of the main reasons at the base of the persecutions against the Jewish persons. The Muscovite government, openly supporting the Arabs in their battle against Israel, carried out a direct anti-Jewish propaganda. H. Zemcov briefly illustrated this situation in the dictionary entitled “The reality and the limits of the Perestroika” (In Italian “La realtà e i limiti della Perestroika”)⁴². During the Gorbachev’s period the anti-Semitism assumed different tones: “with the waves of the Glasnost’s policy the accusations against the Israelites were once again renovated. This was because according to the Russians the Jewish population was animated by a strong desire for the world’s control and, due to this primary aim, the Jewish people openly repudiated the ideals of the Soviet revolution. Therefore, even in its own “redemption”, the anti-Semitism in the country never failed. As previously, it was still used at the service of the internal and external aims of the State”⁴³. Therefore, in reality, even the new tones did not differ so much from the previous ones. In addition, for this reason, it was also thanks to the Jewish population that the communism started to lose its vitality and dynamism and began to destroy itself. The only way possible for the USSR to try to save itself was also to start to eliminate its anti-Semitic policies.

11. THE MUSCOVITE PATRONAGE

The Soviet Communist Party, with its strong ideology, influenced all the satellite countries that, following the Muscovite route, were engaged in the way toward the edification of the communism. In addition, the Soviet Party controlled also their internal and external policies. After the occupation of the Eastern Europe, the Russian communists immediately began their battle against the Church. On the 12th of September 1945, Poland was the first to condemn the Compromise, while Romania condemned it on the 17th of July 1948. Soon thereafter, the most active bishops and priests started to be arrested. Among them we can immediately cite the Bishop of Mostar (ex-Yugoslavia), Peter Ciule, and the Cardinal of Budapest, Mindszenty, who on the 8th of February 1949 was sentenced to the life imprisonment. Soon, even the laws on the discrimination of religious followers and the nationalisation of the ecclesiastic properties appeared with major significance in the Soviet territories. As for the concept of “self-defence”, in the USSR, given the fact that the freedom of cult was not cancelled (as officially said), any kind of interference in the state issues related to this matter was not allowed.

The Kremlin considered all the satellite nations as countries of limited sovereignty. Besides, at any time, if the ruling elite thought that there could be a problem for the existence of socialism, then it communicated with the appointed bodies that immediately started to operate in order to change the political orientation of those states. Moscow controlled that all the countries that attempted to build a new model of socialist society, did not distance themselves from determined socialist principles. These ideals, indeed, were considered fundamental and their preservation was necessary in order to avoid that those nations could interpret in different ways the Marxist-Leninist doctrine. Soon, even the so-called “*Halo Agreements*” were signed. These paths allowed the Red Army to permanently deploy its troops in every state of the Eastern Europe. The Warsaw Path represented the frame of the military collaboration that was used twice, one time in Hungary (1956) and the other time in Czechoslovakia (1968). In contrast to the Economic Union of the Western Europe, in 1949 the Soviet authorities gave birth to the Council for Mutual Economic Assistance (COMECON).

⁴⁰L. Pietromarchi, *Il mondo sovietico*, Milan, p. 397.

⁴¹About many murdered Jewish actors, [http://www.1917.org/Biografie Altri bolscevichi.html](http://www.1917.org/Biografie%20Altri%20bolscevichi.html)

⁴²“The provisions of the Kremlin (that officially denied the existence of anti-Semitic tendencies) and its anti-Semitic policy contributed to stimulate the national rebirth of the Jewish people”. I. Zemcov, p. 31.

⁴³L. Pietromarchi, *Sull’antisemitismo (On the Anti-Semitism)*, Ibid. p.3, quoted pages 422-423.

However, these are just some of the examples that allow to say that, since the first moment after the revolution, the international jurisprudence was subjected to the application of the principle of force (that seemed to say: the more you make use of violence and army, the more power you will achieve).

12. THE MILITARISM *a pedibus usque ad caput* (FROM THE FEET TO THE HEAD)

Stalin, during a very famous lesson given at the University of Sverdlovsk, criticised those traits of the Soviet diplomacy that tended to support the reintroduction of the old spheres of Russian influence. This is because, according to the Stalinist thought, this process would have meant an absolute liquidation of the proletariat's international policy⁴⁴. The lack of real and free elections prevented the population to verify and evaluate the conduct of the State. The military apparatus was always placed in the forefront. People did not have enough food to eat, but the Kremlin earmarked around 60-70% of the state balance for military expenses and for the control of the Soviet universe and for the enhancement of the atomic armament⁴⁵. In the northern part of Kazakhstan, in the aerodrome of Semipalatinsk, between 1949 and 1989, the Soviets carried out more than 500 nuclear tests. Thousands and thousands of Kazaks suffered significant health problems due to these nuclear experiments and, after a long protest, they managed to interrupt them.

The competition of the Soviet Union with the United States in a real race towards the military weaponry, tended to deteriorate the daily life of the population. In the beginning of 1980, under the presidency of Ronald Reagan, the US increased up to 50% the amount of money addressed to the defence and the Soviet Union did not manage to achieve an evident superiority as previously planned. The war in Afghanistan totally paralysed the USSR economy, inasmuch as the Soviet Authorities were forced to buy wheat from other countries. Despite the bad economic situation, the Kremlin was still planning the final war, the one that according to the original plans would have given the control over the whole world. The industrialisation and electrification of the country, through copious investments in the steel and manufacturing industry, was the first step towards the militarisation of the USSR. In a way, this represented the terrible secret of the revolution that Lenin had desired and realised.

The military General Bedell Smith said that “the Soviet policy had always been addressed to the final goal of the worldly revolution and to the communist domination of the entire planet⁴⁶. The economic, political and military arms of the Kremlin influenced all the continents and more and more often threatened the democratic structure of the Western countries, searching for the death of capitalism⁴⁷. D. Rene, underlining the obstacles for the realisation of communism, observed: “until the USSR will feel threatened by the existence of powerful rival states, it will always bump into various experiences capable of undermining the edification of the communism; and never will be able to completely build a real communist society⁴⁸. The USSR always stirred up internal battles and always was able to win them, except for the war in Afghanistan. In order to guarantee a glorious future to their homeland, the Soviets went to Cuba, financed the separatist propaganda in Quebec, and died as military advisors in Africa and Asia and so on. Every day the Red Army seemed ready to start the final war in the Western Europe. So, having this goal in their minds, the Soviets were obliged to replace the production of military goods with the one of civil goods. The guidelines of the Russian expansionism and the Soviet foreign policy were delineated in the Constitution enacted in 1977. The article 28 stated that: “The USSR realizes a Leninist policy that seeks the peace, advocates the consolidation of the security among the populations, and carries out a broad international cooperation”. The foreign policy was oriented at assuring international conditions favourable to the construction of communism in the USSR. Other searched goals were: the defence of the state interests of the USSR, the stabilisation of the positions on the worldwide socialism, the support to the populations in the battle for the liberation and the social progress, the condemn to the so-called aggressive wars, the achievement of the general disarmament and the completion, and the related fulfilment, of that principle that strove for the peaceful coexistence of States with different social regimes.

So, the reading of this article highlights with no doubt the existence of many paradoxes and contradictions in the Soviet Union. From the one hand, the above-mentioned principles were enunciated in the official state document, but then in the practice the ruling elite adopted different behaviours and pursued different goals and interests. However, what is very interesting to be underlined at this point is that in Moscow, during each Congress, the authorities always

⁴⁴G. Petruilis, *Come ci hanno fucilato* (how they shot us), Rome, 1968, page 6.

⁴⁵On the nuclear tests, P. Katinas, *The Muslim Roots Rebirth*, the newspaper „XXI amžius“, Nr. 90, 08.12.1995, page 3.

⁴⁶L. Pietromarchi, *op.cit.*, page 434.

⁴⁷J. Ehret, *Vom Imperialismus und messianismus der Russen*, Basel, 1973. p. 25: Um seine Erkenntnisse auch der übrigen freien Welt zu vermitteln, gab er 1982 in London in englischer Sprache ein Informationswerk heraus, das den Titel trägt “We will bury you!”, d. h. “Wir werden euch begraben!”. Das ist die “Prophezeiung”, die seinerzeit Chruschtschow, von 1956 bis 1964 Ministerpräsident der SU, seinen amerikanischen Gegenspielern entgegenschleudert hatte.

⁴⁸R. David, *op. cit.* page 161.

proclaimed the victory of the communism on the entire world. Aspect that in reality was never realized⁴⁹.

Unfortunately, the features of Kremlin foreign policy have never changed, despite of ideological amendments. History is repeated again. After the collapse of Soviet Union, European Union with the intention to get more profit has revived Russian economy and especially Germany and France helped to strengthen also Russian military powers. As a result of that Russia had wars with Chechnya. “International Vilnius Public Tribunal considers the war against Chechnya as a continued mixture of Russian imperialism and the former Communism doctrine expressed by vivid genocide of Chechnya nation.”⁵⁰ When the President of the USA G. Bush supported Georgia in his attempts to NATO, the Governments of Germany and France protested. Then, Russia had free hands to occupy Abkhazia and South Ossetia in August of 2008. Western politicians were just able to say: “we are greatly concerned” and even making the President of Georgia M. Sakashvili guilty for attacking Russian “peacemakers” and later, again forgetting the violation of human rights, Transnistria of Moldova and even by selling a modern military ship “Mistral”. With strong modern military forces Russia has no fear to annex Crimea in spring of 2014. Due to indecisive and egoistic EU leaders, Russia bravely and openly continues destabilization process in Ukraine. It is just because of Ukrainian courage, when they do not receive certain help from EU and NATO, seems to stop New Russia vision in Eastern Ukraine announced by Russia and local separatists. In Soviet times and at present aggression and war is covered by strong propaganda.

13. THE PROPAGANDA

The extraordinary ability of the communists was their capability to impose their will to the other populations and to throw into disorder the internal situation of the rival states. The initiatives of the Soviets relied on the general idea to export the revolution in other countries through a false and impudent propaganda. In many nations of the world, workers and intellectuals felt themselves as the receivers of the socialist message. This led them to fight to spread the socialist model launched in Russia, and in some cases, even to die for this ideology. The members of the Red Brigades - as reported by the ex-terrorist Franco Messina - “were animated by the Marxist spirit, of which they were deeply infatuated”⁵⁰.

The Soviet diplomats tried to receive the approval of the most democratic country of the world. „It (Socialism) ensured freedom to labour people, real democratic rights, welfare, the widest possibility to study. It also guaranteed a firm belief in future... Tomorrow, no doubt, will again prove the widest possibilities of Socialism, its historical advantage against Communism...“. Even the songs had the following words: „I do not know any other country where a human being can breath so freely“⁵¹. However, the situations in the Eastern Europe, in North Korea, in Vietnam, and in Cuba, and in all the other places where the communists had achieved the power with the support of the Kremlin, demonstrated that the communism with “*a human face*” could not exist.

All this analysis has focused both on Soviet sources and on Western ones. However, beyond the choice of the sources, this feature of the communist Soviet Union has always been permanent. Without this type of regime, and perhaps if the government led by Kerensky had won the February Revolution, nowadays the Russian Federation would probably be the strongest and happiest state in the entire world, as it has an enormous quantity of wealth under and above the ground. At this point, we think to be able to state that the Soviet policy before and during the Second World War, was the one characterized by the human genocide, whereas during the Cold War was the one marked by the spiritual genocide. In one book of history, several authors declare that in the process leading to the edification of a society without God, millions of citizens were killed (the total amount of the victims is close to 100 million⁵²). The jurisprudence based on the ideology could not administrate the justice, but only defended the regime that in every field of the society tended to violate the human rights. This regime was extremely dangerous for every country, especially for the neighbouring states. We cannot criticize the Russian population, as it also suffered for many years and probably even more than the other populations, as the communist regime lasted from the 1917. Some Russian dissidents are still not able to understand how Lenin, through the deceit and with the help of a quite small number of Bolsheviks, could conquer the power and then administrated the immense Soviet territory with the Red Terror and the use of propaganda? In addition, at the same time, people still question why the Occidental governments decided to prolong the life of this regime with financial supports and advanced technology?

However, beyond these questions of difficult answer, for the purpose of this article, it is important to state one more time how in the totalitarian Soviet regime there was not possibility of survival for the freedom neither of conscience, nor

⁴⁹For additional information please see: L. Brežnev, For Fair Democratic Peace, for the Security of Nations and International Cooperation. The Speech in the World Congress of Peaceful Forces. Moscow, 26 10 1973, Vilnius, 1973, p. 31-33 (only in Lithuanian).

⁵⁰F. Anfossi, In silenzio, compagni // Famiglia Cristiana, 1955, 22nd of November, n.45, pages 89-90.

⁵¹The Material of the XXVth Meeting of the Communist Party of the Soviet Union, Vilnius, Mintis, 1976, p. 9. The Presentation of the Secretary of the Central Committee L. Breznev, February 24, 1976.

⁵²St. Courtois, N. Werth, J.L. Panné, A. Paczkowski, K. Bartosek, J.L. Margolin, Il libro nero del comunismo. Crimini, terrore, repressioni. (The black book of the communism. Crimes, terror, and repressions). Paris, 1997, page 6.

for the freedom of cult. In addition to this, we can drastically say that in the USSR there was no space for the so-called *libertas Ecclesiae*.

Now we can come back to the question proposed in the title of this article, i.e. who did tear down the Berlin Wall? The Berlin Wall was the tragic symbol of the European division. Behind the shoulders of the wall, the Red Army was always ready to invade the whole Western Europe⁵³. Within this context, characterized by a strong military presence, almost anyone could think that the human history would have achieved the advent of a new world. Yet, after many years of sorrow, sufferance, death and fear, things turned out in a different way. This analysis has underlined those traits of the USSR that already contained in themselves the essence for their final destruction. Therefore, it is possible to say that it was the same nature of the Soviet State that determined the collapse of its political system.

In the course of the history, the resistance of the societies and populations, tired of the Soviet propaganda and of the contradictions between the real life and the declarations of the communist party, contrasted at different degrees, the despotism, the injustice and the totalitarianism that characterized the Soviet Union. *Iustitia est fundamentum regnorum* (Latin expression for: The justice is the foundation of the reign). In the USSR there was a lack of jurisprudence and, therefore, the people could not be administrated under the law and with the full respect of the human rights. For this reason, the Soviet society could not make progress. To this consideration, we need to add all the other factors (already described) that strongly contributed to the collapse of the Soviet system.

Part 2, paragraph 1. The national movements. The Soviet Union was a federal state created on the use of strength and on the principle of the constraint. The article 70 (first paragraph), defined the USSR as a multinational, federal and unitary State. During the first years of the USSR, there had been a military passive resistance (that later became even cultural) of all the populations. In order to preserve the Soviet State, rather severe penal codes were enacted. The penal code ratified in Russia in 1927 acted in the whole USSR, and it was applied even after the invasion of the Baltic States that took place in 1940. Additionally this collection of regulations was used in every occasion considered useful by the Kremlin. The article 58, instead, identified 14 practical cases defining them with the “counter-revolutionary” label. For example at the paragraph 1, the same article, stated that: “every support to the international bourgeoisie, that did not recognise the socialist system *ceteris paribus*, had to be considered an action against the Soviet Union. The same considerations were made for any support given to the organizations that were somehow connected with the middle-class”. The article 58 (paragraph 12) declared that “every failure in the notification of anti-revolutionary initiatives had to be punished. And going more into the details, the failure in the notification to the government on the existence of anti-communist initiatives, as well as the action against the proletariat, and the espionage were punished with the sentence of death”. The article 58 of the penal code of the Federal Russia in its formulation was a real injustice. The same article stated that the counter-revolutionary action was any kind of initiative carried out against the State. Using the words “any kind”, potentially every person could be incriminated⁵⁴. Imprisonments, false accusations, trials, persecutions are parts of a subject that was dramatically described by the testimonies of the military generals Gallucci and Ghinsburg (and many others), and that constituted a tremendous information material on the communist cruelty. Another datum that makes us reflect is the consideration that nobody could know how many political inmates were detained in the Soviet prisons⁵⁵.

In 1969 each member state of the Soviet Union was required to prepare a penal code on the base of the Soviet one. When the Constitution of 1977 was enacted, the penal code assumed a less painful nature. In fact, some of the provisions of the bitterly famous article 58 were abolished (in particular the clauses 1a and 1b - Now the relatives of the counter-revolutionary actors were no longer punished for the actions of their family's members).

However, despite the severity of the totalitarian regime and the existence of an unscrupulous apparatus for the persecutions, the battle for the freedom took place in different manners. In Lithuania, country that was invaded in 1944, the Red Army was subjected numerous times to the assault of the national partisans, who had fought against the Nazi-troops and who had not laid down their arms. Divided into small groups named “Brothers of the forest”, these squads took advantage of the still confused situation in order to give birth to an intense guerrilla. Different sources underlined that the partisans were a number that fluctuated between 30.000 and 50.000, depending on the day. The battle of the Lithuanian partisans last for ten years until 1955. On the 14th of March 1972, a 19 years old student, Romas Kalanta, from the University of Kaunas, following the partisans' example and shouting “freedom to Lithuania”, sacrificed himself to protest against the Soviet occupation in Lithuania. The years of the passive resistance were very important from a juridical and cultural point of view. The editors of the Lithuanian clandestine magazine “Door”, wrote to the leaders of

⁵³J.B. Duroselle, *Diplomatic History from 1919 until 1970*, translated in Italian by Di Puppo F. (title in Italian “Storia diplomatica dal 1919 al 1970”). Rome, 1972, pages 595-601. “The crisis of Berlin took place with the ultimatum launched by the Muscovite government in order to unify the occidental sector of the city with the sector that was under the Soviet control. At that time, the Allies ran the risk of a real atomic war. But, given the fact that the will of the Western leaders was to pursue a right and peaceful road, the communist action failed. On the 23rd of August 1961, the four states that supervised the organization of Berlin signed a four-party agreement, that entered into force on the 2nd of September”.

⁵⁴J.B. Duroselle, *Diplomatic History from 1919 until 1970*, translated in Italian by Di Puppo F. (title in Italian “Storia diplomatica dal 1919 al 1970”). Rome, 1972, pages 57-58.

⁵⁵Cf. K. Bielinis, *op.cit.* pages 60-63.

the communist parties in other countries such as Italy (Enrico Berlinguer), France (Georges Marchais) and Spain (Santiago Carrillo), addressing their personal conscience⁵⁶. Unfortunately, the Western world did not feel the necessity to support the cause of the Baltic nations. Moreover, this is a historical page, poorly known in the rest of Europe and rarely inserted into the pages of the books of history.

Soon, even the other populations joined Lithuania in the battle for the freedom. After the Soviet invasion of Czechoslovakia in 1968, in all the country numerous demonstrations in support of the policy of A. Dubcek took place. At the same time, in the entire world there were initiatives of protest against the Soviet policy. One of the most resounding event happened in one of the squares of Prague where one Czech student named J. Palach decided to set himself on fire and self-immolate himself in sign of protest against the Soviet occupation.

Undoubtedly this type of initiatives as well as all the ferments against the Soviet dictatorship, not only did undermine the Soviet empire, but also the international communism.

2. The rebirth of the faith between the people. The secretaries of the Communist Party were also the ruling elite of the State and were required, on the one hand to safeguard the Constitution and its guarantee of the freedom of cult, and on the other hand to defend and to put into effect a theory and a practice that were aimed to the complete elimination of the religion. The battle against any kind of religious belief did not have a strategic essence, but it was simply the direct and unavoidable consequence of the dialectical materialism. In every historical period, the human being had always a strong need of God. In addition, the rebirth of the faith always had different forms. In 1960, the Western world received the first “flower of the piety” written by those Lithuanians deported in Siberia. This was a little book of prayers composed in 1953 by four young girls and entitled “Mary, save us!” The Holy See did not forget the suffering of the observant people in the oppressed populations. On the 7th of July 1970, the Pope Paul VI blessed a side chapel in the St. Peter’s Basilica in Rome and there he celebrated the Holy Mass for all the Lithuanians of the world. In 1987 all the churches of Lithuania celebrated the 6th centenary of the baptism of Lithuania, and this event contributed to rouse the national conscience of the population. The rebirth of the Catholicism in Lithuania was a real incentive for the other populations. All people of good will started to feel in their hearts the advent of the “faith spring”, a strong feeling to be deployed against the regime that impeded the freedom of conscience. However, the new element in the context was the spiritual emptiness caused by the atheism⁵⁷. The rebirth of the faith in the Russian people, as well as in the Islamic world, but above all the Catholic religion as such undermined the atheist communism conceived as a system. Johannes Paul II said: “the decisive factor that gave birth to the changes was certainly the violation of the labour rights [...] and the inefficiency of the economic system”⁵⁸.

3. The subjective factors. In the course of history even subjective factors played a relevant role along with the already presented objective aspects. The solid behaviour of the then US President Ronald Reagan obligated the Muscovite Authorities to compromise in the human rights’ sphere.

In Poland the Solidarność leader, Lech Wałęsa, broke the Warsaw Path⁵⁹. The Polish initiatives had an extraordinary value in the process of liberation of Europe. The decisive reversal in the relationships between the East and the West began with the Polish movements, that had pretty strong moral roots and often also religious.

The political personality who, over the last 70 years, contributed to change the history of the world was Mikhail Gorbachev? Certainly it is undeniable that Gorbachev played a relevant role in the considered period. Observing the devastated conditions characterizing the Soviet State, he decided to be more prudent and pragmatic compared to his predecessors. The Perestroika was not a new political phase, but rather a new strategy to preserve the Communist Party to the government of the country, reforming the nomenclature, decreasing the huge bureaucratic apparatus of the Party, in order to make the administration of the State more efficient and to better support the political control⁶⁰. Gorbachev had an evident Marxist-Communist conception of the things, and, indeed, he stated: “1) the socialism has to go along with a socialist economic system; 2) the socialist regime has to act in the name of the proletariat and for the welfare of the

⁵⁶The official text in Lithuanian language: Translation of the presented text from Italian into English language: The letter to the leaders of the communist parties of Italy, France and Spain: if for the leaders of the Western Communist parties it is important and moral, and if they want to recuperate from the old mistakes when they gave consensus to the policy of genocide, now they have to publically say that: “We are not unanimous with the national policy of the USSR [...] spiritual genocide. We want to believe that the Western communists will find the time and the possibility to understand our painful thoughts [...].

⁵⁷Pope Johannes Paul II, *Europa un magistero tra storia e profezia*, a cura di Spezzibottiani M., Casale Monferrato, 1991.n. 759-760, pages 455-456.

⁵⁸*Ibidem*, n. 760, page 456.

⁵⁹The New Historical Volume Zanichelli (*Il Nuovo Atlante Storico Zanichelli*), 1995, page 294, searched word: Solidarność.

⁶⁰I. Buničius, Translation of the text into English from the already existing translation in Italian language: “More democracy! More Glasnost! Gorbachev shouted in Washington, in Paris, in London [...] More socialism! More control! He proclaimed once he came back home. This was not very often underlined. Democracy and socialism are like two bulks of uranium: if they stay close to each other they can generate an explosion that may be more powerful than the one that took place in Chernobyl.

communism; 3) the main aim of the communist party, which is also what we want, is to reinforce its importance; 4) every action has to rely on the spirit of Marxism and Leninism⁶¹. The Perestroika officially gained the consent from the Central Committee of the CPSU during the 70th anniversary of the Bolshevik revolution⁶². Gorbachev wanted to avoid the civil war and the total disaster of the communism and, for this reason, he tried to renovate the communist system, receiving economic and technological support by the United States and by the other Western countries. The Communist Party had partially destroyed itself. Zemcov carried out his analysis by saying that “if it had to be a revolution, then it was probably just the revolution of the words. In the seventies-eighties the Soviet society achieved a new and extreme condition, losing any kind of possibility to develop its internal economy”⁶³. A. Sakharov wrote: “Gorbachev speaks a lot about democratisation, but it is clear that he does not talk about the possibility to reinforce the elective bodies”⁶⁴. Without any doubt the proclaimed Glasnost was not considered when the Kremlin tried to hide the atomic tragedy of Chernobyl. In accordance with the Muscovite sources, during the first three days after the disaster, the central administration of the electricity did not inform the citizens and did not evacuate them from the zone with the highest percentages of radioactivity⁶⁵.

On 25th of June 1988, day that is often defined as the “bloody Sunday”, many Tatars of the Krym region were killed in Tashkent, Central-Asian city where they had been deported by the Stalinist decisions. The massacre of Tatars took place one more time on the 11th of September 1988, in the Krym region, precisely in the city of Lenin. In Tbilisi on the 9th April 1989, Russian soldiers under the effect of alcohol killed 19 persons and caused more than 200 wounded people. In Baku on the 19th of January 1990, 150 people were murdered. In Vilnius on the 13th of January 1991, in the peaceful demonstration to defend the Lithuanian Parliament, 14 persons were killed and more than hundred were wounded⁶⁶. The regime of Gorbachev in same cases became even more severe and violent. He could not and did not want to make full reforms, but everything happened very quickly and the collapse of the Soviet Union would have taken place even without him⁶⁷. *Imbrem tonitrus antecedit*⁶⁸. Today, when nationalism and dictatureship in Russia is being stronger and stronger the voices appear that M. Gorbachev has to be judged in making him guilty for the destroying of the Soviet Union⁶⁹. Even later Gorbachev showed his concern for the accelerated plans carried out by the North Atlantic Treaty Organization to extend its presence and membership even in the Western Europe. However, he never said a word on Russia and on the ownership by the Federation of a rich military patrimony that still represented a potential threat for the Occidental world⁶⁹. Gorbachev eradicated the communism because the history of the human species required that. In addition, in this process he did not lose his freedom, neither was he sued for his actions. This also allowed once again to underline what was the position of the USSR towards the liberty. The historians should clarify with precision the real meaning of the Gorbachevism, and the reasons that led to the failure of the USSR and the causes that tore down the Berlin Wall on the 9th of November 1989⁷⁰.

14. CONCLUSION

The collapse of the Soviet Union was the largest achievement of the humankind of the XXth century. The Republic of Russian Federation having the largest natural resources in the world, occupying almost one sixth of the globe and implementing peaceful policy, could again become a super state. Then, the neighbouring countries and the world nations

⁶¹B. Raila, *Crossroads. Radio broadcasting to Lithuania 1986-1988* t. 4. Chicago, 1989, p. 31, 34.

⁶²Ibid. page 33

⁶³Original text in Russian: “If it is a revolution, then, it is just the revolution of words. In 1970-1980 Soviet society felt itself in a new and not ordinary position- it started loosing the speed of economical development.” The text has been taken from “I. Zemcov. *Reality and Threats of the Perestroika Movement. Guide.* London, 1989. p. 310”. First of all, the text was translated into Italian and then from Italian into English.

⁶⁴On the history and on the real meaning of the Glasnost it is possible to read on the book: G.M. Nikolaj, “*Viaggio lessicale nel paese dei Soviet da Lenin a Gorbaciov*”, Rome, 1994, page 63.

⁶⁵Cf. I. Buničius, op. cit. p. 202.

⁶⁶Original text in Lithuanian language: “I (the President of the Lithuanian Parliament, V. Landsbergis) steadily asked him (M. Gorbachev) to interrupt the Russian troops’ aggression. He did not do that, and this means that he is a murderer. Now we see that in Lithuania are happening the same things that we saw in Baku, Tbilisi, [...] (from the stenographic text of the Parliament).

⁶⁷Cf. I. Zemcov, p. 313: (Tr.). “They (the reforms) of the Soviet Union had to take place in any case, even without Gorbachev”.

⁶⁸On the history and on the real meaning of the Glasnost it is possible to read on the book: G.M. Nikolaj, “*Viaggio lessicale nel paese dei Soviet da Lenin a Gorbaciov*”, Rome, 1994, page 63.

⁶⁹Why did not the historians talk about the strict relation between Saddam Hussein and the USSR during the war in Kuwait? All the military equipment there were provided by the Soviet State. And now all the most ferocious regimes obtained the Russian support.

⁷⁰Among the various explanations we can refer to the one given by G. M. Nicolai, op. cit. p.79: “it was a veneer of the façade, an essentially verbal operation leading to make the image of the country more reassuring to the Western eyes. The aim was to show that everything was changing, but in reality the real essence of the things remained the same”.

would have had a respectful attitude towards Russia and the National Government. Right now Russia again tries to regenerate Soviet Union by repeating some same mistakes which have destroyed the great empire. Communism has collapsed itself by showing the Communists of the Western world that it will not be ever started again anywhere. “All the varieties of Communist ideology should be understood as anti-human totalitarian ideologies. The crimes of their inspirers and executors are dangerous to the whole civilized humankind...”⁷¹ Therefore, 12 reasons provided the conditions for Communism to be destroyed from inside. Subjective reasons encouraged peaceful way of problem solution. The first light that penetrated the iron wall was the voice of Pope Johannes Paul II. It is extremely important to underline the role played by his historical personality for the freedom of all the populations. Johannes Paul II wrote: “The communist fallen as a system is, in a certain sense, fallen by itself. It fell down due to its mistakes and abuses”⁷². The historical events such as the fall of the Berlin Wall and the collapse of the communist regimes objectively were a great success for the entire world. Most of the historians and lawyers more or less go deep into the subject when analysing the reasons destroying Communism. This only proves the statements of this article. People from Eastern and Middle Europe have brought a great contribution and European states could enter European Union. History teaches that Western European nations should be sensitive towards the nations striving for freedom and solidarity. Unfortunately, the USA and the West did not learn from the history that Russia has been always supported by the Western capital and technologies and it always leaves crisis by providing threats to the world. The first crisis was the revolution of 1917. The second one was the Second World War and the third one – the destroying of the Soviet Union. Though, when European Union lacks decisive leaders and the society is conformistic, Kremlin is again able to annex the territories of neighbouring states step by step with the aim to revive the Soviet Union in the face of EuroAsia. An iron curtain can very soon again separate, starting with Crimean peninsula. The last events showed that the world is insecure and unstable and only military and economic powers of the **United States of America**.

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⁷¹Vilniaus Tribunolo Nuosprendis (2000), Vilnius, 2000, p. 159.

⁷²Johannes Paul II, *Varcare la soglia della speranza* (“Cross the threshold of the hope”), Milan, 1994, p. 146.

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