



HUMAN RIGHTS IN THE U.S.S.R

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This review of the human rights movement in the U.S.S.R. shows that, despite persistent efforts by Soviet authorities, dissent survives as individuals and groups continue to criticize regime policies and to act in accordance with their beliefs.

Soviet citizens have long struggled to express individual and group rights within the framework of Soviet laws, constitutional guarantees, and governmental commitments to respect international agreements on human rights. Efforts by dissidents to defend civil rights and protest violations of law by Soviet officials, however, have collided with the unwillingness of the U.S.S.R. to subordinate its exercise of power to the principle that a government has an obligation to respect its own laws and international norms.

Systematic repression under Brezhnev and Andropov has diminished the ranks of activists, destroyed or disrupted organized groups, and either silenced survivors or forced them underground or into foreign exile. The dissolution of the Moscow Helsinki watch group ended a decade of organized human rights activism. Nevertheless, the human rights movement survives and continues to attract new adherents. Known activists are only the visible peak of a much larger iceberg of silent sympathizers from which new activists step forward even in the most difficult periods.

Lenin, Stalin, and Khrushchev: the Use of Terror

Since the communist revolution in 1917, the Soviet regime's attitude toward the political and legal rights of Soviet citizens has been shaped by a determination to retain power at all costs, to neutralize domestic opponents, and to reshape society in accordance with Leninist tenets. Lenin and his associates sanctioned the use of terror against the revolution's opponents and employed it unhesitatingly during the civil war and the early years of the regime.

To that end, Lenin institutionalized the use of forced labor camps (decree of April 15, 1919) and authorized administrative (i.e., nonjudicial) convictions and deportations (decree of March 21, 1921) of persons "recognized as dangerous to Soviet power." Writing in May 1922 about the criminal code then in preparation, Lenin stated that "the paragraph on terror must be formulated as broadly as possible, since only a revolutionary consciousness of justice ... can determine the conditions of its application." His first draft of that paragraph served as the basis for the exercise of repressive power in Soviet criminal law:

Propaganda or agitation, or participation in an organization, or cooperation with organizations, having the effect of helping in the slightest way that part of the international bourgeoisie which does not recognize the equal rights of the communist system . . . and which is endeavoring to overthrow it by force . . . is punishable by death or imprisonment. (Lenin, V.I. *Sobr. soch.* 3d ed., vol. 27, p. 296, Moscow, 1935-37)

Terror was routinely used by Stalin to destroy political opponents, eliminate entire social classes, enforce collectivization of agriculture, and create a reservoir of prison labor for use on construction projects in remote areas. Its victims numbered in the millions. His death in March 1953 prevented an anticipated new purge and anti-Semitic campaign. Under Khrushchev, large-scale, indiscriminate terror ended. Some 7-8 million political prisoners were released from labor camps during 1954-56. In his famous "secret" speech to the 20th Party Congress in February 1956, Khrushchev denounced Stalin as a despot who had destroyed loyal supporters through misdirected purges, but the regime sought to escape responsibility by concealing the scale of terror and blaming it solely on Stalin.

De-Stalinization resulted in the rehabilitation of some political figures who had been purged, restriction of the power of the security agencies, restoration of a semblance of legality to the judicial process, and encouragement of controlled contacts with countries outside the communist bloc. Although the party maintained its monopoly of power, some discussion and debate within the party structure were permitted. Khrushchev, however, never repudiated Stalin's repressive tactics; indeed, his own campaign against religion resulted in a sharp drop in the number of churches and clergy.

Role of Soviet Writers and Intellectuals

In the more permissive climate of the post-Stalin era, Soviet society still lacked direct means for the expression of public opinion, but Soviet writers and intellectuals found they could address current issues by cloaking them in literary themes. The censors' enforcement of controls of literature and other intellectual activities was erratic because the boundaries between the permissible and the prohibited had been blurred by the de-Stalinization process. The resulting opportunity—however limited—launched the careers of many talented young writers, some of whom later became prominent figures in the Soviet human rights and dissident movements. Literary periodicals developed individuality and attracted like minded writers (e.g., *Novyy Mir* under the editorship of Aleksandr Tvardovskiy).

De-Stalinization also paved the way for the emergence of a “counterculture” of intellectuals who—disillusioned with the official ideology—turned to the past or the West in search of inspiration. Thus, the new currents in Soviet literature paved the way for the appearance of differing attitudes toward regime policies, and this, in turn, served as the basis for the emergence of a public opinion on issues facing Soviet society.

The opportunities for freer expression, however, tended to shift unpredictably. Alarm over the October 1956 Hungarian revolt had already influenced the state’s decision not to publish Boris Pasternak’s *Doctor Zhivago*. An official spokesman at the Second Congress of Soviet Writers in December 1956 asserted that points of view treating literature apart from the struggle for communism were no longer open to discussion. *Zhivago*’s publication abroad in November 1957 embarrassed the regime and set a precedent for other writers whose works proved ideologically unacceptable. Nevertheless, the de-Stalinization campaign still allowed the publication in the U.S.S.R. of Aleksandr Solzhenitsyn’s *One Day in the Life of Ivan Denisovich* in 1962. This book provided a searing account of life in the labor camps and prompted other disclosures. The regime became alarmed, and Khrushchev adopted a less liberal policy. The chairman of the Central Committee’s Ideological Commission warned writers not to assume that “since an end had been put to arbitrariness in our country and people are not arrested for political dissent, this means that everything is allowed and there are no restrictions on what one wishes.” Shortly before his ouster in 1964, Khrushchev announced there would be no further revelations about the Stalin period.

Under Brezhnev, the regime initially continued Khrushchev’s policy of treating writers and intellectuals with a combination of permissiveness and repression but then moved toward increasing repression. The Brezhnev regime made some attempt to repair the damage to Stalin’s image, but this was complicated by the publication abroad of Aleksandr Solzhenitsyn’s *Gulag Archipelago*, with its revelations about Stalin’s prison camps. Solzhenitsyn was expelled from the U.S.S.R. without trial and deprived of citizenship in 1974.

Moscow’s efforts from the mid-1950s onward to suppress the circulation of typewritten manuscripts (*samizdat*) and their publication abroad raised issues of intellectual freedom both in the legal and political contexts. In a series of celebrated trials, the regime prosecuted the writers it wished to silence: Aleksandr Ginzburg (1958 and 1967), Iosif Brodsky (1963), Andrey Sinyavskiy and Yuliy Daniel (1966), and others. Authorities acted against Brodsky, a nonconformist poet, first by depriving him of gainful employment, then by convicting him of “parasitism,” i.e., not working. Sinyavskiy, a member of the Writers’ Union, had been publishing abroad under a pseudonym since 1956 and was the first prominent intellectual to be arrested after Stalin’s death. Since publishing abroad was not prohibited by Soviet law, he was charged with “anti-Soviet agitation and propaganda” and put on trial together with Yuliy Daniel, who had also published abroad.

Having renounced Stalinist methods, the authorities found it necessary to go to court on many cases. Unlike defendants in Stalin’s “show trials,” the writers denied guilt and vigorously defended themselves. Some were aided by courageous attorneys who invoked the constitutional rights of the defendants.

To obtain convictions, the state resorted to violations of judicial procedure, which aroused open protests at home and unfavorable publicity abroad. Soviet intellectuals seized on the issue of legality and the possibilities for using publicity to highlight the authorities’ legal transgressions. Thus, the quest of Soviet writers for freedom of expression served as a starting point for others to insist that the Soviet Union permit as a legal right the freedom to engage in activity that was either sanctioned by law or not explicitly forbidden.

The Movement for Human Rights

Soviet human rights advocates were concerned primarily with the status of rights per se in the U.S.S.R., their role differed from those who wished to use such rights to advance a particular view or interest. In the late 1960s, human rights groups coalesced into structured committees following efforts by sympathizers to circulate petitions and mobilize support for arrested writers and other intellectuals. When such activists were arrested, their plight attracted support, thus creating growing and better organized group efforts. The appearance in April 1968 of a new samizdat journal, the *Chronicle of Current Events*, gave the movement a voice and provided a focus for disparate groups. For more than 10 years, the *Chronicle* reported, without editorial comment or political orientation, the activities of various unofficial groups and the state’s repressive actions.

During the movement’s early stages, many intellectuals believed in the possibility of “democratizing” the Soviet system. Writers and scientists such as Valentin Turchin, Andrey Sakharov, Roy Medvedev, and Aleksandr Solzhenitsyn addressed open letters to Soviet leaders with recommendations for reform. The state responded to all attempts at dialogue with reprisals or silence.

Events outside the Soviet Union also affected the movement. Israel’s victory in the June 1967 war helped to revive a sense of group identity among Soviet Jews and to stimulate their interest in emigration. Events in Czechoslovakia first encouraged and then dashed hopes that moral protest could lead to reform of the Soviet system. Although small and quickly suppressed, a demonstration in Red Square to protest the Soviet invasion of Czechoslovakia in August 1968 became a milestone in the history of Soviet dissent.

The principal concern of human rights activists was not with political action but with the role of law in Soviet life. They called themselves *pravozashchitnoye dvizheniye*—the “movement in defense of legality”—and saw their function as one of raising public awareness of legal rights issues in the U.S.S.R., protesting abuses of authority, and publicizing the regime’s repression of lawful activities. Initially, the regime seemed uncertain how to respond to those who employed Soviet laws as the standard for measuring official Soviet performance and who asserted that Soviet officials as well as citizens should respect Soviet law.

In May 1969, the Action Group for the Defense of Human Rights in the U.S.S.R. became the first human rights group to be formed in the Soviet Union; of the initial 15 members, only 8 were still free a year later. In November 1970, a group of physicists (Andrey Sakharov, Valeriy Chalidze, and Andrey Tverdokhlebov) formed the Moscow Committee for Human Rights. The committee declared its intention to act in conformity with Soviet laws and the Universal Declaration of Human Rights. It acknowledged the

regime's achievements in ending the excesses of Stalinism and offered its assistance in improving that record. It interceded on behalf of dissidents confined in psychiatric hospitals, publicized the violation of rights of such national groups as the Crimean Tatars, and promoted conformance with international legal standards for the mentally ill.

Members and supporters of both committees quickly encountered reprisals. Vladimir Bukovskiy was sentenced to a labor camp for his attempts to expose Soviet psychiatric abuses. Chalidze was forced to leave the country. The KGB stepped up efforts to eliminate samizdat literature by arresting authors and disrupting publication networks. To minimize the damage that repressive domestic policies were having on their foreign policy objectives, Soviet authorities allowed or forced some activists to emigrate. Nevertheless, the work of the committee gradually became known to the Soviet public, while the publicity such committees generated abroad occasionally restrained the authorities' behavior and perhaps contributed to the Soviet Government's decision to ratify the LIN International Covenant on Civil and Political Rights in September 1973.

The Helsinki Watch Group

The formal commitment of the U.S.S.R. in August 1975 to observe the human rights provisions of the Helsinki Final Act gave dissidents a new focus for their activities: repression of internal dissent now violated Moscow's international obligations. A new group of activists used this situation to increase Western pressure on the U.S.S.R. by publicizing Soviet violations of the Final Act's human rights provisions.

In May 1976, Yuriy Orlov (cofounder in 1973 of the Moscow chapter of Amnesty International), Yelena Bonner (wife of Andrey Sakharov), Aleksandr Ginzburg, and others formed a Public Group To Promote Observance of the Helsinki Accords in the U.S.S.R. Within a year, "Helsinki watch groups" appeared in the Ukraine (November 1976), Lithuania (November 1976), Georgia (January 1977), and Armenia (April 1977). In November 1976, Aleksandr Podrabinek organized the Working Commission To Investigate the Use of Psychiatry for Political Purposes to supplement the work of the Moscow Helsinki watch group.

Initially, the Soviet authorities hesitated: for several months the watch groups functioned with little hindrance, especially in Moscow. After learning about them from foreign broadcasts, other Soviet citizens began to seek their help and supply the watch groups with information on human rights infringements. During its lifetime, the Moscow group issued nearly 200 reports documenting violations of human rights: stage-managed trials, interference with mail and telephones, mistreatment of political prisoners, persecution of religious believers, forced separation of families, denial of the right to emigrate, and harassment of workers attempting to form an independent trade union.

The arrests of Yuriy Orlov and Anatoliy Shcharanskiy in 1977 marked a shift in the official response and began a series of arrests and trials lasting several years. Nearly all members of the Helsinki watch group and the psychiatric commission were eventually sentenced to long prison terms or forced into exile. The few remaining members of the Moscow group eventually recognized the futility of further effort and announced their disbandment in September 1982. The decision ended a major phase in the development of Soviet dissent and marked the failure of an organized attempt to restrain the regime's exercise of power by invoking Soviet domestic law, and international commitments.

The Moscow Helsinki watch group did succeed in informing the world about the status of human rights in the U.S.S.R., in mobilizing international support for Soviet activists, and in transforming the issue into a major item on the agenda of East-West relations. The reports of the psychiatric commission played an important role in placing the Soviet psychiatric profession into such international disrepute that Soviet psychiatrists chose to withdraw from the World Psychiatric Association in February 1983 rather than risk expulsion a few months later.

The Spectrum of Dissidence

Dissidents reflected a wide range of political attitudes: anti-Soviet Russian nationalists regarded the Soviet period as a calamity for the Russian nation and advocated a return to the traditional values of Russian culture and orthodoxy; Westernizers favored transition to a pluralistic, representative, democratic system; Marxist Socialists looked to internal reform and democratization of the existing system.

Russian nationalism proved an especially troublesome issue for the government because it threatened to upset the Soviet Union's ethnic balance. The Soviet regime had adopted some traits and historical interests of the Russian Empire, including its territorial goals and great power aspirations; it promoted carefully selected elements of Russian culture as the basis for developing a homogeneous "Soviet" culture; tolerated expressions of Great Russian chauvinism; and required all citizens to study Russian as the common language within a multinational state. These policies fueled anti-Russian resentments in the non-Russian republics and encouraged, during the 1960s and 1970s, a nationalist revival, particularly in the Ukraine, the Baltic states, and the Caucasus, including some sentiment in favor of secession and national independence. To some extent, the development of these national movements was a reaction to the regime's violation of constitutional guarantees of national and individual rights within the Soviet state structure.

Punitive measures against some Soviet nationalities during World War II effectively deprived them of their ancestral territories, autonomous national status, and the possibility of maintaining their cultural and ethnic identity. Both ethnic Germans and Crimean Tatars, for example, were deported to Central Asia and forbidden to return to their former lands. Ethnic Germans reacted, like the Jews, by seeking to emigrate. Crimean Tatars, having no homeland outside the U.S.S.R., continue efforts to restore their national rights. Activists of both groups pay the price in harassment, arrests, and long prison terms.

The tactics of religious activists paralleled those of the human rights activists. They stimulated believers to resist antireligious policies and helped revive public interest in religion. Recently, the growing identification of religion with nationalist causes—especially in Lithuania, Ukraine, and the Caucasus—became a major regime concern. Soviet authorities have responded by increasing the intensity of anti-religious propaganda, incarcerating activists in labor camps or psychiatric hospitals, and subjecting unregistered (i.e., illegal) congregations to heavy pressure to force compliance with Soviet laws restricting religious activity.

Beginning in the late 1960s, Russian Orthodox activists began to document the repression of religion in the U.S.S.R. and to protest the Patriarchate's subservience to the regime and failure to defend the church and orthodox believers from illegal and arbitrary actions by the authorities. In December

1976, Father Gleb Yakunin founded the Christian Committee for the Defense of Believers' Rights, while groups of young intellectuals established Christian seminars to provide believers with opportunities for religious studies. Over time most activists were arrested. The Christian Committee, however, survives clandestinely—, in July 1983, it sent a message to the Sixth Conference of the World Council of Churches in Vancouver describing the heightened repression of religion in the U.S.S.R. and appealing for help.

Some religious groups—Pentecostals, Seventh-Day Adventists, and others—refused to accept the limitations imposed on religious groups by the Soviet Law on Religious Associations—particularly its restrictions on preaching, proselytizing, and providing religious instruction to children. They chose to function outside the law by refusing to register with the authorities. The Baptists split over the issue into two groups, one “official” and the other “unofficial.” Elements of the Ukrainian Eastern Rite Catholic Church (Uniates) continued to survive underground following the officially forced unification of their church with the Russian Orthodox Church after World War 11.

Lithuanian Catholic activists have demonstrated exceptional success in mobilizing both clergy and believers to resist official pressures. The founding of the unofficial *Chronicle of the Lithuanian Catholic Church* in 1972 and the Catholic Committee for the Defense of the Rights of Believers in 1976 served to focus and further stimulate their activists. The role of the Lithuanian church—with its militant priests, well-organized believers, and close links to the Lithuanian nationalist movement—most closely resembles that of the church in Poland.

The movement among Soviet Jews to preserve their religious and cultural heritage and to secure the right to emigrate began in the late 1950s and rapidly gained momentum. Stalinist policy toward Jews initially vacillated between assimilation and a grudging recognition of Jewish-Yiddish national identity but then moved toward overt anti-Semitism in the postwar years.

Authorities regard the desire to emigrate as evidence of disloyalty bordering on treason. Soviet law does not recognize the right of Soviet citizens to emigrate by choice. Emigration policy is determined administratively rather than by law; family reunification and marriage to a foreign citizen are the only recognized grounds for permanent residence abroad. Nevertheless, domestic pressures and foreign policy considerations persuaded Moscow to allow about 250,000 Soviet Jews to emigrate during the past 15 years. Beginning in 1980, the exodus was gradually reduced to the current level of less than 200 per month.

The regime has also encouraged anti-Semitism (thinly disguised as “anti-Zionism”) more openly and has expanded discrimination against Jews in education, employment, and promotion. It has repressed all attempts by Jews to organize unofficial cultural or religious activities, to study Hebrew, or to publicize their efforts to emigrate. Alone among the recognized religious groups in the U.S.S.R., Jews have no academy for training religious leaders, no authorized religious periodicals, no all-union religious organizations, and no approved ties with coreligionists abroad.

An officially sanctioned “Anti-Zionist Committee of Soviet Society” formed in April 1983, claiming to represent the views of the Soviet Jewish community, explained that emigration had dropped to a trickle because all Jews who wished to leave had already done so. Overtly anti-Semitic articles and books not only continue to be published but also receive favorable reviews in the central press. Authorities

have warned Jewish activists to end their contacts with foreign sympathizers and have harassed Westerners who contacted Jews while visiting the U.S.S.R.

Aside from political, nationalist, and religious activists, others in the Soviet Union occasionally attempt to promote their interests by organized independent groups; they range from artists who prefer contemporary art to “socialist realism” to invalids who attempt to “lobby” for improved medical and social benefits. Many groups are totally non-political and qualify as dissidents only because the authorities so regard them. Several recent attempts to organize an independent trade union touched a raw nerve of the regime, whose sensitivity had been heightened by the advent of Solidarity in Poland. One early labor activist, Vladimir Klebanov, was sent to a psychiatric hospital and his organization destroyed. The latest unofficial trade union group—SMOT (Free Interprofessional Association of Workers)—apparently survives in some form underground, despite the trial and conviction of several leaders during the first half of 1983. SMOT activist Viktor Gershuni was committed to a psychiatric hospital after being convicted in April of slandering the Soviet system.

Dissidence and Soviet Law

From its inception, the Soviet regime regarded attempts by human rights activists to strengthen the rule of law as a political activity aimed at weakening the governmental authority. It has responded with a campaign of repression designed to silence critics and force conformity to regime norms. The most commonly employed methods include discharge from work, physical assaults, detention in psychiatric hospitals, expulsion from educational institutions, and legal sanctions.

The authorities have at their disposal a number of vaguely worded articles in the criminal codes of Soviet republics that severely restrict the exercise of basic political, religious, and civil rights, including those guaranteed by the Soviet Constitution. Articles of the R.S.F.S.R. Criminal Code used frequently against human rights activists and other dissidents include Article 70 (anti-Soviet agitation and propaganda), Article 190.1 (spreading orally or in writing intentional fabrications harmful to the Soviet state and social system), Article 209 (parasitism, i.e., failure to be gainfully employed), Article 162 (engaging in a prohibited trade), and Article 227 (infringement of rights of citizens under appearance of performing religious ceremonies). Article 64 (treason) and Article 72 (participation in anti-Soviet organizations) are invoked for especially serious cases.

Authorities often use a legal pretext once they decide to proceed against an activist. For this reason, the political motivation in some trials is not apparent from the formal criminal charges, which may involve common crimes such as disorderly conduct (“hooliganism”), assault, embezzlement, or theft of state property. Soviet authorities routinely violate their own judicial procedure to convict dissidents. For example, during trials on charges under Article 190.1, the defense is not permitted to present proof that the allegedly libelous statement was, in fact, accurate and truthful. Documents allegedly containing libel are normally not presented or read during the trial; the court simply accepts the prosecutor’s characterization of them as libelous. Conviction follows as a matter of course.

The especially harsh treatment convicted activists receive while serving in prison or labor camps, their ineligibility for parole or amnesty, and the practice of segregating prominent activists in special camps contradicts official claims that political prisoners do not exist in the Soviet Union either in law or as a special category of the penal population. The exile of academician Sakharov in January 1980 to Gorkiy, where he lives under virtual house arrest without criminal charges, is only one of many examples of the regime's disregard for civil rights and the requirements of Soviet judicial procedure.

Dissent During the Transition: Brezhnev and Andropov

Since Brezhnev's death, personnel shifts in the KGB and the party leadership have had the effect of intensifying the campaign against dissent, but this seems to reflect the KGB's increased institutional prestige and status rather than a change of policy. The current campaign against dissent began during the final years of Brezhnev's leadership. Although Andropov's personal role in formulating Soviet policy toward dissent has been substantial—both as KGB chairman for 16 years and after he succeeded Brezhnev as the Party's General Secretary—the reasons for the crackdown lie primarily in the Soviet leadership's reaction to several major developments:

- The deterioration of East-West relations, which gave authorities greater leeway to deal with activists without regard to Western opinion;
- The proliferation of domestic problems—including food shortages, worker dissatisfaction, and economic stagnation—resulting in lowered public morale and possible social unrest; and,
- The events in Poland, with their potential for spillover in the U.S.S.R.

High-level concern has found expression in public statements. Writing in the Central Committee journal (*Kommunist*, #13, 1981), for example, Politburo member and Party Secretary Konstantin Chernenko (at the time regarded as Brezhnev's possible successor and still a prominent member of the leadership) voiced concern that misplaced priorities, lack of timely action, or failure to reflect the "unique in-

terests of every class and every stratum in Soviet society" by the regime could deprive it of mass support, raising "the danger of social tension and of political and socioeconomic crisis."

In *Kommunist* (#14, 1981), KGB first deputy chairman Tsvigun stressed the importance of the effort against dissent:

As a result of measures taken by the KGB, implemented in strict accordance with law the anti-social elements, despite the West's considerable material and moral support, did not succeed in achieving organized cohesion on the platform of anti-Sovietism.

At the same time, Tsvigun also called for increased vigilance against new and even more dangerous forms of subversion.

Concern also has been reflected in policy statements by Andropov and his associates stressing the importance of studying nationality relations and workers' needs in order to eliminate grievances, but they also indicated that the hard line on human rights and toward religious believers would continue. Andropov specifically criticized the recourse to Soviet law in order to assert individual rights. In his first theoretical article on Marxism in *Kommunist* (#3, 1983), he asserted the "priority of public interests" over the "interests of the individual."

In his June 15, 1983 speech at the plenary meeting of the CPSU Central Committee, Chernenko noted that "work" with religious believers "must not be slackened" because foreign ideological centers spread allegations about "violations of the freedom of conscience in the U.S.S.R." and seek to "foster religious sentiments and to impart to them an anti-Soviet and nationalist bias." "When we come across facts of violations of socialist laws and subversive political activity which is only camouflaged by religion," he concluded, "we act in accordance with the demands of our Constitution."

The number of persons in prisons, labor camps, or psychiatric hospitals on charges involving political or religious offenses, while not known with any degree of assurance, is estimated at about 10,000. Neither this number, nor the total Soviet penal population of about 4 million (including 2 million in labor camps and another 2 million unconfined forced laborers), equals the *gulag* population in Stalin's time, nor are the conditions in the camps as brutal. The Soviet record on human rights, however, stands in sharp contrast to its depiction of Soviet society as progressive, enlightened, and humane. As Solzhenitsyn wrote: "Rulers change, the Archipelago remains." *

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