

Challenging Helsinki: Human Rights-Agitation, National Aspirations and Socialist Legality in Soviet Ukraine, 1965-1980

On August 1st, 1975, representatives from the United States, the Soviet Union, and more than thirty other European nations converged on the Finnish capital of Helsinki to sign the Conference of Security and Cooperation in Europe (CSCE) Helsinki Final Act. Amongst other pledges including the recognition of Europe's post-war borders, the Final Act included a range of clauses relating to basic individual and collective human rights.¹ The influence this document exacted on dissident circles in Soviet Union has come to dominate the contemporary narrative of the role human rights played in the collapse of communism in Central-Eastern Europe. Under this model, with the publication of the Helsinki Final Act dissidents in Eastern Europe were imbued virtually overnight with the spiritual weight of international obligations, and were inspired to a new form of action characterised by transnational organisations and Western liberal conceptions of human rights. However, while the Helsinki Final Act provided a convenient and universal rights language through which agitators could freely and uniformly vocalise their demands, it was not the sole influence on dissent in the Eastern Bloc. This paper investigates an alternative to the so-called 'Helsinki Effect'. Using the dissident monitoring committee known as the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords, founded in Kyiv in November, 1976, as an embarkation point, this essay argues that an organic discourse of human rights existed in dissident circles in Soviet Ukraine prior to 1975. This discourse was characterised by dissidents' belief in the legitimacy of Soviet law as the provider and protector of basic rights, and was conceptually divorced from international rights norms. This paper has three aims. Firstly, I will contextualise post-Helsinki rights-agitation in the Ukrainian Soviet Socialist Republic (SSR) in the broader spectrum of Soviet dissent, with particular reference to tactics and conceptualisations. Secondly, I will clearly establish a notion of socialist rights, and particularly a socialist right of self-determination. Thirdly, I will trace the historical and ideological lineage of these rights and conceptualisations, arguing that the legacy of 'national communism', a policy enacted early in the revolutionary period, served as the paradigm of dissent for Ukrainian rights-agitators. Throughout this essay specific attention is given to the right of nations to self-determination. This contentious right was provided in the Helsinki Final Act, occupied a central position in Marxist-Leninism, and was considered by dissidents in Soviet Ukraine to be mutually intelligible with human rights more broadly.²

¹ Conference on Security and Co-operation in Europe Final Article 1 (VIII), Helsinki Final Act, Section VIII, (Helsinki: 1975)

² Mykola Rudenko, who in November, 1976, was instrumental in the formation of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords, exemplifies this attitude. In an open letter dated November 14, 1976, Rudenko declared: "Our task is completely humanitarian: to promote the implementation of the Helsinki Accords in the field of human rights. But we cannot avoid the nationality question: most Ukrainian political prisoners have been sentenced for imagined or real nationalism. And it is precisely this Ukrainian nationalism that the government that considers itself Soviet fears most!" Mykola Rudenko, 'An Open Letter to People of Good Will', *Documents of the Helsinki Monitoring Groups in the USSR and Lithuania. Volume 3: Ukraine* (Washington: US Government Printing Office, 1987), p.9

The ‘Helsinki Effect’, asserted by historian Daniel Thomas (2001), and later Sarah Snyder (2012), amongst others, cannot be understated. The signing of the Helsinki Final Act provided the immediate catalyst for the formation of Helsinki-themed rights-monitoring groups in Moscow, Kyiv, Tbilisi, Yerevan and Vilnius. Likewise, the language of international norms permeated through the published documents of these committees. The primary declaration of the Ukrainian Helsinki Group, for example, was prefaced with an extract from Article 19 of the Universal Declaration of Human Rights (UDHR), and, in addition, invoked it throughout the text.³ However, Thomas’ thesis should not be overstated either. Scholarship on the role of human rights in the demise of state socialism has been keen to emphasise the links between international norms, liberalism, and dissent, presenting the collapse of communism in 1989 as the victory of an enlightened West over a backwards and barbaric east. Istvan Pogany exemplifies such an approach: “The collapse of Communist regimes through Central and Eastern Europe,” in Pogany’s opinion was a “moral triumph; a victory of the values of liberalism, human rights and market economics over an alien and collectivist ideology.”⁴ International norms, expressed and reaffirmed in international legislation, were not readily accessible to citizens behind the Iron Curtain. The UDHR had not been translated into Ukrainian; likewise, as Thomas concedes, a Polish and Czech translation of the Helsinki Final Act had been withdrawn from circulation at Moscow’s behest.⁵ Conversely, when it was distributed—as it had been in the mid-1950s—the UDHR was framed by the Soviet regime as a vindication of socialist legality.⁶ While the UDHR did have an impact on dissident rights conceptualisations, an interpretation of post-Helsinki rights agitation is incomplete without acknowledging the intellectual debt of socialist legality. To attach any weight, as Sarah Snyder has, to the UDHR or any other international document as being the catalyst for a new brand of rights-agitation in the Eastern Bloc is to misrepresent the legacy of dissent under developed socialism.⁷ Rather than constituting a new political movement, post-Helsinki rights agitation represented a continuum in the tactics and conceptualisations that had characterised previous generations of rights agitators in the Soviet bloc.

Tactics

Post-Helsinki rights-agitators in the Ukrainian SSR advocated state compliance with the international human rights norms to which the Soviet government was signatory. The demand for a fulfilment of the duties imposed by the Helsinki Final Act formed a primary goal for all Helsinki committees across the Soviet

³Ukrainian Helsinki Group, ‘Declaration of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords’, *The Human Rights Movement in Ukraine*, p.19

⁴ Istvan Pogany, *Righting Wrongs in Eastern Europe* (Manchester: Manchester University Press, 1997), p.1

⁵ Hyrhorii Prykhodko, quoted in *The Human Rights Movement in Ukraine*, p.39; Thomas, *The Helsinki Effect*, p.98

⁶ Jennifer Amos, ‘The Soviet Union and the Universal Declaration of Human Rights, 1948-1958’ in *Human Rights in the Twentieth Century*, Stefan-Ludwig Hoffman (ed.), (Cambridge: Cambridge University Press 2010), p.159

⁷ Ignorant of the previously discussed tradition of rights-talk in the Soviet Union, Sarah Snyder went as far as to call a December, 1965 demonstration supporting the UDHR as the “birth” of the civil rights movement in the Soviet Union. Sarah Snyder, *Human Rights Activism and the End of the Cold War*, (Cambridge: Cambridge University Press, 2011), p.53

Union. The Declaration of the Ukrainian Public Group, for example, declared that the committee's primary task was to accept, compile and disseminate, locally and internationally, reports of breaches of the Helsinki Final Act and the UDHR.⁸ In actively promoting compliance with international norms, the Helsinki monitoring groups existed within a broader context of Soviet dissent characterised by one key method: 'civil obedience'. In opposition to civil disobedience, with its inherent public defiance of specific laws and policies, 'civil obedience' was a Soviet practice insisting on, or engaging in, activities, laws or policies formally protected, but actively repressed, by the authorities.⁹ The eccentric Moscow mathematician Aleksandr Vol'pin was among the first to insist that the Soviet regime take 'socialist legality' literally, or, in the words of a contemporary, the first to "demand that the authorities observe their own laws."¹⁰ Indeed, demanding state observance of socialist law provided the pattern of dissent: the very existence of these groups conforms to the notion of 'civil obedience'. While international documents loomed large in post-Helsinki agitation, it is important to note that the monitoring groups continued to insist on state compliance with socialist legality—using the notion of socialist rights as a justification for their existence. For example, in a petition to the Council of Ministers of the Ukrainian SSR, the Ukrainian Helsinki group insisted on the legality of its existence, citing Article 51 of the Constitution of the USSR as the legal justification for the formation of the group.¹¹ Operating within the context of 'civil obedience', the Ukrainian Helsinki Group simply transferred the focus on compliance from constitutional legislation to their government's international treaty obligations. While the language that they employed may have changed, the fundamental tactics of the Ukrainian monitoring group had not; as a consequence, the presence and activities of this organisation cannot be separated from those of its dissident forebears.

Conceptualisations: Socialist Rights

At its broadest level, socialist ideology had a clear understanding of the status and compatibility of human rights. Central to this issue is the question, posed by Benjamin Nathans, of how a discourse of human rights—"the *lingua franca* of liberalism", was employed in an ideology innately opposed to liberalism.¹² Indeed, owing to the inherent opposition between socialism and liberalism, several aspects of the liberal rights rhetoric were rejected by socialist ideologues. One such example is the idea of pre-social rights, that is, the belief that men inherently have some rights in a state of nature preceding the emergence of a society.¹³ Tainted by the experience of practice, a lingering supposition in the Western world has seen the relationship between socialism and human rights sidelined to the status of lip-service: such a view fails to recognise the

⁸ Ukrainian Helsinki Group, 'Declaration', *The Human Rights Movement in Ukraine*, p.21

⁹ Benjamin Nathans, 'The Dictatorship of Reason: Aleksandr Vol'pin and the Idea of Rights under "Developed Socialism"', *Slavic Review*, Vol. 66, No.4 (2007), p.630

¹⁰ Andrei Amal'rik, quoted in Benjamin Nathans, 'The Dictatorship of Reason', p.631

¹¹ Ukrainian Helsinki Group, 'A Petition', in *The Human Rights Movement in Ukraine*, pp.24ff.

¹² Benjamin Nathans, 'Soviet Rights-Talk in the Post-Stalin Era', *Human Rights in the Twentieth Century*, Stefan-Ludwig Hoffman (ed.), Cambridge University Press: Cambridge (2010), p.168

¹³ Tom Campbell, *The Left and Rights: A Conceptual Analysis of the Idea of Socialist Rights*, (London: Routledge and Kegan Paul, 1983), p.106

importance placed on the role of human rights in the socialist ideal. If we consider this ideal to be utopian—that is, an attempt to create a perfect world—human rights attained a vanguard status in the coming socialist revolution. In the socialist mindset, human rights were strongly linked with the promotion of world peace. Unlike the Western view of human rights as a safeguard for the freedom and well-being of the individual, socialism instead placed emphasis on the role of human rights in the collective good.¹⁴ This position was exemplified by Soviet lawyer Vladimir Kartashkin, who argued that human rights and socialism were not simply compatible, but instead a necessary union:

Only in the countries where socialism has triumphed citizens are genuinely guaranteed human rights and freedoms through the elimination of the exploitation of man by man and the development of socialist democracy. These rights are not merely proclaimed in the socialist countries' constitutions or other legislative acts, but are guaranteed and implemented. This has been achieved through the creation of the appropriate material conditions and the availability to citizens of the concrete means of their realization.¹⁵

Likewise, faced by a growing dissident movement, and being signatory to the same human rights documents as the West, the socialist East had to justify its position on an international stage. This was attempted through emphasis on the 'moral-unity' of socialism and by stressing to domestic and international opponents, as Kartashkin did, that the only real human rights were socialist rights.¹⁶ The emphasis on both economic rights and the collective good are defining features of the theoretical socialist conception of human rights. Economic concerns underpinned socialist understandings, both in the Soviet Union and its satellites states. The so-called 'Stalin' Constitution, issued in 1936, was revolutionary insofar as it framed economic rights (that is, the guarantee of material welfare) in the same language used to provide traditional civil and political rights.¹⁷ Importantly, the provision of welfare as a basic economic right underscored official understandings: no right was considered to have practical value without the materials required for its exercise.¹⁸ In other words, the right to freedom of opinion was useless to an author who lacked the material conditions necessary to sustain himself. This preoccupation with economic rights was utilised by the socialist states as an ideological tool to expose Western poverty as a violation of fundamental human rights.¹⁹ The 'collective good' was defined broadly in socialist theory along economic lines. As Tom Campbell notes, socialism is frequently charged with sacrificing the 'absoluteness' of individuals' human rights for the societal progress or general welfare: "Socialists, it is said, override free speech in the interests of political change, sacrifice the

¹⁴ A. Bloed & F. van Hoof, 'Some Aspects on the Socialist View of Human Rights', *Essays on Human Rights in the Helsinki Process*, A. Bloed and P. Van Dijk (eds.) (Dordrecht: Martinus Nijhoff Publishers, 1985), p.31

¹⁵ Vladimir Kartashkin, 'International Relations and Human Rights', *International Affairs* (Moscow, 1977), quoted in Arie Bloed & Fried van Hoof, 'Some Aspects on the Socialist View of Human Rights', p.32

¹⁶ Mark B. Smith, 'Socialist Rights in the Soviet Dictatorship: The Constitutional Right to Welfare from Stalin to Brezhnev', *Humanity*, Vol. 3 (Winter, 2012), p.391

¹⁷ Nathans, 'Soviet Rights Talk in the Post-Stalin Era', p.171

¹⁸ Nathans, 'Soviet Rights Talk in the Post-Stalin Era', p.172

¹⁹ Paul Betts, 'Socialism, Social Rights and Human Rights: The Case of East Germany', *Humanity*, Vol. 3, (Winter 2012), p.410; Nathans, 'Soviet Rights-Talk in the Post-Stalin Era', p.171

lives of those who represent the old order in times of social transition and, in general, withdraw human rights from those who oppose the policies of socialist governments.”²⁰ Such a view, Campbell argues, is ungrounded, the product of “empirical generalisations about what happens in so-called socialist states”, rather than from a detailed analysis of socialist theory.²¹ Campbell notes that the provisional denial of an individual’s rights on the basis of social or political cohesion can be found in the West: for example, in the fact that a person’s right to life and capital punishment for a serious crime are not considered to be mutually exclusive.²² Such a clear lack of consensus relating to the provisional denial of an individual right for the common good manifested predominantly on an official level in developed socialism. This could be seen, for example, in the denial of an officially prescribed constitutional right for the benefit of social cohesion—like the retention of territorial integrity at the expense of a peoples’ right to self-determination, or safeguarding political stability at the cost of one dissident’s right to freedom of expression. Socialist theory, therefore, was not incompatible with human rights discourse, but instead appropriated it along economic lines in promotion of the perceived common good, cast in terms of the lesser interests of the majority over the major interests of the minority.²³

With regards to the practical expression of human rights, socialist legality—the legal system of socialist states—was publicized by both dissidents and the authorities to be the ultimate expression of human rights. The Soviet Constitution, in particular, afforded a series of rights to all citizens of the USSR. Unlike their Western European counterparts, however, socialist rights were conditionally enfranchised. In the twenties and thirties, constitutional rights had been restricted to members of a certain socioeconomic class (namely workers and peasants), or been provided on the basis of completion of certain constitutional duties—for example, the important duty of labour.²⁴ Although this ‘rights-duties nexus’ continued to pervade socialist understandings of basic rights for decades, by the 1970s it had been superseded by the notion that socialist rights were enfranchised to all peoples on the basis of citizenship.²⁵ This transition was apparent not in the official legislative language, but in popular opinion. The major constitutional amendments of 1936 and 1977 were accompanied by broad public discussions on the fundamental rights (and duties) of all citizens. In the post-Stalinist period, popular conceptions of the enfranchisement of rights shifted from being determined by one’s socioeconomic status or the fulfilment of duties, to being universally guaranteed by citizenship. While this change was certainly in part influenced by post-war international norms, it was already well-established by 1975. The dissident movement was firmly convinced of the legitimacy of socialist legality as the provider and protector of basic rights, and interpreted these enshrined rights literally: the very method of ‘civil obedience’ confirms this. Persecution of dissidents for exercising formally protected rights only strengthened

²⁰ Campbell, *The Left and Rights*, p.114

²¹ Campbell, *The Left and Rights*, p.114

²² Campbell, *The Left and Rights*, p.115

²³ Campbell, *The Left and Rights*, p.118

²⁴ Nathans, ‘Soviet Rights-Talk in the Post-Stalin Era’, p.171

²⁵ Nathans, ‘Soviet Rights-Talk in the Post-Stalin Era’, p.171

their resolve. Rights agitators believed that they were truthfully upholding the Leninist principles afforded to them by law, indeed often being charged—as was Valeriy Marchenko, amongst others—with anti-Soviet propaganda.²⁶ The Helsinki monitoring groups emerged, therefore, into the context of a discourse characterised by a shifting lack of consensus regarding the content, enfranchisement and enforcement of basic human rights. This lack of consensus extended to the right of self-determination.

Self-Determination as a Socialist Right

Self-determination is an enigma. Although frequently proclaimed as a right in international documents, the practical organs of public international law have tended to approach self-determination as a principle, rather than as a basic human right requiring an immediate response.²⁷ Socialism, conversely, conceived self-determination clearly as a fundamental human right. At an official level, state socialism considered the right of nations to self-determination as being the most important human right: it provided the necessary requirements for the exercise of all other rights, including economic rights.²⁸ This view was reflected in an East German handbook on international law, which claimed that “the protection of the right to self-determination to be the basic prerequisite for the protection of all other basic rights.”²⁹ By this official comprehension, human rights were to be a state affair—intrinsically linked with the broader socialist preoccupation with economic rights. This understanding permeated all levels of socialist legality, domestically and internationally, and would be influential on dissident notions of self-determination’s inherent status as an essential human right. Internationally, socialist states were often the most vocal about inserting a provision for self-determination into international legislation, on the basis of its perceived importance.³⁰ Domestically, Lenin had frequently referred to the *right* (право) of nations to self-determination; likewise, the 1936 Soviet Constitution contained a series of clauses relating to political status and right to cultural autonomy of the various Soviet nationalities. Articles 33 and 37, for example, created a separate Soviet of Nationalities to politically represent the union republics. Similarly, the territorial integrity of the Union and Autonomous Republics were protected by Article 18, while national equality was enshrined in Article 123. Furthermore, both the 1936 Soviet Constitution and the Constitution of the Ukrainian SSR, in Articles 17 and 14 respectively, formally provided the right of Union Republics to freely secede. Subsequent amendments charged the right to secession with legitimacy, providing the framework for a legal and democratic course by which the Soviet Republics could separate from the Union—although, as Antonio

²⁶ Ukrainian Helsinki Group, ‘Memorandum No. 1’, *The Human Rights Movement in Ukraine*, p.38

²⁷ Jan Klabbers, ‘The Right to be Taken Seriously: Self-Determination in International Law’, *Human Rights Quarterly*, Vol. 28 (2006), p.187. For a fuller discussion of legal theories pertaining to self-determination, see Richard Falk, ‘Self-Determination Under International Law: The Coherence of Doctrine Versus the Incoherence of Experience’, Wolfgang Danspeckgruber (ed.), *The Self-Determination of Peoples: Community, Nation and State in an Independent World*, (London: Lynne Rienner Publishers, 2002).

²⁸ Arie Bloed & Fried van Hoof, ‘Some Aspects on the Socialist View of Human Rights’, p.37

²⁹ East-German Handbook on International Law, quoted in A. Bloed & F. Van Hoof, ‘Some Aspects on the Socialist View of Human Rights’, p.37

³⁰ A. Bloed & F. Van Hoof, ‘Some Aspects on the Socialist View of Human Rights’, p.39

Cassese has noted, this process was intensely and deliberately bureaucratic, making the exercise of this right incredibly difficult.³¹

Despite these procedural hurdles, Ukrainian dissidents firmly believed in the importance and authenticity of socialist legality as the provider and protector of basic human rights. Echoing the words of Lenin, Ukrainian Helsinki Group founder Levko Lukyanenko, a prominent early agitator for an independent *Soviet* Ukraine, considered compliance with socialist legality as the duty of every official and citizen, the “most important and unshakable democratic principle” guiding the Soviet state into the communist future.³² Lukyanenko, along with fellow-future Ukrainian Helsinki Group founder Ivan Kandyba, had in 1959 formed the Ukrainian Workers’ and Peasants’ Union, a movement which aimed to liberate Ukraine along Marxist-Leninist principles. Despite being previously sentenced to death—and then condemned to fifteen years’ imprisonment in a penal colony in European Russia—under Soviet law for exercising what he believed to be his implicit constitutional right, Lukyanenko persisted in his belief in the legitimacy of socialist legality. Writing from prison in Mordova to the Soviet Councillor of Jurisprudence, Lukyanenko cited his legal training at Moscow University, where he was taught that “in the Soviet State law is real, not fictitious. Everything permitted by law may therefore be put into practice.”³³ In another letter, Lukyanenko championed common sense over the sophistry of the Soviet state in interpreting the *right* of secession:

Whatever tricks of sophistry [the authorities] might try to use to interpret Art. 17 and Art. 14 of the Constitution of the USSR and the Ukrainian SSR as meaning that the right to self-determination is not there, common sense always overcomes sophistry and persists in asserting that: The right of a Republic to secede from the USSR is a right, and not an absence of right, and words that grant a right can never be changed into words that forbid it, just as the words ‘take’ and ‘don’t touch’ cannot be interchanged.³⁴

Disregard for the rights protected formally by Soviet law was considered tantamount to a violation of Marxist ideology. When one senior interrogator alleged that “Article 17 of the Constitution only exists for [the delusion of] the outside world,” Lukyanenko’s co-accused, Stepan Virun, wrote an impassioned letter to the Deputy of the Supreme Soviet of the USSR in defence of socialist legality. “To aim at taking advantage of a Soviet constitutional right,” Virun wrote, with reference to the right to secede “cannot be a crime, no more than Soviet law itself can be anti-Soviet.”³⁵ Furthermore, dissidents considered constitutional rights to

³¹ Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (Cambridge: Cambridge University Press, 1995), p.265

³² L. H. Lukyanenko, Letter to the Chairman of the Presidium of the Supreme Soviet of the Ukrainian SSR, in Michael Browne (ed.), *Ferment in the Ukraine* (London : Macmillan, 1971), p.78

³³ Lev Hryhorovych Lukyanenko, Letter to the Procurator-General of the USSR, Councillor of Jurisprudence, in Michael Browne (ed.), *Ferment in the Ukraine* (London : Macmillan, 1971), pp.36-37

³⁴ L. H. Lukyanenko, Letter to the Chairman of the Presidium of the Supreme Soviet of the Ukrainian SSR, p.90

³⁵ The reported words of a senior investigator named Denisov, to L. H. Lukyanenko, quoted in Stepan Martynovych Virun, Letter to Deputy of the Supreme Soviet of the USSR, in Michael Browne (ed.), *Ferment in the Ukraine* (London: Macmillan, 1971) pp.49; 51

have implicit meanings. The exercise of Article 17 of the Constitution, for example, could not occur without a right to agitate for secession. As Lukyanenko noted:

The existence of a Republic's right to secede from the USSR is simply unthinkable without the authorisation of activity directed to that end. To assume the opposite – that the right of a Union Republic to secede from the USSR does not imply the right to agitate for such secession – is tantamount to admitting that Articles 17 and 14 of the Constitution of the USSR and the Ukrainian SSR [respectively] are legal fictions, empty words and nothing else. But I have never accepted such an interpretation and have been firmly convinced that agitation for the secession of the Ukrainian SSR does not contradict the Constitution of the Criminal Code of the Ukrainian SSR and therefore cannot be punishable under criminal law.³⁶

This view was shared by the literary critic Ivan Dzyuba, whose treatise, *Internationalism, or Russification?*, published in 1965, presented a critical indictment of the status of national issues in Soviet Ukraine. Dzyuba noted that a right to secede implied a right to agitate for secession, and accused those who disagreed with this to be “un-Leninist and un-Soviet.”³⁷ Although as early as 1970 the language of international norms had begun to be reflected in the language of Soviet dissent, the Leninist ideal of self-determination in the context of internationalism continued to permeate dissident political demands for a further decade.³⁸ In particular, the central role of self-determination as a prerequisite for all other basic rights was reflected in the national exclusivity of the Ukrainian Helsinki Group. Although damaging its prestige in a West more concerned with individual than collective rights, the Ukrainian Public Group's sustained belief in the necessity of self-determination is a clear expression of this socialist discourse.³⁹ The ideological roots of dissident conceptualisations of self-determination can be seen in Marxist-Leninist understandings of the state and nation, long before the creation of the Helsinki monitoring groups.

The Ideological Context: Marxist-Leninist Conceptions of the State and Nation

In August, 1963, the Ukrainian-Canadian Marxist John Kolasky boarded a Polish steamer bound for Kyiv. Inspired by Khrushchev's ‘Secret Speech’, Kolasky arrived in the Ukrainian SSR with high hopes. He imagined the romantic land of his forefathers: the “stories of legendary Cossacks, national traditions and folklore, miles of rolling, fertile steppes,” but also a socialist utopia, a veritable paradise on earth, “which had solved its economic and national problems and was triumphantly marching towards a new and just social

³⁶ Lukyanenko, Letter to the Procurator General of the USSR, p.37

³⁷ Ivan Dzyuba, *Internationalism, or Russification?* (New York: Monad Press, 1974), p.56

³⁸ Sviatoslav Karavans'kyj, ‘Holovi Prezidiyi Verkhovnoyi Rady SRSR’, *Ukrayins'kyj Visnyk*, Vol. II, (Paris: Smoloskip, 1971); the language of internationalism and anti-secessionism can be found, for example, in Memorandum No. 5 of the Ukrainian Helsinki Group (See Chapter 1)

³⁹ Ilya Prizel, *National Identity and Foreign Policy: Nationalism and Leadership in Poland, Russia and Ukraine*, (Cambridge: Cambridge University Press, 1998), p.355

order.”⁴⁰ Kolasky’s expectations were unfulfilled; instead of fertile, rolling steppes, he was met with urban decay and collectivised farms; instead of Khmelnytsky, Mazepa, or the other great Cossack *hetmany*, Kolasky found a heavily Russified elite and an imposed Soviet bureaucracy. Russian, not Ukrainian, was the language of all commercial, political and public social interaction: “If a person wishes to study German, he goes to Berlin; if he wishes to study French he goes to Paris,” Kolasky wrote, quoting a common joke. “But where does he go if he wishes to study Ukrainian?”⁴¹

Kolasky’s appearance in Soviet Ukraine corresponded to growing opposition within intellectual circles. Four years earlier, the future Helsinki Group co-founders Lukyanenko and Kandyba created the Ukrainian Workers’ and Peasants’ Union; although arrested, their political aims were expressed in public letters from prison. Likewise, the political commentator Sviatoslav Karavansky actively opposed perceived Russification; his claims were echoed by Dzyuba’s *Internationalism, or Russification?*, which appeared in 1965, at the close of Kolasky’s period of study in the Ukrainian SSR.⁴² Although perhaps the most prominent, Dzyuba’s critical indictment of Soviet ‘internationalism’ did not exist in isolation. A number of proposals, open letters, and *samizdat* texts were distributed throughout the sixties and early 1970s. These predominantly contained national issues as their sole concern, and many expressed their demands in the language and ideology of Marxist-Leninism. In advancing programmes of independence and cultural autonomy, these groups constituted a movement for self-determination that was very different from that advocated by US President Woodrow Wilson half a century earlier. While Wilson’s brand of self-determination was carefully framed to avoid upsetting the colonial order, Vladimir Ilyich Lenin was intent on destroying imperialism.⁴³ Lenin was a vocal proponent of a particular form of self-determination, rooted in proletarian internationalism. The conceptions of the state and nation expounded by Lenin and his intellectual progenitors, Marx and Engels, explicitly underpinned the political demands of Soviet Ukrainian dissidents advocating self-determination.

For Lenin, the state was a temporary entity; under a ‘dictatorship of the proletariat’ it would gradually transition into a community—or, in Engels’ words, ‘wither away’. If we consider the traditional, Western legal understanding of self-determination as being the *right* of peoples to *sovereignty*, that is, independent authority over a particular territorial entity (implicitly, a state apparatus), the question of the state’s role in developed socialism attains much weight. Under such a model, the ultimate expression of self-determination is through the ‘external’ (secessionist) mode; the Leninist norms of self-determination, as understood by dissidents like Dzyuba and Lukyanenko, were not equivocal to this ideal. Lenin’s brand of self-determination was intrinsically linked to internationalism; for Lenin, supporting the cultural autonomy of nations was only

⁴⁰ John Kolasky, *Two Years in Soviet Ukraine*, (Toronto: Peter Martin Associates Limited, 1970), p.1

⁴¹ Kolasky, *Two Years in Soviet Ukraine*, p.23

⁴² Dina Zisserman-Brodsky, *Constructing Ethnopolitics in the Soviet Union: Samizdat, Deprivation and the Right of Ethnic Nationalism* (New York: Palgrave Macmillan, 2003) p.113

⁴³ Cassese, *Self Determination of Peoples*, p.21

permissible for a Marxist in the context of proletariat internationalism, and not bourgeois nationalism.⁴⁴ This involved taking ‘*from each national culture only its democratic and socialist elements; we take them only and absolutely in opposition to the bourgeois culture and the bourgeois nationalism of each nation.*’⁴⁵ The struggle with bourgeois nationalism was considered to be inevitable, and could only be overcome if all nations were treated equally. In his theoretical framework, ‘Great Russian’ chauvinism was merely an extension of bourgeois nationalism, and was something to be deplored.⁴⁶ In recognising the equality of nations, the right of political self-determination was considered by Lenin not as an aim, but a necessity, and failure to oblige to this necessity was equivocal to a betrayal of socialism.⁴⁷ Joseph Stalin’s seminal published work, *Marxism and the National Question*, first published in 1913, echoed Lenin’s position. According to Stalin, nationalities were permitted to operate schools, follow customs and traditions, exercise their rights and speak their mother tongue without forcible interference. Preferential treatment of certain nationalities—unnamed by Stalin but named by Lenin as ‘Great Russian bourgeois nationalism’—was to be abandoned, and a policy of national oppression was to be rendered impossible.⁴⁸ Such a position aligns closely, but imperfectly, with the notion of ‘internal’ self-determination, and best represents dissidents’ conceptualisations of the right. Georgian-born Stalin identified five key components to a national group: “A nation is a historically evolved, stable community of language, territory, economic life, and psychological make-up manifested in a community of culture.”⁴⁹ Stalin’s paradigm was used by Dzyuba to express his concerns over the degradation of national-cultural life in Ukraine. The Ukrainian language, Dzyuba argued, was “pushed into the background”; territorial integrity was being lost through forced resettlement; centralisation from Moscow impeded Ukrainian economic life; national culture was dispersed through emigration and perceived ‘inferior’ status; and finally a shared, Ukrainian history—“a common historic fate”—was being lost due to, amongst other things, Soviet educational policies.⁵⁰ Many of the concerns expressed in *Internationalism, or Russification?* were based on a deviation from the Leninist policy of ‘national communism’, which sought to protect and nurture the cultural life of the various national groups in the Soviet Union. This concept of ‘national communism’ will be examined in greater detail below.

The Marxist Lineage of Socialist Self-Determination in Ukraine

The impact of Marxist-Leninism on dissident understandings of self-determination can be seen in their continued adherence to the socialist ideal and, to a lesser extent, the Soviet system. In Lukyanenko’s graphic description: “The persecution of people who wish to exercise the constitutional right of self-determination

⁴⁴ V. I. Lenin, ‘Critical Remarks on the National Question’, *Collected Works*, Vol. XX, (Moscow: Foreign Languages Publishing House, 1964), p.33

⁴⁵ Lenin, ‘Critical Remarks on the National Question’, *Collected Works* XX p.24

⁴⁶ Lenin, ‘Critical Remarks on the National Question’, *Collected Works* XX., p.413

⁴⁷ V. I. Lenin, ‘The Socialist Revolution and the Right of Nations to Self-Determination, Jan-Feb 1916, *Collected Works*, Vol. XXII, (Moscow: Foreign Languages Publishing House, 1964), p.143

⁴⁸ J. Stalin, *Marxism and the National Question* (London: Lawrence and Wishart, 1964), p.13

⁴⁹ Stalin, *Marxism and the National Question*, p.7

⁵⁰ Dzyuba, *Internationalism or Russification?*, p.14

runs counter to Marxist theory, which has always included the right of nations to self-determination. And if an individual is a communist in practice and not just as a matter of form, he cannot oppose the Ukrainian nation's right to self-determination."⁵¹ Although critical of Soviet policy, it is significant to note that dissidents formulated their arguments in opposition to a perceived deviation from Leninist norms, rather than against those norms themselves. Dzyuba remained a committed Marxist, and cited Lenin frequently:

I have always endeavoured to consider nationality problems – just as, in fact, all other problems – from the viewpoint of the principles of scientific Communism and of the teaching of Marx, Engels and Lenin, perceiving the prospects of their successful solution to lie along the road towards the fulfilment of Lenin's legacy and Communist construction.⁵²

Likewise, the founding members of the Ukrainian Workers' and Peasants' Union approached their demands from a Marxist-Leninist perspective. Lukyanenko's co-accused, Stepan Virun, noted that the organisation "examined the existing order in our country from a Marxist-Leninist point of view."⁵³ Although advocating the political secession of the Ukrainian SSR from the Soviet Union, a future Ukraine was to remain Soviet in its outlook. Lev Lukyanenko carefully stressed his continued belief in the socialist ideal:

I never made it my aim to replace the soviet of workers' deputies – the political manifestation of the dictatorship of the working class – by any other regime either before or after a secession of the Ukrainian SSR from the USSR. [...] We are struggling for an independent Ukraine such that, while providing to a high degree for the material and spiritual needs of her citizens on the basis of a socialised economy, she would develop towards communism. [...] The very document which provided direct evidence in our case clearly states that we stood for a socialist economy, and, secondly, that even if the Ukraine was not part of the USSR, she would still move towards communism and therefore remain in the socialist camp. [...] We had all been brought up in the spirit of Marxism-Leninism and therefore we unanimously agreed in the course of our conversation that it was by Marxist-Leninist theory that we must be guided when working for the elimination of illegal limitations on democratic liberties.⁵⁴

This position was echoed by Virun: "Our ideal is the Soviet state system."⁵⁵ Although denouncing the Soviet Union as a "fascist empire", Maksym Sahaydak, editor of the *Ukrainian Herald* journal, was keen to emphasise the difference between socialist theory and Soviet practice: "The existing order in the U.S.S.R. has nothing in common with socialism."⁵⁶ The dissident movement, in agitating for self-determination, importantly drew a distinction between bourgeois nationalism and the right to a degree of cultural autonomy (i.e. 'internal' self-determination) in the context of proletarian internationalism. Importantly, these dissidents were reluctant to self-identify as nationalists. "Nobody in Ukraine advances the slogan of 'independence'

⁵¹ Lukyanenko, 'Letter to the Presidium of the Supreme Soviet of the Ukrainian SSR', *Ferment in the Ukraine*, p.90

⁵² Dzyuba, *Internationalism or Russification?* Dedication

⁵³ Virun, 'Letter to Deputy of the Supreme Soviet of the USSR', *Ferment in the Ukraine*, p.46

⁵⁴ Lukyanenko, Letter to the Procurator-General of the USSR, Councillor of Jurisprudence, *Ferment in the Ukraine*, pp.39-40

⁵⁵ Virun, 'Letter to Deputy of the Supreme Soviet of the USSR', *Ferment in the Ukraine*, p.48

⁵⁶ Maksym Sahaydak, 'Partial Cooperation and Astute Democracy', *The Ethnocide of Ukrainians in the USSR*, (trans.) Olena Saciuk & Bohdan Yasen, (Baltimore: Smoloskyp, 1981), p.21

today,” Dzyuba stated. “The ‘nationalists’ who are now under arrest were also far removed from it.”⁵⁷ Lukyanenko, in a letter to the Councillor of Jurisprudence in the Soviet Union, noted “I knew nothing whatsoever about the OUN [Organisation of Ukrainian Nationalists]. [...] The entire nationalist struggle in the Western Ukraine was summed up in my mind by the concept of Bandera-ism.”⁵⁸ That Lukyanenko equated nationalism with ‘Bandera-ism’ is telling. That term relates to Ukrainian nationalist agitator and Nazi collaborator Stepan Bandera who, following the German invasion of the Soviet Union in 1941, declared an independent Ukraine. Dissidents’ summary rejection of this paradigm suggests they did not view self-determination through the lens of total secessionism. When secession was proposed, it was to be predominantly cultural, with an independent Ukraine to exist within the socialist sphere, but not as a member of the USSR. Marxist-Leninist conceptions of the state and nation, therefore, were influential in dissident understandings of the right of self-determination in Soviet Ukraine. This is demonstrated in their sustained commitment to the socialist ideal, and a rejection of political secessionism in favour of increased cultural autonomy.

The Historical Context: ‘National Communism’ as a Paradigm for Dissent

Soviet Ukrainian demands for self-determination were characterised by a demand for Ukrainisation, that is, the implementation of ‘national communism’ along Lenin’s theoretical grounds for self-determination in the context of proletarian (inter)nationalism.⁵⁹ ‘National communism’ had been implemented in the Ukrainian SSR in the decade immediately following the revolutionary period, and constituted the Leninist norms to which dissidents advocated a return. The unique experience of a distinct, Ukrainian communism was considered by dissidents to be the practical expression of their socialist right of self-determination, and consequently was a direct influence on their understandings of that right.

National communism constituted the practical expression of Leninist self-determination. To better understand this phenomenon, however, it is necessary to provide some historical context. Ukraine first experienced independence in the modern era only after the Russian Revolution. The collapse of a central authority in Petrograd led to the creation of a series of governments, reflecting a spectrum of political views, on the territory of the future Ukrainian SSR. The most successful of these, the *Tsentral’na Rada* (Central Council*), considered national independence (along socialist, but not Bolshevik, lines) as its primary political goal. This revolutionary parliament issued a series of proclamations over its brief lifetime, declaring Ukraine’s political and religious independence from Russia—first in the context of federalism but, following the October Revolution in Petrograd, culminating in Ukraine’s complete separation from the former

⁵⁷ Dzyuba, *Internationalism, or Russification?* p.56

⁵⁸ Lukyanenko, Letter to the Procurator-General of the USSR, Councillor of Jurisprudence, *Ferment in the Ukraine*, p.35

⁵⁹ Zisserman-Brodsky, *Constructing Ethnopolitics in the Soviet Union*, p.113

* Or ‘Central Soviet’. The Ukrainian word Rada (рада) is synonymous with Russian word ‘soviet’ (совет); both translate simply to ‘council’. Thus the Ukrainian Soviet Socialist Republic was known in Ukrainian as the ‘Ukrayins’ka Radyans’ka Sotsialistychna Respublika’ (Українська Радянська Соціалістична Республіка)

empire.⁶⁰ The Rada would eventually collapse to Bolshevism, and the Ukrainian SSR—one of the founding republics of the union—was established, with its capital in the central Ukrainian city of Kharkiv. Ukrainian Bolshevism, in the words of Arthur Adams, “was bred from an arrogant Marxist Russian father and a patriotic Ukrainian mother.”⁶¹ Lenin was convinced that, for the success of the revolution in Ukraine, communism needed a Ukrainian face. The Bolshevik centre in Moscow, at the Twelfth Party Congress, supported indigenisation in the hope that official encouragement of national-cultural life would promote unity and be greeted with gratitude.⁶² This support was cultural, rather than political. Promoters of the new face of Russian domination in Ukraine sought to learn the local language and establish cultural institutions (albeit, along the lines of Socialist Realism) in order to foster the cultural independence of a Ukrainian Republic. Ukrainian was to be the language of Party, state and union activities, and this policy was to be implemented by January, 1926.⁶³ The four aims of the Leninist norm of national communism were identified by Dzyuba as being: (1) the creation of a Soviet state sympathetic to the national life of its people; (2) the development of an administration, economy and government comprised of the local population and using the local language; (3) the fostering of a national culture; and (4) the reform of the education system.⁶⁴ The Stalinist period, characterised by an expression of ‘Great Russian’ chauvinism and the collectivisation of the peasantry, spelled an end to Ukrainization. The clock was wound back: Ukrainian historical and literary works were banned, and the Russian language again attained the same prominence in Kyiv as it had under the Tsars.⁶⁵

National Agitation as ‘National Communism’

It is fair to argue, as has James E. Mace, that the practice of ‘national communism’ in Ukraine was intended by the Bolsheviks as a short-term solution to a Ukrainian nationalism charged with its first taste of independence. Dissidents, however, considered the policies of Lenin and his successors in Soviet Ukraine to be a legitimate exercise of socialist self-determination.⁶⁶ From an economic and national perspective, Moscow considered the retention of Ukraine in the Soviet Union necessary for the success of the revolution. ‘National communism’ provided a marginal degree of cultural autonomy at the expense of political independence; nonetheless, Ukrainian dissenters were true believers in this revoked policy.⁶⁷ To appropriate Marx’s phrasing, the spectre of national communism haunted the dissident opposition in Ukraine, providing

⁶⁰ ‘Tretii Universal Ukrainskoi Narodnoi Respubliki’, *Voennaia Istoriiia Grazhdanskoi Voiny v Rossii, 1918-1920 godov*, Kakurin, N., Kovtun, N., Cukhov, V., (eds.), (Moscow: Evrolets, 2004), pp.285f.,

⁶¹ Arthur Adams, ‘Bolshevik Administration in the Ukraine, 1918’, *The Review of Politics*, Vol. 20, No. 3 (1958), p.290

⁶² Jurij Borys, *The Sovietization of Ukraine: 1917-1923: The Communist Doctrine and Practice of National Self-Determination*, (Edmonton: Canadian Institute of Ukrainian Studies, 1980), p.256; James E. Mace, *Communism and the Dilemmas of National Liberation: National Communism in Soviet Ukraine, 1918-1933*, (Harvard: Harvard University Press, 1983), p.87

⁶³ Mace, *Communism and the Dilemmas of National Liberation*, p.96

⁶⁴ Dzyuba, *Internationalism, or Russification?* p.127

⁶⁵ Mace, *Communism and the Dilemmas of National Liberation*, p.302

⁶⁶ Mace, *Communism and the Dilemmas of National Liberation*, p.2

⁶⁷ Borys, *The Sovietization of Ukraine*, p.4

a convenient paradigm through which the movement could voice its nationally conscious demands. “It is not so secret that during recent years a growing number of people in Ukraine [...] have been coming to the conclusion that there is something amiss with the nationalities policy in Ukraine,” wrote Dzyuba in the preface to *Internationalism, or Russification?* “The actual national and political position of Ukraine does not correspond to its formal constitutional position as a state [and this results] from the perpetual, flagrant violations of Marxism-Leninism on the nationalities question, and the abandonment of scientific principles in communist national construction.”⁶⁸ Dzyuba particularly highlighted Soviet reforms in the realm of education and administration as being part of an official policy of Russification, displacing the role of Ukrainian in the cultural life of the nation. Dzyuba lamented that the four objectives of Lenin’s national communism had never been accomplished.⁶⁹ Echoing this, Lukyanenko argued that the Soviet nationalities policy in practice was worse than the colonising efforts of the Romanovs, because “[when] the chauvinists try to carry out similar policies today, they act against the laws of the Soviet state, against Marxist-Leninist ideology, against the anti-colonial spirit of the present age.”⁷⁰

Conclusions

The CSCE Helsinki Final Act was immeasurably influential on dissident understandings of human rights in socialist Central-Eastern Europe. Monitoring groups appeared from Belgrade to Moscow, Warsaw to Kyiv, and Vilnius to Tbilisi, existing to report breaches of, and promote compliance with, the Act. While undoubtedly influential, the Helsinki Accords should not, however, be viewed as the sole paradigm for dissent in developed socialism. Using Soviet Ukraine as a case study, this paper has challenged the so-called ‘Helsinki Effect’. This has been achieved through three means. Firstly, the emergence of a Ukrainian Helsinki Group was contextualised in the broader spectrum of Soviet dissent, with particular emphasis on tactics and conceptualisations. Soviet Ukrainian rights-agitators utilised similar techniques as previous generations of dissidents, transferring demands for state compliance with state law to Moscow’s treaty obligations. Secondly, I have reconfirmed a notion of socialist rights existing under developed socialism. In particular, Soviet law acted as the provider and protector of rights; dissidents firmly believed in socialist legality, and framed their criticisms of the Soviet system around state non-compliance. Finally, I have traced the ideological and historical lineage of Soviet Ukrainian dissidents’ conceptualisations of the right of self-determination. Marxist-Leninist internationalism, not Western liberalism, provided the foundation stone for Soviet Ukrainian conceptions of a future, independent Ukraine. Similarly, an abandonment of the Leninist principle of ‘national communism’ under Stalin would later serve as the paradigm through which dissidents like Ivan Dzyuba—and, importantly, future Ukrainian Helsinki Group-founders Levko Lukyanenko and Ivan Kandyba—voiced their concerns.

⁶⁸ Dzyuba, *Internationalism, or Russification?* p.5

⁶⁹ Dzyuba, *Internationalism, or Russification?* p.127

⁷⁰ Lukyanenko, ‘Letter to the Presidium of the Supreme Soviet of the Ukrainian SSR’, *Ferment in the Ukraine*, p.90

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