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## 7. Marx, Engels, Lenin, and the right of peoples to self-determination in international law

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### INTRODUCTION

The right of peoples to self-determination is a continuing scandal at the heart of post-Second World War international law. Prior to the Second World War, collective self-determination was a revolutionary principle deployed by Marx, Engels and Lenin, and was enshrined as such in the first constitutions of Soviet Russia and the Soviet Union.<sup>1</sup> With the establishment of the United Nations in 1945, self-determination found expression in that organisation's founding constitutional instrument, the UN Charter including among its four 'purposes' a provision that spoke of the need '[t]o develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace'.<sup>2</sup> In 1945 self-determination was therefore a 'principle', but not a 'right' under international law. Nevertheless, as a result of the hard-fought 'battle for international law' in the context of decolonisation,<sup>3</sup> the legal right of peoples to self-determination was enshrined in the two 1966 human rights covenants, both of which are legally binding multilateral treaties ratified by most of the 193 current members of the United Nations.<sup>4</sup> As a result, self-determination was controversially confirmed as a human right, at the foundations of both civil and political rights, going back to the 1789 *Déclaration des droits de l'homme et du citoyen*, and to social, economic, and cultural rights, first grudgingly conceded by Western capitalist states in 1919 with the creation of the International Labour Organisation in response to the Russian Revolution.<sup>5</sup> Indeed, the right to self-determination is not simply enshrined in binding treaty law; it enjoys an even higher status, being understood by most international lawyers as a norm of customary international law, binding on all states. It is also understood as an *erga omnes* obligation—an obligation owed by states to the international community as a whole, intended to protect and promote the basic values and common interests of all.

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<sup>1</sup> Bill Bowring, 'The First Soviet Constitutions, Self-Determination and the Rights to Secession' (2019) *SCRSS Digest*, 8–10, [http://www.scrss.org.uk/Documents/SCRSSDigest\\_Autumn2019\\_Supplement.pdf](http://www.scrss.org.uk/Documents/SCRSSDigest_Autumn2019_Supplement.pdf) accessed 7 April 2021.

<sup>2</sup> Art 1(2), Charter of the United Nations, 24 October 1945, 1 UNTS xvi.

<sup>3</sup> Bill Bowring 'The Soviets and the Right to Self-Determination of the Colonized: Contradictions of Soviet Diplomacy and Foreign Policy in the Era of Decolonization' in Jochen von Bernstorff and Philipp Dann (eds), *The Battle for International Law: South-North Perspectives on the Decolonization Era* (OUP 2019) 404.

<sup>4</sup> International Covenant on Economic, Social and Cultural Rights [ICESCR] 993 UNTS 3, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx> accessed 7 April 2021; International Covenant on Civil and Political Rights [ICCPR] 999 UNTS 171, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> accessed 7 April 2021.

<sup>5</sup> The ILO's structure is tripartite, involving states, employers, and trade unions.

In my 2008 book, *The Degradation of the International Legal Order?*,<sup>6</sup> I wrote that:

[t]he Bolshevik and then Soviet doctrine of the right of nations to self-determination had its origin in the uncompromising pre-World War I struggle between Lenin, Stalin and Trotsky (and orthodox Marxists with Karl Kautsky at their head) on the one side, and the Austro-Marxist theorists such as Karl Renner and Otto Bauer on the other.<sup>7</sup>

The ‘right of nations to self-determination’ was a key element of Lenin’s policy from 1914 onwards. In fact, the right of ‘nations’ (a term that is now often replaced by ‘peoples’) to self-determination has a long history, and was an important matter of principle for Marx and Engels.

This chapter proceeds in three parts. First, I begin by considering recent orthodox accounts of self-determination in international law, which generally seek to downplay the importance and content of the right of peoples to self-determination. I pay particularly close attention to the role of Marx and Lenin—and also, paradoxically, the Soviet Union—in propagating the concept of self-determination and related political programmes. I also pay close attention to the success of the Soviet Union and other ‘socialist’ states in making self-determination a core element of international law after the Second World War. Second, I turn to the mid-life conversion of Marx and Engels to support national self-determination in the cases of Poland and Ireland, and the vexed question of whether this simply amounted to a rehearsal of the Hegelian (and Eurocentric) theory of historical and non-historical nations. Engels inherited the concept of non-historical peoples from Hegel, who had identified nationhood with a tradition of statehood.<sup>8</sup> Third, I examine Lenin’s principled support of the right of nations to self-determination, his return to Marx’s position, and his decisive role in placing the right at the centre of early Soviet policy and constitutionalism. Finally, I trace the role of the Soviet Union in helping to bring about a revolution in international law, and at the same time securing its own downfall.<sup>9</sup>

## SELF-DETERMINATION AND INTERNATIONAL STRUGGLE, 2004 AND 2019

The right to collective self-determination was recently—and clearly—reaffirmed by the International Court of Justice (ICJ) in two advisory opinions, dealing with two exemplary instances of the anti-imperialist struggle, itself an aspect of the class struggle. These two opinions were delivered in 2004 (on the question of Israel’s construction of its West Bank wall,

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<sup>6</sup> Bill Bowring, *The Degradation of the International Legal Order? The Rehabilitation of Law and the Possibility of Politics* (Routledge-Cavendish 2008).

<sup>7</sup> Bowring, *Degradation*, 13.

<sup>8</sup> ‘A nation with no state formation has, strictly speaking, no history—like the nations which existed before the rise of states and others with still exist in a condition of savagery’. GWF Hegel, *Hegel’s Philosophy of Mind: Part Three of the Encyclopaedia of the Philosophical Sciences* (first published 1817, William Wallace and AV Miller tr, Clarendon Press 1971) para 549.

<sup>9</sup> For Putin’s denunciation of Lenin’s policy, and his blaming Lenin for the destruction of the Russian Empire and the collapse of the Soviet Union, see Bowring ‘First Soviet Constitutions’.

which runs through occupied Palestinian territories)<sup>10</sup> and in 2019 (on the United Kingdom's violation of the Chagos Islanders' right to self-determination.<sup>11</sup>

In its 2004 advisory opinion on the West Bank wall, the ICJ recalled<sup>12</sup> that common article 1 of the ICESCR and ICCPR 'reaffirms the right of all peoples to self-determination', and lays upon all states parties to these instruments the obligation to promote the realisation of that right and to respect it, in conformity with the UN Charter. The ICJ held that Israel had violated the right to self-determination of the Palestinian people by constructing a wall, which it termed a 'separation barrier', through occupied Palestinian territories.

In its more recent advisory opinion on 'the legal consequences of the separation of the Chagos Archipelago from Mauritius by the United Kingdom in 1965', the ICJ held that 'the nature and scope of the right to self-determination of peoples, including respect for "the national unity and territorial integrity of a State or country"', were reiterated in the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations' which 'confirmed its normative character under customary international law'.<sup>13</sup> Further, the ICJ stated that 'since respect for the right to self-determination is an obligation *erga omnes*, all States have a legal interest in protecting that right'.<sup>14</sup> The ICJ held that the United Kingdom violated this right when it separated the Chagos Islands from Mauritius prior to the latter's independence in March 1968. On 8 November 1965, the islands were formally established as part of an overseas territory of the United Kingdom—that is, a new British colony—to be known as the 'British Indian Ocean Territory'. In 1971 the United Kingdom and the United States concluding a treaty to lease the island of Diego Garcia, the largest of the Chagos Islands, to the United States, so that the latter might build an air and naval base on the island. The inhabitants of the Chagos Islands were subsequently exiled in secret to Mauritius, where they became chronically impoverished.<sup>15</sup> The ICJ concluded that 'the United Kingdom has an obligation to bring to an end its administration of the Chagos archipelago as rapidly as possible, and that all Member States must co-operate with the United Nations to complete the decolonization of Mauritius'.<sup>16</sup>

On 22 May 2019 the UN General Assembly adopted a resolution welcoming the ICJ's advisory opinion on the legal consequences of the Chagos Archipelago's separation from Mauritius, and also demanding that the United Kingdom unconditionally withdraw its colonial administration from the area within six months.<sup>17</sup> The vote was 116 in favour of the resolution to six against, with 56 abstentions.<sup>18</sup> The right of peoples to self-determination continues, it

<sup>10</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion [2004] ICJ Reports 136, <https://www.icj-cij.org/en/case/131/advisory-opinions> accessed 7 April 2021.

<sup>11</sup> Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion [2019] ICJ Reports 95, <https://www.icj-cij.org/en/case/169/advisory-opinions> accessed 7 April 2021.

<sup>12</sup> ICJ, Wall Advisory Opinion, para 88.

<sup>13</sup> ICJ, Chagos Advisory Opinion, para 155.

<sup>14</sup> ICJ, Chagos Advisory Opinion, para 180.

<sup>15</sup> Stephen Allen, *The Chagos Islanders and International Law* (Hart 2014).

<sup>16</sup> ICJ, Chagos Advisory Opinion, para 182.

<sup>17</sup> UNGA Resolution 73/295 (22 May 2019). For a summary of statements see <https://www.un.org/press/en/2019/ga12146.doc.htm> accessed 7 April 2021.

<sup>18</sup> Samuel Osborne, 'Chagos Islands: UN Officially Demands Britain and US Withdraw From Indian Ocean Archipelago' *The Independent* (22 May 2019), <https://www.independent.co.uk/news/>

would seem, to retain its importance—indeed, its revolutionary anti-colonial power—today. It is unlikely that the United Kingdom will acquiesce in the General Assembly’s demand, or that the United States will be made to leave Diego Garcia. It is now known that the island has played a central role in the United States policies of torture and rendition to Guantánamo Bay,<sup>19</sup> in which the United Kingdom has colluded.<sup>20</sup>

Umut Özsu contends that the development of international human rights law since 1945 should not be explained either as ‘an incremental unfolding of some inexorable logic’ or as a hierarchy of norms, but rather as ‘an outgrowth of a series of wide-ranging struggles over which social claims and relations were to receive legal sanction’.<sup>21</sup> I argue more concretely that the right of peoples to self-determination is a hotly contested irruption of politics into law, with its roots in the nineteenth century—and that while it is uncontestedly a legal right in international law, both as enshrined in treaties and as customary international law, it is by no means accepted as such. Self-determination struggles continue to rage throughout the world, for example in the ongoing cases of the Basque, Irish, Kurdish and Palestinian peoples.<sup>22</sup> I contend that the claim to a right of peoples to self-determination had its origins entirely outside any discussion of international law. Marx, Engels, and Lenin had no interest whatsoever in international law, and what was for a long period a political slogan or demand only acquired legal status in the context of struggles for decolonisation and the break-up of colonial empires. And in the context of the United Nations.

## DOWNGRADING SELF-DETERMINATION?

Although the Soviet Union, paradoxically and hypocritically, was instrumental in transforming the principle of self-determination into a legal right, a central norm of international law, most orthodox texts on international law portray the Soviet approach to the right to self-determination as merely hypocritical and contradictory.

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world/americas/chagos-islands-uk-un-resolution-general-assembly-vote-indian-ocean-a8924656.html accessed 7 April 2021.

<sup>19</sup> Cori Crider, ‘7 Things You Should Know About Diego Garcia and Renditions’ *The Guardian* (11 July 2014), <https://www.theguardian.com/commentisfree/2014/jul/11/7-things-diego-garcia-rendition-flights-documentation-water-damage> accessed 7 April 2021. Crider heads the abuses-in-counterterrorism team at Reprieve, where she serves as Guantánamo attorney, legal director, and strategic director.

<sup>20</sup> James Hanning, ‘British Government Suppressing Key Documents on Allegations of UK Collusion in Torture and Rendition. Files Reveal Tony Blair and Jack Straw Discussed Treatment of British Detainees in Guantanamo with US Officials’ *The Independent* (5 March 2016), <https://www.independent.co.uk/news/uk/politics/british-government-suppressing-key-documents-on-allegations-of-uk-collusion-in-torture-and-rendition-a6914666.html> accessed 7 April 2021.

<sup>21</sup> Umut Özsu, ‘The Necessity of Contingency: Method and Marxism in International Law’ in Ingo Venzke and Kevin Jon Heller (eds) *Contingency in International Law: On the Possibility of Different Legal Histories* (OUP 2021) 60.

<sup>22</sup> See ‘The Right to Self-Determination’ (2009) 53 *Socialist Lawyer* 18–29, <https://www.haldane.org/s/SocialistLawyer53.pdf> accessed 7 April 2021. The symposium contains Bill Bowring ‘Self-Determination’, 18–20; Tim Potter, ‘Basques: Battle for Identity Endures Struggle’, 20–22; Sean Oliver, ‘Irish: “United Ireland” is Back on the Agenda’, 22–23; Alex Fitch, ‘Kurds: A Marginalised and Criminalised People’, 24–25; Annie Rosa Beasant, ‘Palestinians: Resisting Israel’s Illegal Occupation’, 26–28.

The entry for ‘self-determination’ in the *Max Planck Encyclopedia of International Law*, for example, maintains that, according to Soviet doctrine, self-determination existed ‘only for cases where it served the cause of class struggle and so-called socialist justice; it was only a tactical means to serve the aims of world communism and not an end in itself’.<sup>23</sup> Stefan Oeter passes a similar judgment in a well-known commentary on the UN Charter, characterising Lenin’s insistence on the right of ‘nations’ to self-determination as nothing more than a ‘political weapon’, whereas Woodrow Wilson, with his ‘Fourteen Points’ on the reorganisation of Europe after the First World War, is presented as the political actor who enabled self-determination to make its way from politics to international law.<sup>24</sup> In a similar vein, Lauri Mälksoo, an Estonian scholar of international law, has suggested that it is ‘misleading to pick and choose certain pro self-determination moves by the Bolsheviks in 1917 and 1920, and then conclude that the Soviets advanced this right in international law’.<sup>25</sup>

In order to get a broader sense of the way in which the role of socialist states in shaping the international law of self-determination, it is useful to consider two recent books that engage closely with self-determination: Jörg Fisch’s *The Right of Self-Determination of Peoples: The Domestication of an Illusion*,<sup>26</sup> and Fernando Tesón’s edited volume, *The Theory of Self-Determination*.<sup>27</sup> Both books recognise the significance of the contradictory role played by the Soviet Union in decolonisation.

Fisch’s book starts by recognising Lenin’s contribution: ‘Lenin’s position on the right to self-determination was already clear in 1914, while Wilson probably did not even know of the expression “right of self-determination of peoples” in 1914’, Fisch suggests controversially, adding that because the Second World War was a ‘traditional power struggle’ the right to self-determination might have disappeared ‘definitively’.<sup>28</sup> However, the victorious powers were unable to keep their colonies in check, and in the summer of 1945, when the Soviet Union introduced the ‘principle of self-determination’ into the UN Charter,<sup>29</sup> ‘[t]his secured the Soviet Union the approval of the colonial regions’.<sup>30</sup> Fisch adds that ‘the Soviet bloc and the Third World took over the substance of the concept that had been created in the Americas between 1776 and 1865, but had not yet been designated as self-determination’.<sup>31</sup> According to Fisch, the Third World, supported by the Soviet Union and its allies, succeeded after 1945 in ‘monopolising the discourse of self-determination and the right to self-determination for

<sup>23</sup> Daniel Thürer and Thomas Burri, ‘Self-Determination’ in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (online edn), MN 3, <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e873> accessed 7 April 2021.

<sup>24</sup> Stefan Oeter, ‘Self-Determination’, in Bruno Simma et al. (eds), *The Charter of the United Nations: A Commentary*, vol 1 (3rd edn OUP 2012), MN 5. On Wilson’s see e.g., Michla Pomerance, ‘The United States and Self-determination: Perspectives on the Wilsonian Concept’ (1976) 70 *American Journal of International Law* 1, 16–20; Anthony Whelan, ‘Wilsonian Self-determination and Versailles Settlement’ (1994) 43 *International and Comparative Law Quarterly* 99.

<sup>25</sup> Lauri Mälksoo, ‘The Soviet Approach to the Right of Peoples to Self-determination: Russia’s Farewell to *jus publicum europaeum*’ (2017) 19 *Journal of the History of International Law* 200, 214.

<sup>26</sup> Jörg Fisch, *The Right of Self-Determination of Peoples: The Domestication of an Illusion* (Anita Mage tr, CUP 2015).

<sup>27</sup> Fernando R Tesón (ed), *The Theory of Self-Determination* (CUP 2016).

<sup>28</sup> Fisch, *Right of Self-Determination of Peoples*, 121, 190.

<sup>29</sup> UN Charter, arts 1, 55.

<sup>30</sup> Fisch, *Right of Self-Determination of Peoples*, 191.

<sup>31</sup> Fisch, *Right of Self-Determination of Peoples*, 191.

itself'.<sup>32</sup> He concludes that 'Lenin's venture in 1917–18 was a resounding success', and that 'Wilson became a prophet of the right to self-determination, but not of his own concept of it, but rather Lenin's'.<sup>33</sup>

Tesón's collection, by contrast, has very little to say about the decolonisation period, save only for a chapter authored by Patrick Macklem.<sup>34</sup> Unlike Fisch, Macklem seems determined to ensure that the Soviet Union should disappear from the history of common article 1 of the two 1966 human rights covenants. Thus, he begins by informing his reader that it was Arab, Asian, and Latin American delegations that began to press for recognition of a legal right to self-determination during the 1950s, much to the alarm of 'European officials', who saw this as a pretext for attacks on colonial powers.<sup>35</sup> Lenin and the Soviet Union make no appearance in Macklem's account of the emergence of the concept, as a discourse justifying the liberation of eastern European peoples.<sup>36</sup> He asserts that '[a]fter a decade of efforts by the African, Arab, Asian and Latin American delegations to attempt to persuade numerous UN bodies to recognise self-determination as a human right', the General Assembly adopted Resolution 1514 (XV).<sup>37</sup> And he further adds that '[t]he elevation of self-determination to the status of a human right was a spectacular political achievement by the Arab, Asian, and Latin American delegations' at the United Nations.<sup>38</sup>

It is worth comparing these recent additions to the literature on decolonisation with Antonio Cassese's magisterial 1995 book on the topic, *Self-Determination of Peoples: A Legal Reappraisal*.<sup>39</sup> Cassese was clear that 'Lenin was the first to insist, to the international community, that the right of self-determination be established as a general criterion for the liberation of peoples'.<sup>40</sup> He engages in detail with the positions of Lenin and Wilson, Lenin's call for the immediate liberation of those living under colonial rule, and Wilson's championing of 'orderly liberal reformism'.<sup>41</sup> Cassese's claim that it was the Soviet Union that insisted on the proclamation of the right to self-determination in the text of the UN Charter is supported by several sources and discussed in detail.<sup>42</sup> Cassese gives the 1955 Bandung Conference its proper place as an important contributor to a legal right to self-determination. But he maintains that the socialist countries were the most active advocates of anti-colonial self-determination, and 'adopted and developed Lenin's thesis that self-determination should first and foremost be a postulate of anti-colonialism'.<sup>43</sup> Further, it was the Soviet Union, he argues, that 'strongly advocated the need for both Covenants formally to enshrine the right of peoples to self-determination, which, in the Soviet view, was a precondition for the respect

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<sup>32</sup> Fisch, *Right of Self-Determination of Peoples*, 218.

<sup>33</sup> Fisch, *Right of Self-Determination of Peoples*, 240.

<sup>34</sup> Patrick Macklem, 'Self-Determination in Three Movements' in Fernando R Tesón (ed), *The Theory of Self-Determination* (CUP 2016) 94.

<sup>35</sup> Macklem, 'Self-Determination', 94.

<sup>36</sup> Macklem, 'Self-Determination', 97.

<sup>37</sup> Macklem, 'Self-Determination', 99.

<sup>38</sup> Macklem, 'Self-Determination', 100.

<sup>39</sup> Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (2nd edn, CUP 1995).

<sup>40</sup> Cassese, *Self-Determination of Peoples*, 14.

<sup>41</sup> Cassese, *Self-Determination of Peoples*, 14–23, with Wilson quoted at 21, n 30.

<sup>42</sup> Cassese, *Self-Determination of Peoples*, 38.

<sup>43</sup> Cassese, *Self-Determination of Peoples*, 44.

of individual rights'.<sup>44</sup> Self-determination, for Cassese, is an 'international political postulate' with a revolutionary content.<sup>45</sup>

## MARX ON SELF-DETERMINATION

Marx himself used the phrase 'self-determination', of peoples or nations, on at least three occasions. First, in his 1843 'Contribution to the Critique of Hegel's Philosophy of Right', Marx wrote that '[i]n democracy the constitution, the law, the state, insofar as it is political constitution, is only the self-determination of the people, and a particular content of the people'.<sup>46</sup> Marx's phrase 'self-determination of the people', in the context of democratic struggles, is significant in relation to positions he would adopt later in life. It was immediately after this passage that Marx added his famous statement about democracy:

Democracy is the solved *riddle* of all constitutions.<sup>47</sup> Here, not merely *implicitly* and in essence but *existing* in reality, the constitution is constantly brought back to its actual basis, the *actual human being*, the *actual people*, and established as the people's *own* work. The constitution appears as what it is, a free product of man.<sup>48</sup>

Marx's use of 'self-determination of nations' in a more directly political, and less theoretical, sense may be seen least as early as 1865. In his letter of 20 November 1865, Marx referred, under the heading 'International Politics', to '[t]he need to eliminate Muscovite influence in Europe by applying the right of self-determination of nations, and the re-establishment of Poland upon a democratic and social basis'.<sup>49</sup> Additionally, on 22 February 1866, the Belgian newspaper *L'Echo de Verviers* published a letter Marx had helped to write, containing the following language: 'The Central Council ... has founded three newspapers in Switzerland[,] ... one in Britain, *The Workman's Advocate*, the only English newspaper which, proceeding from the right of the peoples to self-determination, recognises that the Irish have the right to throw off the English yoke'.<sup>50</sup>

The cause of Poland, subject to three partitions by Russia, Austria, and Prussia during the course of the eighteenth century (in 1772, 1793, and 1795 respectively), and complete elimination in the final partition, engaged Marx's particular enthusiasm. Marx was a passionate enemy of the Russian Empire, the 'gendarme of Europe', as the following passage from 1856–57 shows: 'It is in the terrible and abject school of Mongolian slavery that Muscovy was nursed and grew up. It gathered strength only by becoming a *virtuoso* in the craft of serfdom.

<sup>44</sup> Cassese, *Self-Determination of Peoples*, 47.

<sup>45</sup> This is the title of ch 2 of Cassese, *Self-Determination of Peoples*.

<sup>46</sup> Karl Marx, 'Contribution to the Critique of Hegel's Philosophy of Law' [1843] in Karl Marx and Frederick Engels, *Collected Works*, vol 3 (Lawrence & Wishart 1975) 3, 31.

<sup>47</sup> Susan Marks drew upon this passage for the title of her *The Riddle of All Constitutions: International Law, Democracy, and the Critique of Ideology* (CUP 2000).

<sup>48</sup> Marx, 'Contribution', 29 (original emphasis).

<sup>49</sup> Karl Marx, 'Marx To Hermann Jung in London, 20 November 1865' in Karl Marx and Frederick Engels, *Collected Works*, vol 42 (Lawrence & Wishart 1987) 200.

<sup>50</sup> H Jung, 'To the Editor of *L'Echo de Verviers*' [1866] in Karl Marx and Frederick Engels, *Collected Works*, vol 20 (Lawrence & Wishart 1985) 392, 399.

Even when emancipated, Muscovy continued to perform its traditional part of the slave as master.<sup>51</sup>

Furthermore, in a speech on Poland delivered on 22 January 1863, Marx once again referred to self-determination in strong terms:

What are the reasons for this special interest of the Working Men's Party in the fate of Poland? First of all, of course, sympathy for a subjugated people which, by continuous heroic struggle against its oppressors, has proven its historic right to national independence and self-determination. It is by no means a contradiction that the *international* Working Men's Party should strive for the restoration of the Polish nation.<sup>52</sup>

Needless to say, Poland was not the only nation for the liberation of which Marx became a strong advocate. Ireland was another.

Marx underwent a dramatic change of mind (not the only occasion on which he did so) concerning Ireland, in 1867. As Lenin made a point of noting, prior to the 1860s Marx thought that Ireland 'would not be liberated by the national movement of the oppressed nation, but by the working-class movement of the oppressor nation'. 'However', he noted, 'it so happened that the English working class fell under the influence of the liberals for a fairly long time, became an appendage to the liberals, and by adopting a liberal-labour policy left itself leaderless. The bourgeois liberation movement in Ireland grew stronger and assumed revolutionary forms. Marx reconsidered his view and corrected it.'<sup>53</sup> Lenin cited a letter from Marx to Engels of 2 November 1867,<sup>54</sup> in which Marx wrote as follows:

The Fenian trial in Manchester was exactly as was to be expected. You will have seen what a scandal 'our people' have caused in the Reform League. I sought by every means at my disposal to incite the English workers to demonstrate in favour of Fenianism .... I once believed the separation of Ireland from England to be impossible. I now regard it as inevitable, although Federation may follow upon separation.<sup>55</sup>

The trial in question was that of the 'Manchester martyrs': William Philip Allen, Michael Larkin, and Michael O'Brien, all members of the Irish Republican Brotherhood. These three were executed after having been found guilty of the murder of a police officer during an escape from prison that took place close to Manchester's city centre in 1867.<sup>56</sup> For his principled position on the matter, Marx would now be prosecuted for 'glorifying terrorism'.<sup>57</sup>

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<sup>51</sup> Karl Marx, 'Revelations of the Diplomatic History of the 18th Century' [1856] in Karl Marx and Frederick Engels, *Collected Works*, vol 15 (Lawrence & Wishart 1986) 25, 87 (original emphasis).

<sup>52</sup> Karl Marx and Frederick Engels, 'For Poland' [1875] in Karl Marx and Frederick Engels, *Collected Works*, vol 24 (Lawrence & Wishart 1989) 55, 57 (original emphasis).

<sup>53</sup> VI Lenin, 'The Right of Nations to Self-Determination' [1914] in VI Lenin, *Collected Works*, vol 20 (3rd edn, Progress Publishers 1977) 393, 440.

<sup>54</sup> Lenin, 'Right of Nations to Self-Determination', 440.

<sup>55</sup> Karl Marx 'Marx to Engels in Manchester, [London,] 2 November 1867' in Karl Marx and Frederick Engels, *Collected Works*, vol 42 (Lawrence & Wishart 1987) 458, 460.

<sup>56</sup> Owen McGee, *The IRB: The Irish Republican Brotherhood from the Land League to Sinn Féin* (Four Courts Press 2005) 36.

<sup>57</sup> Eric Barendt, 'Incitement to, and Glorification of, Terrorism' in Ivan Hare and James Weinstein (eds), *Extreme Speech and Democracy* (OUP 2009) 445, 445:

Jeremy Smith, writing on the ‘national question’,<sup>58</sup> notes that in 1848 Marx blamed the Irish for the chauvinism of British workers, viewing the English Chartist movement as the only force capable of liberating the Irish people. But the rise of the Fenian movement in the 1860s forced Marx to urge the English workers to support them, and to recognise that revolution in Ireland might even precede and encourage revolution in England. Marx and Engels’ new position was that all national liberation movements were by nature revolutionary and should therefore in every case be supported by communists. Nigel Harris also contends that the views of Marx and Engels changed ‘quite radically’. On his account, ‘[i]n 1848 Engels was completely insensitive to the complicated class issues of the Austrian Empire, subordinating all to the fate of Magyars, Poles, and Italians, and the need to stop Russia’; all other nations were ‘reduced to the non-historical, the rubbish of ages’, with ‘[a]ll Slavs except the Poles bec[om]ing “Panslavists”’. However, ‘for Marx and Engels the discovery of Ireland changed the motivation, not simply the strategic balance’.<sup>59</sup>

As to Marx’s radical change of position, Michael Heinrich has rightly argued that rather than a single, consistent oeuvre, or (as for Althusser) a simple break between a younger, more philosophical Marx and a later, properly scientific one focused on political economy, ‘we find in Marx a whole series of attempts, discontinuations, shifts, new concepts and new beginnings’.<sup>60</sup> Indeed, ‘there are no texts to be found that show directly or indirectly that he wanted to build any kind of -ism’.<sup>61</sup>

## THE DEBATE CONCERNING MARX AND THE ‘NATIONAL QUESTION’

At this point I have referred to the positions of Marx and Engels with respect to the right to self-determination of Ireland and Poland. In his 1991 *Marxism and Nationalism*,<sup>62</sup> Ephraim Nimni, the leading scholar of the Austro-Marxists Otto Bauer and Karl Renner and their approach to the question of non-territorial cultural autonomy, accuses Marx and Engels of ‘superficial discussions, apparent conceptual gaps, and great differences of interpretation from one historical context to another’.<sup>63</sup> This he ascribes to their adherence to Hegel’s theory, referred to above, of ‘historical versus non-historical nations’.<sup>64</sup> He attributes their support for Polish and Irish self-determination and their strong opposition to any such right for the

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The Terrorism Act 2006 introduced into UK law a new offence of encouragement of terrorism. Statements which are likely to be understood as a direct or indirect encouragement or other inducement to the commission of terrorist acts may be caught by the offence. One clause in the Act was particularly controversial: it provides that among the statements likely to be understood as indirectly encouraging an act of terrorism are those glorifying such acts, at least where members of the public would reasonably infer that they should emulate them.

<sup>58</sup> Jeremy Smith, *The Bolsheviks and the National Question 1917–1923* (Macmillan 1999) 9.

<sup>59</sup> Nigel Harris, *National Liberation* (Penguin 1990) 47.

<sup>60</sup> Michael Heinrich, ‘A Short History of Marx’s Economic Critique’ in Sara R Farris (ed), *Returns of Marxism: Marxist Theory in a Time of Crisis* (Haymarket 2016) 63.

<sup>61</sup> Heinrich, ‘A Short History’, 66.

<sup>62</sup> Ephraim Nimni, *Marxism and Nationalism: Theoretical Origins of a Political Crisis* (Pluto Press 1994).

<sup>63</sup> Nimni, *Marxism and Nationalism*, 17.

<sup>64</sup> Nimni, *Marxism and Nationalism*, 17.

Slavic peoples of the Balkans to their ‘rigid evolutionary model, epiphenomenal economism, and the Eurocentric approach which permeated their interpretations of the processes of social change’.<sup>65</sup>

Nimni accuses Marx and Engels of adhering to Hegel’s position in his *Philosophy of History*—a position according to which, as Nimni himself puts it, ‘peoples (“Völker”) who had been proven incapable of building a state will never be able to do so and are damned culturally to vanish in the stream of history’.<sup>66</sup> He cites the scathing remarks of Marx and Engels, often in their pre-1860s journalism, about Mexicans,<sup>67</sup> Scandinavians,<sup>68</sup> the Chinese (their ‘hereditary stupidity’),<sup>69</sup> and North African Bedouins<sup>70</sup> as only a few samples, arguing that ‘Marx and Engels were, to put it mildly, impatient with and intolerant of ethnic minorities’.<sup>71</sup>

Kevin Anderson notes Nimni’s use of the phrase ‘hereditary stupidity’ as an example of Marx’s ‘abusive language’ and ‘intense hostility’ to many non-Western ‘national communities’, but insists that Marx’s real target in this newspaper article about China was British imperialism and what he saw as its unconscionable opium trade.<sup>72</sup> He cites the editor of Marx’s journalism, James Ledbetter, to the effect that with the possible exception of human slavery, ‘no topic raised Marx’s ire as profoundly as the opium trade with China’.<sup>73</sup>

He acknowledges the troubling nature of Marx’s language about ‘hereditary stupidity’, but argues that Marx’s focus was ‘not Chinese backwardness, but a Chinese national awakening’.<sup>74</sup>

The African-American Marxist scholar August Nimtz has also addressed what he calls the ‘myth’ of Marx’s Eurocentrism.<sup>75</sup> Nimtz explains how, from 1870 onwards, Marx and Engels ceased to expect the rebirth of a revolutionary movement in England, following the demise of the Chartists. Instead, they turned to Russia as the revolutionary vanguard, despite the fact that Russia was an overwhelmingly peasant country that had only one foot in Europe, and not the Europe that the Eurocentric charge refers to, that is, Western Europe with its developed capitalist industry and world-wide colonies.<sup>76</sup> He recalls that in 1849 Marx and Engels insisted that only a world war could provide the Chartists with the opportunity for a successful upris-

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<sup>65</sup> Nimni, *Marxism and Nationalism*, 25.

<sup>66</sup> Nimni, *Marxism and Nationalism*, 28. Nimni does not give a reference to Hegel for this passage.

<sup>67</sup> Nimni, *Marxism and Nationalism*, 29.

<sup>68</sup> Nimni, *Marxism and Nationalism*, 29–30.

<sup>69</sup> Nimni, *Marxism and Nationalism*, 30. Marx’s remark concerning the Chinese appeared in a newspaper article published in 1853: Karl Marx, ‘Revolution in China and in Europe’ [1853] in Karl Marx and Frederick Engels, *Collected Works*, vol 12 (Lawrence & Wishart 1979) 93, 94.

<sup>70</sup> Nimni, *Marxism and Nationalism*, 30.

<sup>71</sup> Nimni, *Marxism and Nationalism*, 30.

<sup>72</sup> Kevin Anderson, *Marx at the Margins: On Nationalism, Ethnicity and Non-Western Societies* (University of Chicago Press 2016). Anderson ‘upholds a view of Marx as a multilinear, non-determinist thinker who over time became increasingly sensitive to the need for a variety of pathways of development and toward revolution for societies outside Western Europe and North America’ (xii). As to Marx’s condemnation of Sir John Bowring, the erstwhile radical and literary executor of Jeremy Bentham, and his role in perpetrating the Opium Wars, see Bill Bowring, ‘Did the States Which Founded the UN Have Liberal or Illiberal Governments?’ (2016) 15 *Baltic Yearbook of International Law* 31.

<sup>73</sup> James Ledbetter (ed), *Dispatches for the New York Tribune: Selected Journalism of Karl Marx* (Penguin 2007) 1.

<sup>74</sup> Anderson, *Marx at the Margins*, 31.

<sup>75</sup> August Nimtz, ‘The Eurocentric Marx and Engels and Other Related Myths’ in Crystal Bartolovich and Neil Lazarus (eds), *Marxism, Modernity and Postcolonial Studies* (CUP 2002) 65.

<sup>76</sup> Nimtz, ‘The Eurocentric Marx and Engels’, 66.

ing, and that any European war in which England was involved would be a world war, since world-wide colonies would be involved.<sup>77</sup>

Nimtz shows how Marx and Engels reversed their earlier position and gave support to religious-led Arab resistance to French imperialism in Algeria in 1857; expressed strong sympathy for the Sepoy Mutiny (uprising) against Britain in India in 1857–99; and by 1861 wrote, as the US Civil War loomed, that US expansion into Texas and what is now Arizona and New Mexico, brought with it slavery and the rule of the slaveholders.<sup>78</sup> At the same time, they were quite clear that the ‘booty of British imperialism’ had begun to corrupt and compromise the English proletariat.<sup>79</sup>

For his part, Pranav Jani focuses on Marx’s response to the 1857 revolt in British India, the so-called ‘Indian Mutiny’.<sup>80</sup> Jani maintains that ‘under the impact of the Revolt, Marx’s articles increasingly turned from an exclusive focus on the British Bourgeoisie to theorise the self-activity and struggle of the colonised Indians’.<sup>81</sup> He demonstrates that Marx’s historical-materialist methodology allowed him to move beyond his prejudices and weak formulations and develop a more complex understanding of the relation between coloniser and colonised, in much the same way that the Paris Commune forced him to reassess his theory of the state.<sup>82</sup> For Jani, Marx was thereby transformed from a ‘mere observer’ of the anti-colonial struggle into an active participant in the ideological struggle over the meaning of the revolt. This also enabled him to refute racist representations of Indian violence in the British press, ‘by drawing a sharp division between the violence of the oppressed and that of the oppressor and dialectically linking the two’.<sup>83</sup> Jani concludes that if Eurocentrism makes Western Europe the centre of the globe, then the Marx he presents is not Eurocentric.

## LENIN AND SELF-DETERMINATION

I return to the context in which Lenin engaged in his polemic against Rosa Luxemburg, and, as I noted above, explained the radical change in Marx’s position. It was in December 1913 that Lenin began to write on the question of the ‘right of nations to self-determination’. In a short polemic on the question of independence for Ukraine, he insisted on ‘*freedom* to secede, for the *right* to secede’, while conceding that ‘the *right* to self-determination is one thing, of course, and the *expediency* of self-determination, the secession of a given nation under given circumstances, is another’.<sup>84</sup> Later that month he again declared that ‘[a] democrat could not remain a democrat (let alone a proletarian democrat) without systematically advocating, precisely among the Great-Russian masses and in the Russian language, the “self-determination”

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<sup>77</sup> Marx 1849.

<sup>78</sup> Nimtz, ‘The Eurocentric Marx and Engels’, 68–69.

<sup>79</sup> Nimtz, ‘The Eurocentric Marx and Engels’, 71.

<sup>80</sup> Pranav Jani, ‘Karl Marx, Eurocentrism, and the 1857 Revolt in British India’ in Crystal Bartolovich and Neil Lazarus (eds), *Marxism, Modernity and Postcolonial Studies* (CUP 2002) 81.

<sup>81</sup> Jani, ‘Karl Marx’, 82.

<sup>82</sup> Jani, ‘Karl Marx’, 83.

<sup>83</sup> Jani, ‘Karl Marx’, 90–91.

<sup>84</sup> VI Lenin, ‘The Cadets and “The Right of Nations to Self-Determination”’ [1913] in VI Lenin, *Collected Works*, vol 19 (4th edn, Progress Publishers 1977) 525, 525 (original emphases).

of nations in the political and not in the “cultural” sense’.<sup>85</sup> The latter, he said, meant only freedom of languages.

In mid-1914 Lenin published ‘The Right of Nations to Self-Determination’, a substantial work on the question and a polemic against Luxemburg, who opposed the breakup of the tsarist empire and instead urged the creation of autonomies within the existing empires. In his first chapter, Lenin insisted that ‘it would be wrong to interpret the right to self-determination as meaning anything but the right to existence as a separate state’.<sup>86</sup> He further argued that ‘the national state is the rule and the “norm” of capitalism; the multi-national state represents backwardness, or is an exception. From the standpoint of national relations, the best conditions for the development of capitalism are undoubtedly provided by the national state’.<sup>87</sup> Lenin’s understanding of the historical significance of the demand is highly significant, and merits substantial citation here:

The epoch of bourgeois-democratic revolutions in Western, continental Europe embraces a fairly definite period, approximately between 1789 and 1871. This was precisely the period of national movements and the creation of national states. When this period drew to a close, Western Europe had been transformed into a settled system of bourgeois states, which, as a general rule, were nationally uniform states. Therefore, to seek the right to self-determination in the programmes of West-European socialists at this time of day is to betray one’s ignorance of the ABC of Marxism.

In Eastern Europe and Asia the period of bourgeois-democratic revolutions did not begin until 1905. The revolutions in Russia, Persia, Turkey and China, the Balkan wars—such is the chain of world events of *our* period in our ‘Orient’. And only a blind man could fail to see in this chain of events the awakening of a *whole series* of bourgeois-democratic national movements which strive to create nationally independent and nationally uniform states. It is precisely and solely because Russia and the neighbouring countries are passing through this period that we must have a clause in our programme on the right of nations to self-determination.<sup>88</sup>

Thus, Lenin’s conception of self-determination in 1914 was intended to apply not only to the Russian Empire, or the Austro-Hungarian Empire, but also to the colonial empires of European states. This was one of the key differences between him and Wilson, who contemplated self-determination mainly for the new central and eastern European states emerging from the ruins of those two empires, as well as the Ottoman Empire. Otto Bauer, Karl Renner, and the Jewish Bund all proposed forms of autonomy within the existing states.<sup>89</sup>

Lenin returned to this question in 1916, in the midst of the First World War and before the October Revolution, and summed up his thoughts on the question of self-determination, writing that autonomy might enable a nation, until then forcibly retained within an existing state such as Russia, to ‘crystallise into a nation’ entitled to self-determination and independence as a sovereign state.<sup>90</sup> He had in mind Norway’s declaration of sovereignty from

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<sup>85</sup> VI Lenin, ‘National-Liberalism and the Right of Nations to Self-Determination’ [1913] in VI Lenin, *Collected Works*, vol 20 (3rd edn, Progress Publishers 1977) 56, 57.

<sup>86</sup> Lenin, ‘Right of Nations to Self-Determination’, 397.

<sup>87</sup> Lenin, ‘Right of Nations to Self-Determination’, 400.

<sup>88</sup> Lenin, ‘Right of Nations to Self-Determination’, 405–6 (original emphases).

<sup>89</sup> See e.g., Roni Gechtman ‘A “Museum of Bad Taste”?: The Jewish Labour Bund and the Bolshevik Position regarding the National Question, 1903–14’ (2008) 43 *Canadian Journal of History* 31.

<sup>90</sup> VI Lenin, ‘The Discussion on Self-Determination Summed Up’ [1916] in VI Lenin, *Collected Works*, vol 22 (4th edn, Progress Publishers 1977) 320.

Denmark in 1814, and envisaged a declaration by a multi-ethnic Poland that it would no longer be ruled by the Russian tsar.

In May 1917 the issue of independence for Poland and Finland was again at the forefront of European political and diplomatic attention in a hotly contested debate within the Bolshevik Party. Lenin drafted a resolution on the ‘national question’.<sup>91</sup> His starting-point was clear: recognition of the right of all nations forming part of Russia freely to secede and form independent states. To deny them such a right, or to fail as a Russian government to take the necessary measures to guarantee the realisation of the right to secede in practice, would in effect be to support a policy of forcible seizure or annexation. For Lenin, opposed by a number of leading Bolsheviks including Nikolai Bukharin and Georgy Pyatkov, the right to self-determination was not a mere slogan but a policy to be put into practice with immediate effect within the former Russian Empire after the Bolshevik Revolution.

Igor Blishchenko, in his time one of the most authoritative Soviet scholars of international law,<sup>92</sup> wrote, in a text ironically published in 1968, the year the Soviet Union crushed the ‘Czech Spring’, that it was the ‘Decree on Peace’ of 26 October 1917, drafted by Lenin,<sup>93</sup> which for the first time explicitly extended the principle of the right to self-determination to all nations, thereby discarding the imperialist distinction between ‘civilised’ and ‘uncivilised’ nations.<sup>94</sup> In response to Western scholars who claimed that this decree was hypocritical, having no application to peoples within the Soviet Union and applicable only to Finland in the former tsarist empire, Blishchenko pointed to the 1924 Soviet constitution (which remained in force until Stalin’s 1936 constitution). Article 4 of that constitution enshrined the right of the Soviet Union’s constituent republics freely to leave the union, this being a point on which Lenin had insisted.<sup>95</sup> More importantly, Blishchenko underlined the degree to which the principle was indeed put into practice by Lenin during the early years of the Soviet Union. Poland, Finland, and the three Baltic countries, until then part of the Russian Empire, became independent sovereign states. Writing 30 years later in a collection published by the Russian human rights non-governmental organisation Memorial, after the Soviet Union collapse in 1991, Blishchenko argued that the early Soviet government was remarkably consistent in implementing self-determination.<sup>96</sup>

<sup>91</sup> VI Lenin, ‘Resolution on the National Question’ [1917] in VI Lenin, *Collected Works*, vol 24 (4th edn, Progress Publishers 1977) 302.

<sup>92</sup> Blishchenko’s best-known work, translated into English, is *International Humanitarian Law* (Progress Publishers 1987). I worked with Blishchenko for a number of years, in particular on the draft of the Rome Statute of the International Criminal Court. For a touching obituary by the International Committee of the Red Cross, see Jose Doria, Aslan Khuseinovich Abashidze, and Vassily Fyodorovich Poriouvaev, ‘Igor Pavlovich Blishchenko, 1930–2000’ (2001) 83 *International Review of the Red Cross* 885.

<sup>93</sup> VI Lenin, ‘Report on Peace, October 26 (November 8)’ [1917] in VI Lenin, *Collected Works*, vol 26 (Progress Publishers 1964) 249.

<sup>94</sup> IP Blishchenko, *Antisovetizm i mezhdunarodnoe pravo* [*Antisovietism and International Law*] (Mezhdunarodnye otnosheniia 1968) 69.

<sup>95</sup> The Russian-language text of the constitution is available at <http://constitution.garant.ru/history/ussr-rsfsr/1924/> accessed 7 April 2021. An abridged English-language translation is available at [http://pwerth.faculty.unlv.edu/Const-USSR-1924\(abridge\).pdf](http://pwerth.faculty.unlv.edu/Const-USSR-1924(abridge).pdf) accessed 7 April 2021.

<sup>96</sup> IP Blishchenko, ‘Soderzhaniye prava narodov na samoopredeleniye’ [The Content of the Right of Peoples to Self-determination] in AG Osipov (ed), *Pravo narodov na samoopredeleniye: ideya i voploshcheniye* [*Right of Peoples to Self-Determination: Idea and Realisation*] (Memorial 1997) 71. On national

According to Blishchenko, it was clear even before the October Revolution that Lenin and the Bolsheviks favoured not only a right of secession from Russia by the ‘captive nations’ but also a right to territorial autonomy for minorities that did not enjoy the status of nationhood. In ‘The Tasks of the Revolution’, published in October 1917, Lenin declared that a democratic peace would be impossible without explicit renunciation of annexation and seizure. He emphasised that every nation without exception, whether in Europe or in the colonial world, should have the right to decide for itself whether it should form a separate state.<sup>97</sup> This right was enshrined in the 1918 constitution of the Russian Soviet Federated Socialist Republic (RSFSR), which stated that every nation was entitled to decide whether it wished to participate in the RSFSR and on which basis.<sup>98</sup> This was the only basis for creating a ‘free and voluntary state’ as proclaimed in the 1918 constitution.

What Blishchenko failed to point out in 1968, writing in the Soviet Union, where Lenin had been in effect deified, with Stalin as his true disciple, was the fact that one of Lenin’s most bitter struggles with Stalin concerned question of independence for Georgia. As Moshe Lewin described in detail, Lenin was strongly in favour of Georgia’s right to independence—just as he had been for Finland, the Baltic states and Poland.<sup>99</sup> Stalin, of Georgian origin, was opposed. As Lewin points out, Lenin’s criticism of Stalin’s national policy and of his treatment of the Georgians explains how he changed his mind about Stalin, and urged that Stalin should be deprived of his post.<sup>100</sup> On 31 December 1922, shortly before his death, in ‘The Question of Nationalities or “Autonomisation”’, Lenin warned against Stalin:

It is quite natural that in such circumstances the ‘freedom to secede from the union’ by which we justify ourselves will be a mere scrap of paper, unable to defend the non-Russians from the onslaught of that really Russian man, the Great-Russian chauvinist, in substance a rascal and a tyrant, such as the typical Russian bureaucrat is.<sup>101</sup>

Lenin regarded Stalin as just such a ‘Great-Russian chauvinist’. Stalin was utterly opposed to self-determination for Georgia. Lenin supported Georgia’s secession, even if it were under Menshevik rule.<sup>102</sup>

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liberation movements see also DI Baratashvili, ‘Natsionalno-osvoboditel’noye dvizheniye i razvitiye mezhdunarodnogo prava’ [The National Liberation Movement and the Development of International Law] (1967) *Sov'yetskoye gosudarstvo i pravo* 69.

<sup>97</sup> VI Lenin, ‘The Tasks of the Revolution’ [1917] VI Lenin, *Collected Works*, vol 26 (Progress Publishers 1964) 59, 62.

<sup>98</sup> The Russian-language text of the constitution is available at <http://constitution.garant.ru/science-work/modern/3988990/> accessed 7 April 2021. An English translation is available at <https://www.marxists.org/history/ussr/government/constitution/1918/> accessed 7 April 2021.

<sup>99</sup> Moshe Lewin, *Lenin’s Last Struggle* (University of Michigan Press 2005).

<sup>100</sup> Lewin, *Lenin’s Last Struggle*, 89.

<sup>101</sup> VI Lenin, ‘The Question of Nationalities or “Autonomisation”’ [1922] in VI Lenin, *Collected Works*, vol 36 (4th edn, Progress Publishers 1977) 605, 606.

<sup>102</sup> Lewin, *Lenin’s Last Struggle*, 61. More recently, Nikolay Svanidze has argued that Lenin and Stalin had very different positions on the nationalities question, and that Lenin’s views on the rights of nations were irreproachable. See Paul Goble ‘Putin’s Criticism of Lenin on Nationality Issues about More than Federalism, Svanidze Says’, *Window on Eurasia* (5 February 2020), <https://windowoneurasia2.blogspot.com/2020/02/putins-criticism-of-lenin-on.html> accessed 7 April 2021.

## SELF-DETERMINATION, INTERNATIONAL LAW, AND THE SOVIET UNION

The right of peoples to self-determination is the ‘revolutionary kernel’ of post-Second World War international law, and is both reflected in and energised by the struggles of national liberation movements for independence from colonial empires.<sup>103</sup> The Soviet Union played a leading role in bringing about this development, in the teeth of fierce resistance from colonial powers. It is particularly noteworthy that the Soviet Union gave significant support to national liberation movements and the newly independent states, engaging in a sustained diplomatic effort to secure legal recognition for an international right of collective self-determination. At the same time, Soviet tanks appeared in 1956 and 1968, in Budapest and Prague, in order to extinguish any signs of self-determination in Hungary or Czechoslovakia. The Crimean Tatars, who suffered genocide at the hands of Stalin in 1944 and were deported en masse to central Asia, only won the right to return to their homeland in the late 1980s, and since the annexation of Crimea by Russia in 2014 are once again finding themselves persecuted.<sup>104</sup>

The role of the Soviet Union could, of course, be dismissed as blatant hypocrisy, given that it, together with the territories it occupied as a result of the Yalta and Potsdam agreements, constituted the greatest territorial expanse of any Russian-dominated polity. There was at the very least a stark contradiction between Soviet theory and practice with respect to self-determination.<sup>105</sup> Writing in 1976, Boris Meissner emphasised that the opposition of non-Russian ethnic groups in the Soviet Union to Brezhnev’s policies of centralisation and russification grew significantly after 1968.<sup>106</sup> Soviet dissidents like Andrei Sakharov often took up the injustice suffered by the Crimean Tatars, deported from their homeland to central Asia in 1944, and the Meskhetians, who had been similarly expelled from Georgia. On 19 March 1970, two years after first mentioning the Crimean Tatars in writing, Sakharov sent a letter to the Soviet leadership demanding full restoration of all rights—including rights of national autonomy and the right to return to ancestral homelands—for those nations that had been forcibly resettled under Stalin. These demands were reiterated in a further memorandum from Sakharov to Brezhnev of 5 March 1971.<sup>107</sup>

Then, in his book published in English in October 1975, entitled ‘*My Country and the World*’,<sup>108</sup> Andrei Sakharov again expressed his opposition to the oppression of the non-Russian nationalities. He drew attention to the fact that many political prisoners were so-called ‘nationalists’ from Ukraine, the Baltic republics, and Armenia. These individuals

<sup>103</sup> Bowring, *Degradation*, ch 1; Harris, *National Liberation*.

<sup>104</sup> Bill Bowring, ‘Who Are the “Crimean People” or “People of Crimea”? The Fate of the Crimean Tatars, Russia’s Legal Justification for Annexation, and Pandora’s Box’ in Sergey Sayapin and Evhen Tsybulenko (eds), *The Use of Force Against Ukraine and International Law: Jus ad Bellum, Jus in Bello, Jus Post Bellum* (TMC Asser/Springer 2018) 21.

<sup>105</sup> Bill Bowring, ‘Positivism versus Self-Determination: The Contradictions of Soviet International Law’ in Susan Marks (ed), *International Law on the Left: Re-examining Marxist Legacies* (CUP 2008) 133.

<sup>106</sup> Boris Meissner, ‘The Soviet Concept of Nation and the Right of National Self-Determination’ (1976–77) 32 *International Journal* 56.

<sup>107</sup> Meissner, ‘The Soviet Concept’, 76. See also FJM Feldbrugge, *Samizdat and Political Dissent in the Soviet Union* (Brill 1975) 219.

<sup>108</sup> Andrei Sakharov, *My Country and the World* (Guy V. Daniels tr, Harvill Press 1975).

had originally been brought to trial principally because of their concern for the preservation of their national culture in the face of russification, and had been given particularly heavy sentences. In addition to the Crimean Tatars, the fate of the Volga Germans and the Jews were the subject of Sakharov's attention.<sup>109</sup> Thus the seeds were sown for the 'parade of sovereignties' that followed the collapse of the Soviet Union in 1991,<sup>110</sup> a development that threatened the continuing existence of the Russian Federation itself and the continuing relevance of self-determination to Russia's actions in Crimea, eastern Ukraine, Abkhazia, Transnistria, South Ossetia, and elsewhere.<sup>111</sup>

It is clear to Russia's present rulers that Lenin's wholehearted advocacy and implementation of the right to collective self-determination played a crucial role in the destruction of the Russian Empire and in the collapse of the Soviet Union, and continues to pose an existential threat to contemporary Russia. On 25 January 2016 Putin accused Lenin of placing an 'atomic bomb' under Russia.<sup>112</sup> In Putin's opinion Lenin was responsible for destroying, with German support for his move from Switzerland to Russia in 1917, the great Russian Empire. He was also responsible for preparing the destruction of the great Soviet Union. Putin was particularly critical of Lenin's concept of a federal state whose constituent entities enjoyed the right to secede, stating that this had heavily contributed to the breakup of the Soviet Union in 1991. He added that Lenin was wrong in his dispute with Stalin, who, in Putin's words, advocated a unitary state model. For Putin Stalin was in the line of great tsars, from Ivan IV to Peter I to Catherine II. Putin also claimed that Lenin's government had whimsically drawn borders between different parts of the Soviet Union, placing the Donbass under Ukrainian jurisdiction to increase the percentage of the proletariat, in a move that Putin called 'delirious'.<sup>113</sup>

These statements were made not long after Russia argued that Crimea's secession from Ukraine and its accession to the Russian Federation in March 2014 were the result of the 'people of Crimea' exercising their right to self-determination. This position was legally incorrect,<sup>114</sup> and has opened something of a Pandora's box, since there are many peoples in Russia, not least 5.5 million Tatars, with strong and long-standing claims to self-determination—claims of the kind that Lenin recognised and supported.<sup>115</sup>

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<sup>109</sup> Meissner, 'Soviet Concept', 76–77.

<sup>110</sup> For a detailed account see Bill Bowring 'The Russian Constitutional System: Complexity and Asymmetry' in Marc Weller and Katherine Nobbs (eds), *Asymmetric Autonomy and the Settlement of Ethnic Conflicts* (University of Pennsylvania Press 2010) 48.

<sup>111</sup> Bill Bowring, 'International Law and Non-Recognized Entities: Towards a Frozen Future?' in Benedikt Harzl and Roman Petrov (eds), *Non-Recognised Entities in International and EU Law* (Brill Nijhoff, forthcoming). For news and commentary on the future of Russian federalism, see also the website 'After Empire: Regionalism and Federalism in Russia', <http://afterempire.info/2016/11/02/why-after-emp/> accessed 7 April 2021.

<sup>112</sup> See the transcript of a meeting of the President's Council on Science and Education, held on 21 January 2016, <http://kremlin.ru/events/councils/by-council/6/51190> accessed 7 April 2021.

<sup>113</sup> See 'Vladimir Putin Accuses Lenin of Placing a "Time Bomb" Under Russia' *The Guardian* (25 January 2016), <https://www.theguardian.com/world/2016/jan/25/vladimir-putin-accuses-lenin-of-placing-a-time-bomb-under-russia> accessed 7 April 2021.

<sup>114</sup> See e.g., Khazar Shirmammadov, 'How Does the International Community Reconcile the Principles of Territorial Integrity and Self-Determination? The Case of Crimea' (2016) 4 *Russian Law Journal* 61.

<sup>115</sup> Bowring, 'Who Are the "Crimean People" or "People of Crimea"?'

## CONCLUSION

In this chapter I have paid particular attention to the surprisingly Marxist content of a cornerstone of post-Second World War international law. In doing so, I have grappled with the vexed question for Marxism of the ‘national question’, and also with claims that Marx and Engels were Eurocentric and subscribed, at least tacitly, to Hegel’s discredited theory of ‘historical’ and ‘non-historical’ nations.

Lenin’s life and legacy have become increasingly controversial, not least as new evidence has emerged of the slaughter that followed the 1920 to 1921 Tambov (or Antonov) peasant uprising against the Bolsheviks, suppressed by the Red Army using chemical weapons, with 100 000 arrested and 15 000 killed.<sup>116</sup> This was in addition to the well-known suppression of the 1921 Kronstadt uprising. Official Soviet figures claimed that approximately 1000 rebels were killed, 2000 wounded, and between 2300 and 6528 captured, with 6000 to 8000 defecting to Finland, while the Red Army lost 527 killed and 3285 wounded.<sup>117</sup> Lenin then turned to the partial restoration of capitalism in Russia, the New Economic Policy from 1921 to 1928.<sup>118</sup> However, one of Lenin’s lasting legacies pertained to his implementation of his controversial policy of the ‘right of nations to self-determination’, and his insistence on a federal structure for the new Soviet Union. His mummified remains are still resting in his mausoleum in Red Square, but he is anathematised by the Putin regime for precisely these policies.

This chapter has shown that although Soviet diplomacy, based as it firmly was on the principles propounded by Marx and Lenin, was key to the recognition of the right to self-determination as a specifically legal right under international law. It has also shown that Soviet Union made enormous contributions to the process of decolonisation, both materially and diplomatically, and that it did so notwithstanding significant contradictions in the positions espoused by the Soviet Union with respect to self-determination, contradictions which ultimately helped to bring about the collapse of the Soviet Union itself.

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<sup>116</sup> Eric C. Landis *Bandits and Partisans: The Antonov Movement in the Russian Civil War* (University of Pittsburgh Press 2018).

<sup>117</sup> Paul Avrich, *Kronstadt 1921* (Princeton University Press 2006).

<sup>118</sup> Alan M Ball, *Russia’s Last Capitalists: The Nepmen, 1921–1929* (University of California Press 1990); Sheila Fitzpatrick, Alexander Rabinowitch, and Richard Stites (eds), *Russia in the Era of NEP: Explorations in Soviet Society and Culture* (Indiana University Press 1991).