

WAR PROPAGANDA: A SERIOUS CRIME AGAINST HUMANITY

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I

The term *propaganda* has rather a broad meaning, implying dissemination, or, more specifically, purposeful dissemination, of certain information that is to produce upon its recipient a certain reaction which from the viewpoint of the disseminator is desirable. In a broad sense it can be interpreted as dissemination of political and economic conceptions, natural science knowledge, musical culture, art, aesthetics, and so on. Propaganda, as such, has been in existence since the time human society came into being; it has always been most closely associated with social and political aspects of the development of nations.

Throughout history, different social groups, political parties, and governments, in pursuit of their political and economic aims, have thrust their ideas and conceptions forward—that is, they were involved in propaganda. Historical records of any country bear witness to that. For example, the inscription “A Lesson to Arbitrary Kings and Wicked Ministers” on the four-dollar bills issued by North Carolina in 1778, at the time of the Revolutionary War, was doubtlessly of a propagandist flavor and reflected political struggles of the period.

Propaganda, which bears influence on the relations between nations, quite understandably is supposed to be among the objects of discussion in the international law field.

The most urgent problem of modern times is that of safeguarding peace, of eliminating war from the repertoire of Man. It is from this direction that I am discussing the issue of “the international control of propaganda.” Professors Whitton and Larson in their book, *Propaganda*,¹ emphasized that propaganda could be a threat to peace. As they put it, it is “over the line”² propaganda that tends to produce a breach of peace. As Professors Whitton and Larson quite rightfully underline it, war propaganda has much in common with armaments, and, no doubt, if we mean to work out ways of dismantling the most dangerous weapons of physical destruction, we should also be struggling to work out ways of dismantling psychological weapons used to exacerbate the causes of war.³ Those psychological weapons constitute war propaganda.

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¹ JOHN B. WHITTON & ARTHUR LARSON, *PROPAGANDA: TOWARDS DISARMAMENT IN THE WAR OF WORDS* (1964).

² *Id.* at 9.

³ *Id.* at 1.

The multi-century history of mankind bears the record of thousands of bloody battles, which took the toll of millions and millions of human lives. It is difficult to imagine how our planet might appear had humanity not been haunted by wars through thousands of years of its existence. There is an estimate, made with electronic computing techniques, that through the last five thousand years, the peoples of our planet had only 292 peaceful years. For the rest of the time there took place 14,513 large and smaller wars, which took the lives of 3,640,000,000 human beings, more than the whole population of the world at the present time.

The twentieth century, with its great scientific and technical progress, has experienced the most devastating wars in human history. In the European wars of the seventeenth through nineteenth centuries, human losses were fourteen million. The First World War alone carried away ten million lives and left another twenty million wounded and crippled. The Second World War took an even greater toll: about thirty-two million soldiers died on the battlefield, twenty-five million helpless civilians perished in the cities and villages, and about ninety million were wounded. It is possible to rebuild a city out of ashes, but by no means can one resurrect the tens of millions of people whose lives were lost in war.

With the creation of atomic and hydrogen weapons, the prospect of a new war breaking out became a hundred times more awesome. Accordingly, the problem of safeguarding the peace became more vital than ever before.

The Soviet Union has always been most sincere and resolute in the pursuance of measures to ensure peace in the world. Vladimir Lenin, the founder of the Soviet state, said, "Disarmament is an ideal of socialism." The Soviet Union contributed greatly to the introduction into modern international law of the principle of defending the peace and that of responsibility for aggressive wars.

Modern international law prohibits war as a means of solving disputes between states and/or as a lever of governmental policy. It terms such wars "aggressive" and as "representing the gravest crime against humanity." All international disputes, according to international law, should be settled peacefully. That prohibition (of aggressive wars) and its definition as the gravest international crime were established in international law only a short time ago.

In the "Decree on Peace," adopted on the second day of the existence of Soviet power, the Soviet Government elevated to the level of state policy the idea that aggressive war is criminal. Before that time, the right to resort to war, irrespective of its aims, was considered by international law to be an inalienable right as a chief expression of state sovereignty. This right was meticulously guarded by all the systems of international law for hundreds of years. Neither the first (1889) nor the second (1907) Hague Conference questioned the right of a state to resort to any kind of war. It was mentioned only that before resorting to war the conflicting nations should try to settle their dispute by peaceful means. Thus, in the Decree

on Peace, aggressive war was termed as the gravest crime against humanity for the first time.

Prohibition of aggressive war has as its immediate consequence the issue of the aggressor's responsibility. Before the Second World War, this problem was practically a nonexistent factor in international law. When joining the Briand-Kellogg Pact of 1928,⁴ the Soviet Union pointed out one of its worst shortcomings: it did not provide for sanctions against aggression. Where there is crime, there should also be punishment. War propaganda, as the whole historical experience testifies, is a means of preparing for aggressive war, and consequently is also a crime. The International Military Tribunal in Nuremberg, which tried major war criminals of the Hitler regime, established that war propaganda is one of the means of promoting war, thus confirming the criminal nature of war propaganda. This issue was specifically emphasized in the United Nations General Assembly's resolution of November 3, 1947, denouncing war propaganda:⁵ "The General Assembly condemns all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression."

According to the Soviet definition of aggression, presented to the twelfth session of the General Assembly in 1957,⁶ propaganda of war was termed an ideological aggression. By this definition the state is considered to have committed ideological aggression if it

- (a) encourages war propaganda;
- (b) encourages propaganda of using atomic, bacteriological, chemical, and other kinds of mass extermination weapons; or
- (c) stimulates propaganda of fascist-nazist views, racial or national superiority, hatred and disdain for other peoples.

So as to practically implement the idea of prohibiting propaganda of war, the Soviet parliament, the Supreme Soviet of the Union of Soviet Socialist Republics, on March 12, 1950, passed a law on the defense of peace:

The Supreme Soviet of the Union of Soviet Socialist Republics, guided by the high principles of the Soviet peace policy, which seeks to strengthen peace and friendly relations between the peoples, recognizes that the (human) conscience and concept of right of the peoples, who during one generation, suffered the calamities of two wars, cannot accept that the conduct of war propaganda remain unpunished, and approves the proclamation of the Second World Congress of the Partisans of Peace, who expressed the will of the entire progressive mankind concerning the prohibition and condemnation of criminal war propaganda. The Supreme Soviet of the USSR decrees:

⁴ Treaty Between the United States and Other Powers Providing for the Renunciation of War as an Instrument of National Policy, Aug. 27, 1928, 46 Stat. 2343, T.S. No. 796.

⁵ U.N. Doc. No. A/428.

⁶ U.S.S.R. draft definition of aggression, U.N. Doc. No. A/AC.77/L.4.

1. To recognize that war propaganda under whatever form it is made, undermines the cause of peace, creates the threat of a new war and is the gravest crime against humanity.
2. To bring to court persons guilty of war propaganda and to try them as having committed a most grave criminal offense.

In other socialist countries, as is known, legislation against war propaganda was also adopted.

At the eighth session of the General Assembly in 1953, the Soviet Union made a proposal to denounce war propaganda and to call upon all the countries to take measures aimed at curbing such propaganda as incompatible with the principles of the United Nations. Although the proposal was fully in compliance with the U.N. Charter, which makes it a duty of the member nations to uphold peace, it was not passed by the General Assembly because of opposition on the part of certain Western powers. Thus, although modern international law recognizes the criminal essence of war propaganda, in fact only a small number of nations, until now, have taken practical measures to outlaw it on a national basis through domestic legislation.

In the discussion that took place at the Duke International Law Society's annual conference in February 1966, some speakers expressed the opinion that it is not possible to adopt legislation against war propaganda, because such legislation will "run counter to the constitutional principle of freedom of speech."⁷ In my opinion, such arguments bear little logic. Since certain action is recognized as representing a danger to society (and war propaganda is recognized as such a threat), it should be dealt with as such, and should not be thought of as having to do with "freedom of speech." I find it quite strange that war propaganda, considered a crime internationally, could, at the same time, go unpunished nationally.

There is no task more vital and urgent than that of preserving peace on earth. This task has been set before the peoples of our planet by the very course of historic development, in which means of waging war have become more and more destructive and threaten to claim larger and larger tolls of human lives. And, of course, never has war been so dangerous, so devastating, and so inhuman as it might be today, when Man has learned to use the immense power of nuclear energy. It is estimated that the total stockpiles of nuclear explosives in the world are now equal to 12,500,000 bombs of the yield of the first atomic bomb dropped over Hiroshima, or to 250 billions tons on TNT. This makes more than eighty tons of TNT for every man, woman, and child now living on our planet. One can imagine what it means by recalling the words of the late President Kennedy: "A full scale nuclear exchange, lasting less than sixty minutes, could wipe out more than 300 million Americans, Europeans, and Russians, as well as untold numbers elsewhere."

It is the nature of man to draw experience from the past. The tragic experience

⁷ See Newhouse, *The Constitution and International Agreements or Unilateral Action Curbing "Peace-Imperiling" Propaganda*, pp. 506-26 *infra*; Van Alstyne, *The First Amendment and the Suppression of Warmongering Propaganda in the United States: Comments and Footnotes*, pp. 530-52 *infra*.

of the Second World War, unleashed by Nazi Germany, demands that nations take all necessary steps to prevent the horror of a third world war. Unfortunately, people sometimes tend to have a very peculiar interpretation of the tragedies of the last war. The following excerpt, from an article by an American journalist, deals with such a peculiar interpretation of the past, in this case, with the treatment that Nazis accorded prisoners of war:

In "Hogan's Heroes," a current hit, the setting is a World War II prisoner-of-war camp in Germany. The camp head, a burlesque of the Prussian officer, obviously is no Nazi—in fact he's scared of them. And the guard is a low-comedy dumkopf with a vaudeville accent—and he is positively lovable.

The prisoners of war themselves, led by a jaunty Air Force colonel, lead as comfortable and fun-filled lives as one could imagine. In fact, one of the big jokes of the show is that people try to break into, not out of, the camp.⁸

It is difficult for a thinking person to accept such "humor." To illustrate my point, I cite a letter from an American reader of the magazine *Soviet Life*, in which he comments on the publication by the magazine of materials on Nazi atrocities:

This is what you should repeat, this is what should be read by every free person in this world. This is a tragedy which cannot happen again—as long as the rotten nazi is watched and stopped from repeating his beastly crimes.

I suggest that you continue to feature such articles to remind the complacent and indifferent people of today that perhaps TOMORROW it will be their fate to fall under the lash and the extermination of the still alive nazi, who is planning again his next great campaign.⁹

The Nazi concentration camps are hardly a subject for comedy or vaudeville.

The issue of curbing war propaganda is closely connected with the struggle for strengthening peace, for peaceful coexistence between states with opposite social systems. Peaceful coexistence, as Alexei Kosygin, Soviet premier, emphasized recently, is increasingly becoming an objective requirement in the relations between countries of opposite economic and social views. Ideological struggles of today reflect the existence and competition of two opposite social systems. It means that ideological differences, being an objective factor, cannot be ruled out.

Although we cannot ban the conflict of ideologies, the forms and methods of ideological controversy should be under control. The debate based on the truthful portrayal of the merits and objective criticism of the failings and deficiencies of this or that system is one thing. It is altogether compatible with peaceful coexistence. Any reasonable person will understand that adherence to opposite ideologies is not an obstacle to peaceful relations and international cooperation.

But if there is resort to cold war tactics, it only undermines peaceful coexistence. Some people in the West say that ideological differences make peaceful coexistence

⁸ Lowry, *Is This the War That Was?*, The Sunday Star T.V. Magazine (Washington, D. C.), Feb. 13, 1966, p. 65.

⁹ Letter by M. Labrie, *Soviet Life*, Sept. 1965, p. 5.

between states of opposite systems impossible. I find no truth in such statements. There are, on the other hand, real, and not imaginary, threats to peaceful co-existence—such as further accumulation of armaments, violations of principles of international law, interference in domestic affairs of other countries and peoples—war propaganda being among them. I believe that adoption of measures by each nation to prohibit propaganda of war would be an important contribution to the cause of peace and to the lessening of international tension.