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THE PARTY AND THE POLICE (II)

- I. Introduction
- II. The Police State p.1
(The Times Literary Supplement,
November 15, 1957)
- III. Toward Understanding Totalitarianism p. 7
(Problems of Communism,
September-October 1957)

INTRODUCTION

In his first interview since replacing Marshal G.K. Zhukov as Minister of Defense, the far less famous Marshal R.Y. Malinovsky has stated a few axioms of the current Soviet intra-Party power struggle in simple and straightforward terms:

"The Communist Party is the ruling Party of the USSR and it influences all fields...

"The armed forces of the Soviet Union are a practical instrument of the Communist Party...

"You know of Marshal Zhukov's mistakes... Comrade Khrushchev was quite correct in the action he took...

"When Zhukov comes back from his leave of absence he will be given an appropriate post by the Soviet government. As for the nature of that post, this is beyond the field of the Defense Minister." (Interview with W.R. Hearst, F. Conniff, and B. Consodine, I.N.S. 26 November 1957.)

The servility of the new Defense Minister's words are the reflection of the institutionalized impotence to which the Party can reduce any of its instruments; the fate of Marshal Zhukov is a measure of the potentially unlimited absolute authority of the First Secretary, the head of the Party apparatus, compared to the relatively restricted power which can be exerted by the chief of any other element of Soviet bureaucracy - economic, military or police.

Since the C.C. resolution on the expulsion of Zhukov had already explicitly stated that his nebulous next assignment had been "entrusted to the Secretariat", (Pravda, November 3, 1957) it is now apparent that Khrushchev himself was the originator of the ouster of Zhukov and will also be the arbiter of his fate. In the Zhukov case the First Secretary will have been in fact both prosecutor and judge; the Central Committee was, at the most, an enlarged jury, but more probably, a select audience which applauded the verdict of a packed Presidium. The dramatic developments of the past four months (June and October Plenary Sessions) have again clearly demonstrated that neither the state-economic bureaucracy nor the army as

"institutions could operate autonomously within the centralized power structure, whose strength lay in its ability to send orders downward, displacing without difficulty the dictator's satraps who headed the chief agencies of control - as Stalin did with virtually his whole Army leadership and two successive heads of his secret police; and as the collective leadership in July 1953 did with Beria." (D. Treadgold "Toward Understanding Totalitarianism, Problems of Communism, No. 5, 1957, p. 43; see below, p. 8.)

~~The~~ The events of the next few months will show whether Khrushchev must employ the police or if actual possession of power, however disguised, will suffice to produce the required degree of political

and intellectual conformity throughout Soviet society. To contain within Khrushchev's own prescribed limits of safety the pressures for modification of the system released by the death of Stalin and catalyzed by the secret speech three years later will require the application of some kind of force. In the Stalinist era expectations of change in the political atmosphere were reduced to absolute zero by the total terror of the thirties and maintained in this state by constant threat and periodic purge; the rising temperatures of the post-Stalin thaw have, to apply a law of physics to politics, inevitably increased the pressures within this closed system and given indication of a transformation of the properties of the political atmosphere, measured most strikingly by the reduced activities of the formerly ubiquitous secret police. As long as Khrushchev's control of five of the six factors "common to totalitarian dictatorship"+ remains unchallenged he can determine when to accelerate the motor of the police machine. At the moment Army General I.A. Serov is the operator of this apparatus; like his predecessors from Dzerzhinsky and Menzhinsky to Yagoda, Yezhov, Beria and Abakumov, he is, in theory, the Party's top Police agent; in practice, he is, like Malinovsky in the Army, responsible to the First Secretary. The "improper actions of Stalin, notably those relating to the violation of Socialist legality," arose, as the official version consistently stresses, when "Party and government control over the security agencies was replaced by the personal control of Stalin" (CC resolution on "Cult of Personality, 30 June 1954, published in Pravda, 2 July 1956; see also Sovetskoye Gosudastvo i Pravo, No. 11, 1957, p. 27). The future "improper actions" of N.S. Khrushchev will, some day, no doubt have to be explained in similar terms, when the euphemism of "Party and Government" is replaced by the recognition of the reality of the personal rule of the First Secretary. In neo-Stalinist Czechoslovakia, A. Novotny, First Secretary of the Czechoslovak Party has officially assumed the "post of Commander-in-Chief of the Armed Forces", "including the police forces of the Ministry of Interior." (Radio Prague, 28 November 1957); in the neo-Stalinist Soviet Union the persons of the venerable Voroshikov, the obsequious Malinovsky and silent Serov create the administrative fiction of a separation of the powers which have been concentrated in the hands of N.S. Khrushchev.

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⁺In "Totalitarian Dictatorship and Autocracy" (Harvard, 1956, pp.9-10) C. Friedrich and Z. Brzezinski list the 6 basic features of totalitarian dictatorship as follows:

1. official ideology...
2. a single mass Party led by one man...
3. a system of terroristic police control...
4. a monopoly of control...of all means of communications...
5. a monopoly of control of all means of effective armed combat...
6. a central control and direction of entire economy.

NOT TO BE MICROFICED

THE POLICE STATE

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The word "security" has made its fortune in the past fifty years. Its popularity is a symbol of the disturbed and uneasy society in which we live. Our Victorian ancestors worried little about "security"; they assumed that they had it or could have it. Today "social security" is the favourite catchword of the welfare state, the haven of refuge from the material risks and uncertainties of life. But we have also become in another sense "security-minded," and this too is a symptom of the nervousness of our age. "Security" means the protection of our political society from enemies within and without. Every State nowadays has its "security organs"; and these, in defiance of all the libertarian preconceptions of the comfortable and secure nineteenth century, recruit a large bureaucracy of their own, acquire ever increasing power and prestige, and operate in formidable secrecy, beyond the ordinary processes of law and responsible to no democratic scrutiny.

Secret services, both in fact and in fiction, always exercise a peculiar fascination for writers and readers: there is no surer recipe for the bestseller. But of all "security organs," it is those of the Soviet Union which have attracted the most attention, both of serious and of not-so-serious students. This is partly because the Soviet Union is widely felt to be the main focus from which our contemporary sense of uneasiness, the threat to our security, is radiated. It is partly because the Soviet security organs had a substantial start over those of other countries, have attained mammoth dimensions, and have played a role in the society which they are supposed to serve fortunately hitherto unmatched elsewhere, so that they provide both a pattern and a warning to other countries. It is partly, perhaps, because we are free--if we can get the necessary material--to study the security organization of our enemies in a way in which we should not be free to study similar organizations nearer home. The American foundations which have generously subsidized research on the security system of the U.S.S.R. would probably look askance at the innocent applicant who proposed to conduct a similar investigation into the affairs of the F.B.I.

The latest American study of The Soviet Secret Police is also the best. It is a composite work. Some of the reminiscences of "defectors" in the later part of it do not rise above the common level of defector literature, offering too many generalizations and speculations, and not enough hard, authenticated fact. But the opening section of the book is a long and comprehensive review by the editors, Mr. Wolin and Mr. Slusser (who are also responsible for copious annotations throughout), of the evolution of the Soviet security system from the original Cheka, through the O.G.P.U.,

to the present department of the M.V.D.; and this, together with an essay on Dzerzhinsky, the first head of the Cheka, by Mr. Shteppa, who under the pen-name of Godin was part-author of a well-known book on the purges of the 1930s, gives the volume a solid historical and analytical basis. While the organization has expanded and developed, the general principles on which the Soviet security system is based have not varied in any important respect since the early days, except that what was once thought of as temporary and provisional has become a permanent and established feature of the political scene.

The primary difficulty which the western, and especially the British or American, commentator on Soviet legal and criminal practice has to face is the need to disembarass himself of some of his most cherished, though probably unconscious, assumptions and presuppositions—not only of the whole atmosphere of the common law but of every conception in any way related to natural law. The whole tradition of Roman law was suspect in Russian thought. It was Herzen who described Roman Catholicism, Roman law and bourgeois society as a trinity of evils which Russia would never accept. The theory and practice of Russian law was positivist in the extreme. Law was direct order of the monarch. Even Russian legal reformers of the nineteenth century did not as a rule contest this view: what they wanted was to create a system which would make the orders of the monarch better advised, less capricious and more regular—to couch them in a constitutional form.

The Bolsheviks rejected the monarch, but not the conception of law which he embodied. Indeed this conception fitted in well enough with the Marxist view of law. Law was an emanation and instrument of the State, which was the instrument of a class: "your law is only the will of your class," in the words of the Communist Manifesto. Law was part of the superstructure of bourgeois society and was destined, like the State, to die away in the Communist society of the future. The law which, like the State, would partially survive in the transitional period—what Marx called the first stage of socialism—would be bourgeois law, a law of formal equality, and real inequality. There was nothing here to promote, or tolerate, belief in the majesty of law. No Marxist could have any use for any abstract conception of law as something possessing some kind of sanctity or moral validity of its own. The "rule of law" was meaningless and hypocritical phrase.

What, however, was doubtless far more important than theories, whether traditional Russian or Marxist-Bolshevik, of law was the situation which arose after October, 1917. Whatever the beliefs of the revolutionaries about law as such, the essential character of a revolution is that it overthrows an established legal order and breaks legal continuity. It is, by its nature, an illegal or extra-legal act. The October revolution destroyed existing law and put nothing in its place—except a few hasty edicts of the "provisional workers' and peasants' government" on matters of burning topical importance. The Bolsheviks had learnt from Marx's analysis of the Paris Commune the necessity of destroying absolutely the old State machine. Nothing was to be taken over into the new order. They began their legal career by a decree creating popular courts to administer law in so far as the law did not contradict "the revolutionary conscience and revolutionary consciousness of justice." (Good Bolsheviks soon began to worry where this consciousness was supposed to come from, and the notion was later condemned as "idealist.") The decree also provided for the creation of separate "revolutionary tribunals" to deal with cases of profiteering and counter-revolution: here apparently "revolutionary consciousness" would have to take the place of law altogether.

But this was not enough. As disorders increased and "white" generals began to mobilize their armies for civil war in the south, "security" untrammelled by law or legal procedures seemed an imperative requirement. "Inter arma silent leges" was a motto of respectable antiquity; and in Petrograd in November, 1917, the voice of law was anyhow far too faint to be heard above the din. An Extraordinary Commission (Che-Ka, later called Ve-Che-Ka, or All-Russian Extraordinary Commission, to distinguish it from the local commissions which were subordinate to it) was set up to deal with counter-revolution and sabotage. This was in no sense a legal institution. It administered no law. Its powers were undefined and unlimited. One clause of the order establishing it spoke of handing over offenders (whether for trial or for sentence is not specified) to the revolutionary tribunals. Another spoke of the imposition by the Cheka of such penalties as confiscation of property or deprivation of ration cards. The death penalty was not formally sanctioned. But, when Dzerzhinsky began summarily shooting "counter-revolutionaries, bandits and saboteurs," Lenin upheld him and refused to listen to an appeal against him in Sovnarkom. The so-called troika, or commission of three, which authorized summary executions and became a regular feature of Soviet security procedure, makes its first appearance at this time.

The successive stages in the extension of the Cheka's activities and the enlargement of its powers are rigorously traced from a large variety of sources in Mr. Wolin's and Mr. Slusser's pages. In February, 1918, the resumption of the German advance into Soviet territory, following the breakdown of the first Brest-Litovsk peace negotiations, produced the first open announcement by the Cheka of its intention to carry out summary executions. In June, 1918, when the assassination of the Bolshevik leader Volodarsky in Petrograd led to a demand by the Petrograd workers for the use of "mass terror," Lenin wrote to Zinoviev supporting the demand. In the following month the murder of the German Ambassador Mirbach in Moscow and risings against the régime engineered by the Social Revolutionaries brought a further crisis and more shootings; and at the end of August the assassination of Uritsky in Petrograd and the attempt on Lenin's life in Moscow finally launched the Cheka on a policy of mass terror and reprisals which did not abate till the end of the civil war.

By the end of 1918, however, a regular system of courts had been built up under the supervision of the People's Commissariat of Justice. No régime, even a revolutionary régime, can afford for very long to do without law; and acute jealousies and frictions began to occur between the new judicial system and the extra-legal jurisdiction of the Cheka, with the quasi-legal revolutionary tribunals occupying an intermediate position. So long as the civil war continued, any attempt to curb the powers of the security organs was doomed to failure. The Cheka progressively expanded its sphere of action; and the revolutionary tribunals were instructed to be guided "solely by the interests of the revolution" and to ignore "any judicial forms whatsoever." As Mr. Shteppa writes:

In the absence of clearly laid down legislative provisions governing the competence, rights and nature of the activities of Soviet security organs, it would be difficult, if not impossible, to draw a line between what is authorized and what is unauthorized, what is lawful and what is an abuse.

What did emerge from the period of the civil war, and continued to mark all subsequent periods of Soviet history, was the distinction between law administered by the ordinary courts on the basis of statutes (which, as legislation became copious, no longer needed to be supplemented by "revolutionary consciousness") and the repressive action exercised against offenders by the revolutionary tribunals and by the Cheka, which was not, strictly speaking, based on statute at all and not limited by it. The distinction for a long time made it possible to treat the severest penalties, when applied by these organs, as temporary measures necessitated by the struggle against the class enemy, acts of war rather than of law, and to find in them nothing incompatible with the profession of highly enlightened and humanitarian principles of criminal law, as expressed in the party programme and to some extent embodied in the practice of the ordinary courts. The distinction is broadly one between offences against the State, which are within the purview of the security organs, and offences against the individual, which are not. The second category of offences have always seemed to the Soviet authorities infinitely less far-reaching in their consequences, and therefore less heinous.

The end of the civil war logically implied the dismantling of the "Extraordinary Commission." At the moment of Kolchak's final defeat and execution, the Cheka itself issued a decree abolishing the use of the death penalty for civilians. It is doubtful whether Mr. Wolin and Mr. Slusser are right in regarding this as "a propaganda move designed mainly to influence foreign public opinion." The opposition to the death penalty was still very strong in party circles; so also was the assumption that the Cheka was a temporary institution. But in May Pilsudski invaded the Ukraine; and the death penalty was at once restored -- never again to disappear from the arsenal of the Soviet security organs. The opposition to the Cheka was not, however, yet at an end. When the Polish war was over and the last "white" general, Wrangel, defeated, when N.E.P. had been introduced and a general détente was in the air, the Cheka was abolished at the end of 1921. Its functions were transferred to a newly constituted State Political Administration (G.P.U.), a department of the People's Commissariat of Internal Affairs.

This was the crucial moment in the history of the Soviet secret police and the Soviet security system. An embryonic judicial system was now in being; codes of law were being rapidly prepared; and a new respect for law, under the catchword of "revolutionary legality," was being inculcated. The régime was settling down. In these conditions a serious attempt was made to clip the wings of the G.P.U. and fit it into a legal framework. As everyone knows, the attempt failed absolutely. Force of habit and vested interests were too strong. Continuity was assured by the fact that Dzerzhinsky, as People's Commissar for Internal Affairs, was head of the new organ as he had been of the old. A convenient escape-clause enabled the G.P.U. to evade the new regulation which should have compelled it to bring all arrested persons before a court within two months of the arrest. Within a matter of months the G.P.U. had a stronger and more assured position than the Cheka had ever held, precisely because it was no longer a temporary or "extraordinary" organ, but occupied a recognized and respected place in the constitution. Renamed O.G.P.U., it became the central security organ of the Union of Soviet Socialist Republics, whose constitution dated from 1923.

The most important change in the status of the O.G.P.U. at this time was, however the close link which it established with the party leadership and the party machine. The Cheka, though it was sometimes rhetorically described as the instrument of the party for dealing with its class enemies, was quite outside the party organization. It was regarded with distaste by many influential party members, and it was quite unthinkable that its services should have been invoked to deal with dissidents within the party. The position of the O.G.P.U. in the middle 1920s was already quite different, working hand in glove to bring to light the irregular behaviour or irregular opinions of suspect party members, until at a slightly later stage it became a regular instrument for unmasking and crushing the party opposition. Disloyalty to the party and disloyalty to the State were now one and the same thing. The security organs handled both.

On the side of the party, it was beyond doubt Stalin who played the largest part in establishing this collaboration. Dzerzhinsky, in the last two years before his death in 1926, seems to have been mainly occupied in economic affairs, and to have been less conspicuous in the work of the security organ of which he was still the nominal head. On the side of the O.G.P.U., it is a plausible conjecture that Stalin's chief contact man was Yagoda. Yagoda's career might well repay study if the facts were available; but guess-work still figures too largely in the picture. Mr. Wolin and Mr. Slusser carefully examine the evidence which connects him with the Right opposition of 1928 and 1929. It is certain that Bukharin told Kamenev in 1928 that Yagoda was "with us," and that the memorandum of this conversation, which was handed by Kamenev to Trotsky, also somehow found its way in the following year into the Menshevik journal published in Berlin. This was more than enough to excite Stalin's suspicions of Yagoda, who none the less apparently continued to enjoy the master's confidence for another seven or eight years. The suggestion that he purchased this confidence by betraying the Bukharin-Kamenev conversations to Stalin is plausible, but less than certain.

The year 1934 saw the abolition of the O.G.P.U. and the transfer of its functions to the People's Commissariat of Internal Affairs (N.K.V.D.) from which it had been liberated ten years earlier. The change seems to have been connected with the death of Menzhinsky, the not very active head of the O.G.P.U. since 1926. Yagoda now became de jure as well as de facto the head of the department. These changes were quickly followed by the murder of Kirov in circumstances which "constitute one of the central problems of the political history not only of the secret police, but of Stalinist Russia." Mr. Wolin and Mr. Slusser pick their way judiciously through the maze of conjecture, and are familiar with all the fragments of evidence and all the more or less plausible hypotheses which have been put forward. But here, as we enter the period of the great purges, the terra firma, or at any rate relatively firma, of history is left behind, and we enter a nightmare of speculation and myth-making.

It is, as the authors observe, unsound to reject as false ex hypothesi all the evidence that was given in the purge trials. But the clues that would enable us to extricate truth from falsehood are lacking. The plainest lesson of these events is that a security system of such dimensions inevitably creates an empire of its own, and escapes, thanks to the secrecy in which its operations are enveloped, from all normal checks and controls. It emancipates itself from the checks and controls not merely of democratic, representative institutions, but of other government agencies,

not merely of truth but of reason. It becomes a law to itself, it pursues purposes of its own which, since they are never announced, cannot be subjected to criticism and cannot be assessed in rational terms. To parody Dostoevsky's dictum about liberty, the end of "security" is infinite insecurity.

The study of the Soviet secret police system of the 1930s is hampered by paucity of material of any kind. The study of it for the period since the Second World War is hampered mainly by the superabundance of unreliable material, chiefly of a personal character and rarely supported by documentary evidence. This is not to say that some factual information cannot be derived from it. Much probably correct, though unconfirmed, detail is furnished in the concluding sections of this volume about the organization of the departments of the M.V.D., the distribution of the troops under its command, and methods of training and recruitment of personnel. But little light is thrown on political developments or on the change of status through which the security organs have evidently passed since the death of Stalin. Here convincing conjecture has hitherto been extremely rare.

The downfall of Ezhov marked the end of the great purges of the 1930s, but appears to have left the institution and its prestige unscathed, though the international situation and the coming of war may have blanketed consequences which would otherwise have followed. The downfall of Beria clearly had a different character. It was not the immediate sequel of a purge, but rather of a struggle among leaders for power; and those who overthrew Beria did not hesitate to blacken him by discrediting the institution which he headed. Even if one assumes that it was no part of Mr. Khrushchev's purpose (as it may well have been) to contract the empire of the M.V.D. and weaken its power and prestige, this was an inevitable result of Beria's defeat and execution; and the crimes of the secret police were a conspicuous item in Mr. Khrushchev's famous indictment of Stalin at the twentieth congress.

However these symptoms may be read they indicate a significant change of front. The reduction in the status and authority of the secret police, even if it served the aims of Mr. Khrushchev's ambition, is new and real; and it is difficult not to connect it with the growing power of a régime which no longer feels so strongly the need to buttress itself on this ambiguous and unpopular support. In this sense, the future of the Soviet security system is bound up with that of the régime as a whole. In the past it rose with the threat of internal and external crisis; and this pattern might well reproduce itself again. In a period of relative stability and tranquillity, the secret police can be kept under control and its power restrained. But in an age as security-minded as the present, and in the most security-minded of countries, it is difficult to believe that the security organs will not remain for a long time a prominent feature of the Soviet landscape.

NOT TO BE MICROFICED

TOWARD UNDERSTANDING TOTALITARIANISM

Problems of Communism
September-October 1957
by Donald W. Treadgold
(concluding section)

During the last year and a half certain developments within the Soviet orbit seemed to challenge a number of widely accepted views about totalitarianism. In 1956 came the effort of the staunch and veteran Stalinist, Khrushchev, to exorcize the incubus of his dead master, followed by the upheavals in Poland and Hungary, occasioned in part by popular perception of the uncertainty and dissension at the summit of power. In particular, the exaggerated interpretation of Khrushchev's new line - reflected in the phrase "de-Stalinization" and in the incautious conclusion that the Hungarians had won, during the brief and breath-taking days when Budapest had a "neutral" government - prompted revisionist suggestions. There were exultant cries that Arthur Koestler was wrong - that the purge defendants had confessed as a result of torture, not brainwashing"; that Orwell was wrong - that the facts which had been thrust down the "memory hole" still remained alive in men's minds. The experts, it seemed, had been unduly pessimistic: a whole people in arms could dash the weapons of control from their rulers' hands.

Then came the Soviet seizure of Budapest, followed by anti-proletarian and anti-popular savagery of a kind at least equaling any exploit of the supposedly disavowed Stalin. By the end of 1956 the old assumptions seemed reestablished. After all, communism was not to be fundamentally transformed by semi-reasonable men at the top, nor was it to be forcibly overthrown by masses of heroes at the bottom. Very likely, the confessions of some of the Moscow defendants, like that of Koestler's Rubashov, had been obtained by the interrogators' exercise of the "ridiculous super-sense" of their "ideological superstition" (in Arendt's phrase). Doubtless many Poles and Hungarians as well as Russians still suffered from their ignorance of their own past and the foreign present, and from the endless lies they had been told - even when they disbelieved them. Although the Hungarian secret police had fallen victim to the people's revenge and the Hungarian army had joined the revolt, the Soviet military force - despite some defection in the ranks - remained at the rulers' disposal.

And yet something had been learned. The myth that the masses willingly acquiesced in totalitarian rule, because they wanted only full bellies, or had been successfully propagandized, was shattered by the events in Hungary - even more effectively than by the reaction of Soviet soldiers and civilians in welcoming Hitler's invasion in 1941. The contrary myth, that the people could push over the totalitarian monolith if they tried, was also a casualty - but it had never been taken very seriously anyway.

The internal structure of the Soviet system continued into 1957 to exhibit stresses and changes. On very scant evidence, it has been widely thought that a sizeable proportion of concentration camp inmates has been released, that the secret police apparatus has been at least partially dismantled, and that the institution of the purge, which Brzezinski labeled as "permanent" has come to a virtual end - since Beria's death, at any rate.

(The evidence does support a believe that the apparatus of terror and purge is, at least for the moment, largely inactive.) However, Khrushchev's June purge of the Presidium itself, in which more members were removed than on any single occasion in all previous Soviet history, suggests caution in such conclusions, even if Zhukov's rumored demand for a cessation of "bloodshed" should save the life of Malenkov, Molotov et. al., for the time being.

Over the past four years, and especially in connection with the recent purge, the role of Marshal Zhukov has evoked increasing comment. It has been thought that no institution could operate autonomously within the centralized power structure, whose strength lay in its ability to send orders downward, displacing without difficulty the dictator's satraps who headed the chief agencies of control - as Stalin did with virtually his whole army leadership and two successive heads of his secret police, and as Malenkov and Khrushchev did with Beria. Nevertheless, the assumption has grown that Zhukov's power rests on the organized support of the army as an institution. If this is true, our views of the structure of totalitarianism must be altered. However, if he owes his climb to the use Khrushchev or he himself has made of his relatively strong personal popularity as conqueror of the Nazi armies, and not to his own organization-based power, then he is just another contender in a struggle which seems still in progress. It is likely that events may soon put this proposition to a test.

Much else hangs in the balance throughout the totalitarian world in 1957; the fate of the Gomulka experiment in Poland, the unsolved question of Tito's relations with the Kremlin, the success of Mao's endeavors simultaneously to open a controlled safety-valve for Chinese discontent and to lure his critics into self-entrapment in the opium fields of the "hundred flowers".

These and other manifestations of tension clearly indicate the existence of severe stresses in the fabric of Communist totalitarianism; but it would be fool-hardy to conclude that communism is headed for the kind of sudden collapse that overtook nazism and fascism under war conditions. It is still a far more powerful force in the world than were the other totalitarian systems of our century, its bases vastly more far-flung, its threat to freedom more grave.