

on censorship

index

2/1973

50p

Wolf Biermann Poems and songs /

Harry Bloom **The end of samizdat?**

Stuart Hood Television, muck and p

olitics / **Donald Tyerman** Crying for

the moon / Letter from Argentina /

Yugoslav philosophers under fire

Ludvík Vaculík I can't complain /

'Confrontation' by **József Lengyel** /

Michael Morley Hard times for poe

try / **reviews** / **letters** / **document**

editor: Michael Scammell

**editorial board: Jenefer Coates, Stuart Hampshire,
Peter Reddaway, Stephen Spender**

reference and INDEX *Index*: James Collins

advertising: Susan Strachan

distribution: Philip Spender

subscriptions: Michael Murray

design: Hannah Oorthuys

index

summer 1973, volume 2 number 2

Harry Bloom	The end of samizdat? The Soviet Union signs the Universal Copyright Convention	page 3
Stuart Hood	Television, muck and politics Britain's Independent Broadcasting Authority and the banning of the TV films on Andy Warhol, John Poulson and Michael Collins	19
Michael Morley	Hard times for poetry On the songs and poems of Wolf Biermann	23
Wolf Biermann	Poems and songs By East Germany's most talented and censored poet	27
Donald Tyerman	Crying for the moon Sri Lanka's new press council bill	37
Andrew Graham-Yooll	Letter from Argentina	43
Ludvík Vaculík	I can't complain An interview with the Czech novelist by <i>Friedrich Rentsch</i>	47
Fazil Dağlarca	Five Poems	57
Anon	Yugoslav philosophers under fire Two memoranda on the attempts to dismiss 8 members of the philosophical faculty from Belgrade University	61

Index Index

(appears between pages 64 and 65)

George Schöpflin	'Confrontation' in Budapest József Lengyel's affair with the Hungarian publisher and others	71
József Lengyel	'Confrontation' An extract from the novel by Hungary's veteran communist author	
Geoffrey Ryan	Un-American activities, part two The House Un-American Activities Committee 1946-50, featuring Richard Nixon and the Hollywood hearings	77
	For the record	
	<i>IAPA resolution on press freedom in the USA</i>	91
	<i>Paraguay: He who sows the wind</i>	92
	<i>Anti-socialist 'happenings' in Czechoslovakia</i>	94
	<i>The death of Zora Jesenká (obituary)</i>	94
	<i>A plea for meddling by Heinrich Böll</i>	95
	<i>Mozambique: the imprisonment of Domingos Arouca</i>	96
	Books	
Cedric Thornberry	<i>What are human rights?</i> by Maurice Cranston	97
Anthony Smith	<i>The universal eye</i> by Timothy Green	99
	Letters to the editor	101
	Hermann Hendrich, Allen Boini, Geoffrey Ryan, David Holbrook	
	Contributors	107
	Subscription form	111

Index is published by Writers & Scholars International
35 Bow Street, London WC2R 7AU. Telephone 01-240 2254
Subscriptions £2 (\$7) for 1 year, £5 (\$18) for 3 years
Copyright © Writers & Scholars International 1973
Printed in England by Villiers Publications Ltd, London NW5

Harry Bloom

The end of samizdat?

The Soviet Union signs the Universal Copyright Convention

The Soviet announcement on 27 February that it would join the Universal Copyright Convention (UCC) as from the 27 May came to most people as a surprise. But there have been signs that the Soviet Union has been making careful, indeed meticulous preparations for the move for several years. Discussions have mostly been conducted under diplomatic covers, but from time to time they have surfaced. For instance, in a discussion of Soviet Copyright published in the January 1971 issue of *Revue Internationale de Droit d'Auteur* (the prestigious journal of the International Writers' Guild), a leading Soviet Copyright jurist, Arkady Vaksberg, tacked onto the article a long and detailed analysis of Soviet copyright relations with Hungary (the only 'foreign' country which until then had a copyright pact with the Soviet Union). Among other things he wrote: 'The essential features of the convention in our view give some insight into the trends of Soviet copyright in its first approaches into the international field'.¹ After forecasting some changes in Soviet domestic law to accommodate entry into the world copyright arena, he concluded with a statement which was both significant and prophetic: 'There is no doubt that the fundamental principle will nevertheless continue to be that the rights of foreigners will be protected within the limits of the rights extended to Soviet authors. Moreover, as we have seen, the rights of Soviet authors are protected in a generous and satisfactory manner'.² Among other indications of what lay ahead was the reliably leaked news that for the meeting between US and Soviet Trade delegations (the run-up to Mr Kissinger's mission to Moscow) a serious exploration of the possibilities of Soviet accession to 'an international copyright convention' was on the agenda. It was dealt with on the basis of a 'concession' by the Soviets to help oil the machinery for the forthcoming European Security Conference (now under way in Helsinki: this explains the timing of the Soviet announcement).

Parallel with these moves there had been a number of cases in this country and Germany since 1967 claiming copyright infringement of works by banned Soviet authors which seemed to show signs of being attempts by the Soviet authorities to feel out the soft spots in ours and Germany's domestic copyright law (eg the cases over Svetlana Alliluyeva's book and Solzhenitsyn's latest novel *August 1914*). Finally, on 28 February last, the Presidium of the Supreme Soviet decreed sweeping amendments to Soviet copyright law to permit state legislation to set up procedures for controlling the export of literary works for publication abroad and preventing the receipt of foreign currency earnings by Soviet authors who evade the new laws. Contrary to what many think, it has not so far

¹ *Revue Internationale de Droit d'Auteur* (RIDA) Vol. lxvii, January 1971, p.174.

² *Ibid.*

been illegal to export manuscripts for publication abroad.

None of this at first alarmed those in the West whose interests lay in literature, copyright or the arts. For the politicians, it was of course a coup – another step towards bringing the Soviet Union out of its political quarantine – or, to resort to diplomatic idiom, ‘an expression of the wider trend in the Soviet Union for normalisation in international relations’. According to *The Times* the Soviet Union had done *us* a favour: ‘It is regarded as yet another gesture towards the West’³ – even though made with a view to strengthening the Soviet bargaining position at the Helsinki Conference, where point three deals with the free movement of people and ideas.

Publishers also hung out welcome banners at the news. The International Publishers Association in Geneva was delighted: ‘It becomes superfluous to enlarge on the importance of Soviet accession. Now the two biggest producers of books are parties to the copyright convention whose membership consists of 64 countries’ (the other is the USA, which was a founder member of the UCC in 1952). Even Max Reinhardt, Chairman of the Bodley Head, who are Solzhenitsyn’s English publishers, said he thought Russia’s signing would bring ‘positive advantages’ and that Western authors would receive substantial royalties as a result. This seems problematic, to say the least. The number of Western authors selected for translation into Russian is still few and of these even fewer are still in copyright. Then there is the question of which currency they will be paid in – roubles or their own (convertible) currency. And finally, it seems as though special conditions will apply to the vast number of scientific articles and books – making up by far the largest category – that are either translated or, in many cases, simply xeroxed and distributed in their original languages without acknowledgement or permission.

Soon, however, the welcome began to turn sour. As early as 15 January the American copyright lawyer Alan Schwartz (who among other things handled the publication of Svetlana Alliluyeva’s books) had sounded a warning note in the *American Publishers Weekly*. Immediately after the Soviet announcement at the end of February Nicholas Bethell, in *The Times*, pointed out that the Soviet Union’s access to the UCC could have the effect of bringing *samizdat* under the control of the Soviet government, thus enabling the latter to clamp down on dissident authors still further and put a stop to the flow of works to the West.⁴ Then, on 16 March, details of the new legislation were made known in the press, although still without publication of the text. According to *The Times*, the law provided that before sending work abroad for publication, the author must first obtain his government’s permission to do so. A government organisation handling foreign trade would attend to the arrangements for publication. The foreign copyright of an author would not be recognised in the Soviet Union if the procedure were not followed and royalties, which would be collected by ‘the appropriate Soviet organisation’ would not be passed to the author.⁵ It was obviously contemplated that Soviet agencies abroad would be

³ *The Times*, 28 February 1973

⁴ *The Times*, 2 March 1973

⁵ *The Times*, 16 March 1973

able to enforce these provisions by approaching foreign courts for an injunction against a publisher when the author has not used the prescribed channels, or to claim the royalties which, in terms of Soviet Law, would belong to the Soviet government since they had been illegally earned by the author. By a neat trick it seemed to have transformed a treaty ‘designed to introduce a universal copyright system that will facilitate a wider dissemination of works of the human mind and increase international understanding’⁶ into a weapon with which to club many of its leading writers into silence both at home and abroad.

Three days later the Association of American Publishers called an emergency meeting of its board of directors for 21 March to consider whether the new law might ‘lead or force’ Solzhenitsyn (and other Soviet writers) to go abroad in order to get his works published.⁷ And the *New York Times*, in an editorial the following week under the heading ‘Reverse Copyright’, summed up America’s growing fears by remarking that instead of increasing international understanding, ‘the Soviet Government seems to count on using the world copyright law to turn its tight domestic censorship into effective international censorship’⁸ – the direct opposite of what the UCC was intended to achieve.

The most pessimistic view of all, however, seemed to come from Moscow itself, with the release to the Agence France Press correspondent of a bitter attack on UNESCO melodramatically entitled ‘A Stab in the Back of Russian Literature’: ‘Free men of the West . . . you have dealt us a dirty blow in our unequal struggle, you have placed a lid on our heads. It will henceforth be easy for them (the Soviet authorities) to finish us off with their fists and their hammers. Our books will be stifled not only during the lives of their authors, but forever, until the end of publishing on earth. This situation did not exist even in Stalin’s time, for the books then ended by coming to the surface, at least posthumously. Now, the best Russian articles, the best thoughts will be stifled as soon as they appear, forever. In exchange, you will receive the most worthy offsprings of socialist realism’.⁹

Admittedly these sentiments seemed merely to confirm – in somewhat more dramatic language – the fears already expressed elsewhere. But there were reasons to regard this statement with extreme reserve. It is characteristic of genuine statements by the Soviet dissidents that they are always signed by identifiable individuals, even if signing entails great risks. ‘A Stab in the Back’, however, was reportedly signed only with the words ‘The Stifled *samizdat*’, which suggests that it was the private initiative of a well intentioned but uninformed and probably unknown individual.

This supposition is borne out by the publication of another and far more moderate and convincing statement issued the following day and signed by Academician Sakharov and five others [see insert]. In this statement Sakharov referred to past authors who might have suffered under the new law and also sounded the alarm at the possibility that Soviet censorship might operate ‘on an

⁶ From the Preamble to the Universal Copyright Convention 1952.

⁷ *Christian Science Monitor*, 19 March 1973

⁸ *New York Times*, 23 March 1973

⁹ *The Times*, 27 March 1973.

Sakharov and others on Soviet accession to the Universal Copyright Convention

The decision of the Soviet government to join the International Geneva Convention on Copyright can significantly advance the cause of free exchange of information and can contribute both to the reduction of mutual distrust and, in the long term, to cultural rapprochement between nations.

While definitely approving this action in general, we nonetheless consider it our duty to express certain fears. The international concept of copyright assumes that this right is a purely personal right which the author can assign to any publisher, theatre, film studio, etc. States can and should protect the copyrights of its citizens, but should not usurp them.

In the particular conditions of our country, the law on the monopoly of foreign trade could be manipulated to restrict, or even suppress entirely, the authors' rights – on an international basis – of Soviet citizens. Our ideological and artistic censorship has always been extremely rigorous, and in recent years it has become more and more harsh and arbitrary.

If this censorship had possessed international legal powers in the past, Russian culture, and world culture as well, would have been deprived of many remarkable works of art – the works of Akhmatova, Pasternak, Solzhenitsyn, Tvardovsky, Bek and other writers, and those of composers, painters, historians, and publicists. This censorship must not be allowed to function on an international scale, sanctioned by the Geneva Convention.

The Decree of the Presidium of the Supreme Soviet, dated 21 February 1973, and published in the press, not only fails to eliminate the fears noted above, but instead makes them even more real. Therefore, while joining in the almost unanimous approval voiced by the world community regarding the Soviet Union's participation in the Geneva Convention, we consider it our duty to issue this statement of our fears.

Alexander Galich	Andrei Sakharov
Vladimir Maximov	Igor Shafarevich
Grigory Podyapolsky	Andrei Tverdokhlebov

international scale'. But at the same time he approved of the Soviet move in principle and foresaw that it could be a potentially significant contribution to the cause of the free exchange of information and cultural rapprochement between nations – thereby suggesting that the situation was still open and the possible options not yet reduced to one. Indeed, as we shall see, this statement showed considerable political judgement and responsibility.

Another important point about the Sakharov statement is that it omitted the gratuitous and misguided attack of the earlier letter on UNESCO – an attack stemming from a misconception about

UNESCO's role that seems to have been shared by Nicholas Bethell. UNESCO, in fact, cannot be criticised for the Soviet accession to the UCC. It is true that the UCC was set up in 1952 under the auspices of UNESCO, but it is supervised by an Inter-Governmental Committee composed of representatives of twelve member states selected with due consideration for fair geographical representation.¹⁰ The Director-General of UNESCO may attend meetings of the Inter-Governmental Committee, along with others, merely in an advisory capacity. Documents of accession, ratification etc. are merely lodged with UNESCO as the custodial body, which acts in a purely secretarial capacity.

Undoubtedly, however, in Moscow and equally in the West, there is widespread confusion about what exactly is involved in the Soviet accession to the UCC. There are many fields of intellectual property – eg films, music, drama, broadcasting – involved in copyright, but for the sake of clarity the subject is here discussed within the confines of book publications as between the Soviet Union and Great Britain.

Basically, two problems are at issue: (1) The treatment of foreign writers who will in future be published in the Soviet Union; and (2) The position of *samizdat*, its authors and publishers, when their works are published outside the Soviet Union without the mediation of the new Soviet Government agency. In order to gain some idea of the future, it would be useful to sketch in the history of the UCC and its provisions and also to make a brief examination of copyright as it is understood in what may be termed 'conventional copyright circles' in the West, as compared with the concept as understood in the Soviet Union.

The Universal Copyright Convention and current practice

The UCC is part of a two-tier system of international copyright protection of which the other part is the Berne Convention. Copyright is essentially international, since the worldwide exchange of knowledge and information is a feature of modern civilisation. The Berne Copyright Union was formed as far back as 1886 (replacing earlier bi-lateral treaties between states) with the object of providing a high standard of reciprocal protections for the creators of 'literary and artistic works' – an expression which by amendments to the convention has come to include numerous other categories of intellectual property. One of the requirements of the Berne Convention is that copyright should be recognised without a necessary compliance with official procedures. This disqualifies for instance the United States, which grants copyright only on the fulfilment of certain formalities, including the lodgement of the copyrighted material at a copyright office and the payment of a fee. The Soviet Union never applied to join the Berne Convention, but its philosophy and practices regarding literary and artistic creations would probably have barred it had it tried. Industrially backward countries found no point in joining since they would play the part only of importers of the works of developed countries, saddling

¹⁰ Article 10 of the Universal Copyright Convention.

themselves with the obligations of membership while having only minimal interest in its protections.

To bridge the gulf, the UCC was set up in 1952. It asked for only a minimum of obligations from contracting states and the basic and essential obligation was set out in pride of place – Article 1: ‘Each Contracting State undertakes to provide for the adequate and effective protection of the right of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture’.¹¹ It stands alone, self-contained, without qualifications or limitations. But to understand how its provisions are applied in practice, it is necessary to examine the notion of copyright as it has, until now, been understood within the framework of both copyright conventions, particularly in Western countries, and compare it with the notion of copyright and the practices connected therewith in the Soviet Union.

Since an author is particularly vulnerable to his work being plagiarised, the law of most developed countries has given him an exclusive right to do, or authorise others to do, certain acts in relation to his work. These include publishing, adapting for dramatisation, film or television, publication in translation, publication abroad, reproducing in full or summary form in newspapers etc. This, in brief paraphrase, is a description of copyright under British legislation. The definition in other countries helps one to understand its essence and special features. German Copyright Law 1965 reads: ‘Copyright shall protect the author with respect to his intellectual and personal relations to the work, and also with respect to his intellectual and personal relations to the work, and also with respect to the utilisation of the work’ (UNESCO translation).¹² French Copyright Law 1957: ‘The author of an intellectual work shall, by the mere fact of its creation, enjoy an exclusive incorporeal property right in the work, effective against all persons. The right includes attributes of an intellectual and moral nature, as well as attributes of an economic nature, as determined by this law’ (UNESCO translation).¹³ In the USA, copyright derives from the Constitution, which authorises Congress ‘to promote the progress of science and the useful arts by securing for limited terms to authors and inventors the exclusive rights to their respective writings and discoveries’.¹⁴

The reason for granting the author the exclusive right to determine for what purposes, by whom, and on what conditions his work shall be used, is to encourage intellectual creation among the community. This was clearly brought out by the early English Copyright Act of 1709: ‘Whereas Printers, etc. . . have frequently taken the liberty of printing, reprinting and republishing Books without the Consent of the Author and Proprietors of such Books . . . for preventing such practice and for the encouragement of Learned Men to compose and write useful books, be it enacted that . . .’¹⁵ And the Report of the Canadian Royal Commission on Patents, Copyrights, Trade Marks and Industrial Design 1957

makes the same point: ‘Copyright is in effect a right to prevent the appropriation of the expressed results of the labours of an author by other persons. The right is regarded by some as a natural right on the grounds that nothing is more certainly a man’s property than the fruit of his brain’.¹⁶

Apart from the author’s rights in the economic use of his work, the Berne Convention and most jurisdictions (but not the British) recognise the author’s personal rights (or rights of personality) in his work, generally known as the *droit moral*. Article 6-bis of the Berne Convention reads: ‘(1) Independently of the author’s economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work which would be prejudicial to his honour’.¹⁷

Copyright does not protect ideas as such. Nobody can own a fact. One cannot sue another for stealing his dreams. It is only when an idea has been given a form of expression – for example by committing it to writing, publishing it, recording it on film or tape, giving it shape and visibility in sculpture or painting, or by performance on the stage, television or the lecture platform, that copyright comes into existence, and a form of property in the expressed idea becomes vested in the creator. Hence it is possible to determine the country of origin of a copyright, a matter that might be relevant in implementing the copyright obligations of states joined in a reciprocal convention such as the UCC: it is the country in which the idea was first made manifest in physical form.

Reciprocity is effected in the UCC by a simple formula which is set out in Article 2 as follows:

1. Published works of nationals of any Contracting State and works first published in that State shall enjoy in each other Contracting State the same protection as that other State accords to works of its nationals first published in its own territory.
2. Unpublished works of nationals of each Contracting State shall enjoy in each other Contracting State the same protection as that other State accords to published works of its own nations.

This means that, as between Great Britain and the Soviet Union, the works of British authors, whether published or unpublished, shall on publication in the Soviet Union be subject to the same laws as apply to the works of Soviet authors. And conversely, the works of Soviet authors, whether published or unpublished, shall, on publication in Great Britain, be subject to the same laws we apply to works of our own authors. To avoid complications, the UCC provides (Article 3) that when a contracting state requires compliance with formalities in granting copyright to its own authors, such formalities shall be regarded as fulfilled, and copyright protection afforded to foreign authors, when works first published abroad are marked with the symbol © accompanied by the name of the copyright holder.

To understand how the British author (and his publisher) would

¹¹ As reproduced in *Copyright: Copinger and Skone-James* (11th edition), paragraph 1731.

¹² *Copyright: Evolution, Theory and Practice* by R. F. Whale (Longman), chap. 2.

¹³ *Ibid.*

¹⁴ Copinger and Skone-James, *op.cit.* para. 1230.

¹⁵ Whale, *op. cit.* p.25

¹⁷ From the *Berne Convention for the Protection of Literary and Artistic Works* (United International Bureau for the Protection of Intellectual Property, Geneva.)

¹⁸ *Le Droit d’Auteur Sur les Films Cinématographiques en Union Sovétique* (RIDA January 1972, p.62).

fare when published in the Soviet Union under the new agreement, we must examine the copyright laws and the author's legal position in that country. There is unlikely to be friction about this. Only books that measure up to Soviet requirements will be passed for publication. However, there is another aspect – does the Soviet system in fact 'provide for the adequate and effective protection of the rights of authors and other copyright proprietors' according to the single simple undertaking required (in Article 1) of contracting countries in the U C C?

Soviet copyright

Soviet copyright has, ever since the days of Lenin, been a source of controversy among Soviet lawyers. The earlier 1928 copyright legislation was long considered out of date and was largely ignored, but even after updating in the 1961 and 1964 amendments, Soviet lawyers have never settled their argument whether disputes between authors and publishers should be decided according to the Civil Code or Labour Code. Was the author a worker earning his wages by the sweat of his brain, or a special genus, whose product and habits of work are peculiar, entitling him to be treated as an independent operator? The law has so far reflected a halfway position between these. Because publishing is basically a state monopoly, the Soviet author cannot shop around for a publisher to the same extent as his colleague in the West. Since he cannot choose anything other than a state publisher and since he cannot publish the work himself, it is impossible to speak of such a right being assigned through agreement to agent, publisher or other party. The point has been neatly summed up by Arkady Vaksberg:

One of the peculiar features of Soviet copyright – reflecting its socialist nature – lies in the fact that copyright belongs exclusively to the creators of works. It cannot be assigned away by contract, neither can it be transferred in whole or in part. The rights received, for example, by a publisher under a publishing agreement are not author's rights transferred to him by the author. Neither are they derived rights, but rights standing on their own which in turn cannot be transferred to the author, but only on certain specific conditions, to another organisation of a socialist character or to a publisher.¹⁸

Furthermore, it would appear from another article in RIDA that Soviet publishers and writers' unions may be empowered to take judicial action on an author's behalf, even if the author is unwilling for such action to be taken.¹⁹

There has not been much a Soviet author could do with his copyright except sign a mandatory model contract with the publisher. Soviet legal literature is voluble on the extent of the author's 'protections', but these amount to little more than providing normal reliefs against breaches of contract by the publisher, or aspects of the *droit moral*, such as giving him due credit for work or allowing alterations in a work before issuing a new edition.

The model contract is granted the status of a legal provision. It cannot be bargained over: any stipulation that worsens the position of the author is null and void, and so, too, in practice, is any

¹⁸ 'Protection of Copyright in Socialist Countries' by Ovidiu Ionasco (RIDA Vol. lxxv Jan. p.124 and note). Ionasco is discussing conditions in the Soviet bloc in general and it is not clear whether all his remarks apply equally to the Soviet Union as well.

²⁰ For a general discussion of Soviet practice see *Communists and Their Law* by J. N. Hazard (Chicago U P 1969), chap. 11. Also Dietrich A. Loeber *Urheberrecht der Sowjetunion-Einführung und Quellen* (Berlin, 1966).

²¹ *The Bookseller*, 17 March 1973

²² Decree no. 38 of the Presidium of the Supreme Soviet of the U S S R, para 97 (d) (*Gazette of the Supreme Soviet of the U S S R*, 28 February 1973). Another change is to alter the post mortem copyright duration from 15 to 25 years to correspond with the provisions of the U C C (Article 4-2).

variation that worsens the position of the state. Its advantage, it is said, is to protect the author from the lawsuits that beset western authors because of ill-drafted contracts, bad definition of rights and inaccurate phrasing. The model contract may be signed for work to be completed (in which case the publisher must give an advance to the author for subsistence and clerical aid while writing) or for a completed work. In the former case, the publisher must be furnished with a synopsis, and in the case of a new or unknown author, a detailed breakdown of the subject, the characteristic features of the work, its genre, length, the special problems to be dealt with and the approach and manner of treatment. The publisher is entitled to reject the completed work if, in his opinion, it is unacceptable to the general public. He has a right to reject (whether arbitrary or not is a legal point of dispute) if the manuscript does not tally closely with the synopsis, since this is incorporated into the contract.²⁰

Remuneration does not depend on the sale price of the book, on the size of the edition, or numbers sold or distributed. Nor can royalty be bargained for. In the majority of cases, it is determined by the length of the work – ie how many 'author's pages' went into it (an author's page equals 40,000 printed characters, including spaces between words and blank lines). Rates of pay are laid down by the law and are divided into categories – for *belles-lettres*, poetry, scientific works, collections and anthologies, etc. Another point is that the author, if first published in Russian, has until now had no say in, or reward for, publication in translation into other Soviet languages. This rule is the one that has also sometimes been given for not paying for published translations of books from foreign countries. Another is that the Soviet Union only pays foreign authors or copyright holders in terms of her international or other treaty obligations, and since she has had none so far with the outside world (except Hungary), she has been under no legal obligation to pay royalties to foreigners.

Now this has all changed. What kind of deal will be offered foreign authors and publishers is still to be seen. Mr Boris Stukalin, Chairman of the U S S R State Committee for Publishing, Printing and Book Trade, said in a press conference that foreign authors would receive a lump sum and royalties calculated on the size of the print order.²¹ This shows some intention to alter the local rules for foreign publications, but it is impossible to tell what this means without disclosures of figures and rate of payment.

Similarly, another concession has been made by the inclusion of an amendment in the new Presidium decree on copyright recognising the right of the author to approve of translations of his works being made before they are carried out.²²

It is unlikely, however, that foreign authors will be treated conspicuously better than local authors, and so the question arises: are these conditions 'adequate and effective' under the terms of the Geneva convention? And if so, what will be the consequences of this, combined with the new legislation, for the future of *samizdat*?

The legal status of samizdat

Samizdat represents an important and extremely respectable branch of world literature. There is certainly no other country that boasts two Nobel Prize winners among its literary outcasts. Not only is much of its literature of high quality: it is the only trusted source of information about trends and events in a super-power whose actions, decisions and fortunes are of great consequence to the whole world. Will it now be possible to continue publishing here works denied publication in the Soviet Union and refused a visa to leave its native land for publication abroad? It is of course hazardous to try and guess the complete answer to this question, but certain events of the past few years offer pointers to what might happen.

One of the most interesting developments from this point of view came in the case of *Bodley Head v Flegon*,²⁴ arising out of conflicting claims to the publication of an English-language version of Solzhenitsyn's novel *August 1914*. The novel's first publication had been in the Russian language in Paris, thus ensuring that it was protected by the laws of international copyright. And copyright was vested in Solzhenitsyn's Swiss attorney, Dr Fritz Heeb of Zurich. Flegon ignored this situation and published a photographic reprint of the Russian original in Britain. Subsequently he offered to sell a Sunday newspaper the serial rights of an English paperback translation planned for publication in July 1972. He had no permission from Solzhenitsyn or his agent to do this and no intention of paying royalties. Therefore he could offer the newspaper 'more competitive' terms – indeed, 'half the figure quoted to you by our competitors'.²⁵ And he also offered to provide photographs relating to the subject not available to other publishers.

The Bodley Head issued a writ for an injunction against Flegon restraining him from infringing their copyright in the book, which had been derived from the author through his attorney Dr Heeb and through the German publishing firm Luchterhand Verlag, to whom Dr Heeb had granted world publication rights. Flegon then claimed that the Bodley Head did not have legal copyright; and it is the judgement arising out of this claim that gives one of the clearest clues as to how the subject is likely to be dealt with – in English law at least – in the future.

Flegon based his claim on three grounds: (1) that first publication was not in fact in France, but in the form of clandestine publication in the Soviet Union known as *samizdat*; (2) that a Soviet citizen lacked the capacity to appoint an agent to enter into a contract abroad; and (3) that since he lacked the capacity to appoint an agent, Solzhenitsyn had behaved illegally in trying to do so and it would be contrary to international comity for the court to lend its assistance to a person who puts forward a claim based on acts which he knows to be unlawful according to the law of the foreign country with which such acts are connected. In other words and put simply, it was illegal for Solzhenitsyn to export his novel for publication abroad and the court could not

²³ Heard in November 1971, reported in [1972] 1. W.L.R. 680

uphold an act that was illegal in the country where it was committed.

In his judgement on these points the judge rejected all Flegon's claims and found in favour of the Bodley Head. Regarding point (1), he pointed out that no evidence had been produced to prove that *August 1914* had ever in fact circulated in *samizdat*. Furthermore, *samizdat* circulation is not publication, since we treat a work as published 'when it satisfies the reasonable requirements of the public'. Clandestine publication, the judge held, intentionally disregards the requirements of the Russian public, 'because such requirements cannot lawfully be voiced by potential readers or satisfied by the author'.

Point (2) was dismissed on the evidence of Flegon's own expert witness, who pointed out that the Russian Civil Code 'recognised a written authorisation similar to our power of attorney as giving the agent a right to perform civil law transactions for his principal'. This also took care of the charge of illegality; and the judge further pointed out that the granting of the authorisation to Dr Heeb, which was effected through an intermediary and stipulated that Swiss law would govern the contract, required nothing to be done within the borders of the Soviet Union and was, therefore outside Soviet jurisdiction (as also was the agreement between Heeb and the German publishers and the German publishers and the Bodley Head). It was true, the judge said, that in Russian law the contract might be held to be invalid not because the author lacked the capacity to contract, but because of the illegality attached to foreign trading. But again, the judge did not accept that the contract had been made in the Soviet Union as it was expressly stipulated that it be subject to Swiss law.

One of the most important points about the judgement is that the judge's ruling on whether circulation in *samizdat* constitutes publication or not highlighted a distinction that may become crucial in the future. Under Soviet law, a work is 'published' if it 'is issued, or publicly performed, publicly shown, broadcast on radio or television, or in any other way communicated to an indefinite circle of people'.²⁴ This means that *samizdat* comes within the definition of 'publication'. Under English law, however, if the judgement in the Flegon case is taken as a guide, circulation in *samizdat* does not constitute publication.

This should be seen in the light of a further circumstance of English law which is likely to be shared by other national legal systems, namely that it is the law of the host country that takes precedence. Thus there can be no argument about the fact that in this country English law will be the law of contract. The clearest statement of this position was made by du Parc L.J., one of the five appeal judges in the case of *Kleinwort and Sons and Co. v Ungarische Baumwolle Industrie Aktiengesellschaft in 1939*²⁵ and is worth quoting partially here:

The question in this case is whether one can go very much further than any decision ever has done and say that if a sovereign State chooses to

²⁴ Section 476 of the R S F S R Civil Code, 1961, Part IV: Copyright Law

²⁵ Reported [1939]2 K.B. 678

enact that, if one of its subjects obeying the law of a foreign country, carries out in that foreign country a contract which he had made according to its laws, he will be committing an offence against the law of his own country, then the Courts of England must say: 'We cannot compel you to keep your contract because, if you do, you will be breaking the law of your sovereign State'. I think that the answer to that suggestion ought to be a very emphatic negative. I do not say for a moment that a sovereign State may not legislate to control the acts of its subjects beyond its borders. Of course it may. Nothing can prevent a sovereign State from so legislating, and it is a matter with which these Courts have no concern. But it is right that it should be understood that, if a sovereign State legislates so as to interfere with the acts of its subjects outside its own territory and, in a sense, its own jurisdiction, then it cannot expect – and I suppose that no State would expect – that the Courts of another country will enforce that legislation at the expense of their own laws. Primarily it is our business to see that English contracts are observed and carried out according to English law.

Other obstacles

In fact, it is not illegal in the Soviet Union even now to be in possession of unpublished manuscripts, or to read them in silence alone, or aloud to a circle of listeners or a crowded city square. Otherwise an author would be committing a crime while working on his book, or risk arrest when taking it to the publisher. And until now it has not been illegal to send works abroad for publication. Why dissident writers have run into trouble with the law in the past is that the literature or activities in question were deemed to fall within the crime of spreading 'deliberate lying inventions vilifying the Soviet political and social system'. This the courts have interpreted to cover any criticism of the authorities and have refused to hear evidence that the so-called vilifications were not lying or inventions. Those who sent works abroad (this was an obvious element in the Sinyavsky-Daniel trial) could not be convicted for doing so, but were held to be conducting anti-soviet agitation and slander outside Soviet borders.

Many people now fear that the Soviet authorities will move to close this loophole and make the export of manuscripts officially illegal, but if they do so, this move will be neither helped nor hindered by their signing of the UCC. It is a law that could have been passed at any time and if it has not been considered expedient to pass it so far, there is no reason, on the face of it, why the situation should have changed. If the Soviet government were to pass such a law and to seek to enforce its observance abroad by reason of its membership of the UCC, this would raise two major obstacles that would not be at all easy to overcome.

In an action based on infringement of copyright, there would still be the difficulty facing the Soviet plaintiff of establishing *locus standi*, or the legal right to institute such an action, because section 17 of the Copyright Act ensures that only the owner of the copyright (or the claimant thereto) can bring such an action. Whatever rights the Soviet statute law grants to the organisation entrusted

with handling foreign publication, they would not be copyright. Indeed, Soviet law, as we have seen, is careful not to attach the name 'copyright' to the self-originating rights enjoyed by publishers and writers unions. Copyright can only be acquired by another with the initial consent of the author, and this would mean persuading the author to assign his copyright to an outside body so that that body could prove in a court of law that he had exported his work illegally – a manoeuvre not beyond the capacities of the KGB, but very unlikely to succeed in today's climate.

Tactically also, it would be unwise for the Soviet authorities to launch such a trial, for they might find themselves thrown onto the defence of their own laws concerning publication and literature. It might be possible to argue that they have no right to relief under the UCC because they themselves are in breach of the UCC conditions. What will be placed on trial is their system of censorship, state monopoly publishing and laws which fail to give effect to the rights of freedom of opinion and expression, and 'to seek, receive and impart information and ideas through any media regardless of frontiers' (Article 19 of the Universal Declaration of Human Rights). Soviet laws, it would be contended, amount to a *denial* of 'adequate and effective protection to authors and other copyright proprietors' as required by Article 1 of the UCC.

Such a defence would be reinforced by reference to Article 10 of the UCC. Article 10 (1) states:

'Each State which is party to the convention undertakes to adopt, in accordance with its Constitution, such measures as are necessary to ensure the application of the Convention'.

Article 10 (2) states:

'It is understood that at the time of accession such State must be in a position under its domestic law to give effect to the terms of the Convention'.

The Soviet definition of publication is also at variance with the definition in Article 6: "Publication" as used in this Convention, means the reproduction in tangible form and the general distribution to the public of copies of a work from which it can be read and or otherwise visually perceived' – a definition that excludes *samizdat* and could make difficulties in disputes under the UCC.

There is no previous legal authority for taking such a course, but cases in this area are scarce. It stems from the general rule that a litigant cannot ask the court for help in enforcing an undertaking when he himself fails to carry out his part. There is further support from the wording of the Royal Order in Council, by which we give domestic recognition and extend our own laws to cover a new member of the UCC, which can be interpreted as accepting the principles of the UCC into our law.

Positive aspects

The letter from Sakharov and others does not condemn outright the Soviet accession to the UCC. Indeed, it gives it a cautious welcome, but draws attention to the new dangers it creates for

Organisations concerned in the administration of Copyright

Annex to the draft proposals for a Convention to amend the UCC

European Broadcasting Union (EBU)
 Interamerican Association of Broadcasters (IAAB)
 International Alliance for Diffusion by Wire (AID)
 International Association for the Protection of Industrial Property (AIPPI)
 International Bureau for Mechanical Reproduction (BIEM)
 International Confederation of Societies of Authors and Composers (CISAC)
 International Federation of Actors (FIA)
 International Federation of Film Distributors' Associations (FIAD)
 International Federation of Film Producers' Associations (FIAPF)
 International Federation of Musicians (FIM)
 International Federation of the Phonographic Industry (IFPI)
 International Federation of Translators (FIT)
 International Federation of Variety Artists (FIAV)
 International Hotel Association (IHA)
 International Law Association (ILA)
 International Literary and Artistic Association (ALAI)
 International Music Council (CIM)
 International Publishers' Association (IPA)
 International Organisation of Broadcasting and Television (OIRT)
 International Union of Cinematograph Exhibitors (UIEC)
 International Writers' Guild (IWG)
 Internationale Gesellschaft für Urheberrecht (INTERGU)
 Union of National Radio and Television Organizations of Africa (URTNA)

Soviet dissident writers. If the conclusions in this article are correct, the position of these writers as regards foreign publication is much the same as before. It is probable, however, that their position at home will become more dangerous, because the new law will exert a moral pressure on them and may provide new levers for the KGB to use in their campaign against all dissenting voices. But Sakharov and his colleagues were wise not to reject outright the Soviet accession.

Despite the criticisms and complaints that can be levelled against it, it may well turn out to be a step to what is called (here, without overtones) the normalisation of international relations. The Soviet Union could be seen as a bather testing the water with her toe. A cartoonist would label the surf 'International Communications' and the waves 'EBU, AID, CISAC, IGG, CIM', etc. — these

being some of the familiar acronyms of organisations forming a wide network dealing with international communications [see inset]. Their members supply the expertise and advice to governments in interational transactions and attend international conferences as delegates or observers. If the Soviet Union plunges in, it will not be a mere dip: she will find it impossible to avoid being swept out on the tide of collaboration with these organisations. It will try to but find it difficult to ignore the Rome Convention (which protects the rights of performers, broadcasting organisations and others); or the World Intellectual Property Organisation, the administrative organ of the Berne Convention (which nevertheless concerns itself with copyright problems of international consequence) — all of which are international organisations set up under statutory authority. Besides these there are a host of international bodies that look after the interests of writers, publishers, actors, broadcasters, musicians, translators, gramophone records, performers and producers, performing rights societies and the like. Once in with this crowd, there will be constant pressure to conform to its outlook, style and activities. If the Soviet Union's motive in joining the UCC is solely to stamp out the export of *samizdat*, she will find not only that the Treaty won't work that way in foreign courts, but that she will place herself endlessly in embarrassing situations, imbroglis and confrontations. Indeed, the normalisation of international relations in literature may well come about, but gradually, through the steady pressure and influence of other members of the UCC and the off-shoot organisations mentioned above. Moreover, if the Soviet Union were somehow to succeed in finding a way past the legal difficulties here outlined, and use its membership to stifle rather than encourage works of authorship, it would leave world copyright in the kind of shambles that would have resulted if Mr Flegon had won his case. *Samizdat* literature would be the prey of any literary scavenger and not even the most vigilant Soviet watchdog, with access to foreign courts, would be able to stop the abuse.

In the meantime, there are several ways that sympathisers can take advantage of the new opportunities opening up to help the Soviet Union realise its desire to normalise international relations on the literary front. Soviet accession to the UCC will have to receive recognition in Britain by a Royal Order in Council. In making the order, the Queen (ie the Government) is entitled to be satisfied that the newcomer will in fact comply with the requirements of the UCC. It might be worth pressing for 'exceptions and modifications' (permitted under Section 34 of our Copyright Act) to the Order in Council to ensure that it does not legitimise an attack on world copyright or on *samizdat*. The UCC provides (article 15) that disputes between two or more contracting states concerning the interpretation or application of the Convention, shall (unless another method of settlement is agreed) be brought for determination by the International Court of Justice. Until now the Soviet Union has consistently rejected the jurisdiction of the Inter-

national Court when sued by other states. By joining the UCC, she is now implicitly consenting to the jurisdiction of the Court in matters of copyright and author's protections. If the Soviet Union and another member do not see eye to eye about the meaning or application of the UCC, here is an opportunity to press governments to bring the dispute before the Court. Finally, it might be worth launching a campaign to secure a special meeting of the Inter-Governmental Committee of the UCC, which has the right to study problems concerning the application and operation of the Convention, and the international protection of copyright, and to inform the contracting states accordingly. This meeting would need to be requisitioned by at least 10 member states and could go into the question whether the Soviet Union is, under its domestic law, in a position to give proper effect to the Convention.

In the meantime there is a good case, I think, for looking at the situation optimistically. With Soviet censorship no longer a purely domestic matter, the pressure of world opinion might slowly erode Soviet officialdom's medieval attitudes and practices towards freedom of opinion and expression among its own people. There is even the prospect that the export trade of free expression into the Soviet Union could greatly exceed the import of Soviet restrictions to ourselves.

© Harry Bloom

Michael Morley

Hard times for poetry

On the songs and poems of Wolf Biermann

Works by Wolf Biermann

Books

The Wire Harp 1965

*With Tongues of Marx and
Engels* 1968

Dra-Dra. The Full-scale Dragon

Slayer's Exhibition 1970

Germany, a Winter's Tale 1972

For my Comrades 1972

Records

Chausseestrasse 131

Four new songs

In 1965 the East German regime imposed a ban on Wolf Biermann which has since prevented him from publishing or performing his works in the G D R. The ban was pronounced to the accompaniment of hymns of hate from the official press and a chorus of malicious and unprincipled criticism from coat-tail clingers masquerading as the authoritative interpreters of so-called socialist art. Since then, the vehemence of these attacks has abated somewhat, but the basic position is unchanged. Biermann, the most gifted writer of political and cabaret songs in either part of Germany, is still deprived of a public platform in the G D R. The official line has it that he does not exist as a writer to be taken seriously. However, when it is found that his presence and works do have some effect on circles in the GDR, he is subjected to 'inconveniences' which range from the bugging of his apartment in Berlin to the cancellation at the last minute of his visa for a trip to Russia as an ordinary member of a travel group.

Some poets thrive on isolation and choose life in a cocoon in preference to contact with society; Biermann, as a convinced Marxist, is not of this type. His cabaret songs and political *chansons* need the stimulus of an audience and derive much of their inspiration from the give and take between performer and listener. It is not being melodramatic to see in Biermann's isolation one of the tragedies of the contemporary German literary scene, though he himself would shy away from such high-flown pronouncements. Yet, for all his diffidence, it is clear from his conversation that he feels acutely the loss and continuing absence of an audience. He may – and indeed does – say that he is not as badly off as others; but without a platform, a singer may just as well retire to a tunnel, catching in the blackness only the hollow echo of his own voice.

Biermann has summed up his attitude to his present position in a lengthy interview published at the end of last year in the *Frankfurter Rundschau*. At the outset he acknowledged the fact of his isolation:

Yes, I am isolated, like everyone in this country; and it's not only here that people vegetate, wrapped up in handy family-size packets, cooped up in apartment-size rabbit hutches. But set against the norm, I'm probably one of the least isolated individuals in the G D R. That's not just a defiant turn of phrase which I use as some kind of pretence so as to cope better with my real sense of isolation. My live contact with many people in the G D R is the logical – if paradoxical – result of precisely that official policy of isolation that has been pronounced over me: the gag that the State has stuffed in the mouth of the song-writer acts like a microphone, the officious campaign of defamation acts like

an enormous amplifier. The political singer is already at an advantage because of the popular form of the song itself: any ban can only serve to make him more popular.

One might object that such an argument is rather like an exercise in dialectical reasoning; and indeed, Biermann is inclined to use the rationale of Marxist dialectics to come to terms both with his own predicament and that of the society in which he lives. Nevertheless, his knowledge of Marxism, and his fondness for its principles of argumentation, are not the result of a quick reading of 'The Communist Manifesto' and the occasional dip into 'Das Kapital'. His familiarity with the works of Marx, his heavily annotated copy of Hegel's selected writings on philosophy and art, and the way he uses their attitudes (fruitfully) in his own work and in discussion – all these are evidence enough that his attitudes to the important question of art and society are anything but easily acquired catch-phrases.

And yet for all that, the listener senses an uneasy fervour behind the explanations Biermann offers for his readiness to come to terms with his unenviable position. He concedes that the ban hits him hard and deforms him. But, in the same interview he then qualified this by saying: 'It *forms* me too, for if one doesn't go completely to pieces, then the oppressive circumstances don't *only* have destructive consequences, but the artist's productivity' (it is revealing that he does not use the term 'creativity' – which he would classify as somewhat 'bourgeois') 'seeks out other paths'.

Biermann's latest poems give some indication of the direction of these other paths, but it is as yet too soon to say for certain whether his work will follow this direction in future, and if it will prove as rewarding as his earlier style. There is, however, little doubt that such recent poems as 'Brecht, your future generations' and 'On anxious friends' lose nothing in comparison with the best of his early verse. They display the same skilful combination of irony and vigorous language, the same sense of a sharply individual voice speaking with urgent yet reasoned conviction, that is the hallmark of the best of his poetry. At the same time, his musical settings for the songs and ballads from his latest collection *For my comrades* – some of which I heard recently in Berlin, and which, if all goes well, due to be released on record later this year – show that he has lost none of his remarkable skill as a song-writer.

One difficulty about describing the volume and range of Biermann's work is that it is at present impossible to give any accurate account of his achievement as a song-writer. Those songs of his which have already appeared in print are but the tip of the iceberg. According to his own vague calculations there are something like three or four hundred others as yet unpublished and unperformed – among these, adaptations of folksongs from several countries. As to assessing his achievements as a *poet*, there the situation is rather easier. It may seem as if I have erected a false division between the two aspects of Biermann's work. But he himself recognises that there are two poets within him; or rather, there is the 'poet' and

the writer of songs intended to be performed. To some extent, this is obviously a false division, in as much as his work in the latter genre inevitably colours and affects the style of the former. Yet he is uneasy at the course his poetry has taken over the last years: because of the performing ban, he has become increasingly dependent on the book as the vehicle for his work. And it is not a development with which he is particularly happy – especially since there are only three records of Biermann's songs currently available. (Three records may seem a reasonable number, but only one of these is full-length Biermann – *Chausseestrasse 131*. Of the other two, one is a 45 EP, and on the other, recorded in 1965, he shares the recording with the cabarettist and conferencier Wolfgang Neuss.)

It is not as if there were no demand for his records in Germany – quite the contrary. But there are obvious difficulties in recording the songs in Berlin, and then transferring the tapes both from there and onto disc. These problems have, however, been overcome in the past. An enterprising British company might well consider the possibility of a record in English: Biermann knows English and is naturally interested in the possibility of his work becoming more widely-known in the English-speaking world. It is a sad comment on the English publishing scene that, to date, no collection of his poetry is available – a situation that looks even more bizarre when one considers that in countries like Denmark, Sweden, France, Italy and even Spain (!), his work appears in translation almost as soon as it appears in Germany.

As a singer and performer, Biermann has few equals: he is a virtuoso guitarist, one minute scattering semiquavers like tracer, the next drumming out chords and an insistent, pulsing rhythm, the next coaxing forth, with ironic delicacy, the type of sentimental refrain so popular in German beer-halls, sung through smoke and a haze of *Gemütlichkeit*. For all his links with English and American folk-music, which are very real, he belongs to a definite German tradition, which began with Frank Wedekind (died 1918) and was carried on by a whole series of composers and poets in the 'twenties – notably Kurt Weill and Brecht, and subsequently Hanns Eisler and Brecht. For Biermann, the supreme master of the political song was Eisler – even now, a composer sadly neglected in the West – and it is clear that he owes much to Eisler's encouragement and tuition. If his poetic style and fondness for popular forms derive ultimately from Heine and Brecht, then his musical idiom and approach to the relationship between text and music are conditioned by his work with Eisler and his extensive study of the latter's songs.

Biermann's position in the GDR as a committed Marxist who, because of his convictions and belief in principles he feels have been betrayed, sees it as his duty and right to criticise those aspects of the society he considers to be wrong, is not something that can be discussed in ready-made phrases like 'artistic independence' and 'political commitment'. Nor indeed is the role of his poetry

and songs any easier to elucidate in a few words: from the selection included here, at least some of his themes and attitudes will be readily apparent. There are, to be sure, contradictions in some of his views, but at the same time, he is prepared to concede the possibility of error – on some points. On three of the most vital questions – the aim of his works, the Wall, and political poetry – it is as well to return to his own words. First, on his work:

My entire work has the purpose of advancing the development of a socialist workers' democracy in those countries that call themselves socialist. I voice criticism of the monopolistic-bureaucratic system, and I voice those forces which, rather than accepting a petit-bourgeois liberalisation being forced on them by the bankrupt old and neo-Stalinistic reactionaries – to shut them up – insist on the continuation of the socialist revolution.

On the wall:

I don't want the G D R to just disappear, and I certainly don't want those young people who are discontented to clear out, for they are valuable for every society. We shan't pull down the Wall just as soon as there are as many cheap cars in the G D R as in the West, but when there's something here in which people can drive a whole lot better: socialist democracy.

Finally, his comments on the nature of political poetry are typically acute and witty and sum up his approach to literature with an image that is typically acerbic and satirical.

A song about apple-blossom in the middle of a war is something very political: something reactionary and a crime, as Brecht might perhaps say. But a song about apple-blossom sung by an armed peasant in a Vietnam pounded by bombs is also political in another way: it shows that the people survive hails of bombs and go on working at the task of peace – in the midst of war. But there are also songs that are peppered with political phrases and yet are ideological idylls. If a few song-writers pull the fishing-rod of easy living from the hands of the bourgeois garden dwarf, and shove back in its place a flag-pole, we're still stuck with a garden dwarf, and not by a long shot, with a political song.

Wolf Biermann

Poems

From the collection
'For my Comrades'

On anxious friends

1

There are these anxious friends, anxiously, constantly urging me
To flee this country: You've *got* to escape
To the outside world! A singer must sing! Even the West
Is becoming easternized. Communists are in short supply, and
Where now is there such a thing as Communism?
Put by your daily art for those who come after us
Make safe your bundles of paper and
Protect your 140 pounds from the clutches of those
Who see the people as their property. Look:
They've not put you behind bars before now
Only because it would have cost them too much! But what
If it costs them too much *not* to put you behind bars?

2

Ah, people who talk like that
Don't need me

They can perfectly well go on living
Just as badly as before
And without me

They treat me worse
Than they treat a lump of dry bread

What sort of talent would that be, my friend
Which so urgently needs to be saved for the world
And yet you can do without? Comrade
What works of art are they meant to be that can be
Let loose on mankind
And yet you don't need them as much as you need bread?

I'll give it to you in writing: If you don't
Need me here, what
Is the world supposed to do
With me?
But if you needed me, what
Would I need the world for?

No! The world needs me
h e r e

And posterity needs me
now!

3

Fine, say the anxious friends with relief:

Give it to us in writing

- three copies
- of the poem
- about anxious friends

for distribution!

Little song of lasting values (to music)

1

And the great liars, just what – yes, what –

Of theirs will ever endure?

Of theirs will ever endure:

that we have believed them

And the great hypocrites, just what – yes what

Of theirs will ever endure?

Of theirs will ever endure:

that we have finally seen through them

2

And the great despots, just what – yes, what

Of theirs will ever endure?

Of theirs will ever endure:

that they were simply overthrown

And their Eternal Momentous Eras – yes, what

Of them will ever endure?

Of them will ever endure:

that they were considerably shortened

3

They stuff the mouth of Truth with bread

And what will remain of the bread?

There will remain – yes, what? –

that it was eaten up

And this shop-worn song – yes, what

Will remain of the song?

For all eternity will remain the fact

that it was forgotten

State-saving confession of an enemy of the state

O high and mighty court, you see before you the incited inciter: yes

I am by far the most infamous of all perfidious fault-finders

I was a muck-raker of old dirt, I even dirtied it further

And various dead individuals, yes, I just would not let them rest in
peace

Ah, I always saw only the worst side of everything

All I can do is destroy, as everyone knows, but

I can't be constructive, ah, I positively revel

In the exaggerated tales of horrors from the past

Over long-since forgotten miseries I snivelled in a manner calculated
to provoke, but

I abused as party bosses those who work their fingers to the bone
for the people

And whenever I happened upon 'them', our all too visible

Fighters on an invisible front: 'informers' was the

Name I gave those silent heroes, nothing but doubt

Dripped from my jaws into the well-scrubbed ears

Especially of the young. Even over this trial

The enemy without is gleefully rubbing his myriad hands

For thirty pieces of silver I have seriously damaged the state's good
property!

Ah, in the name of our Great and Good Cause – pass sentence on
me!

For those such as I must

be eradicated!

(by the rats)

And those such as I must

be led to the slaughter!

(by the swine)

In short: those such as I must

be killed off

by the state

For any man who does what I did, will never change

And even if he does change, then that changes nothing!

Even my repentance still reeks of incitement, no,

All conceivable confessions cannot stop up this bragging mouth

Therefore, have no pity on my pitiful self!

Down with my baseness! O, let this vermin be of some use:

This abject object lesson an instructive deterrent!

Pride cometh before a fall

In late summer this is the sermon
the maggots preach
to their early-ripened apples

When the children gather up the fallen fruit
when the flies fly up our noses
when the buxom women boil up the apple puree
we shall calmly and in each case with all humility
show a bold front to
all those who humiliate us

And from among the attitudes of our friends we prefer
intelligence to understanding
interest to curiosity
and need love instead of charity
and need anger and not rage

But in our own case we prefer
passion to zeal
and sadness to deep emotion
and value knowledge higher than knowledgeable disclosures
and praise pride in the face of the arrogant

And want to be
tireless, instead of diligent
quick, instead of hasty
sharp and keen? O.K.!
but not sharp-edged, nor cutting
funny rather than funereal
and to like witty people
but not the witless

So, to the sound of unruly laughter, we discover
lurking behind the dignity of the subtle distinction
the brutal contradiction among men
and thus know exactly where we are

O misprized fruit of the Tree of Wisdom!
How time and again with patient forbearance they betray Gravity's
Law:
'Tis the sweeter apples that fall to the worm!

*'You who will surface from
the waves
Beneath which we sank . . .'*

Brecht, your 'future generations'

Those on whom your hopes rested
Are perishing along with your hopes
Those who were once to do it all better
Are getting better and better at following others' causes
And in these dark times they have
Made themselves comfortable with your poem
Those with the lines between their eyes
Those with their blocked ears
Those with their nailed-down tongues

Brecht, your 'future generations'
From time to time they close

in
on
me

Fragments, dreams spread out before my eyes
Rubble, expectations raised aloft before me
They serve me up the scraps of early passions
They pour me out the flat dregs of former anger
On my head they scatter the ashes of former fires
A meagre legacy hangs there opposite me in the armchair
Burnt with the brands of bureaucracy
Fixed to the thumbscrews of privileges
Chewed to pieces and spat out by the political police

Brecht, your 'future generations'
From time to time they close

in
on
me

And they are as if blinded by the darkness around them
And are as if deafened by the silence around them
And are as if struck dumb by the daily shriek of victory
They have learnt how to inflict
Ever more exquisite pain and
How to endure it and
Have not even begun to get to the
Bottom of the vast pot, not even begun to enjoy
The taste of the bottomless supply of
Bitterness and greasy poverty

Brecht, your 'future generations'
From time to time they close

in
on
me

Romantic flotsam lies washed up within me
 Metaphor-dripping driftwood of the Revolution
 On brass plates can still be seen the great names
 Of the 19th century. The sight of the wreck still calls to mind
 The once proud ship. The sunken planks tell of
 The drowned crew. The rotting hemp
 Still drivels on about the ropes that tamed the ships
 Yes, they have surfaced from the waves beneath which you
 Sank and see now before them no sight of land

Brecht, your 'future generations'

From time to time they close

in

on

me

Even they, Master, are – and in prose – your
 Future generations: the post-deceased pre-deceased
 Full of forbearance with themselves alone
 Changing their attitudes more often than their shoes
 It's true their voice is no longer hoarse
 – after all, they've nothing more to say –
 Their features no longer a grimace, it's true:
 For they have become faceless. Man has
 Finally become a wolf towards his fellow man

Brecht, your 'future generations'

From time to time they close

in

on

me

When the guests finally depart, drunk on the misleading
 Truth of my ballads, inflamed by the false logic
 Of my poems, when they depart, armed with confidence –

I remain behind: the ash of my own fires.
 I stand there: a looted arsenal. And
 I hang knocked out in the strings of my guitar

And have no longer a voice or a face
 And am as if deaf from speaking and blind from looking
 And am afraid of my own fear and am

Brecht, your 'future generation'

From time to time I close

in

on

myself

Five finger exercises on Florian Havemann's flight

1

yet another daring attempt yet another successful attempt yet
 another risks his life yet another of us has
 left yet another has gone over the
 wall yet another has found a
 hole yet another turns his
 back on the East yet an-
 other escape to free-
 dom yet another has
 suddenly dropped
 everything yet an-
 other has burnt
 his bridges
 behind him
 yet another
 is over
 there

2

he's gone he's cleared out he's run away he's
 broken out he's hopped across he's
 broken through he's taken re-
 publican leave he's
 vanished he's done a
 bunk he's
 scrambled he's
 flipped out
 he's
 over there

3

in the West he will make: money discoveries his
 fortune babies contracts he will go:
 into business on journeys off the rails
 out on demonstrations will make:
 plans for the future good marria-
 ges do: this and not the other go:
 to parties nowhere to the
 top bankrupt
 think of coming
 back

4
 in the east he has left behind: Wolf Biermann Walter Ul-
 bricht Robert Havemann Erich Honecker Anastas
 boatman Karl Eduart von Schni grave-digger
 Manni Strehlau Erich Mielke Franzi Popow
 Thomas Brasch Klaus Gysi Sanda Weigl
 Stangel Willi Stoph Bylle Havemann
 Jürgen Tscheib Kohlen-Otto The
 Fat Girl Dietrich Pantsch Flo-
 rian Havemann

5
 to a sickly-sweet waltz he danced
 rock hard rock
 oh yeah, the earth goes round, oh yeah
 but not the flat spot you're standing on!

Portrait of an old man

Behold, Comrades, this man who changed the world: The world –
That he changed, but not himself
 His works – *they* have reached their goal, but he is finished

Is he not like the ox yoked
 to the Chinese wheel? He has drawn up
 the water. He has quenched
 the fields' thirst. The rice
 shoots up green. And so he trudges
 forward in a circle
 and sees nothing before him but
 for the umpteenth time the imprint of his own tracks in the mud
 and so, year after year, in his splendid isolation he fancies
 he is treading in the footsteps of the multitude. And all he does is
 follow his own tail. He only catches up with
 himself never finds himself
 and remains furthest away from himself

Behold, Comrades, this man who changed the world: The world –
That he changed, but not himself
 His works – *they* have reached their goal, but he is finished

Look upon that, Comrades. And tremble!

*From the collection: 'With
 tongues of Marx and Engels'*

*From the collection:
 'The wire harp'*

Suburban Sunday (to music)

Shall we move on?
 Yeah, may as well move on.
 Nothing on here?
 No, nothing on here.
 Waiter, a beer!
 Not many here.
 Summer's been cold.
 We're all getting old.
 The Smiths had nice veal.
 Quite enough for a meal.
 Well, better move on.
 Yeah, may as well move on.
 He's already there?
 He's already there.
 Shall we pop in?
 Well, may as well pop in.
 You watching T V?
 Yeah, I'll be watching T V.
 They're playing a game?
 Yeah, some sort of game.
 Got any cash?
 Yeah, still got some cash.
 One for the road?
 Yeah, one for the road.
 Shall we move on?
 Yeah, may as well move on.
 You watching T V?
 Yeah I'll be watching T V.

Early morning

This morning, as I was lying snug in bed
 a rude ring on the doorbell wrenched me from my sleep.
 Furious and barefoot I hurried to the door and opened it
 to find my son who
 as it was Sunday
 had gone out very early for the milk.

Those who come too early are not very popular.
 But one drinks their milk afterwards.

The minstrel's maiden speech

Those who once stood before machine-guns with steadfast courage
 now fear my guitar. Panic
 spreads whenever I open my mouth and
 the office-elephants' trunks run with the sweat of fear
 when I hound the halls with my songs. Indeed
 a monster, a pestilence, that I must be, indeed
 a dinosaur dances in Marx-Engels-Square,
 a booby-trap, a solid lump in the fat throat
 of the 'responsible' members of society, who fear nothing so much
 as
 responsibility.

I see:

you'd rather chop off your own foot
 than wash it?! You'd rather die of thirst
 than drink the bitter juice of my truth?!
 For God's sake!

let the shackles of fear fall from your breast!
 Even if you are afraid that your heart might fall out
 For God's sake!

slacken the straps of fear off two or three holes
 Let your lungs grow accustomed to breathing freely, shouting
 freely!

See, you are checked only by pressure from within, not from
 without!

Let us with clear resolution steal a march on the day!
 Idiot! We were not born to turn our lofty dreams into
 clandestine sneezes and blow them out into the world through a
 handkerchief!

The children of rebellion and freedom are our own fathers.
 And so let us be true sons of our fathers: with irreverent insolence
 let us tuck up our flapping shirt tails and sing!

shout!

laugh loud
 with jaunty
 impudence!

Ludvík Vaculík

I can't complain

This is the full text of an interview given to the Swiss Journalist, Friedrich Rentsch, last winter by the Czech novelist Ludvík Vaculík, and published in the Hamburg newspaper Die Zeit on 12 January 1973. Vaculík is perhaps best known in the West as the chief author of the famous 'Two Thousand Words' manifesto on democratic socialism, which was published by a group of Czech writers in the summer of 1968 at the height of the Dubček government's crisis. He has also written two highly praised novels, The Axe (published in Czechoslovakia in 1966) and The Guinea-pigs, published abroad in 1971 and shortly to appear in English (see the extract that appeared in INDEX 2/1972 pp. 153-9). Vaculík is at present living in Prague and is still writing, but since his name is still on the black list of writers issued by the present government (see INDEX 2/1972, p. 45) his works cannot be published in Czechoslovakia.

Friedrich Rentsch Does the fact that you cannot publish in Czechoslovakia affect you and the quality of your work a great deal? Is it important to you to publish in the West?

Ludvík Vaculík Literature is written for your own people. Only a Czech reader can decide whether the theoretical and literary content of a certain work is good or not. A good translation into a foreign language amounts at best only to more or less exact information about what the original work presumably says and what emotions it evokes; or else you are dealing with a new and different work, because an even better translator has worked on it and made it into a literary work of his own language. Therefore, as long as one of my books has not appeared in Czech and in the area where the Czech language is spoken, I will not know how well I've done. A possible success abroad is only a consolation for my grief – though not to be undervalued as a means of overcoming the financial need which is wished upon me by the authorities.

On the subject of success – I have used a strong word there. Let us call it a certain interest. My Swiss publisher, for instance, explained to me very amicably that a few thousand books sold is a good result. I don't want to deprive him of his joy in his work by saying what I think about that.

In our situation however the financial aspect is not the most important. The most important and valuable thing for us is to let the world know that we exist, that we haven't disappeared into prison and that we haven't given up writing. This way we prove that conditions are better than some might expect. In a larger sense

this unusual and systematic activity of our hospitable publishers is important in that a Czech author can contribute to the creation of a unified European consciousness in spite of all obstacles. This, of course, is in harmony with today's call for security and co-operation in Europe.

However, I find it unpleasant when foreign critics evaluate Czech works only in terms of how they 'deal with illusions about socialism', or how 'sharply' they deal with the country's regime. I can imagine that the more educated western reader might consider eastern European writing about all these 'regimes' as a never ending babble about the same old subject, to which he listens with dutiful sympathy. The theme has to be resolved somewhere else. It must lie closer to the core of basic human motives. It must embrace good or bad emotions, drives and fears, a delight in movement and activity, the wish to succeed, etc. A political regime results above all – aside from geographical and historical factors – from the nature of the people: their gains and their losses. One regime may be better able to stimulate the good and happy aspects of man, another tends to call forth the negative side.

I cannot discuss my country's regime on the foreign book market, and I don't wish to. My most urgent demand of myself is to be able to concentrate on creating something beautiful and lasting, which does not bring the regime to the mind of the reader in the first place. He who feels impelled to write against the regime all the time is allowing himself to be prevented by the regime from writing about anything else.

Also I find it offensive when an outsider considers us to be especially unfortunate people. We still belong to Europe, we have one of the European regimes that was once upon a time allocated to us. We have demonstrated our wish for another one and the will to establish it. It was just that we under-estimated certain realities; but to endure the punishment for this is more honourable than to observe from a safe distance.

Do you feel isolated? Do you believe that, if you could be published, the population would identify with you? Are you often spoken to in the streets?

No, I don't feel isolated. People still sympathise with me in private, and sometimes they help me. For instance, dentists drill my teeth more thoroughly; when I want to buy a newspaper the vendor warns me that I'm throwing my money away; the plumber didn't want to accept my tip. . . . If I were allowed to publish, some people would agree with me, others not. No author would attach importance to having all his readers agree with him. I think that if I could write for the newspapers my aim would be to put off all those people who are prone to mass psychosis. No one talks to me in the streets, except for acquaintances. And as for these acquaintances, they ask me how I am. I reply that I can't complain. I wouldn't know where to.

Friedrich Rentsch In the '2000 Words' manifesto you accused the Novotny Regime of having destroyed public morale. Can you see any differences in this respect between that government and today's?

Ludvík Vaculík I have become allergic to the number 2000. I flinch when someone tells me he has driven 2000 kilometres, and I would flinch if the postman were to bring me 2000 crowns. I don't know how to answer your question in an unaccusing manner. So let's forget about it.

Friedrich Rentsch It seems that even the most courageous opponents of the regime are carefully trying not to exceed the bounds of legality. Has not this regime, however, in recent years, arbitrarily ignored the law, and doesn't this call into question the objective meaning of legality?

Ludvík Vaculík First of all I do not number myself among those you call the most courageous opponents. But I confess to being legal minded. Not because being so might protect me from injustice, but because I have to have something to lean on to be able to think and act at all.

In all the trials I have participated in, be it as witness or accused – which hasn't happened for the last year – the investigating officials have always stressed that no-one is persecuted for his opinions, but only for contravening the law. And in fact I was able to give my opinion. To be truthful, in the past few years this has been the only official place where I have had occasion to voice my opinions and where anyone has shown continued interest in them. I gained the impression that these men would never of their own accord and without strict orders contravene the law. Today people with legal training or even legal education are confronted with the warning examples of the fifties. Nowadays one finds abuses not so much in the prisons as in peaceful everyday life outside. It happens in areas not directly connected with the state, mainly in local and most often in industrial spheres. These abuses affect both working and private relations, where very often the case cannot be summed up under any one law. People inflict them on one another depending upon how mean they are. As a rule the motto is: top dog eats underdog.

It is not right to say that there is no protection from these things at all. During the last year I myself have heard of two cases where it was of advantage to enter into a lawsuit. I think that if someone knows very well that he has been unlawfully wronged, but is afraid to refer to the law, he joins the ranks of those who wronged him in the first place.

I would like to pick out just one concrete case in which in my opinion a state institution – a court – failed. Correction: it caused me grief. Last spring my friend Luděk Pachman, the chess grand master, was sentenced for among other things, incitement. According to the prosecution he was guilty because of certain remarks he had made in a talk in German for Dutch Radio. His defence counsel argued that according to Czech law it was not possible to incite the

Friedrich Rentsch

Ludvík Vaculík

Dutch, and that the prosecution had failed to produce proof that anyone in Czechoslovakia had listened to the broadcast. When the prosecution protested that two Czechs had been present during the recording, it was pointed out that they did not understand German and therefore could not be incited, just as a child or an insane person, who doesn't grasp the meaning of words, cannot be incited. This is what the counsel for the defence said, but it was as if he had said nothing at all. Maybe he had committed an error, so that the court could not grasp the meaning of his words.

It can be disappointing for the citizen to take legal steps, but that does not mean that the law is not valid. I am convinced that the highest authorities in our state aspire to a meticulous adherence to the law. And I trust in the positive development of our state organs: if they conclude that nowadays there are political, moral and lastly economic injustices and prejudices, they will react accordingly towards those officials who, after thorough deliberation, are seen to be guilty.

Man therefore should put his trust in the laws. He should not go round them; on the contrary, he should keep in touch with them so that they preserve their commonsense and do not die. This, of course, can be risky, especially in view of the possibility that a person's acts can be interpreted differently from his intentions. When, for example, I learnt that in the cells at Ruzyně Prison the lights stay on all night, when a colleague told me that he suffered so much from the cold there that he caught a kidney infection and his pulmonary disease worsened, when another of my friends was remanded in prison for several months and was not allowed to receive parcels from home or visits from his wife, I must say I was indignant. I was all set to launch a petition for parliament to keep an eye on conditions in prison. But I changed my mind. Twice during the last three years I have signed something which I intended to be a petition. Because of the first one I still have a court case pending, and because of the second one I was brought to trial – a very decent one, I must say, and conducted on a level where my opinions were respected. And how can you go on doing quite normal and permissible things when you are afraid all the time? Can this be expected of people?

From questions you put to me outside this discussion I can see that you expected to find something like despotism here because of the silence of the people, and yet on the other hand you have also noticed that there is no overt resistance. But that sort of norm has become obsolete. When no-one strikes, the reasons *for* must surely be weaker than the reasons *against*. As you said, you were here four years ago. And you can confirm that I am not wrong in supposing that in material terms the average citizen is much better off than he was before. In the countryside above all people are building at a terrific rate. The spiritual cost of course would be another question. The ones who don't lack freedom of speech in political matters have no reason for underground activities. The intellectuals who lack it haven't got the necessary aptitude. I imagine that, with

the means of control and surveillance available today, illegal activity in its classical meaning is not possible and it is not right to expect it. What we have here and what is being practised is rather a seeming illegality, where people, out of excessive caution and because of bad experiences in the past, do secretly what in law they could also do quite openly.

For example, I do not know how you will take this interview, in whose inoffensiveness I am deeply interested, out of the country. If this interview should be found on you, the lower 'expert advisors' will fall upon me faster than the higher ones will be able to find out what it's all about. I have just thought of what I will do: I shall send a carbon copy to our chief public prosecutor, so that he will believe that I do not have any sordid intentions and do not wish to commit a punishable offence.

I am trying to imagine what kind of unlawful action I can be accused of and also in what way I can incriminate myself unknowingly and unwillingly: incitement according to paragraph 100 of the penal code? I will have to check back to see whether I am not asking for something that is not allowed. Slandering the republic according to paragraph 102? I will have to read this interview through again and probably strike out what I think about the judge who passed judgement on Pachman. Passing state secrets according to paragraph 106? I know nothing, especially since I was demoted from first lieutenant in the reserve to a simple private in the reserve. Or paragraph 112: damaging the interests of the Republic abroad by spreading false news? I will strike out the things I don't know with certainty and will make sure that any answers aren't in the nature of news. Can you grasp now how difficult it is for me to talk to you? Even when the state organs keep strictly to the laws?

In a strictly legal sense legality here is not a notion without content or definition. However it is not very soothing to have to rely on it. Obviously there is a reliable legality, which, however, reminds me of a joke. A woman comes to the doctor and asks if he can recommend an absolutely reliable contraceptive. 'A glass of clear cold water,' says the doctor. 'That's marvellous, Doctor. But when shall I take it, before or after?' 'Neither, Madam. Instead!' This is somewhat the situation I feel myself to be in. The law gives me the right to my own beliefs. But in our concrete situation I see neither the scope nor the time – not even limited scope nor fixed hours – in which I could express them. I suppose I might even keep to them if they existed.

I'm not asking for anything special. I haven't stolen anything, haven't set fire to a barn, and won't murder anyone. I have never even cut anyone short on the radio. Therefore I don't want to go on living like a beetle who ceases to move and pretends to be dead because he's frightened of what's ahead. I need a legality which allows me to do something here and not in Switzerland or at Bory (the prison for political prisoners). With something to do I mean writing and not shunting railway carriages in a goods yard.

No-one forces a shunter to write.

I am not waiting for a newspaper to offer me a job. I wouldn't even know which one to choose. But I am waiting for the time when books will be judged as books and not as pistols: who can handle them and who not. I am waiting for the time when publishing plans will be passed according to traditional literary criteria and by culturally creative people who like to read themselves and who actually look forward to new books. At the moment I have the impression that they are passed by people who enjoy only thrillers – with whose policemen they identify. And over all the other books they have to investigate they grumble irritably: the fewer of those, the safer. In this way a certain state of emergency is maintained in Czech culture.

Yes, it is an exceptional state in culture when you can treat an author's biography like a criminal record and expect his next work to be yet another premeditated criminal act. And this must not go on.

Why can't Ivan Klíma even publish a book of children's tales? Jiří Šotolas's historical novel *Kuře na rožni* ('Strolling scholars, puppets and soldiers') has been rejected. It was written in beautiful language and in no way touches on present conditions, no more than his previous book, which was published, but immediately prohibited and removed from all the libraries, entitled *Tovaryšstvo Ježíšovo* ('Greet the Angel'), a work that is wise, peaceful, without signs of contemporary neuroses, noble, a masterpiece. Alexandr Kliment, who by working behind the reception desk of the Hotel Praga earns the right to write at least in his spare time, has not earned the right to have what he writes judged exclusively as literature. Just recently Pavel Kohout showed me huge stacks of the correspondence he carries on with various authorities who in his opinion make life difficult for him as a writer. But readers and theatregoers have a right to his new works, instead of them being known only to a narrow circle of intimate friends.

I am naming only those authors whose patience has been stretched to the limit, whose cup has already overflowed. I could mention at least another twenty but would not like them to lose their cup altogether, like we who against the will of our opponents have decided to publish abroad on the strength of legally signed agreements. But I'd like to name just one of them. He is Jaroslav Seifert, poet of the nation, even honoured with the title of 'National Artist'. Just about a year ago he was 70 years old. At that time a book of his was published, a new edition of some older poems that have already become classics. The last sheet of the book however was discarded and replaced by a new one: readers were not allowed to see from the imprint that the book was published on the occasion of the poet's 70th birthday. Even when congratulating a man they have to wound him at the same time. One humiliation after the other! In the long run Jaroslav Seifert has the right to publish his new, just finished collection of poems *Morový sloup* ('Plague Column'), a work in which the value of human

life is judged from a vantage point high, high above all the illegitimate regimes which this old man has survived. And the nation has a natural right to have access to these poems. In this case moreover it is an official right which derives from the poet's official status.

Yesterday I met a well-known Czech writer at the National Theatre. He asked me how I was and I answered I couldn't complain, and I asked him how he was. He replied that at the moment things were all right, but that things would be getting worse after the new year. He works as a proof reader in a publishing house where he formerly occupied an important position. And just at that moment he had learnt that from the new year he would not be allowed to do even this. I passed on and with every step my rage increased. The autumn sun shed its rays widely, but *they* have to fall upon a man like a wild mob. Do they want to carry this state of emergency over into another year?

It was after this encounter that I made up my mind to answer your questions, although originally, as you know, I had seen no point in it. A Czech author not even allowed to be a proof reader? Not even a proof reader?

I will not leave it at that. Note that I am not speaking about what happened years ago, I am not trying to defend someone's political past and I am not concerned with Jaroslav Seifert as the former chairman of the liquidated Writers' Union. In politics there are victories or defeats; a defeat in cultural politics naturally has certain consequences. But there is a world of difference between cultural politics and revenge without culture. What do these vindictive people think will happen? That we will get used to it? Why don't they do something beautiful or say something wise, since they have the exclusive right to talk? Who will be grateful to them for such actions, and what will remain of them? Some day, when Jaroslav Seifert is dead, he will be given a gravestone. It will probably bear only his name, yet everyone will know who he was. But I will eliminate this injustice, if I survive, and chisel a commentary on his gravestone. Or someone else will do it.

It might sound paradoxical, but examples like this are proof that our laws carry authority, that even if they are not respected they are feared. No-one would dare to cover such actions with an unambiguous law. It all functions on the basis of official instructions and directives and familiar rules. A man doesn't know what surrounds him and where to go to defend himself. He would rather take a club and force a way. But where to? Into prison or the lunatic asylum, since that way he would be committing an offence against the law.

In Czechoslovakia there are about fifteen million inhabitants. This spring I heard that the bank allegedly has a register that lists approximately fifteen persons who in future will not be able to receive fees from abroad under the same conditions and rate of exchange as the rest of the population. Therefore I wrote a letter to the bank requesting them to inform me about the new regula-

tions. Soon I had a reply. This was written on paper with the heading *Zivnostenská banka* and the decorative legend *founded in 1868*. The contents however astounded me, for the bank had not understood my question and had replied to something else. I wrote again right away and repeated my request as simply as I could: would they please say clearly whether they would pay me the money that had been remitted to me? The reply dated 7 July 1972 began with a sentence that could hardly have emerged from the office of that bank since 1868: 'Unfortunately we do not have any documents to grant the information requested by you.' I drew the conclusion which Schweik would have formulated as follows: 'Obviously I just happened to be a man in a million . . .' If I am excluded from the banking business then, understandably, I have to act like a man in a country without even the smallest bank. I have informed my publisher to this effect and asked him to send my money through someone coming this way. I only hope that this is legal.

Later on it came to my notice that the hitherto existing regulations had been modified, meaning that the Finance Minister could stipulate exceptions. I didn't believe that though, because whoever says that says the minister is a blockhead. The minister knows that he cannot cancel constitutional laws for the sake of fifteen people of the Republic by a simple addition to a regulation.

Ah, I have just had an idea! You could help me! You could see that I get paid a fee for this interview. Not too much, let us say 15 Francs. Then I will know where I stand. And afterwards I will send you a postcard with the results. If this gossip is not true I shall know what I have to fear: I come to the railway station . . . and the ticket clerk tells me that I am excluded from normal rail travel and have to ride on the chassis . . . like a negro. Correction: Like the figure of a negro from ancient American literature (Paragraph 198, racial discrimination).

How do you think it will go from now on?

I think it has to lead to better things. There are people who expect a change as a result of some strong American influence, or stormy events in Asia, or a beautiful resolution in some European capital. Others believe in a cleansing collapse of our economy. That is all possible, but in my opinion this sort of reasoning is the result of tiredness and a disinclination to contemplate one's life in case nothing in it changes. And yet for a practical and active person this last possibility is the most realistic alternative and promises some sort of success in our lifetime.

Sometimes people turn to me because they think they have a moral problem in that their activities in a certain situation could be construed as 'collaboration'. I say that this expression, which stems from the German occupation, does not apply this time. It is the motivation that counts – and also the result. If someone in a job both wishes and is able to allow people's trust in the future to

Friedrich Rentsch

Ludvík Vaculík

grow, if he succeeds in preventing pain and injustice and if in his position or profession he creates values that enrich society, then I do not know who would have the right to accuse him. And whoever uses the particular tendencies of the times to make his mark to the disadvantage of some and the detriment of all, is an ordinary scoundrel, of no political worth. Things are not so wild here that one cannot choose whether or not to become a scoundrel. We suffer pain not from red-hot iron, but from cold money. And I don't know whether it isn't mostly self torture.

People want to work in peace and to enjoy and profit from their work. Given that things are as they are, they somehow have to adjust, just as they would adjust to a life in caves if necessary. If I am allocated a certain room for living in, I would at least sweep it out, open the windows and make the room beautiful. My friend Pachman also adheres to this principle, even in prison. He loathes the so-called 'Turkish lavatory' – a hole in the ground, over which you squat. He placed a chair sideways over this hole and while asking his fellow prisoners to turn away, he shat like a European. Was that in any way 'collaboration'?

Since the days of my youth I have always assumed that the world could be improved so that the better people, that is to say the more educated, higher minded, unegotistical, etc, people could get together and bring about a revolution. That was naive. After closer contemplation of history and time for reflection I have come to the conclusion that the world improves to the extent that the bad ones improve. In a head-on collision the 'better ones' have always been decimated and it was the others who won – the ones more suited to govern. From now on let's not call them 'the worse ones', because that only annoys them; let's call them instead more accurately, the 'stronger ones', which is something they even like to hear.

Anyway, as we are on the subject of power and the ability to attain it: who really are the 'better ones'? It is right in this respect that the world improves only slowly, considering the need, and in those places where it does get somewhere, it gets there more safely. After the abortive revolution of 1848 in old Austria things improved gradually but quite a bit. And wasn't the famous renaissance of the Czech nation in the second half of the nineteenth century in fact the work of the Czech post-revolutionary reaction? The victor does not emerge unchanged from victory!

If what I am now saying were published in this country, I believe this would have been the first step in putting my readers off. I consider it nonsensical to work against the government just because I don't like the people who are sitting up there. On the contrary, I have every reason to wish that they should at least feel comfortable in their seats, damn it. As long as they are worrying what others are up to, I shall be the one to suffer, whereas the man who feels secure in his office can finally get around to thinking about his job. He will find the job isn't so easy, he has to choose people with the right kind of talents – after all he wants to get a

few positive results and wants in return to be honoured and respected.

I wouldn't think it right not to criticise or to put up with unnecessary evils, but you have to be ready to react positively to positive impulses. You mustn't fall into a spiritual vacuum, you have to preserve your faculties and be willing to contribute them to a joint effort.

Therefore I expect an improvement to come mainly from the government and from the people in power. They, their allies and their so-called Young Cadres will develop better conditions, because they themselves will need them as soon as they are faced with more delicate tasks in their work. If you are going to work, after all, you have to use your brains. And the brain is old: instructable, but indestructible – a revisionist. Correction: a reviser.

Translated from the German by Erika Scammell

© *Friedrich Rentsch*

Yugoslav philosophers under fire

About a dozen professors and an unknown number of students at Belgrade University have been affected by a new political purge directed mainly at the faculties of Law and Philosophy. This has evoked widespread concern among professional colleagues abroad and fears for Yugoslavia's previous policy of allowing a wide measure of intellectual and academic freedom to its writers, scholars and creative artists. We reprint below the slightly shortened texts of two memoranda on the subject, followed by the text of an open letter recently sent to President Tito by members of the Eastern Division of the American Philosophical Association. Since the eight philosophers at the centre of the crisis in Belgrade are well-known abroad, it was hoped that expressions of concern from colleagues might alert the Yugoslav authorities to the grave harm they were causing to intellectual freedom in their country.

Memorandum one 8 November 1972

At the meeting of the University Committee of the League of Communists of Yugoslavia in Belgrade on 9 October 1972, it was decided for political reasons that eight philosophers¹ from the University in Belgrade should not be allowed to continue to teach. They had published articles in the professional philosophical journals *Praxis*, *Filozofija* and *Gledista* which were said to have contained views incompatible with the policy and ideology of the League of Communists.² The decision that such people cannot be educators was published and supported in the newspapers of Yugoslavia, eg *Politika* (11 October and 1 November) and *NIN* (14 and 15 October). Since then, the public attacks on these and other scholars have increased.

For some time, there had been ever sharper ideological attacks on the philosophical journals, on members of the departments of philosophy in Belgrade and Zagreb and on the Korcula Summer School (a regular international conference organised each year by the group of philosophers and sociologists from Zagreb and Belgrade). Marshal Tito has demanded the removal from teaching positions of these philosophers in a number of his speeches, starting in 1968. He condemned them for expressing critical views about the present situation in Yugoslav society and for supposedly exerting a bad influence on students. He stated publicly that students who criticised 'bureaucratism', growing social differences and mass unemployment, and demanded further democratisation and university reform, were under the influence of the philosophers. In a recent speech at Kozara (reported in the *New York Times* 17 September, 1972) Marshal Tito said that these philosophers 'will have to go on pension or find another line of employment'.

Until recently, however, the existing institutions of self-management at the Universities had allowed University authorities and liberal-minded regional and local political officials to resist political pressure from top political authorities. Their claim was that under existing laws only faculty councils could make decisions about the election or promotion of faculty members. In response, they were accused

¹ Prof Mihajlo Markovic; Prof Svetozar Stojanovic; Miladin Zivotic; Ljubomir Tadic; Mrs Zaga Pesic-Golubovic; Dragoljub Micunovic; Trivo Indjic; Nebojsa Popov.

² As examples of unacceptable views the Committee cited the following assertions: that Marxism in the sense of a critical theory about society is now under attack in Yugoslavia; that the human rights and civil liberties of some intellectuals are jeopardised; that further democratisation of society is not possible without some measure of democracy in the ruling party.

of 'anarcho-liberalism' (*Politika*, 1 November) and of 'liberalism, defiance of central party guidance and resistance to efforts to rebuild a strong, disciplined party' (reported in the *New York Times*, 29 October 1972). The most eminent liberal-minded politicians have now been purged.³ The current political purges threaten to strike many other leaders who, since the reforms of 1952, have fought for democratisation and have opposed 'bureaucratic' and authoritarian tendencies. With their disappearance from the scene, the survival of free critical philosophical thinking in Yugoslavia is quite unlikely. . .

Memorandum two February 1973

. . . Removing the professors of philosophy from the University of Belgrade turned out to be a much more complex operation than at first seemed the case. A decisive event in the Faculty of Philosophy was the re-election of two instructors from the Department of Philosophy and Sociology, Trivo Indjic and Nebojsa Popov, who had been on the original list of eight to be purged. They were elected unanimously by the Faculty Management and confirmed by the Faculty Council by 18 votes to 2. Both times professors who were members of the League of Communists voted for them, contrary to the directive of their own organisation. This episode indicated that it was impossible to force the Faculty into cooperation, even in the case of two younger and lesser known members of the condemned group.

The next move was to change the law concerning the University in such a way that the criteria for the election of university professors included not only scholarly, but also political qualifications, so that a political body was given the right to decide the latter. Eventually the new law was passed late in December, but it mentioned only the right of political organisations to initiate the procedure whereby it was established whether a candidate satisfied the moral and political criteria for a university teacher. But the right to make the ultimate decisions remained in the hands of the faculty councils (between one third and one half of which are external members nominated by the National Assembly).

In the meantime, other measures were taken against members of the eight. In November the

passports of Prof. Svetozar Stojanovic, Chairman of the Department of Philosophy and Sociology, and Trivo Indjic were confiscated, thus raising the number of passports confiscated from members of this department to six. On 15 November the book *Reappraisal* by Prof. Mihajlo Markovic, Director of the Institute of Philosophy, was banned by the District court because it 'would alarm citizens'. Bozidar Jaksic, an instructor at the University of Sarajevo and contributor to the journals *Praxis* and *Filozofija* was arrested 28 November and accused of 'hostile propaganda'. The only evidence against him was his article *Yugoslav Society between Revolution and Stabilisation*, published in *Praxis* number 3-4, 1971, and his contribution to the discussion at the conference *Nationalism and Basic Human Rights*, organised by the Institute of Philosophy, the Serbian Philosophical Society and the journal *Filozofija* at Tara in February 1972. As the journal *Filozofija* reported in a protest text in its issue number 3, 1972, this whole discussion, including Jaksic's talk, was published in number 1, 1972 without causing any concern or even criticism at that time. Now a tape recorded version of his talk is being used against him, although the organisers did not permit nor were aware of any tape recording.

In December, the whole campaign seemed to cool down and was kept alive only by occasional attacks on 'anarcho-liberalist' philosophers in Tito's speeches and the resolutions of party conferences. This was apparently the consequence of several dozens of letters and resolutions sent to Tito by prominent scholars and academic institutions from Scandinavia, USA, Great Britain, Germany, France, etc., expressing alarm and concern over the news of repression of the intellectuals in Yugoslavia.

Meanwhile some earlier harsher measures were reconsidered and softened. . . The Supreme Court of Serbia decided that only one chapter of Prof. Mihajlo Markovic's *Reappraisal* should be banned (the title of the chapter is 'The structure of power in Yugoslavia and dilemmas of the revolutionary intelligentsia'). Then . . . a two-year prison sentence imposed last 18 July against Prof. Mihajlo Djuric of the Belgrade University Faculty of Law for 'hostile propaganda' was reduced to nine months.

But at the same time members of the Serbian Central Committee of the Serbian League of Communists met with the representatives of the party organisations in University and City of Belgrade on 10 January and decided once more that a new action should be initiated, on the basis of the new University law, to fire 'anarcho-liberal' professors

from the Faculty of Philosophy in Belgrade.

The Federal Executive Court also prepared a new criminal law which (according to *NIN*, December 31) was greatly to increase the rights of the political police, while reducing those of the courts and the defence. This new law would authorise the police to search persons in public places (which until now has not been allowed); to search apartments without a court warrant (which has been necessary until now) and - 'when the situation requires it' - even without a warrant at all; to arrest and hold a person for three days before notifying the court ('a right which many other police forces in the world already possess', - as the article puts it; the present law allows only 24 hours); to refuse the defendant's lawyer his former right to be present during the investigation or to acquaint himself with all the relevant papers ('in cases when the interests of national defence and security require it'); and finally, to be free to take photographs of the defendant and publish them in the press.

This new law was passed in the Federal Assembly on 30 January.

[. . .]

There can be little doubt that hard-liners, who have considerably strengthened their position in the Yugoslav political leadership since the October purge, are determined to reduce existing civil liberties and the possibilities of a critical social theory. They confuse socialist democracy with the model of a 'laissez-faire socialist market economy', which was attempted and failed in the 'sixties (the consequences of which have been a reappearance of considerable social differences, economic instability and stagnation, growing national debts, a very high inflation rate - of 15%-20%, a million workers emigrating abroad - in addition to several hundred thousands of unemployed workers at home, growing corruption and the erosion of basic social values). In the situation in which the only real socialist alternative may be an increase of organised, coordinated self-determination, they tend to revert to the old authoritarian methods of control and dictation. Intellectuals who are highly critical of those methods are perceived by them as a real obstacle and an actual and potential source of resistance, which must be removed from influential positions and from public life altogether. If they succeed in silencing the toughest and the only surviving organised intellectual group around the departments of philosophy in Belgrade and Zagreb, they will secure their victory in the present phase

of the battle for the future of Yugoslav society.

In the League of Communists hard-liners have been meeting a strong passive resistance from the weakened but not wholly defeated liberals. And the group of philosophers enjoys wide sympathy among intellectuals and young people. Many of its members were Partisans, it is considered creative and morally flawless, and it expresses real social needs. Moreover it is not politically vulnerable: its activity is formally cultural - and political only in its indirect consequences. Furthermore, after twenty years of development of self-management and the attainment of a very high standard of democracy in university decision-making, one would have to forcefully dismantle these great achievements in order to get at several undesirable individuals. Also foreign political considerations and reasons of international prestige play a very important, and perhaps, at this moment, even decisive role. In spite of an obvious rapprochement with the Soviet Union, it may be granted that Yugoslav leaders really do wish to hold the country in a non-aligned position. This position is popular among Yugoslavs, it offers an honourable place in the Third World (compared with the status of a black-sheep satellite in the Soviet camp), and any feasible programme of economic stabilisation requires good relations with both East and West.

For all these reasons the country cannot risk any drastic changes in its image abroad. That is why Yugoslav leaders have so emotionally kept denying in recent months that 'the clock is being put back' or that Yugoslavia is returning to Stalinism. And they are aware that one of the crucial criteria for evaluating the road being chosen will be what happens to civil liberties in the coming months. Consequently they will try to achieve their objectives without much bad publicity abroad, especially one coming from internationally well-known scholars and the democratic Left.

It follows, then, that continuous discreet pressure and keeping the Yugoslav cultural situation under public scrutiny might be the only effective means to preserve the situation as it is, until hopefully, better times come. . .

Open letter to President Tito

Dear Mr President, Marshal Tito:
We have been following with great interest the building and democratic development of an equitable and free society in Yugoslavia during the last two decades. We are, therefore, alarmed and depressed by repeated news, recently appearing both

³ A reference to the resignations of Marko Nikezic and Latinka Perovic, the Chairman and the Secretary of the League of Communists of Serbia, both critics of the idea of a strong Party that could dominate all areas of life.

in the Yugoslav press and in other journals. It is now known here that some Yugoslavian publications are being suppressed, passports of Yugoslavian citizens confiscated, and Yugoslavian intellectuals put on trial for the expression of their views. We are especially concerned by the decision taken in local political organisations in your country to remove from their teaching positions eight professors – some of whom are internationally known – as well as editors of philosophical journals and their associates, on the grounds that their published views are allegedly incompatible with those of the Yugoslav League of Communists. We are writing to express our deep concern over such reports of violations of Academic Freedom.

All the undersigned are Fellows of the American Academy of Arts and Sciences; but we are addressing you in our personal capacities as philosophers and scholars who are united in our concern that the present political changes will not lead to a deterioration of the conditions for scientific and cultural activities in your country. With respectful regards, yours faithfully,

Copies of this letter were sent to the following members of the Academy for their signatures:

Daniel Bell
 Brand Blanshard
 Roderick M. Chisholm
 Herbert Feigl
 Bernard Feld
 Roderick Firth
 Charles Frankel
 William K. Frankena
 John Kenneth Galbraith
 Carl G. Hempel
 Stanley Hoffmann
 Gerald Holton
 Wassily W. Leontief
 Salvadore Luria
 Margaret Mead
 Robert K. Merton
 Martin Meyerson

Ernest Nagel
 Charles E. Osgood
 Talcott Parsons
 Willard V. Quine
 Anatol Rapoport
 John Rawls
 David Riesman
 Benjamin I. Schwartz
 Wilfrid S. Sellars
 Edward A. Shils
 Krister Stendahl
 Charles L. Stevenson
 Drik J. Struik
 Patrick Suppes
 Gregory Vlastos
 Morton G. White

Further copies, for information only, were also sent to the following honorary members of the Academy:

Alfred J. Ayer
 Isaiah Berlin
 Stuart N. Hampshire
 Leszek Kolakowski
 Michael Polanyi

Karl R. Popper
 Paul Ricoeur
 Jean-Paul Sartre
 Peter F. Strawson

newspapers, was forced by the state censors to remove articles criticising the censorship and social conditions in north-east Brazil.

CAMBODIA

All the country's 15 independent daily newspapers along with two magazines were closed down on 17 March, when a state of special emergency was declared after an air raid attack by communist supporters on the Presidential palace on the eve of the third anniversary of the overthrow of Prince Norodom Sihanouk, the former Head of State.

CZECHOSLOVAKIA

Since the closure of *The Theatre Behind the Gate* (see INDEX Index 2/1972, p.90) its founder and director, **Otomar Krejca**, has been refused permission by the Ministry of Culture to leave the country to take up any of the 40 invitations which he has had from theatres abroad.

From 1 March Czechoslovak writers whose works are published in the West must pay 40 per cent of their royalties to the Czechoslovak 'Cultural Fund', instead of the 2 per cent hitherto required. Czechoslovak writers are already forbidden to exchange their foreign currency earnings for convertible crowns – although this is permitted to the rest of the population – and this latest move is thought to be aimed at a small group of writers who are banned from the Czechoslovak press and earn their livings by publishing abroad (see interview with Ludvík Vaculík elsewhere in this issue).

David Hathaway, a British evangelist, who was sentenced to two years' imprisonment on 27 October (see INDEX Index 1/1973, p.iii) was released on 16 April and expelled from the country following a successful appeal for clemency, first by the British Foreign Office and later by Harold Wilson, the British Opposition leader, during a visit to that country.

EGYPT

After their closure early in January (see INDEX Index 1/1973, p.iii) the country's universities reopened on 3 February, a week later than planned, although 120 students were still being detained

without charge. New regulations, enforced by disciplinary committees, were introduced to avoid further unrest on campuses. They stipulated that political meetings could in future only be called by official student bodies (which were scorned by January's demonstrators) with permission from the Dean, and with three days' advance notice of time, place and names of speakers. But further unrest arose when 64 left-wing intellectuals associated with the student movement were expelled from membership of the Arab Socialist Union (ASU), the country's only political party, on 4 February (see next entry). Two days later several hundred engineering students took part in a protest at Ein Shams University in support of 37 of their colleagues arrested at the university and still being held by the authorities. The students were supported by more than 200 professors and teachers who had petitioned President Sadat to release the arrested students. The Ein Shams students were shortly joined in their demands by some 3,000 students at Cairo, who decided on 8 February to hold a day-long sit-in at the university's central hall over the coming week-end. By 15 February, after five successive days of demonstrations at the university, there were indications that the government had begun to give serious consideration to the students' demand for 'a fair trial' for the 120 detained colleagues when Dr Sayed Mareh, first secretary of the ASU, held a meeting with student Leaders.

Sixty-four left-wing intellectuals were expelled from membership of the Arab Socialist Union (ASU), the country's only political party, on 4 February. They were accused by the party's disciplinary committee of activities harmful to the country's position abroad and at home; some were accused of providing the foreign press, news agencies and broadcasting stations with false information, or of signing misleading statements for publication abroad to show that Egypt was suffering from instability. They included 27 journalists from almost every daily newspaper and weekly magazine in Egypt, among them **Dr Lewis Awad**, **Dr Youssef Idris**, **Shawki Mustapha** and **Makram Muhammad**, all of *Al Ahram*; **Philip Gallab**, a columnist for *Al Akhbar*; **Muhammad Owda**, of *Al Gomhduria*; **Mustapha Nabil**, of *Al Hussawar* magazine; and **Mahmoud**

el-Maraghy, of the weekly *Rose el-Youssef*. Those expelled also included seven writers and poets, and a number of lawyers, physicians and engineers. Since membership of ASU is a condition for employment, dismissal from the party automatically means that they have lost their jobs. Early in March between 50 and 70 other journalists were removed from their jobs and transferred to work in the State Information Service, although they were not expelled from the ASU. These included **Ahmed Baha Eddin** of *Al-Ahmed*, **Kamel Zuheiry** of *Al-Gomhouria*, and **Ahmed Hamroush** of the weekly *Rose el-Youssef*.

EAST GERMANY

On 19 February West German television reporters and camera teams and a press agency photographer were refused access to East Berlin to report on the new round of talks between West and East Germany on the exchange of journalists.

On 6 March the government issued a decree regulating the accreditation and work of foreign correspondents within its boundaries and stipulating as a condition of accreditation that journalists should not defame the German Democratic Republic and its allies, their state organs, or leading personalities. Journalists countervailing the ordinance would be expelled and their offices closed.

FRANCE

Under a 1958 law forbidding public description of executions six journalists were each fined 5,000 francs (about £450) on 21 February for having described in print the last moments of two criminals who went to the guillotine. The descriptions of the executions (following the conviction of the two of double capital murder during an attempted prison break) were published in the magazine *L'Express*, the picture magazine *Paris-Match* and the weekly newspaper *Speciale Dernière*.

Henry Smadja, editor of *Combat*, has been charged with insulting the Head of State in an article which he published in *Combat* on 19 September criticising President Pompidou for the reprieve of the former Gestapo chief of Lyons.

Patrick Sullerot, a 21 year old conscientious objector, was charged at Epinal on 28 March with editing and distributing a pamphlet inciting young men to take advantage of the French law on conscientious objection. The charge was lodged under Article 50 of the Code of National Service, which states: 'It is forbidden to carry out any form of propaganda whatsoever tending to incite anyone to take advantage of the present section (on conscientious objectors) with the exclusive aim of evading military service obligations.' This is thought to be a rare instance of a law framed in such a way that it can be an offence to bring it to the notice of the public.

GREAT BRITAIN

An injunction by a Divisional Court last November restraining publication of an article in *The Sunday Times* on the drug thalidomide was lifted by the Court of Appeal on 16 February. The injunction was made on the grounds that publication would amount to contempt of court as litigation was still pending between the Distillers Company, the distributors of the drug, and the families injured by it; but the Court of Appeal ruled that it was in the public interest and the freedom of the press to make fair comment on such matters. On 1 March Sir Peter Rawlinson, the Attorney General, was given leave for a further appeal by the House of Lords Appeal Committee.

Christopher Searle, a probationary teacher who was dismissed from his post in April 1972 for publishing poems by his pupils without the governors' permission (see INDEX Index 2/1972, p.91) won his long fight for reinstatement on 13 April when the Department of Education and Science upheld the decision of the Inner London Education Authority last June not to consent to the dismissal.

The television screening of a documentary film, scheduled for 29 January, about John Poulson, an architect who was currently the subject of a bankruptcy case, was withdrawn by *Granada Television* on the instructions of the Independent Broadcasting Authority. The Board was said to be concerned about possible claims of 'character assassination' and fears of 'trial by television'.

that the government now controls the bulk of all advertisements in this country,' it said, 'the policy amounts to economic strangulation of the non-conformist press'.

PHILIPPINES

Zeus Salazar, a lecturer in history at the University of the Philippines, was arrested at his home in Manila on 16 December. No official charge was made against him and the only reason given by the police for his arrest was that, in a review of a recent book by President Marcos *Today's Revolution: Democracy*, Salazar had criticised certain factual errors in the historical material.

Francisco Rodrigo, a columnist on the *Daily Taliba* and a television and radio commentator, who had been released from prison in December (see INDEX Index 1/1973, p.vii), was re-arrested in January.

On 21 January **Peter Couchman** and **Derek McKendry** of the *Australian Broadcasting Commission* were detained by police for five hours after being arrested while covering a prayer rally at a Catholic church in Manila, where police had found home made bombs and prohibited leaflets.

It was reported in February that **Eugenio Lopez, Jr.**, publisher of the *Manila Chronicle*, and **Benefredo Esquivel**, editor of the *Daily Taliba*, had been arrested and were being detained in an army camp.

The following journalists who were arrested after President Marcos declared a state of emergency last September (see INDEX Index 3-4/1972, p.118) were reported to have been released at the beginning of March: **Benedicto Esquibel** and **Amelita Reysio-Cruz**, *Manila Daily Bulletin*; **Ninotchka Rosca**, *Manila Times*; **George Sison**, *Graphic Magazine*; **Antonio Zumel**, *Manila Daily Bulletin* and a former president of the National Press Club.

POLAND

It was reported from Warsaw on 16 April that the authorities had withdrawn from sale a history book by Professor **Maria Turlejska** called *Register for the First Decade 1944-1954* for allegedly claiming that the Soviet Union was responsible for the cold war – a view which was officially said to evince a 'tendentious and completely false attitude' towards the subject.

Censorship is reported to have been lifted for an undetermined trial period from Poland's two main newspapers, the daily *Trybuna Ludu* and the weekly *Polityka*. Until now both papers, like the rest of the Polish press, have had to submit all articles to the Censorship Office for prior approval before publication, but now responsibility will rest with the editors. This is the first time since the Communists came to power in Poland that prior censorship has been lifted.

PORTUGAL

A book called *Novas Cartas Portuguesas* ('New Letters') was banned a few days after publication and its three women authors, **Maria Isabel Barreno**, **Maria Velho da Costa** and **Maria Teresa Horta**, are to stand trial in Lisbon on charges of 'outraging public morality' and 'abusing the freedom of the press', for which they face a jail sentence of up to two years. The book, whose title was inspired by the 17th century *Letters of a Portuguese Nun*, is said to be a comment on the situation of women in contemporary Portugal, to be of strict moral intention and possessing considerable literary merit.

RHODESIA

On 6 April **Peter Niesewand**, a 28-year-old Rhodesian freelance correspondent for the *BBC*, *The Guardian* and several international news agencies, was sentenced to two years' hard labour, one of them suspended (because he had 'acted openly') for contravening a section of the Official Secrets Act. Details of the alleged offences were withheld from the public and the entire proceedings before the Salisbury Regional Magistrate were *in camera*. The charges are believed to have related to a report sent by Niesewand to *The Guardian* which dealt with the war in Mozambique against

the grounds that Pogrund possessed the material for the purpose of a thesis and his motivation was scholarship and study.

SOUTH KOREA

On 2 February **Cho Chun Hwan**, a journalist, was arrested for reporting actions taken by the government against 79 politicians to prevent their taking part in the next elections.

SOUTH VIETNAM

On 7 February the government announced new restrictions on foreign correspondents in contradiction of Article 11 of the cease-fire agreement. Pham Duong Hien, the Information Director, said that correspondents who 'misled public opinion' or who 'undermined the security' of South Vietnam would be expelled or, if they had already left the country, their application for re-entry visas would be denied. He also emphasised that contacts with the Vietcong and the North Vietnamese delegations to the Joint Military Commission in South Vietnam would be permitted only to foreign correspondents - a potentially serious restriction since most of the Western ones employ local translators and interpreters. In his statement he also said that Communist representatives would not be allowed to hold press conferences in South Vietnam.

On 8 February 23 foreign journalists who had gone to Tan Son Nhut base to interview North Vietnamese and National Vietcong delegations were arrested, detained for an hour by military police and had their identity cards temporarily withdrawn despite an announcement the previous night that the correspondents would be entitled to enter the base.

It was reported in March that **Ronald Nesson**, NBC correspondent in South Vietnam, had been expelled for alleged misreporting.

SOVIET UNION

Under the pressure of arrests, searches and interrogations conducted since late 1971 by a team of thirty full-time investigators, the Moscow *Chronicle of Current Events* has ceased to appear at least for the time being (a substitute journal,

compiled in London and New York and called *The Defence of Human Rights in the USSR: A Chronicle*, began to appear in April and aims to continue where *Chronicle* No. 27 ended).

Among the Moscow intellectuals in particular danger of arrest in connection with the *Chronicle of Current Events* is **Irina Yakir-Kim**, daughter of the historian **Pyotr Yakir**. Interrogated daily for three weeks in March and early April, she admitted to the KGB her involvement in producing *Chronicles* 11 to 27. The testimony of her father and of the economist **Victor Krasin**, both held in prison without trial since last summer, has become very helpful to the investigators in recent months. It is not yet known what methods brought them to cooperate or when a trial is to be held.

The literary critic and translator **Anatoly Yakobson**, whose book about the poet Alexander Blok is shortly to appear in Russian in New York, was threatened with arrest if *Chronicle* 28 should appear. Having applied to emigrate to Israel, he was told that he would be allowed to go if he helped the investigation, but not otherwise. He refused to help. In March he was invited to visit Britain by the International PEN Club.

A young literary scholar **Gabriel Superfin** was subjected recently to searches and interrogations and asked by KGB investigators to reveal the whereabouts of the *Chronicle's* archives. He is apparently suspected of knowing something about them.

Among many political prisoners brought to Moscow for interrogation about the *Chronicle of Current Events* has been the publicist **Vladimir Bukovsky**. After much persecution in the prison at Vladimir, he is now (mid-April) due for transfer to a forced labour camp for five years, to be followed by five years of exile to a remote area. Others subjected to searches or interrogations in Moscow have been the physicist **Pavel Litvinov**, the poet and teacher **Ilya Gabai** and the artist **Gyuzel Makudinova**, wife of the writer **Andrei Amalrik**, who is due for release from a Siberian camp in May.

The mathematician **Dr Yury Shikhanovich** has been held incommunicado in a Moscow prison since his arrest last September. In January the

academician **Andrei Sakharov** and his wife offered to stand bail for him, but this was refused two months later. In February his acquaintances began to be asked if they had ever noticed any 'mental abnormalities' in him, a development indicating to observers that he was not cooperating with the KGB and that the KGB was therefore exploring the possibility of committing him to a psychiatric hospital.

In April the cybernetician **Leonid Plyushch** was transferred from a hospital-prison to an ordinary psychiatric hospital after the appeal hearing in his case. Details of the first hearing, held *in camera* and in Plyushch's absence, have now reached the West. Three of the Soviet psychiatrists most often suspected of subservience to the KGB - Prof. Daniil Lunts, Dr Georgy Morozov and Dr Andrei Snezhnevsky - were the chief signatories of reports which diagnosed 'reformist ideas' and 'mild chronic schizophrenia'. Plyushch was handed over to the psychiatrists after he had declined to cooperate with the investigation into the *Chronicle of Current Events*.

A young astronomer, **Vladimir Popov**, a former pupil of Kronid Lyubarsky, was arrested last July. At Lyubarsky's trial in October (see *INDEX Index* 1/1973, p.ix) he gave evidence against Lyubarsky, but was later himself tried by the Moscow City Court for alleged 'anti-Soviet agitation and propaganda'. In view of his recantation his sentence was a suspended one of three years.

An eminent Moscow biologist **Sergei Myuge** has been charged with 'anti-Soviet agitation and propaganda'. Over a hundred people in the Moscow area have been interrogated in connection with the alleged *samizdat* activities of him and his wife.

In January **Evgeny Kuzin**, **Savinkin** and **Egorov** were arrested in Oryol, a city south of Moscow, just as they were about to issue a *samizdat* journal, *Russia's Patriotic Front*. Also arrested was their Moscow friend **Victor Khaustov**. Kuzin and Khaustov served terms as political prisoners in the 1960s.

In February the physicist **Lev Ubozhko** was charged with 'anti-Soviet agitation and propaganda' in the forced labour camp to which he was sentenced in 1970 at a trial in which his co-

defendant was **Andrei Amalrik**. This time he was sentenced to indefinite internment in a prison psychiatric hospital.

Vyacheslav Chornovil, one of the leading Ukrainian dissenters and a persistent critic of Soviet persecution of the Ukrainian intelligentsia, was sentenced in February in L'vov to seven years' hard labour and five years' exile on release on charges under article 62 of the Ukrainian criminal code of 'anti-Soviet agitation and propaganda'. Chornovil is best known for his collection of documents and articles known as *The Chornovil Papers*, which was published in the West in 1968. For circulating these, which analysed the trials of twenty Ukrainian intellectuals who were sentenced in 1966, he in turn was arrested and spent a year and a half in a labour camp. In January 1972 he was again arrested, together with several dozen other intellectuals, in a KGB drive to suppress the *Ukrainian Herald*, a Ukrainian *samizdat* counterpart to the *Moscow Chronicle of Current Events* (see *INDEX Index* 1/1972, p.87).

Ivan Dzyuba, the historian and literary critic, was sentenced in Kiev in mid-March to five years' hard labour and five years' exile on release on a charge under article 62 of the Criminal Code of 'anti-Soviet agitation and propaganda'. Since his polemical work entitled *Internationalism or Russification?* was published in the West in 1968, he had been continually harassed by the secret police until, with many other Ukrainian intellectuals, he was arrested at the beginning of 1972.

Two literary critics, **Ivan Svitlychny**, who had been arrested in 1965 and released without trial after eight months' detention and had since been active in the defence of political prisoners, and **Yevhen Sverstyuk**, the author of several *samizdat* essays on literary subjects, were also sentenced in late March after a pre-trial detention exceeding the legal maximum (so far there are no reports about the length of their sentences).

Lazar Lyubarsky, the chief engineer at an institute for the design of power systems, was sentenced in Rostov-on-Don on 2 February to four years' labour camp for 'anti-Soviet agitation and propaganda'. He was arrested on 18 July 1972 and had been active on Jewish issues and had

applied to emigrate to Israel in August 1970.

On 1 February it was reported that **Filip Hirshorn**, solo violinist with the Riga orchestra, had been dismissed from his post after applying to emigrate to Israel in December 1972. His violin has been confiscated.

The painter **Gedalya Kipnis** and his wife were removed from their Vienna-bound train at Brest on 1 February (they had exit permits to Israel). He has since been imprisoned, accused of trying to smuggle anti-Soviet literature out of the USSR (mainly on the subject of Soviet anti-semitism) and is under investigation in connection with the case of Colonel **Yefim Davidovich**, also from Minsk and also charged with anti-Soviet activity.

Alexander Lerner, the eminent cybernetician who was dismissed from his chair at Moscow University, has given permission for a book of which he is one of the four co-authors and the general editor to appear without his name since this was the only way to have the book published. The book entitled *Automatic Optimal Control of Metal Heating*, is published by 'Metallurgiya' Publishing House.

Isak Shkolnik, an engineer, was sentenced to 10 years in labour camps on 11 April by a military tribunal in Vinnitsa, Ukraine. He had applied to emigrate to Israel and was accused of storing secret information in his mind to pass on to the Israelis. An earlier charge of spying for Britain was dropped after strong denials by the British Government.

It was announced in Washington on 18 April that President Nixon had been sent copies of two formal decrees by the Soviet government ending the policy of requiring educated Russian Jews who wished to emigrate to Israel to repay the State the value of their education. Some observers pointed out, however, that the decrees had only suspended the tax and not abolished it.

SPAIN

The governing body of the Central University of Barcelona resigned on 22 February in protest against the government's suspension of the university's statutes in accordance with a decree issued last July empowering the Ministry of

Education to take more direct control of universities. Government intervention in university activities under this decree has already caused wide-spread turmoil amongst Spanish academics (see *INDEX Index* 3-4/1972, pp.124-5 and 1/1973, p.xii).

On 5 February police arrested six student leaders of the underground Catalan Socialist Party and seized a ton of 'subversive propaganda' and several typewriters and duplicating machines in a raid on their headquarters in a university suburb of Barcelona.

In reports published in Madrid early in February, the police claimed that they had put the communist central propaganda headquarters for Spain out of action and arrested seven people who operated it in a raid carried out on 18 December last year. Police said that at least 14 illegal periodicals were printed in the clandestine printing shop, including some in regional languages.

In an order of the Council of Minister of 9 February the government suspended for four months the publication of *La Codorniz* ('The Quail'), the country's best-known satirical weekly, for 'two particularly strong infractions' of the press laws (these call for 'due respect for institutions and persons' in criticising political action). The editor, **Alvaro de la Iglesia**, was also fined 250,000 pesetas.

Alfonso Comin, a sociologist, was arrested in Barcelona on 22 January as he was leaving the Faculty of Economic Sciences where, at the invitation of the students, he had given a lecture on the Spanish economy during the last 30 years. The reasons for his arrest are not known, but vigorous protests organised by the students of several Barcelona University faculties brought about his release shortly afterwards. Comin had been sentenced previously to one year's imprisonment in 1969 because of an article published in *Témoignage Chrétien*, in which he strongly criticised the government.

At the beginning of March Professor **Angel Ruiz Hita**, professor of sociology at Barcelona University, was arrested and charged with 'usurpation of public duties' (as a result of his continuing to give classes at the insistence of his students after being dismissed for reasons not explained by the

YUGOSLAVIA

Dr Šime Djodan, a former senior lecturer at the University of Zagreb and a member of the now suppressed cultural society *Matica Hrvatska*, who was amongst those arrested in January 1972 (see INDEX *Index* 1/1972, p.91), was sentenced to six years' imprisonment for committing a criminal act against the people and the state by the Zagreb district court on 23 February. He was also prohibited from appearing at public meetings or contributing to mass information media for four years after his release. Dr Djodan had originally been brought to trial with some other former members of *Matica Hrvatska* last October, but his trial was postponed because of ill-health.

Three former student dissidents who played prominent parts in the 1968 Belgrade University disturbances were arrested towards the end of February and early in March for alleged hostile propaganda and contacts with foreign organisations. One of them, **Vlado Mijanović**, a graduate in philosophy, had been sentenced to a year's imprisonment in 1971 and, on his release, was drafted into the army, where he apparently was rearrested. His wife, who is also a graduate of Belgrade University and a teacher of sociology, and **Danilo Udovički**, an architect, were detained on charges of hostile propaganda and foreign contacts respectively. Although all three had left Belgrade University on graduation two years ago, observers thought their arrest was connected with the present party drive to reassert control over the universities.

On 7 March **Kosta Čavoski**, an assistant professor at the Law Faculty of Belgrade University, received a five-month sentence, suspended for two years, because of an article published more than a year previously in which he had criticised the discrepancy between the theory and practice of communism in Yugoslavia.

Professor **Mihajlo Djurić** of Belgrade University, who was sentenced to two years' imprisonment in July (see INDEX *Index* 3-4/1972, p.127), had his sentence reduced to nine months on appeal.

The permanent banning of Professor **Mihajlo Marković's** book *Preispitivanja* ('Reappraisal') by the Belgrade District Court in November (see

INDEX *Index* 1/1973, p.xvi) was lifted the following month when only one offending chapter was banned. The chapter was alleged to have contained 'false and distorted arguments causing alarm among the population' (see article elsewhere in this issue).

Praxis, the Zagreb philosophical bi-monthly periodical, published in January a double issue (numbers 5/6 for September-December 1972) consisting of only 16 pages instead of the usual 300 pages to which its customary double issues run. An editorial said that although printing prices in 1972 had increased by almost 50 per cent in comparison with the previous year, *Praxis* had received from state funds only 47 per cent of its 1971 allowance. A probable reason for the reduction was that in its double number 3/4 (May-August 1972), which was banned (see INDEX *Index* 3-4/1972, p.126), *Praxis* had criticised the trial of Professor Mihajlo Djurić, alleging that it was a gross infringement of academic freedom.

It was reported in February that **Smiljana Rendić**, a Catholic journalist, had been sentenced to one year's imprisonment for alleged anti-Yugoslav propaganda in an article published in *Kritika*, a magazine now defunct.

The draft of a new press law for Serbia has been published, which, it is said, would restrict even further the freedom of the press.

Three professors from the Law Faculty of Belgrade University were reported to have been dismissed from their posts on 26 March for having signed a petition requesting an amnesty for Professor Djurić. They were Professor **Andrija Gams**, Professor **Stevan Vracar** and Associate Professor **Danilo Basta**. At the same time another eight professors and lecturers at the university's philosophy department were attacked for their critical attitude towards the party and for 'ideological deviations', for which the faculty was 'recommended' to dismiss them (see elsewhere in this issue).

ZAIRE

In February the International Catholic Press Union protested against the banning of 31 publications in Zaire.

József Lengyel

Confrontation (an extract)

In this extract from chapter two of Lengyel's novel, Endre Lassú, an old Hungarian communist recently released from one of Stalin's labour camps, is talking to István Banicza, a Counsellor in the Hungarian embassy in Moscow. The place is Banicza's rooms at the embassy, the time 1948, and the scene is conveyed through the eyes of Lassú.

... I bend forward close to his ear: 'Is this place bugged?'

'No,' he says nervously. He's got a right to be annoyed, for my question was only meant to tease him, and if there *were* microphones he couldn't have said anything else. But I feel furious because he's so evasive.

'We cannot know whether,' and with my index finger I trace in large letters on the table the name ADOLF, then I say out loud 'learnt from' and then again I draw the letters, IOSIF, and say 'or the other way round. I should say they learnt from each other. I'm only joking. They outdid one another. Except the former's tricks worked and the latter was had.'

'How do you make that out?'

'By the facts. When Béla,' and I draw the letter K, 'was arrested, it was eight o'clock at night. At eleven Hungarian radio broadcast the whole affair. The Hungarians here heard it over Radio Budapest. . . They didn't believe it, of course. In the morning Zoli Török – you knew him – phoned through to the apartment: "I'd like to speak to Comrade –", and again I draw the letter K. 'The receiver was replaced. He puts through the call again. Same result. That's not the only case. Back in '37 a German communist was arrested here. Next day the *Völkischer Beobachter* splashed it across the front page in huge letters: "A betrayer betrayed". Goebbels must have had a field day. You can check this for yourself. There's a lot still waiting to be cleared up. At least, that's what I'm waiting for.'

'It will all be cleared up,' he says in a dark mood. He's furious with me for not uttering the names aloud but writing them out instead, furious with me for protecting him. The joy of re-union has gone up in smoke. He feels sorry for me, so he need not feel sorry for himself. 'Unfortunately there is no sense in our trying to find an answer to that particular question,' he says.

'Ah yes, trying to find the answer is the greater evil – observing silence the lesser. Is that it?'

'That's about it.'

'Then listen to me, my dear Pista Banicza. I've had time to think about many things. And I have discovered that the minute we start opting for the "lesser evil" we forego the unique thing a revolutionary must always strive for.'

'You know, of course, what Lenin said about compromise?'

He is relieved, thinking I am now safely on his wavelength.

'I know – robbers on the highway. They take your watch, you let them or you'd be killed on the spot, you make for the nearest village, alert the police. We all know it by heart. That's the kind of

compromise I practise too, that's how I stayed alive, and why I do this,' and again I trace on the table the word IOSIF 'instead of saying it. But compromise is only meaningful if it leads not to the lesser evil but to the uniquely good.'

'Or else – to death.' He's sarcastic, furious. I am purposely provoking him the more, because I am feeling furious myself.

'Occasionally . . . why not? I've been scared so many times that I am beginning to lose the habit. But it isn't as simple as all that. For instance, now we're on the subject, I was pretty scared slinking into this place. Yet that's not what counts. If a log of wood falls down behind me, or a bunch of keys, or a kid bursts a paper bag, I jump. My pulse races. That doesn't count, either. For if I were to know beforehand when they would take me away to be shot, I would hardly show any outward signs of fear at all. Yet at night I am afraid. A recurring dream: they are coming, they want to arrest me, I flee, hide, and I know it's no use, there is no refuge.'

'I also had troubles like that. I know those feelings. They'll pass.'

'Entirely?'

'Not entirely, perhaps, but they come less frequently.'

'I'm glad for you.' One ought not to tease him. The way he looks at me . . . my own eyes close to becoming moist as well. Yet I mustn't let him off the hook, but must give it to him straight for once. 'Banicza, I know you had a hard life, I know you didn't spare yourself. But it was the enemy torturing you. But what about me? I was tortured by my own. A very different story. You may think it's narrow-minded to blame Communism for this. But is it? How am I to get over my personal wrongs – which, if only you could realise it, are no mere personal wrongs – above all not personal. . . And even if not above all. . . Do you know what it would mean for me to get over them? Precisely this: that I accept what took place as being a necessary part of building the communist world. What the bourgeois says is different again. As he sees it, all this is not merely a part of it, but the basis, the very essence of things. Compromise too would be no easy matter. You don't have to bang your head against a wall, when the wall is stronger than the head. Yet, one feels ashamed for weighing up the pros and cons – I know we both have that in common. Do you follow me? I wanted to get out of the camps alive. I was careful. I never worked in there, not even half-heartedly. "Atone for my sins?" I had none to atone for. But I kept quiet. Or more exactly, I took a good look at whoever I talked to. And the ones who didn't understand what was going on here I didn't bother to enlighten. . . "Ghastly misunderstandings" was my set phrase, my Dodonean riddle. Even that wasn't without its dangers, by the way. You know Gyula Harnos the engineer, the former Assistant People's Commissar?'

'He's going home next week.'

'So I heard. Do you know his case? In front of three others he said no more than "If Lenin were alive today, many things would have turned out differently." *Basta!* Next day they came for him.'

One of the three fellow-countrymen to whom he said it must have denounced him that same night, or maybe the next morning. The interrogator quoted that very sentence to him. Every single word. Do you want the informer's name? He has a high position in Hungary and don't doubt that he's carrying on in his old ways. Yes, at home, in that Hungary of yours. Do you want his name?'

'Harnos told us. We shall investigate it.'

'Harnos' case, by the way, is not typical. The denunciations were not the essential thing. I know of cases where a confession to the effect that so-and-so wanted to kill Stalin was kept in a dossier. Yet he was not arrested. Then, one fine day, one more drop and the cup – the dossier, that is – brimmed over. That was the Harnos case. The number of dossiers is put at around sixty million. You can work out the ratio – you're an engineer, work it out! Then you can't fail to see how enormous a number was destroyed. . . . And what people they were who perished in this way! Platten, the Swiss communist. That same Fritz Platten who organised Lenin's journey, who accompanied him across Germany in the sealed railway car. In Kerensky's time word went round that he was a German spy. He – and Lenin as well. In '38 he was suddenly a German spy again. . . . The kind of men who perished, one after another!' And I draw the letters B-L-Ü. He stops me, nervously. I pronounce their names, loud and clear: 'Blücher, Tukhachevsky, Pyatnitsky, Postyshev – the excellent Pyotr Petrovich. All for the sole reason that they were better men than he, and that this was plain to all. The same day as Blücher – Lajos Gavro was killed off, commander of a cavalry division. A Hungarian miner. The writer Furmanov's widow was his wife, Katya, Chaapayev's machine-gunner – that same Katya. Or take another example, the younger brother of your present boss, the Foreign Secretary, who was in the camp with me. We spent two years together. What a splendid person. But he perished there, he won't come back. Shall I name names, more of them? Shall I?'

'Let's talk about the work you'll be doing when you get home.'

'None, I hope.'

'It's only now you talk like this. At home you'll see things in a more sober light. Tukhachevsky, incidentally, was a traitor.'

'Are you sure?'

'The matter has been investigated.'

'Oh, you mean you swallow that? Since when? They say the same of Kun, that he was a traitor. Do you believe that?'

'That's a different matter. Though I can't deny that there were exceptions.'

'Naturally you can't. And yet it's pretty galling that you're so willing to believe stories like that – that there were obscure affairs where it was easy to make mistakes. Anyway, Tukhachevsky's case was quite different. He gave offence by being alive. The history of the great offensive in Poland could not have been so easily falsified with Tukhachevsky still alive.'

His hand touches my shoulder.

'I quite understand that you were shattered by what happened to you. It wouldn't be natural if your arrest and all that. . . .'

'My arrest? That was one of the better things. Much better than waiting every night for them to come. Because I just waited, I did nothing. I didn't go into hiding, didn't flee, didn't get fake identity papers. I waited like a sick man waits for death. I knew it was coming but I tried to believe it wasn't. When they finally came for me, it was as if I calmed down. I said to Herta: "I'm not guilty of anything. If I'd done anything I would know what sentence to expect. But since I haven't and they are taking me away, do not wait for me to come back."'

'And didn't she wait?'

'She waited a while. Until the war broke out. She sent me two or three parcels. Then . . . but that's only natural.'

'That depends.'

'To me it was only natural.'

'You said you wouldn't come back. What did you really think?'

'I imagined they'd put me up against a wall – and shoot me, without interrogation. Instead they kept me in a hermetically sealed cellar for a fortnight. The main pipes from the central heating boilers passed through. It was over 100 degrees. Let's leave it at that. You know of worse things and you've surely seen worse. But they wanted a confession and they wanted me to sign it! First of all to incriminate myself, then to name two persons who enlisted me as a spy, and two further persons whom I myself had enlisted. Did the Gestapo want that sort of thing?'

'Everything was different there.'

'Yes. Different. Still, we had this as well: an armed guard who took me down to the cellar, his rifle muzzle poking me in the ribs from time to time. Marching me on and on, escorting me through endless intersecting underground passages. For how long? I lost track. Hours, minutes perhaps. Quite possibly – probably even – it was minutes. I kept waiting for the bullet in the back of the neck. But we just kept on going along a maze of basement passages. In the yard police vans kept their motors running. I realised why – so the shot wouldn't be heard. There had been a lot of talk about that. We marched on and on. Then the rifle nudged me towards a closed-off recess. Tiled walls, water running. So it's to be here. They wash the blood away afterwards. "Off with your clothes!" Calmly I took them off; I was already quite calm. "In there!" he commanded, pointing to the door with his rifle muzzle. I opened the door: taps, a shower bath. "Wait!" he said and handed me a cake of soap. After the bath he escorted me upstairs. I was handed over, pushed into the police van and back to the Taganka. Nothing had happened after all. But from then on I knew the moment of death, knew that life was nothing – and everything. But you know that just as well as I do.'

Was that at the Lubyanka?'

'Yes, but not at the "big" Lubyanka, the main building.

That was for the big boys who were hauled in by central security. I only got to No 14 Lubyanka, maybe that was my luck. The order for my arrest was issued by the Moscow District security police, as I was in their area. Incidentally, inside a month the man who signed the order for my arrest was a dead man himself. Shot. His name . . . I forget it. Never mind. May he not rest in peace. He had a reputation then. However, six months later Yezhov also was a dead man. Yezhov – "porcupine". Cartoons appeared about him: *Yezhovskaya rukavitsa*, "porcupine glove". It didn't matter a damn, as far as my lot went. It doesn't matter about Yezhov, nor the other one. Only one man interests me: Second Lieutenant Markusov – is he alive?'

'Who's he?'

'The one who beat me up. With my very own hands' – and I speak very deliberately, stressing each syllable – 'I'd like to string him up by his balls from a chandelier, preferably in his own home, and let Madam his wife sit on him like on a swing. What tripe I'm talking! I couldn't. But you are wrong if you think that suffering ennobles.'

'Everything was different under the Germans,' he mumbles. He turns his head away, then abruptly stares at me: 'You don't look as if you've taken that bad a beating.'

'No. Because I signed on the dotted line that I had been a diversionist and a spy.'

He stares at me, speechless. Then, in an icy, piercing voice says: 'We never did such things, we'd rather die first.' And he thinks now he's got the better of me.

'Except that you, dear comrade, had something to defend, something to die for. We were robbed of even that – our moral strength. But, as a matter of fact, things were not so easy. Had they been easy, I wouldn't remember Second Lieutenant Markusov to this day. For example, I signed a confession that I intended to kill Dimitrov. Then, back in my cell, I wrote that I had wrongfully incriminated myself. They took me back to be interrogated. Again I signed. This went on for fifteen months. That is to say, until they didn't call me any more. They did not bother any more. Then I got my eight years. They paraded us, a hundred at a time, past a little shed. Through a slot we were handed a slip of paper to sign. It said that we took note of the sentence passed by the Special Court – in another version, the Extraordinary Court. The very next day we were loaded into railway goods vans, filling forty of them. I stayed not for eight years, as the slip said, but for very nearly ten. Yet it's still illegal for me to show myself here, in Moscow.'

He pours out some tea. First for me, then for himself. His glass is full but still he keeps on pouring. I am the one to notice. We jump up and dab at it with a serviette, like boys who had done something naughty.

Translated by Anna Novotny

© Peter Owen

Anti-socialist 'happenings'

The Czech artist Milan Knizák was in February sentenced to two years imprisonment for 'damaging the interest of Czechoslovakia abroad', according to reports from Western correspondents in Prague.

Milan Knizák (born 1940) is considered the originator of the 'Czech Happening', having developed his artistic ideas between 1963 and 1966, together with a group of other young artists with whom he founded a group called Topical Art. They found a ready response abroad, especially in the USA, where a branch of the group was formed in San Francisco.

In 1966 Knizák and some of his friends were arrested several times and interrogated in Prague's notorious Ruzyně prison. In June 1967 he was arrested once again and sentenced to 10 months in gaol. The whole group was amnestied in May 1968, during the Dubcek period.

After the invasion of August 1968 Knizák left the country and lived for a time in America, returning home in 1970. He had several exhibitions abroad, notably in West Germany.

Knizák's Czech happening is essentially different from its Western counterpart. Rejecting any kind of commitment and stressing the need for 'togetherness' and poetry in everyday life, it is a protest against the commercialisation and dehumanisation of society and human existence. According to Vladimír Burda, a friend and interpreter of his work, Knizák was convinced that through his unconventional approach he could provide the public with a more profound experience than conventional art, politics, or sport.

Burda, who was sentenced to eight months for 'defaming the republic and the countries of the socialist system' in the post-invasion period, is no longer alive. He is said to have committed suicide. Knizák is himself seriously ill and has therefore not yet begun to serve his sentence.

Death of Zora Jesenská

Zora Jesenská, a leading Slovak writer and translator, died in Bratislava on Christmas Eve 1972, at the age of sixty-seven.

Born on 3 May 1905, in Martin (Slovakia), Zora

Jesenská was a prolific writer on literary and cultural subjects, but it was as a translator that she made her greatest contribution to Slovak letters. Together with her husband, Ján Rozner, she translated prose, poetry and drama from English and German; and, with over forty titles to her name, she was unrivalled in her translations of Russian literary works.

After studying at the State Conservatory in Bratislava, Jesenská became a music teacher in 1935. Four years later she joined the editorial staff of the progressive weekly *Zivena*, for which she continued working when it had to go underground during the war as well as in the post-war years until 1949. From 1952 to 1956 she was chief editor of the Russian section of one of the major Bratislava publishing houses, and she also worked with the Slovak cultural centre *Matica Slovenská*.

In the 'sixties she was a regular contributor to *Kultúrny život*, the Bratislava weekly which led the move towards more independent thought, paving the way for the intellectual renaissance which was to produce 'Prague Spring 1968'.

It was indeed her wholehearted support of this movement and her refusal to compromise after the Soviet invasion of August 1968 that brought about her expulsion from the Writers' Union and made her one of the first victims of the purge. After that she was unable to publish her work, and even a new edition of *And Quiet Flows the Don* had to be pulped because her name appeared in it as the translator. No obituary was published in Czechoslovakia when she died, nor even a brief notice in the press.

A plea for meddling

This appeal first appeared in the German journal *Dokumente* and was republished in English in the *New York Times* on 18 February 1973. Böll is the International President of the PEN Club and the winner of the Nobel Prize for Literature for 1972.

COLOGNE – The hopeful process one calls 'world-wide easing of tension' helps least those who, under constant risk of denunciation or imprisonment, most enthusiastically support it: writers, academics and intellectuals.

We hear that the Soviet Union is seeking better relations with Spain; Greece will soon recognise the German Democratic Republic. Will the consequences of this rapprochement be that Colonel