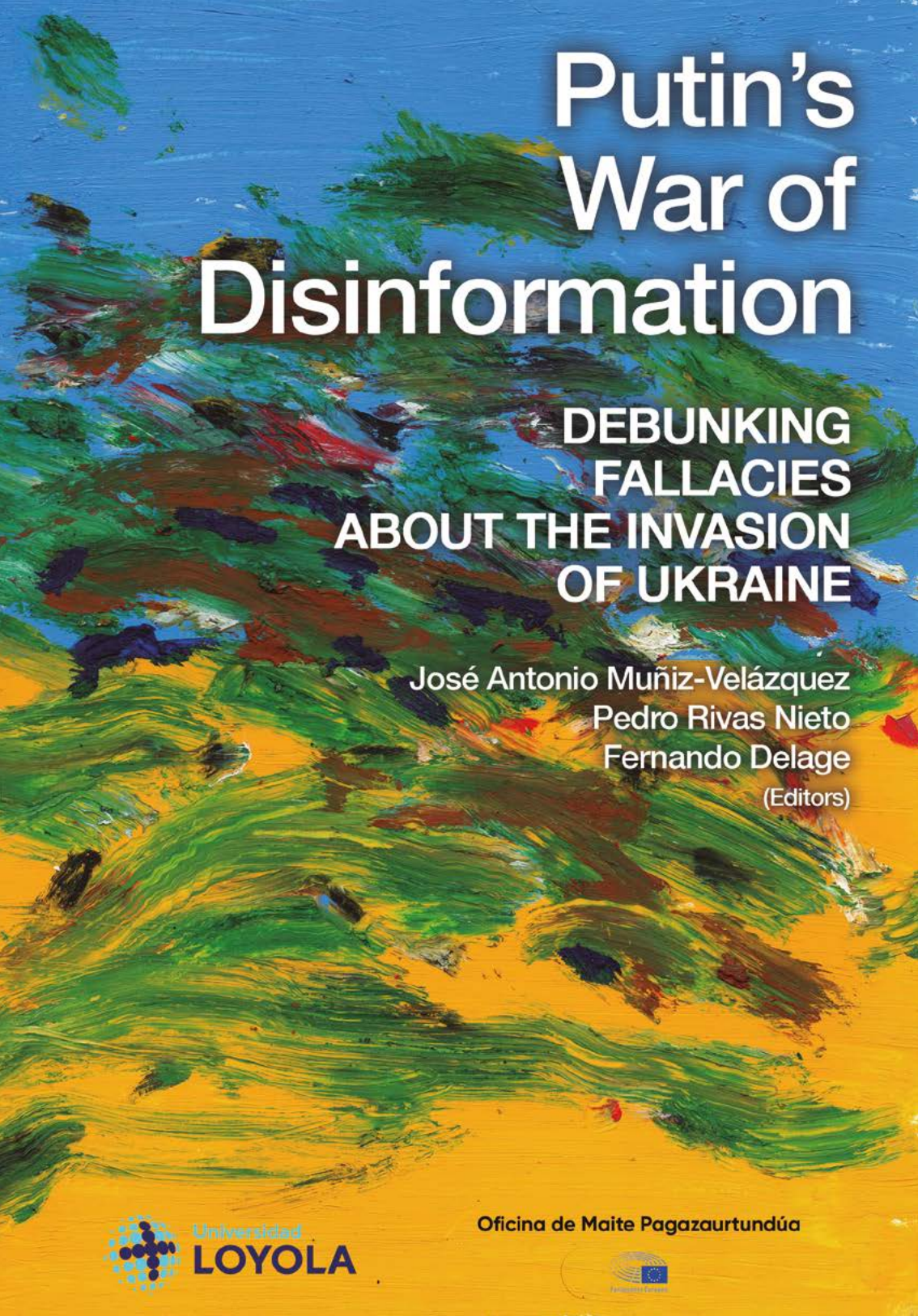




Putin's War of Disinformation

**DEBUNKING
FALLACIES
ABOUT THE INVASION
OF UKRAINE**

José Antonio Muñiz-Velázquez
Pedro Rivas Nieto
Fernando Delage
(Editors)

**PUTIN'S
WAR OF DISINFORMATION**

*Debunking fallacies
about the invasion of Ukraine*

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Foreword Maite Pagazaurtundúa & Nacho Sánchez Amor

This book is dedicated to all those who do not cease
in their struggle on various fronts to search for the
truth behind the facts (journalists, scientists, thinkers,
professors... and political leaders who have not
succumbed to lies).
And to the Ukrainians.

“Before mass leaders seize the power to fit reality to their lies, their propaganda is marked by its extreme contempt for facts as such, for in their opinion fact depends entirely on the power of the man who can fabricate it.”

Hannah Arendt (1951)

“There never has been a time in our history when there was so great a need for our citizens to be informed and to understand what is happening in the world. The cause of freedom is being challenged throughout the world today by the forces of imperialistic communism. This is a struggle, above all else, for the minds of men. Propaganda is one of the most powerful weapons the Communists have in this struggle. Deceit, distortion and lies are systemically used by them as a matter of deliberate policy.”

Harry Truman (1950)

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Foreword

Without truth, democracy is not possible. Without democracy, there are no guarantees for human rights.

When the young prime minister of the Baltic republic of Estonia Kaja Kallas addressed MEPs in Strasbourg on 9 March this year she spoke of the response that ‘the free world’ had begun to make, with the European Union in the vanguard — her words — for the first time. The indefatigable Kallas stressed that we had changed more in terms of security in two weeks than in thirty years.

It is useful to know that when the Estonian Prime Minister’s mother was six months old, she and her family were deported to Siberia by the Soviet regime. She told MEPs that nameless people kept them alive during the journey, offering them food and, above all, milk for the baby.

Estonia regained its independence in 1991 and joined NATO and the EU in 2004. On 24 February 2022, the very day of the Russian invasion of Ukraine — and just a few days before her speech in Strasbourg — Kaja Kallas called an urgent government meeting and activated consultations under Article 4 of the North Atlantic Treaty in cooperation with other allies including Latvia, Lithuania and Poland, because she considered Russian aggression a threat to the entire free world.

Although just a few years ago, it was widely believed that democratic systems would gradually spread across the globe, a stain of populisms is currently spreading which generates illiberal regimes, producing disinformation on an industrial scale. This works like a virus against pluralist thought, clearly leading to people who are enslaved by dogmatisms and hostility towards anything different.

This book might be considered a handbook for democratic resistance; also free from any euphemism. Putin has become a major threat to our fragile global stability in our time thanks to his geopolitical goal to wreak instability in democratic regimes and make inroads into a neo-imperialist sphere of influence through disinformation, hybrid warfare, or war itself.

He was the one who fuelled conflicts in Georgia, Moldova, Ukraine and Azerbaijan in an attempt to create puppet states where he could exert his will. Spreading instability and polarisation became his secret weapon against democratic systems, fuelling all kinds of conspiracy theories against valid scientific and legal sources. From there, he began to attack citizens' trust in institutions within pluralistic systems that offer checks and balances, in order 'to make minimally rational decisions', as mentioned in this book.

This excellent study, edited by José Antonio Muñoz-Velázquez, Pedro Rivas Nieto and Fernando Delage, offers readers a general framework on the disinformation phenomenon created by President Putin's Russia. It also takes the main fallacies intended to justify the illegitimate and illegal invasion of Ukraine and refutes them one by one. The facts and arguments presented in this book may help readers to understand this form of threat. The quality of the bibliographical sources used by the authors is excellent, and I assure you it can be read in one sitting, because the texts are not only gripping, but also very well written.

I would like to share one more piece of information and a further anecdote with you. The European Parliament set up a Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation. It adopted its conclusions on the same day as Kaja Kallas' speech, 9 March 2022. The committee renewed its mandate to continue examining existing and planned legislation and policies to identify possible gaps, loopholes and overlaps that might be exploited to maliciously interfere with democratic processes, and to develop suggestions on how to address

these by working closely with other institutions, particularly in the run-up to the 2024 European elections.

It is chaired by Sandra Kalniete, a Latvian MEP who was born in a Soviet gulag in 1952, where her parents — both deported in 1941 — met many families who had suffered reprisals following the Soviet invasion of the Baltic states. Kalniete's grandparents died early on as a result of the cruel and inhumane conditions of the journey and in the camps.

If information is the pillar of democracy according to Stengel, that disinformation would therefore be the pillar of tyranny. The authors have written this book out of a sense of duty and responsibility to fight the self-serving fallacies which, directly or indirectly, undermine democratic systems and their freedoms, in other words, our freedoms.

I would like to express my deep gratitude for the active citizenship that this represents.

Maite Pagazaurtundúa

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European Parliament*

Foreword - Nacho Sánchez Amor

Neither has “the end of history” happened, nor has there been “one last man”. Democracies face increasing, even existential, challenges around the world, with 70% of its population living under authoritarian or illiberal regimes. We are currently witnessing a global war of narratives in which communication is a decisive factor. In this contest, disinformation is increasingly used to manipulate public opinion and erode the stability of states and their institutions.

In recent decades, an ideological and political dispute has emerged through illiberal and authoritarian regimes. These regimes challenge the universality of human rights and fundamental freedoms by putting forward a relativist narrative. Their narrative claims that rights and freedoms are a “hegemonic cultural weapon” of the West, which seeks to impose them on Others.

However, it is not only the universality of human rights that they seek to undermine but also other achievements of the human race over the centuries, such as the rule of law and democratic principles. These regimes, which set themselves up as antagonistic models, seek to relativise both the notion and the praxis of these achievements.

How do they do this? By subjecting them to ideological constraints and semantic manipulations in an attempt to undermine them in every possible way. The agenda of these regimes and their actions are intended to be far-reaching, as they attempt to export their narratives around the world, seeking to redefine globally shared international norms. Even in countries with established democracies, these regimes seek to distort national politics in order to promote hatred and violence and bring about the erosion of societies and institutions.

If war is about narratives, battles are about stories, and disinformation and interference in democratic processes are two of the instruments most prized by these regimes.

On one hand, it could be said that disinformation and interference in different electoral processes around the world are the examples that resonate most with us. Major examples of these phenomena can be found in the ‘Mueller report’ on the 2016 US presidential election; or in the ‘Russia report’ by the UK Parliament’s Intelligence and Security Committee, which concludes that Russian interference in British politics is commonplace, among other factors. Cases of interference on EU territory have also taken place in past elections in France or Germany.

The aim of these regimes is not only to change the outcome of an election but to introduce doubt, uncertainty and distrust in order to delegitimise the entire electoral process. It is in the context of these processes that people become absorbed by political discourses after an earlier period of less attention, creating fertile ground for interference. These regimes exploit our open societies, taking advantage of our strategic vulnerability to launch insidious narratives attacking the resilience, legitimacy and democratic nature of the European Union and its member states.

Furthermore, disinformation, which can even be contracted out, and various other forms of interference not only occur in electoral processes but also spread to other areas. In the words of the High Representative/Vice-President of the European Commission, Josep Borrell, “to be or not to be a democracy goes beyond elections”, even if electoral processes are one of its cornerstones.

During the COVID-19 pandemic we saw how these regimes used armies of bots to spread fake news around the world. The desired effect went beyond dialectics and the captious use of fallacies and syllogisms; the aim was to undermine citizens’ trust in their elected representatives and democratic institutions. These regimes seek to discredit the legitimacy and credibility of institutions while seeking to improve their global image. They also use strategies to limit fun-

damental rights, in particular freedom of expression and media freedom, under the guise of fighting the pandemic.

Nevertheless, we should not think of disinformation and interference as by-products occurring in isolation; both are part of a broader, or hybrid, toolbox. For example, this is illustrated by claims by the Russian propaganda machine that the EU is responsible for the food crisis, while at the same time bombing Ukrainian grain silos.

The best way forward to combat these phenomena is through a holistic approach. The response to both needs to be constant and from all angles, from programmes in schools to ensuring the technical integrity and reliability of the voting system, which must not be questioned, as elections in general could see their legitimacy being challenged.

In reports by the European Parliament's Special Committee on Foreign Interference and Disinformation (INGE), we address these issues and propose a number of measures. However, the best response we can give to this fight, which involves communication, is that of a well-informed citizenry. Indeed, the authors' excellent contributions to this book are now more essential than ever.

Nacho Sánchez Amor

*MEP and human rights coordinator
of the S&D Group in the European Parliament*

PART ONE
Disinformation and Post-Truth in
Putin's Russia

The role of disinformation in Putin's Russia

**José Antonio Muñiz-Velázquez
and Pedro Rivas Nieto**
Universidad Loyola Andalucía

“All warfare is based on deception.
The supreme art of war is to subdue the
enemy without fighting.”
Sun Tzu

Aeschylus said that “truth is the first casualty of war” back in the 5th century BC, and Winston Churchill echoed this by saying: “In wartime, truth is so precious that she should always be attended by a bodyguard of lies.” In short, at this point in history we all know that there is always a bombardment of falsehoods, lies, or fake news behind every war. However, what we failed to see in time was that recent years had brought about the exact opposite. In other words, we have been talking for some time about the advent of fake news, disinformation and post-truth and the information chaos in our society, mainly thanks to social media and the digital magma... but what we failed to see in time was that there was a war going on behind this disinformative ‘lava flow’.

When we woke up, the war was there... we might say. When we woke up, a bear — not an elephant— was in the room with us. Indeed, following in the footsteps of Donald Trump’s Republican elephant, for example, or those lurking behind Brexit or the illegal referendum in Catalonia in 2017, the legal referendum in North Macedonia in 2018 to change its name, or the emergence of extreme right-wing and left-wing populism across Europe and Latin

America, plus many other polarisation and structural destabilisation processes in Western democracies, we can see the pawprints left by the Russian bear, i.e. Vladimir Putin, or the *Putinskaya*, as the web of power in his hands is known. The 'real' war was not far behind, because as Stengel (2010, p. 158) points out, quoting a Lithuanian colonel he met, why would they wage an information war if they were not planning a real war? In fact, the real war began, not in February 2022, but on 24 February 2014 when Putin invaded Crimea with those 'little green men' (masked Russian Federation soldiers who appeared carrying weapons and equipment although wearing unmarked green army uniforms). This war was accompanied by a legion of Russian digital media, trolls and bots spreading the word, first that there was no invasion or war, and then that it was all about local militias, among many other hoaxes. We did not learn our lesson then.

However, before beginning our analysis of the disinformation battle front which Putinism activated several years ago against liberal democracies, the West and its values, let us cast our eye over what is new — and not so new — in the current outbreak of so-called fake news in this post-truth mess of information and disinformation.

WAR AND LIES: A LONG-RUNNING YET DEEP-ROOTED RELATIONSHIP, DIGITALLY REFRESHED

Many people define fake news as a great human tradition. History is littered with defining chapters in which a lie, passed off as 'news', changed the course of events (Lagarde and Hudgins, 2018; O'Connor and Weatherall, 2019). We can relate this to power, i.e. the use of power and the abuse of lies, especially in wartime (Pizarro-so Quintero, 1993). For instance, Ramses II faked bas-reliefs to lay claim to other pharaohs' victories (Nielsen, 2017). Octavian Augustus orchestrated a shameful story — and then made it public — about Mark Antony, his great rival to rule the empire (Correas and

Kenneally, 2019). In the Middle Ages, all kinds of stories and relics were falsified by local, ecclesiastical or imperial authorities throughout Europe. In the Modern and Contemporary Ages, lies appear time and again as ‘violent creators of History’, as described by Buonanno (2019). Take, for example, the American Revolution and the American War of Independence, where propaganda which included lies was a decisive weapon in arousing social unrest (Hook, 2017). Neither the French Revolution nor Napoleon could claim innocence in this respect.

A spiralling triad of power, lies and war (Auerbach and Castronovo, 2013) emerged in the 20th century. William R. Hearst and his tabloid journalism appeared in the late 19th century, which would soon stoke the war between the United States and Spain over Cuban independence. When Brown’s classic book (1963) mentions outright lying as a traditional technique of political, ideological or war propaganda, he was particularly referring to the 20th century.

Nonetheless, a period of history such as the present day represents a turning point, mainly because digital immersion has affected us at practically all levels, in both collective and individual terms. This digitisation turns lies and other narratives or artefacts of disinformation into incredibly powerful weapons of war (Williams, 2021), making disinformation an industry in itself. This is due to several key factors.

Firstly, there is the ease of production of all kinds of content that looks like news. There are abundant freeware tools and resources available for this, and they are very simple to learn how to use. Secondly, although related to the above, there is no comparison with the past in quantitative terms. As Ferraris (2019) points out, a quantitative change becomes qualitative because the exponential quantity of a phenomenon transmutes its quality, its very nature. Alongside this, the speed at which hoaxes and lies spread is also unprecedented. This ties in perfectly with the ‘breaking news thinking’ mode, in Levitin’s (2019) words, in the modern world. Ubiquity is another factor related to this speed of expansion across the Internet. Geo-

graphical limitations of space and time have been broken, meaning that a hoax can pop up in virtually every corner of the globe at the same time, or at least appear to do so.

Finally, digitisation has made it more difficult than ever to trace disinformation campaigns back to their source, the original sender and their intentionality. There has certainly always been 'black' and 'grey' propaganda, characterised by hiding the real sender, either by supplanting it or using 'anonymity' to blur its identity (Pizarro-so Quintero, 1993). Digitisation entangles these phenomena even more. In any case, we should stress the intentional nature of disinformation, as this is key to its definition.

In this sense, according to several authors, disinformation is any narrative that tries to pass off false and/or manipulated stories or content as truth or reliable facts, although the opposite is also the case, i.e., stating that proven facts are lies. We should not forget that intentionality is another key defining factor; for disinformation to exist as such, there must be an intention to cause some kind of harm to third parties behind it (Wardle and Derakhshan, 2017).

Even before the digital boom, a breeding ground for the current information clutter already existed. We are mainly talking about postmodernism, the 'clear intellectual godfather' of this post-truth era, according to McIntyre (2018). A 'post-truist' (from post-truth) is nothing more than a caricature of the post-modernist, according to Ferraris (2019). Thus, postmodernist claims that there is no objectivity, no facts, only interpretations, end up rewarding everyone with always being right. A 'reason', of course, conditioned by feelings, emotions and one's own beliefs, always subordinating or marginalising objective facts.

Thus, one of the main 'feats' of today's computerised mass hoaxes is the extreme fragmentation of public opinion and the polarisation of our societies (Tambuscio et al., 2015). As O'Neil (2016) argues, technology isolates each of us in our own cosy political corner, giving rise to the new era of 'dog-whistle politics', to quote Ball (2017). When talking about those politicians or third parties, it is important

to identify who is whistling or spouting messages that only a specific target will hear. This will result in the emergence of a plethora of echo chambers, or ‘ego chambers’ as Ferraris (2019) refers to them. This is the flip side of the same coin, where all decency or adherence to a common minimum truth, as well as all respect for others, can be waived, as required to some extent by the democratic public sphere and the traditional media. According to Ferraris (2019), we are up against plankton lost in the ocean of the Internet, consisting of small tribes spreading their own convictions, emotions and beliefs, which are not always rational. These are not always ‘theirs’, nor always ‘human’.

If we consider that this extreme fragmentation of public opinion, and information clutter in general, is instigated not only by a human army of intoxicators but also by a legion of algorithms processing Big Data, the outlook really takes an ominous turn. We are talking about computational disinformation propaganda that automates and spawns influence over our lives and our democracies through entities that are not always transparent, with Russia often blamed for this. Thus, at a global level of analysis, as is the case here, Messa (2019) analyses this from the perspective of sharp power, a concept that defines outside interference in another country that is not hard or more purely warlike, but neither is it soft¹ or purely persuasive, or of a public or cultural diplomacy nature.

In the same vein, Stengel (2019) highlights how human cognitive biases and the irrational nature of our minds are used to great effect by disinformation spreaders. According to Stengel, the basic lines of action usually followed by Russian disinformation propaganda are as follows: 1) accuse your opponent of exactly what you are doing; 2) plant false flags; 3) use your opponent’s accusations against it; and 4) blame the United States for everything; ‘The United States (or the West in this case) blames Russia for everything!... repeat,

1 For a detailed definition of sharp power exercised by certain authoritarian powers, see Walker, Kalathil and Ludwig, 2020.

repeat, repeat... and through different avenues, channels and media, I might add, in a much more orchestrated and planned way than it might seem.

For instance, one flagship of this armada of sharp power stands at 55 Savushkina Street in St. Petersburg, under the name of the Internet Research Agency (IRA), which is actually nothing more than a 'troll factory' financed by members of Putin's inner circle (Stengel, 2019). The IRA has been operating since 2012 and has a budget of over a million dollars a month, 80 human employees and an infinite number of bots, according to Howard et al. (2018). Its mission is to interfere with public opinion in Western democracies by spreading disinformation on a massive scale and exaggerating internal conflicts that may exist or arise at any given time. We are therefore facing a real Goliath while remaining a mere David, simply checking which way the smoke is blowing without pinpointing the source of the fire; this seems inefficient to say the least.

For Russia, as for other disinformation agents, it is not so much about winning but about 'muddying the waters', in Stengel's words (2019), by presenting falsehoods as real facts, and real facts as false. Among this chaos, people stop believing in the truth, and indeed in anything at all; this is also much easier than censorship. At the same time, it sets about undermining all authority, starting with journalism and ending with science, the superior source of knowledge painstakingly developed by the human race over centuries. In short, the purpose of disinformation, especially when originating from Russia, is to confuse rather than convince, to pass off evidence and empirical data, expert and authoritative knowledge, truth and description of facts as an elitist conspiracy of tycoons, journalists or scientists. It is much easier to generate confusion than to create policies, according to Stengel (2019). Incidentally, this is a bandwagon that many Western politicians have jumped on, either *motu proprio* or collaterally. Even worse, in Greenblatt's (2018) words, they are fuelling and manipulating resentment towards 'educated people' by anyone who feels (or is made to feel) the slightest bit excluded for whatever reason.

It is worth remembering that chaos has created the ideal framework for autocrats to seize power since time immemorial. Greenblatt (2018, p. 146) also states that it is the tyrant who “does not need to traffic in facts or supply evidence” to try to control not only the present, but also the past and, most worryingly, the future, as deftly demonstrated by Vladimir Putin for several years now.

RUSSIA’S DISINFORMATION AGAINST THE REST OF THE WORLD

The origins and emergence of ‘active measures’

The Russian case is particularly serious, and important, in the matter at hand. Russian disinformation is currently viewed with great — and reasonable — concern in the European Union. However, the dissemination of Russian misinformation dates back a long way. It came about in the time of the Tsars, was codified after the Russian Revolution, used effectively during the Cold War and has been adapted to the virtual world (Colom, 2020). The Russian regime’s usual mix of disinformation and propaganda, manipulation and falsification of documents is part of what can be called ‘active measures’.

Active measures can be traced back to the actions of the Tsarist secret police in the 19th century and Communist Czechoslovakia (1917), although contemporary disinformation began with the Third International (1919) to support Communist subversion. Moscow’s active measures abroad have been used to support propaganda, influence, subversion and destabilisation initiatives. Disinformation is distinguished from political propaganda by its covert origin and clandestine dissemination, but when Department D (Disinformatiya) of the KGB was transformed into Department A (Aktivnyye Meropriyatiya or Active Measures) in the 1960s, it took on a new nuance: a wide range of operations to support subversion and destabilisation of Moscow’s enemies began to be referred to as such. The KGB Dictionary of Counterintelligence defined active measures in

1972 as “acts [of counterintelligence] making it possible to penetrate the intentions of the enemy, allowing his unwanted steps to be anticipated, to lead the enemy into error, to take the initiative from him, to thwart his actions of sabotage” (1972). These measures set out to influence the target’s political life, deceiving them, eroding positions and institutions, undermining hostile plans and achieving any end by any means (Mithrokin, 2002). Lenin said that any means is admissible to neutralise the enemy and achieve an objective, be it seduction, blackmail or hand-to-hand combat, because information is a weapon that is hard to distinguish from bombs (in Shukman, 1988).

Active measures consist of overt, semi-covert and clandestine methods that mix disinformation and propaganda, media manipulation — including fake news — and the construction of information, i.e. falsification of sources. Clandestine resources are used to spread false information through proxies such as trade unions, political parties or organisations of any kind linked to Moscow, front organisations (academic, scientific, environmental, pacifist or any other with no apparent connection to Russia), opinion leaders whose public prominence serves to indirectly and secretly support Moscow, economic manipulation, blackmail, or collaborators who consciously or unconsciously support the Russian (formerly Soviet) narrative (Kux, 1985). Active measures may even include sabotage, terrorism or kidnapping (Andrew and Mithrokin, 2000). During the Cold War, the KGB spent 80 per cent of its resources on active measures (Andrew and Mithrokin, 2000), and while this probably did not affect too many policy decisions it did manage to sway public opinion (Jones, 2018), which is what should concern us today and in the near future. The aim is to break the internal coherence of the enemy’s political, economic and military system, but not to annihilate it (Sher, 2016).

Although it may be minor, this internal coherence is broken when truth, described by Aristotle as the balance between discourse and reality, is damaged. The path to search for truth began in Greece and ended in the Holocaust and concentration camps, and the Soviets

also helped to discover and disseminate it. In the post-modern era, there is a belief that the traditional conception of truth was the one that naturally led to dogmatism and, ultimately, to barbarism. It was also mistakenly thought that fundamentalism would recede if it did away with truth, because truth is dogmatic. However, suppressing truth does not prevent violence from playing out, and what emerges when truth is disempowered is post-truth. This phenomenon of “what-comes-after-the-truth,” i.e. indifference to how things really are, is what current Russian forms of disinformation exploit and try to enhance.

It is not that there are more lies or fewer truths in the West at this moment in time, but the difference between truth and lies no longer seems to matter; the truth is no longer interesting. If the media that publish lies want to make people distrust everything and everyone rather than persuade them with false content, it is logical that people will no longer wish to learn the truth, and ‘active measures’ will make the most of this.

Post-truth is more dangerous than lies because lies can be unmasked, and the truth revealed. However, in an age of post-truth, this type of investigation has fallen by the wayside in a phenomenon that affects the West and its democratic orders to the core.

Indeed, it should not be forgotten that events in Ukraine in 2014 and the US presidential elections revitalised these tactics (Colom, 2020). Current active measures have hardly changed their procedures from the classic format, although they do adapt to the potentialities of the digital world in a versatile way. In other words, they blur the lines between fact and fiction and use freedom of expression to strengthen extremist content, exploit political disaffection, exploit the weakness of relativism and the moral attitudes of postmodernism, manipulate Western contradictions to discredit institutions and policies, polarise the population, alter Western decision-making and project Russian interests (Polyakova, Boyer, 2018; Giles, 2016). They then add computational propaganda to the mix. As mentioned above, new technologies globalise white, grey and black propagan-

da, while active measures assimilate the language of the internet to influence the enemy and exploit the power of social media, both in collusion with technology companies and (unwittingly) with users to enable large-scale manipulation. The experience amassed by Western institutions and governments in a variety of situations — disinformation in support of military operations in Ukraine and Syria, Brexit and the US presidential election (to cite just four known cases on three different continents) — shows that Moscow has several digital and physical vectors to support its actions (Colom, 2020).

Combination of forms Kombinaciya and hybrid conflict.

All of the above on ‘active measures’ needs to be taken into account when considering any case, given that Russia combines its methods of interference. The combination — kombinaciya — is not, as often thought, limited to a mix of disinformation procedures, but is the kind of intervention that incorporates mixed instruments of information warfare — disinformation, propaganda, collaboration with other actors who are hostile to the enemy, cyberintelligence, cyberwarfare — into a specific objective (Milosevic, 2017a). The Kremlin thinks differently from Western governments, so it should not be naively believed that Russian disinformation is merely an intoxication instrument, it is a form of Kombinaciya, a way of waging war that forms part of its military doctrine. It is a variant of hybrid warfare, which in Russia is interpreted as non-linear warfare, ambiguous warfare and internet warfare. In other words, what most distinguishes conventional warfare from hybrid warfare — according to Valeri Gerasimov, Chief of Staff of the Russian Armed Forces, after whom this new military doctrine was named — is hybrid warfare’s simultaneity of battles in the classic theatre of operations (land, sea, air) alongside media slots and the use of indirect and non-linear methods to achieve military objectives (Milosevic, 2015). Russia

not only disinform, it also wages war. Present-day Russia not only wants to gain territory in the West, but also influence.²

It is, therefore, worth considering what hybrid threats are and how they function, i.e. the type of coordinated and synchronised actions originating from countries' intelligence services which create the threats, and from non-state actors that attack the weak points in states and their institutions using a wide range of resources with various targets (political, economic, military, social, informational, legal and infrastructural), where cyberspace is the most versatile tool for their purposes. They encompass both violent and non-violent forms of confrontation (Galán, 2018).

These kinds of threats exploit how thresholds for such actions are detected and attributed, as well as the legal boundary between war and peace. They can, for example, prevent activation of mutual assistance commitments between states. This explains why hybrid attacks intend to influence the decision-making mechanisms of the

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- 2 The case of Catalonia is a good example of Russian interference in Spain. Russian activity in the illegal referendum in Catalonia focused on transmitting true and false messages on social media such as Twitter, Facebook, trolls, bots, sockpuppets and extensive press coverage in the Russian media of what was happening in Catalonia (Milosevic, 2017b). It was also essential to work with the intelligence services, especially the cyber section. The content of messages spread all over the internet came from Assange and Snowden and suggested three things: that Spain was on the brink of civil war, that there was ongoing use of excessive force by the police to prevent citizens from voting, and that this was due to the country's very poor quality of democracy. On Russian television — where the bulk of Russians receive all their news — and on Sputnik and RT, which broadcast in Spanish and English, it was said that Catalonia would be recognised as an independent state by the EU when it gained independence, even though the EU had ordered Spain to take strong action against the Catalans to prevent a Spanish Brexit; that the referendum in Catalonia would be the first step towards the disintegration of the EU; that the Catalan referendum was akin to the one in Crimea, so Spain was in the same situation as Crimea; Catalonia was close to a civil war, as in the Donbas region; the Spanish police could not prevent the Catalans from yearning for freedom despite their use of authoritarian violence; and, ultimately, the West was responsible for the Catalan drive for independence by setting the preconditions for this problem when Kosovo's independence was recognised (Milosevic, 2017b; EUvsDisinfo, 2017).

victim (state or organisation) to undermine its credit, stability, or morale. Furthermore, the essential objectives are almost always the same: to damage citizens' trust in their institutions, cause growing distrust in the democratic system, weaken social cohesion — whether of states, political communities (such as the EU) or international organisations (UN, NATO...), make the system of government brittle and persuade people of the decadence of a political system. The intention is to achieve this among the civilian population regarding the targets being attacked and in the population itself (Galán, 2018).

Hybrid threats can involve a variety of situations, including terrorist acts, actions against cybersecurity in states or their organisations, actions by criminal groups (such as drug cartels), maritime disputes, restrictions on the use of space, hostile economic actions (e.g. blocking exports) and covert military operations.

According to the Council of Europe, when there is no armed conflict (covert or otherwise), it is more accurate to use the terms 'hybrid threat' or 'hybrid conflict' rather than 'hybrid warfare', as these concepts are not interchangeable. Hybrid warfare combines non-covert armed actions with irregular tactics such as terrorism and transnational crimes, especially when committed by parties who, ostensibly sponsored by or dependent on a state, appear not to submit to its authority. These actions also often resort to using other means such as cyber-attacks, disinformation, and propaganda, targeting entire populations or national or other large minorities.

Aims of the Kombinaciya and essential vectors.

The Kombinaciya sets out to discredit democracy, foster division among citizens (polarisation is a fairly clear example) and conflict between a country and its EU partners, denigrate EU institutions — supposedly ineffective given the failure of the European project, inflict damage on the liberal order, distract Russians' attention from their own problems, and isolate them from foreign media report-

ing. These objectives, so typical of Russian information warfare, are linked to the Kremlin's strategic goals: to achieve an end to the economic sanctions imposed on Moscow for the illegal annexation of Crimea. How? By damaging EU unity ahead of the 2022 invasion of Ukraine; to present liberal democracy as a failed and unhelpful model for Russia; and to strengthen anti-Western sentiment in general. In short, liberal democracy and pluralism, polarisation and the European Union are the essential vectors to be considered in this Russian interference plan.

It is worth recalling that, according to Giddens (2007), democracy was the 20th century's most powerful active ingredient, and it took the entire century to develop it fully. It is a system that involves effective competition between political parties seeking power. Democracy is not all-or-nothing, as it has different forms and depths. Democracy is not only a legal form and political regime, it is also a 'state of affairs' where despotism is curbed thanks to the separation of powers. Full harmony cannot happen in a democratic regime because the powers of government branches contain each other and are limited by law. Neither can there be oppression because no power — that of the people in the hands of the legislator, enforcement in the hands of the government, and interpretation of the law in the hands of the judges — can impose its will completely. This differs from revolution, which seeks full harmony in history through the total modification of usage and custom (Ortega y Gasset, 1923). Democracy works on reality, with possible events, and aims to improve lives through reform.

Democracy moves in a paradox nowadays: it is spreading around the world and is widely believed to be the best of all possible forms of government, although mature democracies foster widespread disillusionment with the system and its potential. Russian forms of interference take advantage of this and attempt to severely undermine democracy. In Western countries, levels of trust in politicians are declining, fewer people are voting than before, and interest in parliamentary politics is falling — especially among young peo-

ple — while interest in ‘alternative’ politics seems to be on the up. The current communications revolution has weakened traditional power and produced citizens who are, in principle, more reflective. However, this trend is causing disaffection in mature democracies, even though democracy as an ideal is gaining followers. Confidence in orthodox democratic methods and political representatives has been undermined, but democratic processes are resilient, because issues that stretch beyond the traditional realms of political power, in turn spreading beyond nation-state boundaries, are considered more important.

If citizens are less accepting of what was traditionally tolerated as the normal use of power in a democracy, if they demand more transparency, more collaboration with social movements and more consideration of civil society, it is likely that a transnational system may help to improve the quality of each country's democracy. The European Union is the example, and this causes considerable disquiet in Russia's current regime.

Political pluralism is also affected by Russian interference. Pluralism is a basic principle of the democratic order. It manifests itself through political parties which are structured and run democratically and bases its practice on ideological freedom. It cannot exist without ideological diversity or freedom of expression; contemporary constitutions consider political pluralism as the system's supreme value, along with the principles of liberty, justice and equality before the law.

In democracies, political parties express political pluralism. Without them there would be no democratic society, as they constitute a mixture of civil society and the state (García Cotarelo, 1983). Their mere presence does not guarantee full democracy, but their absence would rule it out completely. Political pluralism only occurs if there is free universal suffrage within a legal framework that protects public rights and freedoms regarding political participation. Without freedom of expression, the right to gather and demonstrate, the right of association, access to public office, regular elections and

the right to vote, there can be no political pluralism, however much legal texts may insist on this point. These rights require constitutional protection for free opinion to be formed and for political parties or other participatory associations such as trade unions to be able to do their job.

However, all this breaks down under strong polarisation, and Russian interference contributes to this. Polarisation refers to a division among the bulk of a community's population between two ideologically-opposed extremes. The degree of political polarisation in a society is a key variable: the greater the polarisation, the more difficult it is to generate wide-ranging agreements between groups with different visions. Consequently, high polarisation can lead to irreconcilable positions (Casal, 2019). In Europe, voter polarisation and — at the same time — political party polarisation are common and become structural after a gradual 'incubation period'. Russian interference contributes to this.

European society today shows a higher degree of disagreement than twenty years ago on diverging issues such as immigration, multiculturalism, European integration, trust in the parliamentary system, and satisfaction with government. The only factor reaping greater agreement is the need for policies to reduce inequality. This heightened disagreement on fundamental issues is partly explained by the ideology-driven alignment of positions on some issues. European society itself also perceives a growing polarisation.

This is happening in European Union member states, an unparalleled economic and political union of 27 European countries that has created a single market — the main economic driving force that allows most goods, services, people and capital to move freely — where the purely economic union of the early years has evolved into an organisation spanning various policy areas: climate, environment, health, external relations, security, justice, and migration.

The European Union is not a legal entity, as it has a political existence. It is an umbrella term for the previous [European] Communities, which are its foundation, and for intergovernmental cooper-

ation between Member States. The European Union has achieved more than half a century of peace, stability and prosperity on the continent and has launched a single European currency, the euro, which 19 countries (340 million people) use for their transactions. It has abolished border controls between EU countries and allows citizens to move freely throughout most of the continent. Each EU country must treat EU citizens in the same way as its own when it comes to employment, social security and taxation. The European Union is based on the rule of law. All its activities are governed by treaties agreed and signed by the Member States. Law and justice are upheld by an independent judiciary. Member States have given the European Court of Justice the authority to rule definitively on matters of EU law, and its judgements must be respected by all. The EU is governed by the principle of representative democracy: citizens are represented in the directly elected European Parliament, whose powers have been extended, while Member States are represented in the European Council and the Council of the European Union. The Union is founded — as laid down in the Treaty on European Union — on the values of respect for human dignity, freedom, democracy, equality, human rights and the rule of law, including the rights of persons belonging to minorities. These values are part of the European way of life. This is what Putin's regime in Russia wants to demolish.

It is also worth noting that if Russia is not only distorting facts, but also waging war, the appropriate response from the EU and the West cannot be to simply disprove fake news. Cyber-protection and technical responses to technical threats are reasonable and necessary, but not exclusive, nor are they a priority. NATO members are equipped for cyberwarfare, but this does not necessarily prepare them to respond effectively to Russian information warfare. The enlightened Western idea that Russia is hurting itself when it spreads fake news, and that telling the truth is enough to counter fake news, is dangerously naive, and more characteristic of academia than the real world. Russia is in full control of its domestic news space, hav-

ing isolated its population in terms of information, and it exerts influence abroad in an environment where it is increasingly difficult to distinguish true information from fake news or half-truths. It is worth remembering that Western democracies, which are unable to restrict information flows, cannot effectively counter the tactics of the Kremlin's *Kombinaciya*. This war is certainly being fought under dramatically unequal conditions.

CONCLUSION

We are clearly up against a situation shaped by computerised disinformative disorder, clearly generated by the Kremlin, which consciously and continuously acts against the main epistemological and structural pillars of our democracies. These pillars are none other than science, scientific and empirical thinking (García Marín and Aparici, 2019), attachment to freedom and liberties, trust and mutual respect within a minimally common and shared framework of deliberation (Farkas and Schou, 2020; MacKenzie and Bhatt, 2020), a minimal and rationally critical and informed public opinion, setting out to search for truth. As Williams (2021, p. 91) states, “among the capacities essential for democracy such as reflection, memory, prediction, leisure, reasoning, and goal-setting.” Therefore, what in this disinformative fog or infosmog (Ball, 2017) could only be called postfactual or post truistic democracy (Ferraris, 2019), might well cease to be democracy sooner rather than later. Disinformation pollution is therefore, now more than ever, a national security problem (Stengel, 2019).

As Fernández-Armesto (1997) points out, without truth there is no trust, and without trust there is no civilisation, no social order of any kind, certainly not a democratic one. Without truth, no minimally rational decisions can be made, precluding any democratic processes worthy of the name. When deception and lies prevail, our outlook is totalitarian and warlike rather than one of peace and de-

mocracy. The 'cyber-totalitarianism' reported by Lassalle (2019) was indeed cyber, but above all it was totalitarianism.

Lenin once said that information is a weapon which barely differs from bombs. Disinformation would therefore be akin to cluster bombs, and computational disinformation, nuclear-powered cluster bombs. The metaphor is more frightening than ever today, and less metaphorical than ever. If Hannah Arendt linked the triumph of totalitarianism to erasing the distinction between facts and opinions, what would she say when it is not even possible to differentiate between false facts passed off as real, or real facts passed off as false? More than two centuries ago, Jefferson said that information is the pillar of democracy (Stengel, 2019). This would make disinformation the pillar of tyranny.

In the face of tyranny and its onslaughts, truth needs those 'bodyguards' that Churchill mentioned. Snyder (2018) claims that journalists on the front line are the true heroes of our time, fighting on the ground with their cameras, mobile phones, notebooks and pens. Even so, each and every one of us as citizens in our free societies should also assume our own share of responsibility. To borrow Stengel's (2019) words, everyone should be a foot soldier in this global war of disinformation, which, as Sohl (2022) emphatically argues, the Russian government has waged against the West. Each and every one of us must be bodyguards of the factual account, disseminating the truth based on evidence and not repeating and spreading fallacies generated directly or indirectly by the enemy. Our democracy, and the freedom we enjoy, depend on it.

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Putin and the dynamics of post-truth

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“The ideal subject of totalitarian government
is not the convinced Nazi, or the convinced
Communist, but people for whom the distinction
between fact and fiction (...) and between true
and false has ceased to exist.”

H. Arendt

Three months into the Russian invasion of Ukraine, everything points to the indefinite continuation of a conflict that is already a severe humanitarian crisis, first and foremost in terms of the Ukrainian people's suffering, as more than ten million displaced persons and refugees have been forced to leave their cities, many of which have been razed to the ground. Consequences are already palpable in terms of food supplies, with shortages of cereals and oils plus the soaring cost of fertilisers, which will particularly affect countries in the Middle East and Africa. Here in Europe, we are beginning to feel the economic consequences of skyrocketing inflation, mainly through higher fuel prices, and this will escalate with the gradual disconnection of Russian gas supplies and a ban on importing oil. Given its dependence on exports, sanctions imposed on Russia will also have an impact and are likely to beset its population with plum-

meting standards of living. This, coupled with severe military casualties, could eventually lead to social unrest that will turn against Putin. For the time being, any hint of protest and dissent — which does exist — is being nipped in the bud by swift imprisonment of protesters.

What the Russian president probably envisaged as a rapid intervention has met with stronger resistance than expected. This resistance has become more cohesive as the attacks become more indiscriminate. If his idea of victory is not imminent, the risk of military escalation will clearly increase, with its consequent nuclear threat. Diplomatic channels do not currently seem to hold much sway. The fall of Mariupol allowed Russia to set up a land corridor between Donbas and the Crimean Peninsula, but it is impossible to predict how far it is prepared to go, as it seems to lack any willingness to negotiate, demanding Ukraine's total surrender. This is unthinkable for President Zelensky, even if his ability to resist depends on Western support, requiring increased arms deliveries to Kyiv. Led by the United States and soon to be joined by Finland and Sweden, NATO is once again taking centre stage. It is unwilling to send in ground troops, however, as that would take us to the brink of a Third World War.

In short, the situation appears to be stagnant and difficult to resolve. While seemingly difficult to reconcile the political goals, they should be clear: defend Ukraine from a criminal invasion, protect democracy in Europe, and keep the human race out of nuclear war.

ACCENTUATED POST-TRUTH DYNAMICS: A STRATEGIC FACTOR IN RUSSIA'S INVASION OF UKRAINE

Given that this is a conflict playing for a new balance of power on the geopolitical chessboard, involving multiple variables, we will only focus on one of them here. This chapter offers some insights

into Putin's disinformation strategy and, more importantly, the ideology on which it seems to be based. In other words, it intends to shed light on Putin's imperialist vision and propagation channels, demonstrating to what extent this can be framed within the dynamics of *post-truth* as a sign of our times.

The term 'post-truth' refers to "social processes characterised by the systematic production of lies as a politically promoted, organised and profitable process, with media backing and supported by information and communication technologies, with intense use of the so-called social media to generate support for a political leader and the party they lead, above all using messages devised to mobilise the emotions of individuals to achieve the intended identification with the messages disseminated for this purpose" (Pérez Tapias, 2022, p. 22). It is, therefore, a sinister political dynamic that drags us down to the point of cynicism, as it involves socially-consented and politically-organised media deception. The 'post-' prefix therefore indicates that we are indifferent to the truth as a pretension of political discourse or as a necessary value and that, in a way, we assume the blatant lie that reveals itself as such, which brings its own evidence. This gives the contradiction cynically embraced by the 'post-truist':¹ the lie as evidence that denies evidence, which denies the facts and generates 'facts' or 'alternative truths' (Ferraris, 2019, pp. 43 and 51).

As the philosopher Lee McIntyre puts it: "the point is that this sort of post-truth relationship to facts occurs only when we are seeking to assert something that is more important to us than the truth itself. Thus, post-truth amounts to a form of ideological supremacy, whereby its practitioners are trying to compel someone to believe something, whether there is good evidence for it or not. And this is a recipe for political domination" (McIntyre, 2018, p. 41).

Post-truth is not so much the assertion that truth does not exist, but the idea that facts are to be moulded to our political point of

1 This comes from 'post-truth,' as mentioned in a previous chapter.

view, so “it is not about reality; it’s about that way that humans react to reality” (McIntyre, 2018, p. 177). In this sense, not only philosophy, but also social and cognitive psychology or the sociology of communication have expanded the study of the phenomenon. ‘Fake news’ plays a central role within this post-truth dynamic, not just because it is erroneous, but because it intentionally presents a distortion of reality which intends to give the upper hand to a cognitive bias inherent to an appearance considered to be deceptive. To a certain extent, we tend to interpret information in a way that confirms our beliefs, and that makes us particularly vulnerable, i.e. when our sources tell us precisely what we want to hear (Pariser, 2017), foregoing any argumentation or empirical testing about what we read or hear.

This is how the Internet and social media become an echo chamber in which we do not know where we stand and where emotions eventually take over as the basis of murderous identities. McIntyre again states: “Deception can be an effective means of doing this, but it is not the only way (...) If post-truth really is pre-fascism, maybe fake news is merely an early tactic, whose purpose is to soften us up for what comes later. Fake news confuses us and makes us doubt whether any source can be trusted. Once we don’t know what to believe anymore, this can be exploited. Perhaps true propaganda comes later (once it doesn’t matter whether we believe it) because we already know who is in charge” (McIntyre, 2018, p. 130).

The idea that post-truth is pre-fascism was raised by Timothy Snyder (Illing, 2017), an American historian and author of the book *The Road to Unfreedom* (Snyder, 2018). This highly documented work dissects the period from 2011 to 2016, from the fraudulent elections after Putin’s first two terms in office and the Medvedev years — which led to the largest protests in the history of the Russian Federation — to the arrival of Trump in the White House with invaluable help from the Kremlin. The book describes this process in great detail. It is worth reading it to understand the prelude to the war we are witnessing today, and how this forms part of Putin’s imperialist pretensions,

which indeed go back a long way. The cyber and disinformation dimension of Putin's war has also been used for some time now, mainly in Ukraine but also in Europe with the UK's exit from the European Union and in the 2016 US presidential elections.

PUTIN'S ROLE IN THE SPREAD OF FASCISM IN EUROPE

In his book, Snyder forcefully demonstrates that Putin's main ally in Western societies is the extreme right, the Trojan horse for the disintegration of the European Union, calling its political and economic viability into question while painting a morally decadent picture of it. According to Snyder, "The Russian policy to destroy the EU took several corresponding forms: the recruitment of European leaders and parties to represent the Russian interest in European disintegration; the digital and televisual penetration of public discourse to sow distrust of the EU; the recruitment of extreme nationalists and fascists for public promotion of Eurasia; and the endorsement of separatism of all kinds" (Snyder, 2018, pp. 101–102). All these points are analysed in detail in his book.

The American historian highlights various alliances between Putin's regime and the extreme right on the rise in Western societies. These alliances comprise extremist parties that have become key supporters of the Russian leader in the international arena, presenting him until recently as a role model, a strong leader embodying the authority of the state. Along with this political alignment, these same parties have embraced — and continue to do so — Putin's programme of restoring a 'pure and virginal' civilisation based on traditional values in the face of the global conspiracy of sodomites in the West. They claim their role as saviours: "Russian propaganda was transmitted by protégés on the European far Right who shared Russia's interest in the demolition of European institutions. The idea, for example, that the Russian war on 'Sodom' (and the associated Russian invasion of Ukraine) was a 'new cold war', or a 'Cold War

2.0', was formulated by the Izborsk Club. It was a helpful notion in Russia, since it stylized gay bashing (and then the invasion of a helpless neighbour while gay bashing) as a grand confrontation with a global superpower over the shape of civilization" (Snyder, 2018, p. 200–201).²

Snyder's thesis on this point has subsequently been corroborated by several studies and reports produced by the European Parliament. Recently, shortly before the Russian invasion of Ukraine the European Parliament issued a *Report on foreign interference in all democratic processes in the European Union, including disinformation* (INGE, 2022). It warns of the risk of authoritarian regimes interfering in European affairs, with a particular focus on Russia and China. After 18 months' work involving 130 experts, this report recommends action against malicious actors who, through cyber-attacks on critical infrastructures, manipulation of information or recruitment of former high-level political figures — in short, through deployment of what is known as hybrid warfare, seek to destabilise European democracies and their liberal order through the deployment of what is known as hybrid warfare. This sets out to destabilise European democracies and their liberal order, the polarisation of public opinion, adulteration of electoral processes, mistrust of institutions or incitement to hatred that worsens the situation of the most vulnerable groups (INGE, 2022, p. 6). The text also recommends investigating Russian officials' regular contact with representatives of Catalan secessionism, and also with the largest private donor to the Brexit campaign. To pick up on one of the main points in the report, it also emphasises the close collaboration of European extreme right-wing parties with Putin's United Russia and Russian financing of these parties. These parties are identified as collaborators and ac-

2 The Izborsk Club is a think-tank founded in 2012 by the fascist novelist Aleksandr Prokhanov that advocates pro-Eurasian and anti-Semitic positions. For Prokhanov, Russia's great redemptive project will begin when Ukraine and Belarus unite and merge with Russia. The intellectual core of new Russian nationalism has been built around him.

complices in the destabilisation strategy, be it France's *Rassemblement National*, Italy's *Lega Nord* or Austria's *Freiheitliche Partei Österreichs* (INGE, 2022, p. 16).

Furthermore, the European Parliamentary Forum on Sexual and Reproductive Rights, a network of parliamentarians from across the continent, published a serious investigation last year analysing the 'anti-gender' agenda of around 50 extremist religious groups and their dubious funding, which is said to have totalled 707.2 million dollars in the last ten years (EPF, 2021, p.12). With the clear aim of stopping laws protecting women's sexual and reproductive rights or promoting sex education and respect for LGTBI minorities, the research shows how these groups develop powerful campaigns, channelling ultra-Catholic activism, attracting participants who they promote as political actors and reinforcing the narrative of European far-right parties, with which they have clear links (EPF, 2021, p. 22). This is the most relevant aspect for our purposes here, and again following Snyder's line of argument, Russia's role in financial and media support for these groups.³

The Russian oligarchs who are allegedly supporting these ultra-Orthodox movements in this battle include Vladimir Yakunin and Konstantin Malofeyev, both of whom are very close to Putin (EPF, 2021, p. 21 ff.). Malofeyev, known as 'God's oligarch', is the owner of an ultra-Orthodox television channel in Russia and supports several internet portals where he drums up hoaxes and trumpets his homophobic ideas. He is considered by the US Department of Justice to be one of the individuals most closely linked to Russian aggression in Ukraine as he provided a major source of funding for separatist groups in Donetsk and the annexation of Crimea. Malofe-

3 It is worth mentioning in passing that the high profile of these groups in Russia adds to Putin's 'alliance' with Patriarch Kirill of Moscow of the Russian Orthodox Church, which broke with the Ukrainian Orthodox Church and its patriarch in Kyiv. Kirill's support for Putin translates into considering the invasion of Ukraine a 'Holy War'. Both Putin and Kirill have ignored Pope Francis' offers of mediation.

yev is also the link to the Kremlin for ultra-Catholic groups operating in Spain (EPF, 2021, pp. 47-48).⁴

The European far-right's links to Russia are well established and have been a key factor in Putin's media and propaganda battle. Considering the difficult socioeconomic situation resulting from the 2008 crisis, with its consequent surge in inequality, and that this is the ideal breeding ground for the rise of fascism and exclusionary nationalism, we find another common element for these actors: the ethnicist and monolithic conception of nation that makes the foreigner — or whoever is culturally or ethnically different — the scapegoat for all its problems. The refugee crises at Europe's borders, some exacerbated by Russia's actions — certified not only by Snyder, but also, for example, by Mary Kaldor (Snyder, 2018, p. 191 *et seq.*; Kaldor, 2021) — have been exploited electorally by the European extreme right in the form of anti-immigration hate speech that bears many similarities to Putin's rhetoric on the Ukrainian people. Not only does he not recognise their identity, he also intends to wipe it off the map.

After reading Snyder and consulting the aforementioned research, there is little doubt that in recent years Putin and his regime's main supporters in Europe and the United States have done the most to help launder his image and benefit from it, even at the expense of their own countries' interests and security. If Putin's disinformation war has reaped some success so far, and it seems clear that it has, this is partly due to those among us who emulate him in his strategies and slogans and have given him international backing for his outrages. For

4 In the case of Spain, the role played in recent years by *HazteOír* and its international platform *CitizenGo* is cited and studied, as well as its relationship with Vox, which some analysts consider to be the political arm of the former group, with whom it shares ideology and also names on some electoral lists. For more information on the subject, see the book by the historian Steven Forti, *Extrema derecha 2.0* (2021), plus a report and interview with the author in the digital newspaper *El Español* by Luis Casal (2022, 19 March): https://www.elespanol.com/reportajes/20220319/ultraderecha-vox-oligarcas-putin-traves-hazteoir-citizengo/658184665_0.html

instance, the European far right were quick to recognise the results of the irregular 2012 presidential elections, in which Putin was elected in the first round with 99.8% of the vote, or Germany's *Alternative für Deutschland* (AfD) and Hungary's *Jobbik* worked as 'election observers' in the Kremlin-controlled elections in the Donetsk and Lugansk regions in 2014, providing cover to a process condemned by the European Union. Similarly, the Ukrainian *Maidan* protests were portrayed by the European and US far right as the work of the West (Snyder, 2018, p. 201) and were endorsed by Russian conspiracy theories, who also summarily branded the protesters as fascists (Snyder: 2018, pp. 149—151).

CONFUSION IN LEFT-WING CIRCLES OVER THE 'GREATER RUSSIA' PROJECT AND ITS WAR- MONGERING IMPLEMENTATION

On this last point, paradoxically, the extreme right positions match those from a particular section of the more short-sighted or sectarian left, which is prey to what some have called 'unidirectional anti-imperialism' (Laval and Dardot, 2022). By focusing solely on NATO and the US and placing the blame on the West's all-conquering, arrogant role, Russia is portrayed as humiliated and the Ukrainian people robbed of their autonomy, so their dignity in their resistance can be consequently scorned. Ukraine's membership of NATO could have been approached in other terms, perhaps opting for a 'mediation' role, without compromising the country's security and without giving Putin the alibi that he has ended up ruthlessly exploiting during his brutal invasion. It is out of proportion regarding the issue of Russia's security, especially when the Ukrainian government, through Zelensky, has explicitly renounced joining NATO.

Moreover, Russian imperialism is being self-servingly ignored, in this case the ideological element that weighs heavily in circumventing international law, namely invading a sovereign country and denying its existence as a nation: "From the uniqueness of the Enemy

flows the following inescapable consequence: those who oppose the Enemy are entitled if not to blessings, at least to excuses, according to the principle that the enemies of the Enemy are, if not friends, at least ‘objective allies in a just fight’ (Laval and Dardot, 2022).

This faction of the left swings between the paternalism of abstract pacifism and connivance with or excessive understanding of what is happening by appealing to context and double standards. This is a ‘relativisation of responsibilities’, a very common feature in the dynamics of post-truth and our current post-modern tendencies. It is based on the mantra of ‘there are no facts, only interpretations’. When everything is context, anything can be a pretext or an alibi, although there is no justification for the massacre performed in the name of the neo-imperialist pretensions this consolidated dictator who presents himself as a redeemer and incarnation of the ‘Russian soul’.⁵

Thus, what we find is a ‘Staliban left’ — as philosopher Santiago Alba Rico called it for its Stalinoid overtones (Alba Rico, 2022) — that endorses Putin’s ‘post-Stalinist nonsense’ as early as his speech of 24 February 2022, in which he cynically decreed the ‘special military operation’ in Ukraine. This discourse combines a position of necessary self-defence — not acknowledged to the Ukrainian — with a more aggressive position, alternating victimhood with war-mongering. Half-way through the speech he says: “For our country, it is a matter of life and death, a matter of our historic future as a nation. This is not an exaggeration; it is a fact. It is not only a very real threat to our interests, but to the very existence of our state and its sovereignty. It is a red line which we have spoken about on numerous occasions. They have crossed it.” Putin ends his speech with a threat: “I would now like to say something very important for those who may be tempted to intervene in these developments from the outside. No matter who tries to stand in our way or all the more so

5 Along the same critical lines as Alba Rico regarding the positioning and certain interpretations from the left, the articles by Pérez Tapias (2022) and the interview with the philosopher Étienne Balibar by M. Dejean (2022) are recommended

create threats for our country and our people, they must know that Russia will respond immediately and the consequences will be such as you have never seen in your entire history” (Putin, 2022).

Recalling Russia’s anti-fascist memory, the Russian leader also alludes to the ‘Great Patriotic War’ by accusing the Ukrainian people of having been Hitler’s accomplices, and he goes on to express another of his alibis for his operation: “The purpose of this operation is to protect people who, for eight years now, have been facing humiliation and genocide perpetrated by the Kyiv regime. To this end, we will seek to demilitarize and denazify Ukraine, as well as bring to trial those who perpetrated numerous bloody crimes against civilians, including against citizens of the Russian Federation” (Putin, 2022).

This is a clear case of what Snyder calls ‘schizofascism,’ another strategy of post-truth dynamics: “actual fascists calling their opponents ‘fascists,’ blaming the Holocaust on the Jews, treating the Second World War as an argument for more violence” (Snyder, 2018, p. 143). Russia’s anti-fascist memory is now used to brand anyone who opposes power, from outside or as an evil to be extirpated, as fascist or Nazi (Snyder, 2022). It has also given rise to the rehabilitation of Stalin, although it was actually Brezhnev who created the cult of Stalin, making his victory over Hitler count and substituting the Russian Revolution of 1917 as the founding symbol, leaving aside the purges or the Holodomor (Snyder, 2018, p. 153). To deny support for Ukraine today by considering it valid to delegitimise President Zelensky — whose Jewish and Russian-speaking status is common knowledge — as a Nazi, and extending the insult to the entire Ukrainian people, is to fall into Putin’s post-truth trap.

This disinformation battle includes attempts to pass off victims of the present war in Ukraine as actors or puppets and all kinds of hoaxes. Perhaps the climax of this spiral of lies came when questioning the Bucha massacre. Piervi Kanal, Russia Today or Sputnik are channels and platforms for the flow of disinformation, other social media also manipulate and confuse from this side. Many of these fake news stories conform to what Snyder calls ‘implausible deni-

ability’, a phenomenon that occurs when news stories that manipulate reality are embedded in a cognitive construct in which lies are made to appear obvious and seem to be unquestionably plausible (Snyder, 2018, p. 159 *et seq.*). The key to this dynamic when it comes from Russia — which does not have a patent on post-truth — is how it responds or seeks legitimacy. Moreover, there is a certain ideological narrative that attempts to construct a mythologised cultural consciousness which has been carved out over several years.

BEYOND THE SECURITY DEBATE: GEOPOLITICAL PRETENSIONS FROM A ‘RUSSIAN CIVILISATION’ THAT IS ANTAGONISTIC TO THE WEST

As several analysts argue, Putin is trying to deploy an imperialist project to reposition Russia on the international stage. This is the underlying vision that seeks to legitimise the invasion of Ukraine in historical terms. The ideological sources that somehow inspire such a project, and which Putin echoes in his speeches, are ‘the three intertwined currents of Russian fascism: Ilyin’s Christian totalitarianism, the Eurasianism of Lev Gumilev and the ‘Eurasian’ Nazism of Alexander Dugin” (Snyder, 2018, p. 93), separate currents which coincided on two points: the corruption of the West and the evil of the Jews. To understand how Putin leaned into this conservative and reactionary vision, one should focus on the 2011–2012 period.⁶

During Putin’s first two terms in office (between 2000 and 2008), Russia’s economy grew, and he won the war in Chechnya. Relishing great popular support, he did not question the Western vector from the previous period: in 2001 he offered his support to NATO after the 9/11 attacks; in 2002 he showed himself open to, and part of, European culture; in 2004 he was in favour of Ukraine’s possible accession to the European Union and in 2008 he attended a NATO

6 With very different nuances with respect to Snyder, this is also maintained by Carlos Taibo (2022) and Rafael Poch (2022).

summit. Everything changed when the constitution was amended during Medvedev's presidency to extend the presidential term to six years, and he fraudulently won the 2011 and 2012 elections. In the face of public discontent over an election reduced to an empty ritual, "The enmity of the US and EU had to become the premise of Russian politics. Putin had reduced Russian statehood to his oligarchical clan and its moment. The only way to head off a vision of future collapse was to describe democracy as an immediate and permanent threat" (Snyder, 2018, p. 60).

From that point on, Putin had to construct a mythical tale of innocence by anchoring the origin of today's Russia more than a thousand years ago, when Volodymir of Kyiv converted to Christianity in 988. From there, it was a matter of asserting the existence of a single civilisation, in which Ukraine was an inseparable organ of the 'virginal' Russian body. He thus recovered Ivan Ilyin's 'organic model' for the Russian state and his polemological conception of politics influenced by Carl Schmit (1999), which involves identifying and combatting the enemy and temptation, i.e. the West and the decadent liberal democracy it represents. For Ilyn, an admirer of Franco and Salazar, the head of state was a redeemer, a democratic dictator on whom all powers rested, in perfect spiritual unity with his people so that conflicts between nationalities were inconceivable.

In 2012, in his first speech to parliament as president, Putin revived this idea of a 'civilisation-state' in which there is no room for national minorities, presenting Eurasia as an instrument to dissolve the European Union and simplify the world order so that empires could compete for the 'great spaces'. This idea of 'great spaces' also came from Schmitt and was adopted by Aleksandr Dugin to reflect his conception of sovereignty, exercised from the great units that are superior to nation-states and their abstract laws (Schmitt, 2003). By doing so, Dugin underpins a particular vision of 'sovereign democracy' as an ongoing situation that ends up identified and glorified in the person of the leader, similar to what Putin was looking for and which, in a way, also tied in with Lev Gumiliov's theory of ethnogenesis to explain the origin of nations (Snyder, 2018, pp. 8794).

From 2013 onwards, this cultural consciousness of the imperial civilisation-state became more prevalent in Putin's speeches following negotiations on Ukraine's possible membership of the EU. The official Foreign Policy Concept document of that year, signed by Sergey Lavrov, included these Eurasianist ideas. It sketched out a chaotic future and a struggle for resources; in this situation, states would weaken and the 'great spaces' would appear, with the struggle of civilisations taking the place of the law: "The replacement of laws, borders and states with ideas of innocence, virtue and wide open spaces was pure fascist geopolitics. The Foreign Policy Concept (...) repeated the principle that a state could intervene to protect anyone it considered a member of its own culture. This was the argument used by Hitler in 1938 and 1939 to annex Austria, divide Czechoslovakia and invade Poland, and by Stalin to invade Poland in 1939 and annex Estonia, Latvia and Lithuania in 1940" (Snyder, 2018, pp. 144–145).

This is not just a case of these authors providing Putin's bedside reading; he resorts to them in a selective manner. It does allow us to see that the conflict in Ukraine has not only a geopolitical component but an ideological dimension including elements that are shared by those who supported it until recently, and which also relies on selective use of memory. In this respect, Putin and his followers show such a regressive approach that it might be described as anti-modern, not only in contrast to a very westernised modernity (or post-modernity) but also because it involves a regression that goes behind even what the USSR represented. This strategy is clearly a reaction to the fall of the USSR, which left many issues unresolved, still unresolved to this day.

For all these reasons, we believe that this neo-imperialist discourse is embedded in the post-truth dynamic, tying in with it and drawing strength from it, as key elements in Putin's hybrid war, which functions according to a 'strategic relativism'. Given Russia's socioeconomic situation, the limitations on increasing its power because of the kleptocracy entrenched in state structures, dependence

on exports, and an inability to develop technology to the level of the United States or Europe, “relative power could however be gained by weakening others: by invading Ukraine to keep it away from Europe, for example” (Snyder, 2018, p. 189). Chaos outside and iron rule inside, the logic of empires: divide and rule. This is how the disinformation war has managed to weaken Europe and the United States, and how Russia intends to turn its imperialist ideology into real geopolitics. The only thing left for Europe is to defend its democracy, as it will now be pushed into stronger political ties with the United States and be economically weakened by its separation from Russia and China. The truth of democracy must be its value. Perhaps time will show that this is the best way to help Ukraine.

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From Putin to Putinism

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The world changed forever on 24 February 2022. The invasion of Ukraine by the Russian Federation created one of the biggest crises since World War II, causing a third of the Ukrainian population to be displaced and almost eight million people to leave the country (UNHCR, 2022). Ukraine, known as the breadbasket of Europe, is once again experiencing a scorched earth policy, Holodomor and genocide. It was the main Eastern Front battlefield during World War II, and today it seems as though history were repeating itself. Russia is using food as a weapon in Ukraine, withholding supplies not only for Ukrainians but also for millions of people around the world (Nichols, 2022). Nevertheless, when we say 'Russia', only one individual comes to mind, Vladimir Vladimirovich Putin: its president, its ruler, its high priest, because, since 2000, *l'État c'est lui* ('The State is him').

Putin's war in Ukraine has brought many Cold War issues back to the international relations arena. The world is once again faced with a global dialectic which pits opposing worldviews against each other, although this time dominated by 'invented' narratives.

THE RESURGENCE OF COLD WAR NARRATIVES AND RUSSIA'S STRATEGIC AMBITIONS

A few decades ago, the transatlantic allies came to think of Russia as a potential partner, maybe even an ally one day. However, Russia's actions gradually dispelled this naïve speculation. The key moment that finally shattered this possibility was the military operation in Ukraine in 2014. Since then, Russia has become the Atlantic Alliance's main adversary.

Russia's worldview is thoroughly Darwinian and Hobbesian, so its defence and security policy in peacetime does not differ much from wartime. From the beginning of the Cold War, Stalin considered it completely illogical for Russian foreign policy to be based on collective goodwill or international law. Thus, NATO-Russia relations did not begin to develop until the end of the Cold War, when Russia joined the North Atlantic Cooperation Council in 1991, which was succeeded by the Euro-Atlantic Partnership Council in 1997. Russia was the West's partner in conflict management missions in the Balkans in the 1990s through the Partnership for Peace programme, while bilateral relations were established in 1997 through the NATO-Russia Founding Act (NATO, 1997). The need for consultation and practical cooperation in areas of common interest led NATO and Russia to set up the NATO-Russia Council in 2002, a moment marking the high point of cooperative relations between two traditionally opposed sides.

In the aftermath of 9/11, the United States and the rest of the world faced a new, atypical and difficult-to-combat threat in the form of international terrorism. Not only did the US actively pour all its political and military resources into the Middle East, but it was also ready to partner up with any actors who perceived terrorism as a threat to global security. There was a rapprochement, not only with its NATO allies, but also with its traditional rival, Russia, recognising the latter's interests and influence in that troubled region. There is no doubt that Russia is still present in the Middle East, but

its willingness to intervene politically and militarily in the region, especially during the Syrian war, eroded Western confidence that Russia might be a reliable partner in the fight against terrorism.

Russia's invasion of Georgia in 2008 seriously challenged the 'unipolar moment' that had followed the bipolar Cold War order, and shattered the myth that the threat of war would evaporate from the strategic post-Soviet space. Traditional Russian foreign policy re-emerged in the form of the 'Medvedev doctrine', with the following five principles: Russia recognises the primacy of the fundamental principles of international law; the world should be multipolar; Russia does not want confrontation with any other country; protecting the lives and dignity of our citizens, wherever they may be, is an unquestionable priority for our country; and as in the case of other countries, there are regions in which Russia has privileged interests (Mankoff, 2011).

Russia's annexation of Crimea in 2014 challenged the foundations of US unipolar military power. Russia's insistence on occupying what it sees as its place in the post-Cold War international order posed the greatest challenge yet to Europe's stability and Western security structures. The war in Ukraine once again highlighted Russia's ambitions to influence the Old Continent.

According to the Russian president, the implosion of the Soviet Union represented not only the dissolution of a political system but also the alienation of an entire civilisation (eds., 2014). In the NATO enlargement process and Western cooperation with the former Soviet bloc states, he saw Russia as a civilisation under threat. He has promoted this concept among his country's elites — including the opposition — to justify that Russia is not a mere nation-state. On this basis, 'Euro-Asianism' has been raised as the hallmark of a civilisation that belongs neither to Europe nor to Asia. The concept, one of Russian foreign policy's most ambitious projects (including the launch of the Eurasian Economic Union in January 2015), is attributed, among others, to Alexander Dugin, the well-known ideologue of Russian expansionism. Putin's doctrine coincides with some of his

ideas, such as the desire to impose a Russian sphere of influence beyond its borders, a goal that restores Moscow's traditional geopolitical vision (Kotkin 2016). Russia's worldview in terms of security is also consistent with the geostrategic position of a country with the world's largest land mass and land borders on all four sides. The tendency to create a buffer zone around NATO's immediate border is partly due to comparing its position with the United States, which is fortunate to be located between two oceans.

While Russian military doctrine views NATO enlargement as a direct threat to its security, Russia continues to perceive its neighbouring states, especially the former Soviet republics, as its 'backyard'. This explains the clash between the sovereignty and territorial integrity of these states and Russian security imperatives, a central issue that reveals the difference between Western and Russian conceptions. Researcher Keir Giles explains it as follows:

There is a direct conflict between our notions that the states on Russia's periphery should be sovereign, independent and able to decide their own future, and the Russian notion that, in order to ensure its own security, it needs to control and dominate substantial depth beyond its borders (Defence Committee, 2016).

According to Russian reports, the primary threat posed by NATO is the development of its military capabilities and the assumption of global functions in violation of international law by bringing its military infrastructure closer to the borders of the Russian Federation (Military doctrine of the Russian Federation, 2014). In this sense, the influential Russian analyst Fyodor Lukyanov (2016) explains that Russia was alarmed not only by NATO's enlargement but also its transformation. Transforming the global security environment also involves changing the paradigms of warfare. In the case of NATO, its development depends on how it adapts to this new environment. Western organisations such as NATO and the European Union play by different rules to revisionist powers such as Russia. The latter is known for its use of non-conventional or multi-dimensional instru-

ments, popularly called ‘hybrid warfare’. The Russian approach to warfare can be better described as a *New Generation War*, an amalgam of hard, soft and sharp power known as the ‘Gerasimov doctrine’, which focuses on asymmetric actions in all domains. The leit-motif of this approach is related to information, which is used and manipulated as a *modus vivendi* for survival in the current security environment (Adamsky, 2015; Gilles, 2016).

The possibility of Ukraine’s NATO membership was a red line for Russia, and one of the greatest threats to its security. The return of the Soviet empire to Central and Eastern Europe remains a dream for Putin but preventing NATO’s eastward expansion and creating a new European security order remain his main objective, and he will strive to achieve this by hook or by crook.

‘ME’ AND ‘THE OTHER’: WHAT MAKES A RUSSIAN A RUSSIAN?

In an interview for *The Economist*, Alexander Dugin gave a relevant example of ‘complacent’ narratives about Russian identity, Russia’s existence and its role in the global sphere, and how difficult it is to understand in comparison to the ‘contested European identity’:

Our identity is integral. With the Russian identity, we have no shame in being Russian. We have no guilt for being Russian. We have no remorse for being Russian [...]. We try to conserve our identity, and we are proud to be Russian. We are proud, to begin with, of having an identity and not [being] willing to lose or deny it (Dugin, 2017).

The concept of identity has undergone a paradigm shift in recent decades (Sökefeld, 1999). For Eriksson (1980), the term ‘identity’ expresses a mutual relationship that indicates both a constant sameness within oneself (*self-sameness*) and a persistent sharing of some kind of essential characteristics with others. It is an observation that urges us to delve deeper into the question of contrasting perspec-

tives on identity in different societies and cultures. In his account, Dugin insists on drawing a distinction between individual and holistic identity, while stressing that the Russian identity is collective and thus opposed to the ‘Western’ concept, which he identifies with globalisation. This difference could be validated by examining how identity is based on the way(s) in which a person (or a nation) is, or wishes to be, known to others. In this context, it is worth reflecting on the concept of ‘culture as identity’ (Cohen, 1993), according to which identity is perceived as an attempt to represent a person or group of people in terms of a conceptualised or emblematic culture. This is a political exercise, which in turn manifests itself in the processes that we often refer to as ‘ethnic’, and whose components are called ‘symbols’.

Recognising the important role of symbols that reflect the cultural and identity traits of an ethnic group or nation, the question arises as to what expressing an emotion might reveal about a nation, as a symbol of identity’. There is a Russian proverb that could be translated as ‘laughing for no reason is a sign of stupidity’. In her article entitled *Why Some Cultures Frown on Smiling*, Olga Khazan (2016), a US-educated Russian author, explains ‘the happiness’ of being Russian, and how ‘the virile ruler, the vodka, the endless piles of sour cream’ do not encourage casual smiling in Russian culture: it is ‘unintelligent’. In a country that avoids uncertainty, smiling would not be a sign of warmth or even respect, say Krys *et al.* (2016), but proof that you are a fool, a cheating fool who knows that the future is unpredictable and uncontrollable. The same authors also hypothesise that smiling in corrupt countries would be frowned upon, because when “individuals are exposed to relatively frequent unfair or untruthful behaviours and, thus, scepticism about the positive intentions underlying a smile may be well-grounded and justified.”

Beyond the smile, another symbolic trait of emotional expression that makes it possible to distinguish some identities from others — and to point out specific aspects of what they are and how they work — can be found in literature and poetry. In this sense, Stavridis

(2015) suggests that to understand what is happening in Russia, one has to put aside the academic analyses of political science journals and look to what he perceives as the richest literary gold mine in the Western world: Russian novels and poetry, including Gogol, Dostoyevsky, Pushkin, Tolstoy, Bulgakov, and many others. These works reveal how Russians really think. Drawing on “the blackest of black humour” from *Dead Souls*, Gogol’s 1842 masterpiece,¹ Stavridis points out that Russians see the world as absurd and contradictory, a place where humanistic value systems have a hard time succeeding. “For a nation whose leader struts around the world stage without a shirt on, plays with a pet Siberian tiger and flies in a motorized mini-plane chasing white storks, there is a certain appeal to the absurd,” he writes. Through his literature, the author analyses *what is Russian*, the way of fighting, the type of leaders they follow, or the deep patriotism “that fuels today’s nationalist tendencies.” Russians ultimately see themselves as heirs to much more than a great country; they see Mother Russia as the repository of a deep and powerful philosophy of life, which is also reflected in their vibrant literature.

GEOSTRATEGY THROUGH IDENTITY: THE ROLE OF THE LEADER IN PUTIN’S RUSSIA

Russia’s role in the world has been largely conditioned by the country’s unique geography. Throughout its history, Russia has felt perennially vulnerable to frequent and turbulent developments in East Asia, Europe and the Middle East. This would explain why it has often shown a kind of defensive aggressiveness, according to Kotkin (2016). Historically speaking, since the late 18th century, when Russia expanded across the Black Sea, what Kotkin characterises as Russia’s “perpetual traditional geopolitics” took shape. To

1 As an absurdist construction that functions as a satirical portrait of the dysfunctional Russian landed society which eventually collapsed during the 1917 Revolution.

illustrate this, we will return to Dugin. According to him, Russians have two different understandings of identity: the *Eurasian version*, which is inclusive, and the *nationalist version*, which is exclusive. Both types are closely linked to identity, but the former means that Russians are not only a people but also a civilisation, one based on a hierarchical order, a vertical organisation, and a sacred monarchy (Dugin, 2017). This phenomenon goes back even further and, as Kotkin points out, despite repeated efforts to build a strong state as a guarantor of internal order the result always led to “subverted institutions and personalistic rule.” From Peter the Great onwards (“the original strong-state builder”), the ‘personalism’ syndrome characterised not only the reigns of the Romanovs but also the leadership of Lenin and, above all, Stalin. These characteristics are still present today (Kotkin, 2016).

In this sense, it is interesting to analyse how a considerable number of Russians see Putin playing the role of tsar. In the words of Dugin (2017):

Putin is not some alienated being we are going to serve. He is ourself. He behaves as he does on behalf of ourselves. He does exactly what we are willing to do. He is not considered by us to be a kind of separate entity. That is the concept of the sacred king.

Asked what will happen when Putin dies, he replies “Some other king will appear. The king is dead. Long live the king!” Putin’s leadership can thus be perceived as a representation of an exclusive and superior Russian identity. It is worth drawing attention to this “reconciliation of the country’s Tsarist and Communist legacies,” as Eltchaninoff notes (cited in Guenard, 2015).

Putin has gradually confirmed the abovementioned perceptions. In May 2022, commemorating the 350th anniversary of Peter the Great’s birth and celebrating his conquests, he compared himself directly to the tsar and the expansion of his empire to his own intentions. “What was [Peter] doing?” he asked rhetorically. “Taking back and reinforcing. That’s what he did. And it looks like it fell on

us to take back and reinforce as well” (Tharoor, 2022). This drew a clear parallel with Ukraine, and possibly other former tsarist territories. Putin sees himself as Peter the Great, if not Ivan the Terrible, Russia’s first tsar.

Once again Russia is the odd man out in history. The Russian Federation is *de jure* a democratic system, while it is a *de facto* dictatorship built around one man, President Vladimir Vladimirovich Putin, Russia’s absolute leader since 2000. In a recent article, historian James Pettifer (2020) noted that “whatever the vision of Russia and its Church under Putin’s current leadership, it is certainly not the kind of state (or Orthodox Church) that the liberal consensus of European institutions and governments of the 1990s expected to emerge after the end of the Soviet Union.” He concluded that “It is a tough, often coercive society with problems of legality and state functioning, with a renewed military ethos and, as some claim, a return to geostrategic expansionist ambitions.”

Scholars, historians and journalists have been trying to find out what makes the Russian leader tick. Some analyse US intelligence reports from the Cold War period and his career as a KGB agent; others compare him to either Stalin or Peter the Great. However, the variety of thoughts and analyses is increasingly confusing, as most become more superficial and influenced by the mainstream, overlooking the constituent elements of the Russian collective being such as literature, history or the Church.

Vladimir Vladimirovich’s youthful dream of becoming a sailor or a pilot vanished when he saw the film *The Shield and the Sword*, a five-hour epic about the Soviet secret services starring Alexander Belov, a Soviet agent infiltrated into Nazi Germany before the outbreak of World War II. The film was produced three years after publication of the novel of the same title, used as the screenplay for Putin’s favourite film. The author, war journalist Vadim Kozhevnikov, published the novel at a time when the Soviet Union was celebrating the 20th anniversary of its victory over the Nazis. Putin, then 16 years old, had watched the film several times. It became an import-

ant source of inspiration for him and would shape his subsequent career as a KGB agent. The film has four parts, which seem to portray chapters of Putin's own life and way of thinking: 'No Right to Be Themselves'; 'The Order Is: Survive'; 'Without Appeal'; and 'The Last Frontier'. Putin has mentioned on several occasions that what impressed him most about the film was the song 'Where the Motherland Begins'.

Nevertheless, it is important to examine how Putin's position regarding his country's foreign policy and his idea of democracy has changed over the course of his career in Russian politics. During his first presidential term, from 2000 to 2004, he adopted a 'liberal' position. As Eltchaninoff states in his interview with Guenard, Putin liked to quote Immanuel Kant and stressed that Russia was part of Europe, a community defined by democracy and the rule of law. He wanted to bring Russia up to Western 'standards'. He presented himself as the leader who would restore stability, even prosperity, at home and restore Russia's lost prestige in the international arena. However, everything changed when he returned to the presidency in 2012, including his attitude towards the West.

In a speech at the Valdai Club, Putin emphasised the need to adopt new strategies to preserve Russia's historical, cultural and governance identity and experience in a rapidly changing world. He talked about how global processes would affect Russian national identity, what kind of 21st century world Russia wanted to see, and how Russia could contribute to it (Putin, 2013). He also asserted that Soviet ideology had been left far behind, never to return, and that both dogmatic conservatism and extreme Western-style liberalism were far removed from Russian reality. In that speech, Putin's goal of building his own construct in the face of the imperative to strengthen Russia's national identity 'so as not to destroy its genetic code' was clearly discernible. He added that "We can see how many of the Euro-Atlantic countries are actually rejecting their roots, including the Christian values that constitute the basis of Western civilisation." In his opinion, these countries were denying moral principles and

traditional identities: national, cultural, religious and even sexual. “A policy is being conducted of putting multi-child families and single-sex partnerships on the same level,” he said, as well as “belief in God and belief in Satan. The excesses of political correctness are leading to the point where people are talking seriously about registering political parties whose goal is to legalise the propaganda of paedophilia. People in many European countries are ashamed and afraid of talking about their religious convictions (...)” (Putin, 2013).

In the face of all this relativism, cultural decadence, Internet encroachment, political correctness, amnesia, democratic masochism and weakness towards minorities, Vladimir Putin began to promote moral education based on traditional values, classical culture, patriotism, militarism and respect for hierarchy (Guenard, 2015). In that discourse, as in others of similar intent, there is a fear that identity will be lost on a larger scale, and of ‘assimilation’ into globalist values, which are predominantly those of ‘Western civilisation’.

These seemingly legitimate concerns became meaningless after the illegal annexation of Crimea, and especially after the invasion of the rest of Ukraine, representing a war between two nations and an attack on the democratic world and Western values. As Soros recently said, civilisation may not survive Putin’s war in Ukraine (quoted in Clinch, 2022). As the war drags on, stretching into a fourth month at the time of writing, many believe that Putin’s dream of restoring the Russo-Soviet empire is crumbling precisely in Ukraine. The former ‘cradle of the Russian nation’ is becoming the tomb of the ‘Russian world’ and its Eurasian geopolitical doctrine, which may also lead to the end of Putin and Putinism. How close that end is, we do not know.

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Ukraine and Russia: brothers or eternal rivals?

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THE HISTORICAL ORIGINS OF UKRAINE

To understand current events better, we need to go back in time to discover the origins of the three Slavic peoples currently represented by the states of Belarus, Ukraine and Russia. Kyiv is believed to have been founded around 482 and the city played a prominent role in trade between the Nordic tribes and Byzantium, thanks to its geographical location. However, the peak of the splendour of the *Kyivan Rus* did not come until the 10th–11th century. This Kyivan Rus state is considered to be the origin of today's three nations. From the end of the 11th century onwards, Kyivan Rus became fragmented into reasonably independent feudal kingdoms, *kniazivstva* or principalities. Two centres of power were gradually consolidated, neither of them in Kyiv: the Vladimir-Suzdal principality in the north-east and the Galitsko-Volinskoe principality in the south-west. These two feudal kingdoms could be considered the forerunners of the present-day states of Russia and Ukraine. The rivalry between them for dominance over Kyiv can be understood as the origin of the current rivalry between Russia and Ukraine. Galitsko-Volinskoe covered the entire territory of today's western Ukraine and part of Belarus, while Vladimir-Suzdal covered the area in and around today's Moscow region.

In the first half of the 13th century the Mongol conqueror Genghis Khan began his conquest of the distant Mongolian steppes to-

wards China and then Central Asia. In 1223, he reached the Kyivan Rus princedoms after much plundering and raiding. Several principalities of Kyivan Rus succeed in forming an alliance to fight off these invaders by pushing them back as far as the shores of the Sea of Azov, where a decisive event took place, the Battle of the Kalka River. Historians such as Hrushevsky (1997–2014) claim that the alliance of the Rus principalities suffered a major defeat due to lack of proper coordination between the princes. Later, in 1239–1241, Genghis Khan's grandson Batu Khan returned to conquer all the Kyivan Rus principalities. Kyiv was besieged, sacked and destroyed in December 1240 (Hrushevsky, 1997–2014) after holding out for a month. This Mongol conquest was considered a great tragedy for all three peoples, and from that date on, Russia (then still known as the Vladimir-Suzdal Principality) began to develop as a completely separate branch of Ukraine (which still bore the name *Rus*).

The great Mongol empire soon became fragmented and the westernmost part, known as the Golden Horde, became the ruler of the former Kyivan Rus territories. The Moscow princes signed an agreement with the Horde, allowing them to manage their land autonomously in exchange for payment of an annual tribute.

However, the rulers of Galichina took a different decision in an attempt to forge an alliance with the western states to repel the Horde's advance. The Galichina princes' strategy was unsuccessful in the long run, because the Mongols were still very strong and demolished all the walls of their fortresses. Their western (Polish and Lithuanian) neighbours took advantage of this defeat to seize their lands in the 13th and 14th centuries, and the great principality of Lithuania took over central and eastern Ukraine in the 14th and 15th centuries. The southern part of Ukraine (Crimea and the territories near the Sea of Azov and the Black Sea) remained territories of the Crimean Khanate, which formed a separate state from the Mongol Empire after the latter ceased to exist. The Crimean Khanate quickly adopted the Muslim religion and fell under the power of the Ottoman Empire, establishing a relationship of vassalage while enjoying certain freedoms.

Origins of the name 'Ukraine'

It is unknown exactly when the name 'Ukraine' emerged. Although historians have different theories regarding its origin, the most predominant ones (Hrushevsky, 1997–2014) suggest that Ukraine:

- means *land at the end of the world*.
- means *a country* (*kraina, kray*).
- is a name of a tribe that inhabited the territories of western Ukraine.

However, it was not until the 18th century that the name Ukraine became predominant. During the 17th century the most commonly used term was *Ukrainian Rus*, and modern-day Russia was called the Principality of Muscovy. However, Russian Tsar Peter I decided to make changes to the Principality of Muscovy's institutions and changed the official name to Russian Empire, appropriating the name of present-day Ukraine's lands in the process.

The River Dnipro Cossacks

In the 16th century, the Grand Principality of Lithuania and the Kingdom of Poland were united as one state, the *Rech Pospolitaya*. This development was not particularly good news for Ukraine, because the lands of central and eastern Ukraine fell under the influence of Poland according to the agreements for this union. Poland tried to impose Catholicism, whereas the religion in the Principality of Lithuania had previously been Orthodox. Exploitation of Ukrainian peasants also intensified, which in turn caused them to flee to the borderlands of the Crimean Khanate, where the River Dnipro Cossacks' first fortresses were built around 1554 to create the *Zaporizhska Sich* (a semi-autonomous polity and Cossack proto-state that existed between the 16th and 18th centuries). This phenomenon is quite common all over the world, whereby the central power is unable to maintain its hegemony and cedes its power to small guerrillas.

This also happened in Ukraine, and the Polish authorities, unable to defend those distant lands, allowed the Cossack movement to develop, inflicting major defeats on the Turkish Empire and its Crimean Tatar vassals. In the early 17th century, Ukrainian Cossacks from the River Dniπρο fought alongside the Poles in a series of battles, including the unsuccessful siege of Moscow in 1618, led by Petro Sagaydachniy, the Cossack *Hetman*.

The Zaporizhian Cossacks later led several peasant revolts against the rule of the Polish feudal lords, who were unable to suppress them until 1647. However, in 1648 there was a great deal of popular discontent due to Polish oppression, not only of peasants regarding their physical and economic freedoms, but also due to the imposition of Catholicism and Polish culture.

The Ukrainian war of independence 1648–1676

In 1648, a minor feudal lord called Boghdan Khmelnitsky, an Orthodox Christian who had taken part in the Cossacks' military battles against the Crimean Tatars on several occasions, confronted his Polish feudal neighbour about the injustice done to him. What initially appeared to be a struggle between two feudal lords soon turned into a full-scale rebellion of Ukrainian peasants against their overlords. Unable to resort to the Polish courts, Boghdan Khmelnitsky asked the Zaporizhian Cossacks for support and decided to take the law into his own hands. To his great surprise, he not only won the Cossacks' support but was also elected their leader (*Hetman*) in a kind of 'popular crusade' against the Polish oppressors. He only planned to gather a hundred or so Cossacks to punish his neighbour, but he set out from Zaporizhzhia with some 6,000 armed men, plus an alliance with a Tatar feudal lord who provided an equal number of horsemen.

The Poles underestimated the Cossack forces and suffered their first defeat. Khmelnitsky's skill as a military commander should be recognised. Instead of launching himself against the castles and for-

tresses guarded by the Poles, he swelled the ranks of his army with peasants escaping from their lords, mustering almost 100,000 men, mostly peasants armed with agricultural implements and the desire to fight. He defeated the Poles in several battles with this army and in autumn 1648 he laid siege to Lviv (Leopolis) and other fortresses in western Ukraine, threatening to enter Polish territory. The war continued beyond his death in 1657, with Lithuania, Poland and other foreign powers getting involved, namely the Principality of Moscow, the Ottoman Empire and its Crimean Tatar vassals, and also the Kingdom of Sweden. Historians date the end of the war to 1676, when *Hetman* Petro Doroshenko, historically known as the 'Sun on the ruins', relinquished power. By then, Ukraine was divided, desolate and bleeding to death. The Principality of Moscow was the main victor in this war because all Ukrainian territory east of the River Dnipro came under its rule, plus the city of Kyiv. Ukrainian autonomy and the independent institutions of the Zaporizhian Cossacks lasted until 1775, the year in which the Zaporozhian Sich was liquidated by the Russian army.

The figure of *Hetman* Bohdan Khmelnytsky symbolises the struggle of the Ukrainians for independence, and he is considered a hero. Ukraine's war of liberation (1648–1676) had an enormous legacy. It led to Ukraine being considered, for the first time, as a state that signed cooperation and peace treaties with other neighbouring states: the *Rech Pospolitaya*, the Principality of Moscow, the Ottoman Empire, the Crimean Khanate and the Kingdom of Sweden. Ukrainian identity and subsequent liberation movements took their inspiration from there.

Russia's war of disinformation always uses the signing of the Treaty of Pereyaslov in 1654 as a sign of union between Russians and Ukrainians. The treaty was actually an attempt by the Ukrainian leader at the time, *Hetman* Bohdan Khmelnytskyi, to secure another ally against the *Rech Pospolitaya*; in any event, he had no intention of submitting to the Tsar of Moscow's rule. Russian propaganda in its war of disinformation has used — and continues to do so — this

episode to justify the absorption and subjugation of Ukraine over the centuries.

The lands of Ukraine under the power of Russia, Poland and Turkey

The 17th century offered great opportunities for both Ukraine and Russia, although Russia finally emerged victorious, even though it began the 17th century as a weakened state due to internal struggles for accession to the throne following the reign of Ivan the Terrible. His rule was initially quite successful, making major conquests and strengthening the Principality of Moscow. However, his *oprichtina* policy of weakening the nobility was a severe drain on human and material resources. In addition, he killed his son, the only heir to the throne, in a stroke of madness. From his death in 1584 until the coronation of the tsar of the new Romanov dynasty in 1613, the Principality of Moscow was engulfed in a war of factions supporting different aspirants to the throne. Although Mikhail Romanov had already been elected, the king of Poland still had claims to the throne of Moscow and organised a military expedition to take Moscow by force in 1618. Some 20,000 Ukrainian Cossacks took part in the expedition and achieved several victories during the battles, although the siege of Moscow was eventually unsuccessful. From there, the Principality of Moscow regrouped and began to prosper.

Ukraine, in turn, began the 17th century as stateless, as its territories had been divided between the Rech Pospolitaya, Crimea and the Ottoman Empire. Kyiv remained a religious centre of education and trade but held no political or military power. The Zaporizhian Cossacks began to be recognised as a powerful military force, but they had no political clout and were easily swayed by economic and religious powers. Unaccustomed to being an independent state, it failed to become one during the War of Independence of 1648–1676. At the end of the 17th century, Ukraine was divided between Poland (the entire western bank of the River Dniπρο), the Principality of

Moscow (the entire eastern bank of the River Dnipro plus Kyiv), the Ottoman Empire (the entire Black Sea coast), and the Crimean Khanate (Crimea, the entire coast of the Sea of Azov and the territories north of Crimea).

In the 18th century, the Principality of Moscow took the name of 'Russian Empire' and made progress in its expansion and conquest of Ukraine's lands, beating Poland and the Ottoman Empire in a series of military battles. By the early 19th century, the *Rech Pospolitaya* and its components, Poland and Lithuania, ceased to exist as independent states and were subjugated to the Russian and Austro-Hungarian Empires. The latter took over the western lands of Ukraine, including the city of Lviv. The Crimean Khanate was also defeated, and Russia seized all its territories, as well as land north of the Black Sea coast. The Ukrainian Cossacks played a major role in all these battles. However, this was not recognised by Russian propaganda, attributing all the victories to their famous generals and glorifying the Russian army.

The 19th century was, on one hand, relatively peaceful in Ukrainian history, but on the other it was a century of subjugation and exploitation of the Ukrainian people and their culture. Nevertheless, Ukrainian culture continued to develop and flourish, featuring a number of writers and poets of note during this period. Perhaps the most prominent of these is Taras Shevchenko, a poet, writer and painter best known for his literary poems, which nostalgically describe the Ukrainian people's past struggles for independence.

UKRAINE AS AN INHERENT PART OF THE SOVIET UNION

World War I was a human tragedy for all countries involved. The Russian Empire was literally exhausted as a result, leading to a popular uprising in February 1917 which led to the tsar leaving the throne and the emergence of a number of competing political

parties. Vladimir Ulyanov (Lenin) returned to Russia from exile in Finland with help from the Germans; he immediately formed the Communist Party and set about preparations for an armed struggle. In October 1917, he staged a coup d'état, first in St. Petersburg and then in Moscow. These events plunged the whole of Russia into bloody civil war.

Countries subjugated by the Russian Empire attempted to seize the moment to regain their independence: Finland, Poland, Ukraine, some Asian countries and those in the Far East, the Caucasus, etc. Some succeeded (Finland, Poland and the Baltic republics), while others did not. The Ukrainian people also sought independence, and actually achieved it for a short period. Nevertheless, the Ukrainian forces were defeated by the Red Army in 1922. There were many causes of this defeat: lack of maturity of the national movement, disinformation from Russia creating disunity in the Ukrainian ranks, and also a general weakening and fatigue among the people after so many years of war.

In 1922, Ukraine was annexed to a new state created by Lenin and became one of the 15 Soviet republics within the USSR. It should be noted that although the USSR formally comprised these 15 republics, including Russia, Belarus and Ukraine, the real power always lay in Moscow, with a very strict dictatorship imposed by local governors in all the regions. The first capital of Soviet Ukraine was the city of Kharkov. Lenin still feared the people of Kyiv because they had sought Ukrainian independence between 1917 and 1922. The administrative capital of Ukraine reverted to Kyiv in 1934.

Life for the Ukrainians under Soviet power had its highs and lows. On one hand, the industrialisation policy made it possible to develop industry, shaping an infrastructure that is still in place today, as illustrated by the hydroelectric dams on the River Dnipro, which still generate electricity. On the other hand, the industrialisation process used people as slaves, forcing them to work for food rations. As for the peasants, they were driven to famine, known as the *Holodomor*, artificially created in 1933. The peasants resisted the col-

lectivisation of their property. For the Soviet dictatorship, however, one of the key issues was the blanket elimination of private property. The army was sent into rural areas to forcibly confiscate the year's harvest, leaving peasant families without food for the winter. The exact number of victims remains unknown, but the count stretches beyond several million. This barbarism, committed through an unjustified, artificially-created famine, has been recognised as genocide against the Ukrainian people.

Unfortunately, hardship did not end there for the Ukrainian people under the initial Soviet regime. World War II was another disaster that engulfed the whole of Ukraine: first, Nazi Germany took over the entire country at the beginning of the war, sending millions of Ukrainians to concentration camps and into forced labour, and exterminating a large — and still unknown — number of Jews living peacefully in the country. The Red Army later seized Ukraine again, forcing the entire population that remained under Nazi rule into 'filtration camps'; in the case of the Crimean Tatars, the entire population was deported to Siberia.

Western Ukraine, under Polish rule before World War II, suffered much less repression, allowing a pro-independence Ukrainian political movement to develop there. However, the Soviet Union soon seized the last strongholds of free thought in Ukraine. A guerrilla, known as the Ukrainian Insurgent Army (UPA is its Ukrainian acronym), fought against the Nazis at the beginning of the Second World War and continued an armed struggle against the Soviets until the 1950s. Their leaders, Stepan Bandera and Roman Shujevich, were depicted by Soviet propaganda as the greatest enemies of the USSR. In all history textbooks in the USSR, these two Ukrainian heroes are described as Nazi collaborators and dangerous criminals who committed crimes against the Ukrainian, Polish, Belarusian and Russian people. The truth about their actions was censored and buried in archives, and all witnesses and participants in that struggle were either condemned to death or sent to concentration camps in Siberia.

After Stalin's death in 1953 the Soviet regime gradually softened. Even so, Ukrainian activists were still persecuted and locked up in prisons and concentration camps in Siberia. One such person was Vasil Stus, a poet from the Dnipro region, who died in prison in 1985.

Mikhail Gorbachev, the last General Secretary of the Communist Party and effective ruler of the USSR, came to power in 1985. Aware of the problems plaguing the Soviet Federation, he set out on a programme of reforms. His mistake, however, was to apply these reforms from the top down, with little — or at least not enough — popular support. People did not understand his reforms, the economic situation in the USSR worsened, and finally the USSR was dissolved in 1991. The fifteen republics unexpectedly gained independence, along borders determined within the USSR.

The last, most tragic episode for Ukraine in the twilight years of the USSR was the accident at the Chernobyl nuclear plant in 1986. This was due to human error, a failure to manage the situation properly, and a plant design flaw. Poor management in the aftermath of the accident led to many casualties among the plant workers. The surrounding land was contaminated by radiation, and a 30-kilometre area around the nuclear power plant was declared an exclusion zone, forcibly evacuating the nearby population. Even today, radioactivity there remains above regulatory levels.

FROM INDEPENDENCE TO THE PRESENT DAY

As mentioned above, Ukraine gained its independence in 1991 without a fight and most of the population did not realise where this path was leading. The decision to become independent was put to a referendum, with 90% of the population voting in favour.

After gaining independence, the country began its transition to democracy and a market economy, both completely new to most of the population that had been brought up according to behavioural

patterns determined by the USSR. As a result, the transition was poorly managed with little support. To make things worse, the country's economic situation deteriorated. The first elected president of independent Ukraine was Leonid Kravchuk, previously the secretary general of the Communist Party of Ukraine, imposed by Moscow. Local Soviet communist elites seized power in the newly independent countries on a large scale and, to some extent, slowed progress to democracy for these countries. The communist elites simply did not know how to do this.

Following independence from the USSR, Ukraine inherited part of the Soviet nuclear arsenal on its soil although, due to its difficult economic situation, the country did not have the financial resources to support it. Furthermore, from an international security perspective, it was not advisable for more countries to have nuclear weapons. US President Bill Clinton and his Russian counterpart Boris Yeltsin took advantage of Ukraine's moment of weakness by offering a deal and a security guarantee agreement in exchange for Ukraine's nuclear weapons and a promise not to develop them in the future. The security treaty they negotiated is known as the Budapest Memorandum, guaranteed by the US, the UK and Russia. There were many consequences of relinquishing nuclear weapons, all negative for Ukraine, although it should be acknowledged that this was a positive development for international nuclear security. The first negative consequence was a decrease in foreign aid. Ukraine's international prestige also plummeted, as it is not the same to be a state with nuclear weapons as it is to be just another country with an economy in transition.

However, the most important consequence took place in 2014, when Russia invaded Crimea, Donetsk and Luhansk. Ukraine asked for assistance under the Budapest Memorandum but received no help or support from either the UK or the US, and Russia broke the agreement outright. This happened again in 2022, although the US and the UK, among many others, did provide weapons to Ukraine, although without direct intervention.

The People's Uprising for Democracy

Returning to the chronological narrative of events, Ukraine experienced its first popular uprising in 2004, known as the Orange Revolution. The people took to the streets *en masse* to protest against the fraudulent presidential elections. They were not for a particular candidate, rather more against the fraud. The Constitutional Court finally heeded the demands of the people, the election result was cancelled and a new vote was held. It was won by the opposition candidate Victor Yushenko, who had previously been poisoned, although Russian disinformation media claimed that Victor Yushenko's poisoning was due to a human embryo rejuvenation treatment he had been receiving.

Ukraine's history is full of setbacks, and one of them was President Victor Yanukovich's win in the 2010 elections. It was Yanukovich who had committed electoral fraud in 2004, and the people took to the streets to protest once again. In 2013, Yanukovich refused to sign an association and free trade agreement between Ukraine and the European Union, leading to another popular uprising known as the 'Revolution of Dignity' or simply 'Maidan'. People gathered in Kyiv's central square, known as 'Independence Square' or 'Maidan', to protest Yanukovich's decision. Violent clashes took place during the winter of 2014 between the forces of law and order, sent by Yanukovich, and the civil population.

It all ended when Yanukovich fled the country, an interim government was formed and presidential and parliamentary elections were called. Russia took advantage of this moment of uncertainty in Ukraine and occupied Crimea, covertly at first, and then by showing that its troops were operating there under no insignia. After Crimea, Russia invaded the eastern regions of Donetsk and Luhansk. The entire Russian operation in the east and south of Ukraine took place alongside a massive disinformation campaign in the media, even Western media. The main message of the pro-Russian media was that the people of Crimea had asked Russia for protection against

Ukrainian nationalists who wanted to oppress the Russian-speaking population. As for the Donbas region, Russian propaganda did not even acknowledge the presence of Russian armed forces or the delivery of weapons. It simply said that miners from that region had revolted against the regime in Kyiv, and only acknowledged that there were some Russian 'volunteers' in Donbas helping the miners fight the Kyiv regime.

At the time, the Ukrainian armed forces were not in a position to stand up to the Russian army. Ukraine suffered several defeats in August 2014, forcing the signing of the Minsk I treaty, which was unfavourable to Ukraine. In 2015, military action resumed, and Ukraine suffered another defeat. The Minsk II agreement was subsequently signed, containing several points which were supposed to normalise relations between Ukraine and the pro-independence republics of Donetsk and Luhansk. However, Ukraine and Russia interpret these points differently. From Ukraine's point of view, elections in these regions could not be held while Russian armed forces remained there, and Ukraine did not control the border. From Russia's point of view, elections should be held first, supervised by its troops, and only then could border control be transferred to Ukraine. As a result, the Minsk II agreements have never been implemented, not even achieving a lasting ceasefire. This situation lasted until 24 February 2022, when Russia decided to invade Ukraine directly.

Many historians wonder why, despite their similarities in 1991, the Russian and Ukrainian peoples evolved in such different directions: Russia towards dictatorship, Ukraine towards democracy. As one example, Russia has only had three presidents in its history since 1991: Yeltsin, Putin, Medvedev and Putin again. Ukraine has had six: Kravchuk, Kuchma, Yushenko, Yanukovich, Poroshenko and Zelensky. One explanation put forward by historians revolves around the natural resources held by each country. While Russia has vast amounts of hydrocarbons and other natural resources, helping it guarantee a steady standard of living for its population without major democratic reforms, Ukraine does not have these resources.

It must therefore engage in international trade with other high value-added products and develop its service sector, like other Western democracies. This integration leads to greater social openness, and an open society does not tolerate dictatorships.

This last point also explains why Russia attacked Ukraine: a dictatorship cannot tolerate the existence of a free country so close by, especially one with the same cultural roots. To justify this attack on Ukraine, Putin's regime used its latest disinformation hoax: they call all Ukrainians 'Nazis' and one goal in their 'special operation' is to 'denazify' Ukraine. Part of the staging involves them saying that the 'Azov Battalion' is made up of Ukrainian Nazis who are wreaking terror among the Russian-speaking population of Ukraine. This statement is totally false, not least because most members of that military unit are also Russian speakers. It is true that these troops represent part of the hard core defending Ukrainian cultural and territorial integrity, especially in the east of the country, which is by no means Nazi. They were able to hold out in the Mariupol steel factory in subhuman conditions for almost 90 days, under continuous shelling and attacks by the far superior Russian forces. It should also be noted that this unit emerged as a result of the covert Russian invasion in 2014.

CONCLUSIONS

In brief, we have seen the clear rivalry between Ukraine and Russia since the fragmentation of the Kyivan Rus in the 11th–13th century. However, the Mongol invasion in the 13th century broke off contacts between Ukraine and Russia and each country developed historically until the 17th century, when their destinies crossed once again, and Russia managed to dominate the half of Ukraine on the left bank of the River Dnipro. This period saw one of the first episodes of disinformation, when a historical military alliance between Ukraine and Russia signed in 1654 in Pereyaslov (Ukraine) was interpreted as a treaty, submitting Ukraine to Moscow's command and acknowledging its supremacy.

The next major misinformation episode took place in the early 18th century, when Peter I ordered the Principality of Moscow to take the name of Rus and call itself the Russian Empire, as the heir of the former Kyivan Rus. The next episode was naming Ukrainian lands as Malorussia (Little Russia), with the intention of completely erasing the name of Rus-Ukraine and its free spirit. The dissolution of the Zaporizhian Cossack state and the final abolition of self-rule in Ukraine took place in 1774. This was a severe blow to many Cossacks, who, rather than submit, preferred to die or leave for lands on the River Danube in the Ottoman Empire.

The 19th century saw the subjugation of Ukrainian lands with some flashes of brilliant writers, such as Taras Shevchenko, initially a painter and later a poet and spokesman for the ideas of a free Ukraine. Because of his literary works praising the freedom of the Ukrainian people, he was forcibly mobilised into the army and sent to Kazakhstan, where he spent ten years in a remote location and was strictly prohibited from writing and painting.

The 1917 revolution in the Russian Empire provided a new impetus for Ukraine to attempt independence and self-determination. As usual in Russia, propaganda once again used this episode to brand all self-determination movements in Ukraine as dangerous nationalists.

During World War II, the Ukrainian Insurgent Army (UPA), particularly its leaders Stepan Bandera and Roman Shujevich, were depicted by Soviet propaganda as the greatest enemies of the USSR. In all history textbooks in the USSR these two Ukrainian heroes are described as Nazi collaborators and dangerous criminals who committed crimes against the Ukrainian, Polish, Belarusian and Russian peoples.

During the Orange Revolution in 2004, the opposition candidate was poisoned by the secret services. However, Russian disinformation media claim that Victor Yushenko's poisoning was due to an alleged rejuvenation treatment using human embryos.

The ‘Maidan’ revolution took place in 2014. Russia took advantage of the situation and invaded Crimea and the eastern regions of Donetsk and Luhansk. The main disinformation message from the pro-Russian media was that the people of Crimea had asked Russia for protection against Ukrainian nationalists who wanted to oppress the Russian-speaking population. As for the Donbas region, Russian propaganda did not even acknowledge the presence of Russian armed forces there, nor any delivery of weapons, but simply said that miners from that region had revolted against the government in Kyiv. All this is completely untrue, as there was no oppression of the Russian language in Ukraine, nor did the miners wish to fight a civil war.

To conclude this very brief diachronic review of the relationship between the two countries, we need to openly denounce the big lie that Russia uses to justify its current invasion of Ukraine. The Putin regime claims that all Ukrainians are ‘Nazis’ and in its ‘special operation’ one of the aims is to ‘denazify’ Ukraine, when the military tactics being deployed by Russia are actually worse than those used by the German Nazis in World War II. This includes razing cities with civilian populations to the ground and using long-range rockets against civilian targets.

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PART TWO
Disinformation and Post-Truth in
Putin's Russia

The manipulation of history

(First fallacy: ‘Ukraine doesn’t exist, it’s Russia’)

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Russian President Vladimir Putin has taken an imperialist view of international relations since 2007. This process clearly began in his address in Munich that same year, and reached its peak in his speech on 20 February 2022, just four days before the invasion of Ukraine. When approaching this transformation, Putin based himself on imperialist philosophers such as Ivan Ilyin, Ludovic Stur, Nikolai Danilevsky and, of course, Alexander Dugin. This ‘imperialist overhaul’ has affected Russia’s relations with the entire world although, as one of its obsessions, Ukraine has been particularly hard hit. Based on pan-Slavic imperialist philosophy, Putin has sought to wipe Ukraine off the map, not only physically — as he has been trying to do since 24 February 2022 — but also from collective Russian ideology. To this end, Putin has concocted a series of historical myths that seek to fragment, delegitimise and — above all — destroy Ukraine as a nation. This paper will attempt to reveal the imperial vision that Putin has revived, clarify what he thinks about Ukraine, and finally try to dismantle these ideas.

RUSSIA’S (AND PUTIN’S) IMPERIAL VISION

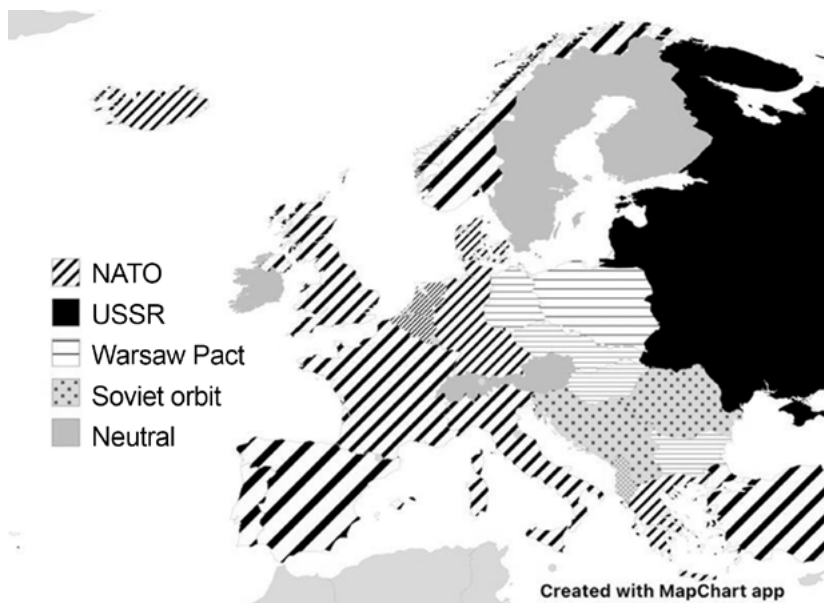
One of the great difficulties for Russia in general, and Putin in particular, is that behaving as a normal state adapted to international society involves respecting the principle of sovereign equality. While

this has neither been Putin's nor Russia's problem since the end of the USSR, rejection of this principle has become more evident since the current president's rise to power.

I will try to set out my argument succinctly. The creation of the modern state (15th century) and the Peace of Westphalia (1648) marked the beginning of the end for the imperial model as a 'political community'. While this statement is true, it took more than 300 years to finish off the empires entirely. In this sense, the First World War represented a confrontation between two models (the state and the imperial), where the latter was clearly defeated. Indeed, the demise of the imperial model triggered a reconfiguration of Central and Eastern Europe, with consequences that are still visible today. In this clash of models, one empire (the Tsarist) sided with the states, which prevented it from becoming a modern political community. Moreover, the 1917 Revolution allowed the USSR to remain an empire in a world dominated by states. Indeed, behind the façade of Bolshevik ideology, Moscow colonised territories such as the Baltic republics (Estonia, Latvia and Lithuania), the Caucasian republics (Georgia, Armenia and Azerbaijan), Belarus, and Ukraine itself. All these territories refused to form part of the Russian–Soviet imperial project, which meant that the Kremlin had to move Russian populations or use minorities close to Moscow — such as the Abkhaz in Georgia or the Armenians in Azerbaijan — to control the governments in those territories.

Beyond this idea of conquering and annexing territories, Moscow sought to extend its dominance to areas outside its jurisdiction, such as all the states that fell under the political concept of 'Eastern Europe', either belonging to the Warsaw Pact (Poland, Hungary or Czechoslovakia) or simply within its zone of influence (Albania, Romania or Yugoslavia).

MAP 1: Division of Europe into Western Europe and Eastern Europe



Source: Compiled by the author.

At this point, Moscow drew up the ‘Doctrine of Limited Sovereignty’ (or ‘Brezhnev Doctrine’), whereby states with the misfortune to fall within its sphere of interest were not able to take their own decisions, especially in foreign policy. In this way, when the line taken by the governments of these states went against Moscow’s interests, the Kremlin organised a military intervention to depose the ruler and replace him with someone more favourable (Olivie, 1995). This happened in Hungary in 1956, Czechoslovakia in 1968, and Poland in 1980. In short, these interventions indicated that the imperial action rationale was being maintained, as in these cases Moscow, despite doing so *de iure*, did not recognise the *de facto* independence of these states.

After the collapse of the USSR, Moscow maintained the imperial rationale, not only vis-à-vis the Central European states but also regarding the fourteen breakaway republics. In some cases, such as Ukraine, Moscow went so far as to produce a written document stating its respect for Ukrainian independence and territorial integrity, although that was not its intention. The Brezhnev Doctrine evolved into the 'Primakov Doctrine', and the initial actions arising from it were seen in Moldova, Georgia and Azerbaijan in the 1990s, where Moscow tried to support non-state groups (Russians, Ossetians, Abkhazians and Karabakis) to bend the will of the newly independent republics.

As the 21st century dawned, Putin's imperial actions became bolder and more public, inspired by authors such as Alexander Dugin, Sergei Uvarov or Ivan Ilyin (Manrique, 2022). The attempted manipulation of Ukraine's elections and the poisoning of opposition leader Viktor Yushchenko, the invasion of Georgia in August 2008 or the illegal annexation of Crimea are just a few examples of Putin's recent imperial actions. In any case, since his 2007 address to the Munich Security Conference (Carpenter, 2022), far from hiding, Putin has proudly displayed his imperial ideology without anyone at international level daring to criticise him. In fact, the tsarist imperial style has been increasingly evident in his public appearances, as demonstrated by the ostentatious 2018 inauguration ceremony or referring to quotations and statues of Catherine the Great, who annexed Crimea to the tsarist empire in 1793 (ABC, 2022).

As demonstrated in the essay he wrote in the summer of 2021 and the speech delivered a few days before the invasion of Ukraine, Putin's imperial leanings have only developed further. These two documents represent the culmination of his imperial vision of international relations, and both also espouse a maxim which formed the basis for the invasion: Ukraine does not exist, it is Russia.

WHAT IS UKRAINE FOR PUTIN?

President Putin seems to have been obsessed with history for some time. In fact, some of his closest aides have dared to reveal that he only reads history books, especially on the mythologised *Kyivan Rus*. This is basically a political community or federation of Slav-ic tribes, mistakenly called a state by some, which existed between the 9th and 13th centuries between the Baltic and Black Seas. Its founder was a Swedish Varangian (Viking) named Hrörekr, who the Russians renamed Rurik. Hrörekr, or Rurik if we follow the Russian view, founded this political community in Novogorod but Oleg 'the Prophet' moved its capital to Kyiv in 880, thus soundly founding the idealised Kyivan Rus.

Later, Sviatoslav I suppressed the Bulgarians, Alans and Magyars, among many others, imposing customs, language and a religion that would later serve to lay the foundations of Slav nationalism.

Kyivan Rus fell to the Mongols in 1240 and only the Kingdom of Ruthenia, the Novogorod Republic and the Moscow Principality survived, although these three successors had little to do with Ky-ivan Rus. This is why, for pan-Slav nationalism in general and Putin in particular, Russia is the heir to Kyivan Rus and, as such, has an obligation to help its brothers in faith to recover their identity.

Based on the Kyivan Rus concept, President Putin seeks to wipe out both the Ukrainian and Belarusian nations on the basis of two principles, one religious and the other political. The first, applicable to Ukraine and Belarus, is based on the idea that the three are one people in religious, linguistic and cultural terms. The second is that the model adopted by Ukraine, supposedly the Western model, is neither valid nor legitimate for a people like the Ukrainians.

In short, Putin is attempting to do away with both the cultural nation and the political nation, so that the only option left for Ukrainians is to become part of Russia. Let us now see how these two issues are structured.

Denial of the cultural nationhood of Ukraine (and Belarus)

According to President Putin, Ukrainians and Belarusians are actually part of a larger concept, i.e. the Russian people (Putin, 2022, p. 1), with whom they share a common past based on economic, dynastic, linguistic and religious ties (Putin, 2021, p. 3). Putin's idea is rooted in the tsarist empire (Putin, 2021, p. 6) and was later adopted by Stalin, although it should be noted that it was not shared by Lenin (Putin, 2022, p. 2) who, as far as Putin was concerned, was very permissive towards nationalities, especially the Georgians and the Ukrainians.

This negative perception of Lenin by Putin extends to other Soviet leaders such as Khrushchev (Putin, 2021, p. 2) and, above all, Gorbachev (Putin, 2021, p. 5), to whom he attributes many of Russia's current woes (Putin, 2021, p. 13). This rejection of some previous Soviet leaders fits the tsarist imperial model Putin emulates for his foreign policy.

For Putin, Ukraine is not a legal entity in itself (Putin, 2021, p. 6) because, according to his thinking, the current territory of the Republic of Ukraine is composed of two zones that, in his view, are really Russia. On one hand, there is what he calls New Russia (Novorossiia), an extensive strip of territory (shown in black on MAP 3) stretching from Donbas to the border with Moldova with its epicentre in Kherson (Putin, 2021, p. 9). This conception, based on Slavic nationalism and Orthodox faith (Putin, 2022, p. 1),¹ usually includes Crimea, although the peninsula is an entity of its own, according to Putin. On the other hand, to the north of this strip, the focus of the main fighting since March, is another fictitious construction that Putin calls Little Russia, *Malarossiia* in Russian, which is represented with dots on MAP 3 (Putin, 2021, p. 9).

1 Putin equates the concept of 'Russian' with that of 'Christian Orthodox': 'The people living in the south-west of what has historically been Russian land have called themselves Russians and Orthodox Christians' (Putin, 2022, p. 1).

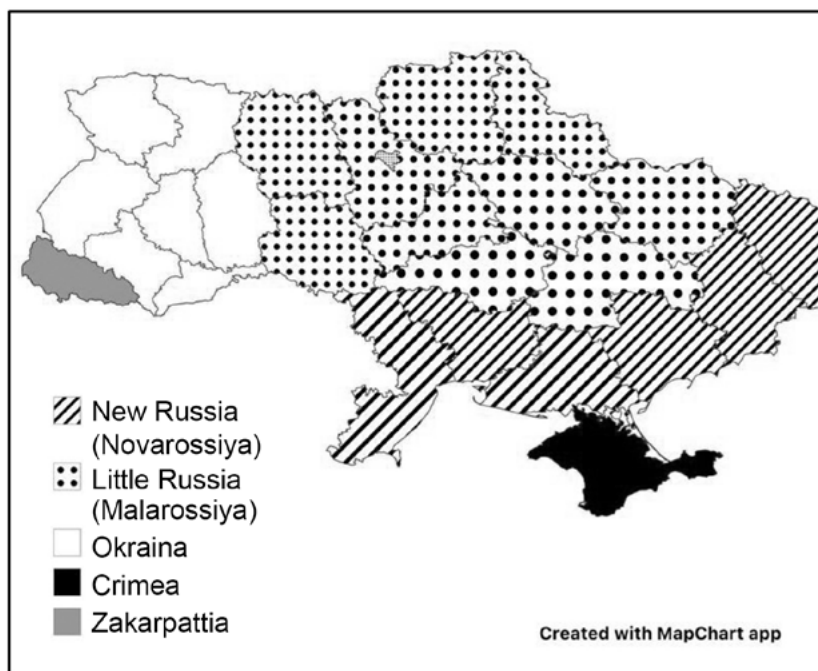
MAP 2: Kyivan Rus



Source: Encyclopædia Britannica

Putin only ‘concedes’ Ukraine a small part of its current territory — represented in white on MAP 3 — but erases its national character by stating that Ukraine in ‘old Russian’ is *okraina* (Putin, 2021, p. 5), a term that means ‘periphery’ in the sense of border territory. This would leave a small strip on the border with Hungary, which Putin does not mention, but which in the collective Slavic imagination is a Hungarian-populated territory of no interest.²

MAP 3: Putin’s vision set out in his essay.



Source: Compiled by author.

2 Indeed, there has been speculation that Prime Minister Viktor Orban may plan to annex it to Hungary should Ukraine come under Russian rule.

Not only does Russia deny Ukraine unity, it also claims the role of protector of the Orthodox populations of New Russia and Little Russia. Putin argues that these populations have historically suffered marginalisation and persecution at the hands of Poles and Lithuanians, so joining Russia was the only option to maintain their survival and culture (Putin, 2021, pp. 7–9). This idea of a ‘protector’ of the Russian population is an excuse used in his defence doctrines to legitimise military interventions (Putin, 2022, p. 11) in territories close to Russia. In other words, the protection of Russian or pro-Russian minorities is a common pretext for Moscow to invade territories in its sphere of influence. As a result, Russia has carried out political interference and military interventions in Moldova, Nagorno-Karabakh (Priego, 2007), Georgia (Priego, 2004, 2008) and, more recently, in Kazakhstan (Priego, 2022a) and Ukraine (Priego 2014d).

In the case in point, for many Russians Ukraine is nothing more than a kind of little sister that needs to be watched so that she ‘behaves herself’. In this paternalistic conception, the figure of the older brother — Russia — is fundamental, as ‘he’ must guide the younger sibling’s steps when she makes mistakes (Schwartz *et al.*, 2022). Therefore, in addition to the imperial idea that territories within its zone of influence must ask the emperor’s permission to decide their future (the Primakov Doctrine), in Ukraine’s case there is a sense of family ties that makes Russia think Ukraine is not old enough to decide its future. In other words, Kyiv is not only unable to do what it sees fit in terms of foreign policy, but it also does not know what is good for it. Once again, we see how Russia denies the principle of sovereign equality that forms the basis of today’s international society.

As mentioned above, Russia’s strategy begins by erasing the Ukrainian elements that make it a cultural nation so that it can be assimilated into the Russian ‘cultural collective’. Consequently, overturning the idea that Ukraine might be a cultural nation also rules it out as a political nation, and thus a state of its own. Far from being Putin’s invention, this strategy can be seen as a continuation of the policies pursued by his two political references: the tsarist

empire and Stalin. While the Tsars categorically banned the use of Ukrainian in the second half of the 19th century, Stalin implemented a major Russification policy in Ukraine, with measures such as banning learning Ukrainian outside the Ukrainian Soviet Socialist Republic (Kravchenko, 2015), or continuously caricaturing Ukrainians as dumb Cossacks in pantaloons (Schwartz *et al.*, 2022).

Denial of the Ukrainian political nation

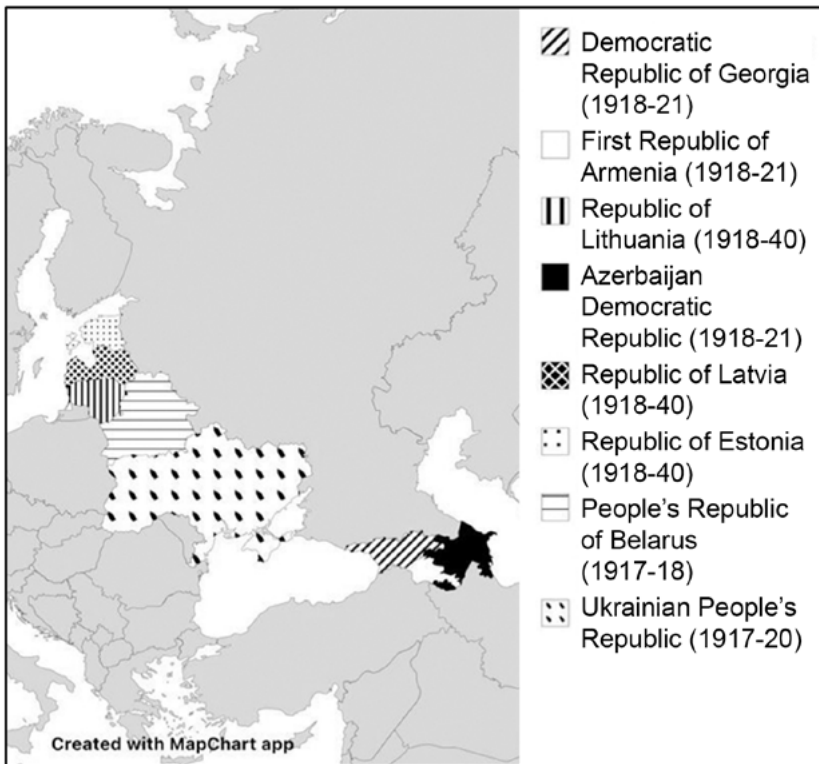
As well as nullifying the common cultural and religious elements of the Ukrainian cultural nation (or nations),³ President Putin has made it clear that Ukraine cannot follow any other political model than the one proposed or imposed by the Kremlin (Putin, 2022, p. 8). He specifically claims that Ukraine has no real state tradition, and that Kyiv therefore imitates foreign models with no connection to Ukrainian history and tradition. This statement has two clear consequences. On one hand, Ukrainian history prior to the Tsarist conquest and the political communities that followed, including the Kyivan Rus, the Golden Horde or the Zaporizhian Host, are eliminated. On the other, this erased the period during which the Ukrainian People's Republic (1917–1921) was an independent state with all its constituent elements (territory, population and government), plus recognition⁴ by 26 states (40%) of the 65 that made up the international community at the time.

3 Russians, Ukrainians, Romanians, Hungarians, Bulgarians and Tatars are clearly members of different cultural nations present in today's Republic of Ukraine.

4 The Ukrainian People's Republic was recognised by France, the United Kingdom, the Germany of Wilhelm I, the Austro-Hungarian Empire, the Kingdom of Bulgaria, the Ottoman Empire, the Russian Soviet Federative Socialist Republic, Poland (both in its regency phase and in the Second Republic), the Kingdom of Greece, the Holy See, Argentina, the Kingdom of Romania, Estonia, Latvia, the People's Republic of Belarus, the Azerbaijan Democratic Republic, the Democratic Republic of Georgia, the Kingdom of Spain, Denmark, the Kingdom of Norway, the Kingdom of Italy, Persia (modern-day Iran), Switzerland and Sweden.

This consideration is not something Putin has applied exclusively to Ukraine; it is rather general in relation to all territories that belonged to the USSR after a period of independence. Putin not only denies this previous experience, but he also believes that Ukraine's independence in 1991 was not legitimate and only achieved thanks to Gorbachev's erratic policies.

MAP 4: Independent states that were incorporated into the USSR.



Source: Compiled by author

Indeed, Putin draws a parallel between Lenin's policy and the subsequent creation of the Ukrainian People's Republic and Gor-

bachev's policy and the subsequent creation of the Republic of Ukraine. For Putin, the idea of Ukraine as a political nation that could be an independent state is something introduced by Polish politicians who settled in Malorussia (Putin, 2021, p. 11), and later by the action of Europeans who manipulated the situation to achieve their interests. If we link this statement to pan-Slav nationalism, we understand why Putin has targeted cities such as Lviv or Odessa, two cities identified by Ilyin as centres where Western ideas penetrated the Tsarist Empire (Manrique, 2022, p. 7).

President Putin even avoids speaking about Ukrainians as a collective when referring to people born in or near Ukraine, even if they are Russophiles. This was the case for Nikita Khrushchev⁵ or Leonidas Brezhnev, whom Putin repeatedly refers to as 'Malorussians', i.e. Little Russians or inhabitants of the invented territory Putin has called *Malarossiya* (Malorussia in English) (Putin, 2022, p. 7).

To round off this section, we should restate that, in addition to the invasion Ukraine is suffering today, Putin has tried to eliminate both the Ukrainian cultural nation and the Ukrainian political nation, as these are the foundations for the current Republic of Ukraine, an independent state since 1991.

WHY IS UKRAINE AN INDEPENDENT STATE?

First, we should be aware that Putin is using the concept of cultural nation, not political nation, to deny the existence of the Ukrainian people. We should initially be aware that the concept of cultural nationhood is nothing more than a construct sometimes manipulated to justify illegitimate actions from the point of view of international law. Thus, the alleged rights of a people or the mistreatment of a certain minority are used to justify military interventions or the annexation of certain territories. Examples of this can be seen in

5 Although Khrushchev was born in Kursk Oblast, Putin considers him to be from Malorussia.

the spread of Nazi Germany across Europe or Iraq's invasion of Kuwait in 1990. In these cases, a cultural nation extended its reach over other states, establishing transnational cultural ties. This does not imply, under any circumstances, that it is legitimate to intervene in, or annex, territories where the population shares language, religion or cultural traditions. Indeed, if we accept Putin's argument, France would be entitled to invade or annex the Walloon Region in Belgium or the French-speaking cantons in Switzerland, or Spain could even claim territories in Latin America.

In contrast to this Russian justification of what Ukraine should be, since the 1990s Kyiv has based its nation-building on what Habermas (1989, p. 84) called 'constitutional patriotism', i.e. constructing the idea of a nation using values such as democracy and rights or the separation of powers embodied in a constitution. Following Ukraine's independence from the USSR, we saw how the main supporters of the Ukrainian Republic were not the Ukrainian-speaking citizens who mainly lived in the countryside, but Russian-speakers who lived in industrial Ukrainian cities and accounted for up to 90 percent of the population (Chotiner, 2022) in places such as Mariupol, Zaporizhzhia or Kryvyi Rih, the city where Volodimir Zelensky was born.

In addition to the Ukrainian people's willingness to unite around values rather than cultural elements, it should be noted that since the beginning of this century, and especially since 2014, there has been a clear intent to use cultural elements to unite the population around the idea of Ukraine. I am specifically referring to the Ukrainian language, increasingly used by the country's citizens (Chotiner, 2022). Russian is seen as a language that links them to the Soviet past from which they want to escape (Armitage, 2022). This upsurge of Ukrainian contrasts with situations under the Tsars (1860–1900), or later under Stalin, when the population was forbidden to speak or learn it. These prohibitions naturally favoured the use of Russian over Ukrainian, preventing the notion of a nation from being exclusively constructed around cultural elements.

After examining Putin's arguments for denying the cultural and political existence of the Ukrainian nation, it is appropriate to dismantle the arguments that point to the non-existence of past Ukrainian political communities of their own. In this respect we should highlight the Ukrainian People's Republic, the Cossack *Hetmanate* of Zaporizhzhia or, before that, the mythical Kyivan Rus. All these political communities have helped Ukraine to acquire its own political experience on which to base the construction of the current Ukrainian Republic, something that Moscow denies.

The third element of the Russian denialist narrative is the alleged Western manipulation of Ukrainian will. The Kremlin argues that Ukraine is nothing more than a Western idea created to act against Russia's interests. This argument is used not only to explain the current situation, but also to talk about periods in the past when Ukraine actively cooperated with Poland or Lithuania. Basically, Putin cannot accept that a state might be more attracted to Western models than those offered from Moscow. It is precisely this rejection of Western influence that has strengthened Ukraine's desire to be part of international organisations such as the EU and NATO. In any case, this 'look west' policy is not unique to Ukraine; other countries such as the Baltic states, Moldova, Georgia and Azerbaijan have done the same.

CONCLUSIONS

President Putin has adopted a neo-imperialist policy with at least two clear targets: Georgia and Ukraine. In both cases, the strategy has been not only military invasion but erasing these peoples as a political concept. The Kremlin thus seeks to delegitimise national projects launched after the dissolution of the USSR.

This strategy is based on a twisted use of history to eliminate the linguistic and religious elements that make up the cultural nation, the denial of previous political experiences and, above all, the claim that the independence of these states is nothing more than the result of a Western strategy to harm Russia. All these arguments border on

the grotesque, so all we have left to say is that Ukraine does indeed exist.

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The fake genocide in the Donbas (Second fallacy: ‘The Special Military Operation is a response to the genocide committed by Ukraine’)

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INTRODUCTION: PUTIN’S ACCUSATIONS AGAINST THE UKRAINIAN GOVERNMENT

In his address on 21 February 2022, President Vladimir Putin of the Russian Federation denounced the ‘horror and genocide’ suffered by the inhabitants of Donbas, a region in eastern Ukraine, and went on to immediately recognise the independence of the Donetsk People’s Republic and the Luhansk People’s Republic (Putin, 2022a). Only two days later Putin announced the start of a military intervention in Ukraine, reaffirming his very serious accusation against the Ukrainian authorities and turning it into an authentic *casus bello* against the neighbouring country:

This brings me to the situation in Donbas. We can see that the forces that staged the coup in Ukraine in 2014 have seized power, are keeping it with the help of ornamental electoral procedures and have abandoned the path of a peaceful conflict settlement. For eight years, for eight endless years we have been doing everything possible to settle the situation by peaceful political means. Everything was all vain.

As I said in my previous address, you cannot look without compassion at what is happening there. It became impossible to tolerate it. We had to stop that atrocity, that genocide of the millions of people who live there and who pinned their hopes on Russia, on all of us. It is their aspirations, the feelings and pain of these people that were the main motivating force behind our decision to recognise the independence of the Donbas People's Republics. [...]. The purpose of this operation is to protect people who, for eight years now, have been facing humiliation and genocide perpetrated by the Kyiv regime. To this end, we will seek to demilitarize and denazify Ukraine, as well as bring to trial those who perpetrated numerous bloody crimes against civilians, including against citizens of the Russian Federation (Putin, 2022b).¹

The same line of argument would be reproduced in the following hours and days by the heads of Russian diplomacy. On 25 February, Foreign Minister Sergey Lavrov justified Russia's military actions against Ukraine to prevent neo-Nazis and those who promote methods of genocide from ruling Ukraine ("Kiev regime controlled by," 2022).²

Ultimately, Russia has accused Ukraine of having committed — and of committing — acts of genocide in Luhansk and Donetsk and has reacted by recognising the two rebel republics in eastern Ukraine as independent states, taking military action against its neighbouring country in a declared attempt to stop and punish such alleged acts of genocide.

1 The emphasis is by the author.

2 In his address to the UN Security Council on 23 February 2022, the Russian Permanent Representative stated that the 'special operation' aims to protect people who have been exposed to genocide by the Kyiv regime (Nebenzia, 2022). Two days later, when asked about President Putin's reference to genocide as a justification for military intervention in Ukraine, Russia's ambassador to the EU replied that it was possible to use the official term 'genocide' under international law (Gotev, 2022).

In any case, it should be noted that Russia's accusations of genocide against the Ukrainian authorities are nothing new and not a last-minute attempt by Russian leaders to legitimise their military intervention in extremis. In fact, once the war in Donbas began on 6 April 2014, Putin repeatedly said that he believed the Ukrainian authorities were committing genocide in the region. In February 2015, the Russian president claimed that when the Ukrainian government cut-off gas supplies to the pro-Russian separatist regions of Donetsk and Luhansk, this smacked of genocide ("Putin says cut-off," 2015). In December 2019, he predicted a mass slaughter of ethnic Russians in Donbas, similar to the 1995 Srebrenica massacre during the Bosnian war ("Putin warns of second Srebrenica," 2019). Finally, in December 2021, shortly before ordering the deployment of Russian troops on the Ukrainian border that would be the prelude to his attack on the neighbouring country, Putin warned that the conflict in Donbas resembled genocide ("Putin says conflict in," 2021).

Are these accusations based on some kind of evidence or a factual basis, or are they yet another of Putin's fallacies in his information war — probably the most serious and humiliating — to justify the use of force against Ukraine? The answer lies in action by the main international actors involved in the conflict that Ukraine, particularly the Donbas region, has suffered over the past eight years. In this sense, it is necessary to analyse the reports and public statements of international institutions that were directly involved in the armed conflict in eastern Ukraine and that were present on the ground. Likewise, the work of human rights NGOs will be essential to answer this question.

Before moving on, it should be noted that, from the international legal stance, genocide is defined and regulated by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, in force since January 1951, to which both Russia and Ukraine are State Parties. According to Article II of that treaty:

genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.³

As can be seen, this is “a type of criminal act which, by violating legal-humanitarian rules that protect essential individual and collective interests, constitutes the most serious expression of crimes against humanity” (Díez de Velasco, 2013, p. 905).

THE WAR IN DONBAS AND THE ACTION OF INTERNATIONAL INSTITUTIONS

This section will examine actions by the international institutions directly involved in the conflict in Ukraine since 2014, specifically in the war in Donbas. In this regard, firstly, we will see that, as international organisations, the United Nations and the OSCE have direct knowledge of the facts through their international ground missions. We will also examine the role played by international tribunals that have been involved in the Ukrainian conflict in various ways.

3 Taken from <https://www.ohchr.org/es/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>

The role of the United Nations: the UN Human Rights Monitoring Mission in Ukraine (HRMMU)

The United Nations High Commissioner for Human Rights (OHCHR) has been present in Ukraine through the UN Human Rights Monitoring Mission in Ukraine (HRMMU), which monitors, reports and advocates on the human rights situation in Ukraine, with a particular focus on the conflict zone of eastern Ukraine and the Autonomous Republic of Crimea and the city of Sebastopol (Ukraine), temporarily occupied by the Russian Federation (OHCHR, 2020). Since Russia launched the war against Ukraine, the Mission has remained in the country, adapting to the reality of the war and observing its impact on human rights at close quarters. It should be stressed that the HRMMU performs its role at the invitation of the Ukrainian government (OHCHR, 2020).

To date, the HRMMU's activity has produced 33 OHCHR reports on the human rights situation in Ukraine. We will refer to the last (OHCHR, 2022), highlighting aspects such as:

The OHCHR commends the Ukrainian government's efforts to prosecute war crimes, but also regrets that the President of Ukraine has not yet signed the Law On Amendments to the Criminal and Criminal Procedure Codes of Ukraine concerning the implementation of the norms of International Criminal and Humanitarian Law and urges him to sign it.⁴

The OHCHR remains concerned that 'courts' in the self-proclaimed 'republics' of Donetsk and Luhansk continue to convict individuals for conflict-related crimes in proceedings that do not meet international fair trial standards and may therefore constitute war crimes.

4 This law introduces criminal accountability for genocide, crimes against humanity, war crimes and crimes of aggression in accordance with the Rome Statute and general principles of international criminal law, thus aligning Ukrainian legislation with international law in this area; it would represent a positive step towards ensuring accountability for international crimes (OHCHR, 2022).

Regarding accountability for killings and violent deaths during the Maidan protests and the violence in Odessa in 2014, the report notes little or no progress in criminal offences related to the former and limited progress in prosecutions related to the latter.

In the light of the OHCHR reports, it should be noted that while there is no doubt that war crimes have been committed by Ukrainian forces in the Donbas war and that progress towards prosecution is insufficient, the UN Mission has, at no time, identified evidence of genocide by the Ukrainian state.

OSCE deployment in Ukraine

On 21 March 2014, the OSCE Permanent Council decided to deploy a Special Monitoring Mission to Ukraine (SMM), consisting of unarmed civilians. The Mission was launched following a request from the Ukrainian government to the OSCE, agreed by consensus by all 57 OSCE State Parties, including Ukraine and Russia.

The Mission's mandate ended on 31 March 2022 due to Russia's refusal to extend it (Liechtenstein, 2022). It was put in place to gather information and report on the security situation, establishing and reporting the facts, especially regarding specific incidents on the ground. The SMM's ultimate goal was to help Ukraine reduce tensions and facilitate dialogue between all parties. Security and respect for human rights, particularly concerning national minorities, have been prioritised by the SMM through mediation, verification and pacification (Díaz Galán, 2019).

The SMM consisted of nearly 700 unarmed civilian observers from more than 40 participating OSCE member states. Crucially, their mandate covered the entire territory of Ukraine, although the vast majority of observers, around 600, worked in the Donetsk and Luhansk regions. The measures the OSCE implemented in Ukraine had "the sole purpose of ensuring stability in the region and, above all, preventing the conflict from spreading" (Díaz Galán, 2019, p. 19).

It should be noted that the daily reports produced by the SMM over almost eight years (see OSCE, 2022) never referenced any acts related in any way to a crime of genocide by the Ukrainian authorities against the population of Donbas. Unsurprisingly, no evidence or accusations against the Ukrainian state can be found in the sections devoted to Ukraine in the OSCE annual reports (see, for example, OSCE, 2021).

International judicial institutions

In the case of international judicial institutions, we will refer to the role of the international tribunals which have been dealing with the events in Ukraine since 2014 in various ways, by virtue of their respective competences. These are the International Criminal Court (ICC) and the International Court of Justice (ICJ).

We will not, however, analyse the role played by the European Court of Human Rights, which has yet to process cases of human rights violations in Donbas, although we would point out that it issued a series of rulings in early 2021 on several cases of violent repression of citizen protests during the Maidan Uprising, determining the Ukrainian state's responsibility for illegal arrests, ill-treatment, kidnappings and, in one case, the murder of demonstrators between November 2013 and February 2014, i.e. during Viktor Yanukovich's presidency (European Court of Human Rights, 2021).

The International Criminal Court and Ukraine: from preliminary examination to opening an investigation

According to the Rome Statute of 17 July 1998, in force since 1 July 2002, the ICC has jurisdiction over the following crimes (ex art. 5.1): a) The crime of genocide; b) Crimes against humanity; c) War crimes; d) The crime of aggression. According to the Statute, these are the "most serious crimes of concern to the international commu-

nity as a whole.”⁵ It should be noted that the crime of genocide (ex Art. 6) is defined in identical terms to the 1948 Convention.

Although the fact that neither Ukraine nor Russia is a state party to the ICC has undoubtedly impaired its capacity for action and may surely condition its effectiveness in the future, it should be noted that the Court has investigated alleged crimes committed on Ukrainian territory, not only in Donbas. In this respect, it has conducted a Preliminary Examination of the situation in Ukraine since 24 April 2014, on the basis of an initial *ad hoc* declaration submitted by the Ukrainian government accepting the Court’s jurisdiction. This was subsequently extended by a second declaration from Ukraine, submitted in 2015, to cover alleged crimes committed on Ukrainian territory from 20 February 2014 onwards. In the closing phase of the preliminary examination, the then ICC Prosecutor Fatou Bensouda stated that:

Specifically, and without prejudice to any other crimes which may be identified during the course of an investigation, my Office has concluded that there is a reasonable basis at this time to believe that a broad range of conduct constituting war crimes and crimes against humanity within the jurisdiction of the Court have been committed in the context of the situation in Ukraine. These findings, which will be spelled out in more detail in our annual Report on Preliminary Examination Activities, include three broad clusters of victimisation: (i) crimes committed in the context of the conduct of hostilities; (ii) crimes committed during detentions; and (iii) crimes committed in Crimea. My Office furthermore found that these crimes, committed by the different parties to the conflict, were also sufficiently grave to warrant investigation by my Office, both in quantitative and qualitative terms. (Bensouda, 2020).

Shortly after the war broke out in Ukraine on 2 March 2022, Karim Khan, the current ICC Prosecutor, announced that he had opened an

5 Extracted from <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

investigation into the situation in Ukraine based on referrals from a number of State Parties to the Statute on the subject.⁶ The scope of the investigation covers any past and present allegations of war crimes, crimes against humanity or genocide committed in any part of the territory of Ukraine, by any person, from 21 November 2013 onwards⁷ (International Criminal Court, 2022). Consequently, regardless of the findings of the ICC prosecutor's open and ongoing investigation, it should be noted that no evidence of genocide committed by the Ukrainian authorities was found at the preliminary stage.

Ukrainian claims before the International Court of Justice

The International Court of Justice is one of the six main bodies of the United Nations, and the principal judicial organ of the UN. The function of the Court is to settle legal disputes submitted to it by States in accordance with international law, and to give advisory

6 Specifically, Lithuania made the first referral to the prosecutor's office on 1 March 2022. The following coordinated group of States Party submitted a joint submission on 2 March 2022: Republic of Albania, Commonwealth of Australia, Republic of Austria, Kingdom of Belgium, Republic of Bulgaria, Canada, Republic of Colombia, Republic of Costa Rica, Republic of Croatia, Republic of Cyprus, Czech Republic, Kingdom of Denmark, Republic of Estonia, Republic of Finland, Republic of France, Georgia, Federal Republic of Germany, Hellenic Republic, Hungary, Republic of Iceland, Ireland, Republic of Italy, Republic of Latvia, Principality of Liechtenstein, Grand Duchy of Luxembourg, Republic of Malta, New Zealand, Kingdom of Norway, Kingdom of the Netherlands, Republic of Poland, Republic of Portugal, Romania, Slovak Republic, Republic of Slovenia, Kingdom of Spain, Kingdom of Sweden, Swiss Confederation, United Kingdom of Great Britain and Northern Ireland (ICC, 2022).

7 On 28 February 2022 Mr Khan announced that he would apply to the Court's Pre-Trial Chamber for authorisation to open an investigation into the situation in Ukraine, based on the Prosecutor's previous findings from its preliminary examination, and that this investigation would cover any new alleged crimes within the Court's jurisdiction. Khan also recalled that if one of the 123 States Party to the ICC submitted a referral, the Office of the Prosecutor could begin investigations directly without the authorisation of the Court judges, a situation which occurred only a few days later (ICC Prosecutor Requests (...), 2022).

opinions on legal questions referred to it by the authorised organs of the United Nations and specialised agencies.

It should be noted that two cases initiated by Ukraine against the Russian Federation are currently pending before the ICJ. The first of these was the result of a lawsuit brought by the Ukrainian government in January 2017 under the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. Indeed, to date Russia has participated fully in this first case, in which the ICJ issued provisional measures against Russia in April 2017 in an attempt to safeguard Ukraine's rights with regard to the Crimean Tatar community's ability to retain its representative institutions and the need to guarantee Ukrainian-language education schools in Crimea. Furthermore, and evoking the Minsk Agreements of 12 February 2015, the Court unanimously ordered both parties (including the judge appointed by Russia) to refrain from any action that might aggravate or extend the dispute before the Court or make it more difficult to resolve (International Court of Justice, 2017).

As for the second case, the most important for the purposes of this chapter, the Court bases its jurisdiction on the aforementioned Genocide Convention, invoked by the Ukrainian state to defend itself against Russia's accusations and in reaction to Putin's use of force against Ukraine. Indeed, just three days after Putin ordered the start of hostilities, the Kyiv government filed an application with the ICJ on 26 February 2022, seeking clarification from the Court under Article IX of the Genocide Convention. In its claim, Ukraine strongly rejects the accusations made by Moscow to justify the use of force against Ukraine and asks the Court, among other things, to declare that Ukraine has not committed any crime of genocide in the Ukrainian provinces of Luhansk and Donetsk (International Court of Justice, 2022a).

On 16 March, the ICJ imposed provisional measures after accepting Ukraine's request, urging Russia to suspend military operations it had initiated against Ukraine and urging all parties to refrain

from actions that would aggravate the conflict (International Court of Justice, 2022b). The Russian government did not attend the initial hearing, although it did send a brief rejecting the Court's jurisdiction on the case (Boeglin, 2022).

In view of the cases pending before the ICJ, it is very telling that Ukraine is willing to submit to the jurisdiction of the Court, particularly with regard to its second application, in which it is willing to cooperate with the UN judicial body to clarify where it stands regarding Russia's accusation of having committed a crime of genocide on its own territory.

HUMAN RIGHTS NGOs: AMNESTY INTERNATIONAL AND HUMAN RIGHTS WATCH

Amnesty International (AI) and Human Rights Watch (HRW) are two non-governmental organisations working in Ukraine since the war broke out in 2014. In this respect, we would mention the joint report in 2016 entitled *You don't exist*, which documented the practice of arbitrary and prolonged detention of civilians as well as torture and other degrading treatment, both by the Ukrainian authorities and by Russian-backed separatist forces in the Donbas region (Amnesty International, Human Rights Watch, 2016).

Four years later, the two entities produced a joint statement which helps us to assess the human rights situation in eastern Ukraine and, implicitly, Russia's accusation against the Ukrainian government. We would highlight the following points from this document (Amnesty International, Human Rights Watch, 2020) here:

At the time of writing, AI and HRW were not aware of any new cases of enforced disappearances and secret detentions by Ukrainian security services since 2016. However, they note that the UN Mission to Ukraine has continued to document short-term arbitrary detentions by the Security Service of Ukraine (SBU).

The Russian-backed *de facto* authorities in the Donetsk and Luhansk regions have continued their practice of unlawful confinement and torture and other methods of ill-treating persons. No action has been taken to investigate reports of abduction, arbitrary and prolonged detention of civilians, torture and other ill-treatment of detainees in the non-government-controlled areas of the Donetsk and Luhansk regions of Ukraine, and there is no indication that these crimes against humanity have ceased.

Russian-backed armed groups in eastern Ukraine have continued to illegally arrest civilians, refusing to acknowledge any confinement, concealing the fate or whereabouts of missing persons and subjecting them to physical and psychological violence. Since the report was published, nobody has been held accountable for these practices.

Throughout the period 2016–2020, AI and HRW have received information on other cases of unlawful deprivation of liberty and torture and ill-treatment of civilians by members of armed groups. Information is difficult to verify due to lack of access for human rights observers to non-government-controlled areas. The *de facto* authorities in these areas continue to deny humanitarian organisations and the HRMMU access to places of detention.

AI and HRW call on the Ukrainian authorities to demonstrate the political will to fully investigate, and hold to account, those responsible for enforced disappearances and torture in SBU custody. Both organisations also call on the *de facto* authorities in Donetsk and Luhansk to put an immediate end to arbitrary detention, torture and other forms of ill-treatment of detainees.

Serious human rights violations have undoubtedly been committed by both sides which may amount to war crimes or crimes against humanity. However, without detracting one iota of seriousness from the allegations made by AI and HRW in their 2016 and 2020 statements, there is no way to infer that the Ukrainian state committed the crime of genocide either between 2014 and 2016 or between 2016 and 2020.

GENOCIDE AS A PRETEXT FOR COMMITTING AN ACT OF AGGRESSION

The sections referred to above confirm that Putin's very serious accusation against Ukraine lacks any basis in the events in Donbas over the course of the eight-year conflict. As a result, it is worth questioning the causes that led the Russian president to elaborate his *casus belli* against Ukraine around the accusation of committing genocide against the population of Donbas.

We believe that there are two reasons for this: one is an *ad intra* justification for Russian society, an absolute priority for Putin, and another *ad extra* one targeting the major powers and international organisations involved in the Ukrainian conflict, and, more broadly, due to the content of the accusation, the international community as a whole.

First, Putin's top priority is undoubtedly to gain domestic support and legitimisation from Russian society, whom he is addressing directly. The aim is to inform the Russian people about a decision of obvious historical importance after eight years of Russian involvement in the Ukrainian conflict. Pleading that a crime of genocide has been committed against a population that is mainly Russian-speaking and pro-Russian, Putin appeals to Russia's duty as a great power to protect a Russian-linked national minority in Ukraine, thereby defending its national interests and ensuring its own security.

We should not forget that, in a domestic socio-political context such as Russia under Putin's increasingly authoritarian leanings, such arguments cannot be refuted either by weak and uninformed public opinion or by a harassed and marginalised political opposition. We should also bear in mind that genocide is inextricably linked to the Jewish Holocaust during World War II. In this sense, the accusation ties in with the need to 'denazify' Ukraine, another objective stated by Putin in his address at the start of the war. The Russian president thus intends to present himself to his compatriots as the statesman

capable of defeating the Nazi enemy once again, as the USSR did in 1945, never ceasing to claim this Soviet idea of grandeur.

There is also the notion of a military intervention to prevent an alleged genocide. This is undoubtedly a powerful rationale that not only appeals to the Russian people but is also meant to implicitly allude to the international community's responsibility for the most horrendous of international crimes. It should be made clear that appealing to the international community in this way does not mean that Russia is seeking authorisation from the UN Security Council to act against Ukraine under Chapter VII of the Charter of San Francisco, but it is merely informing of its right to exercise unilateral action that it considers legitimate.

In this case, however, unlike at home, Russia's appeal to the international community implicit in the accusation of genocide has lacked any credibility. This was demonstrated by the rebuff from the UN Security Council, where the condemnation was only thwarted by Russia's own veto, and, above all, from the UN General Assembly (2022), alongside other international forums such as the G-20, which have openly condemned the Russian state's use of force against Ukraine. Crucially, Russia's allies have pointed out that Moscow has the right to defend itself against NATO expansionism to justify Putin's war-mongering decision, but they did not support Russia's genocide thesis.

Furthermore, in such momentous decisions as the use of force, political leaders never act without pleading a supposed legal basis, because no leader, not even the most egregious of autocrats, wants to appear to the world as flagrantly violating international law. Putin is no exception, justifying his attack on Ukraine by seeking an anchor in international law:

In this context, in accordance with Article 51 (Chapter VII) of the UN Charter, with permission of Russia's Federation Council, and in execution of the treaties of friendship and mutual assistance with the Donetsk People's Republic and the Lugansk People's Republic, ratified by the Federal Assembly on February 22, I made a decision to carry out a special military operation.

The purpose of this operation is to protect people who, for eight years now, have been facing humiliation and genocide perpetrated by the Kiev regime⁸ (Putin, 2022b).

Undoubtedly, the absence of genocide leaves Russia's military action with neither cause nor objective, and it also prevents Putin's government from clinging to any moral principle that might justify its military intervention as a just war based on the need for humanitarian intervention. Based on this observation, it is worth focusing on two legally relevant issues: the invocation of Article 51 of the UN Charter, and the objective of protecting the population of Donbas from genocide by Ukraine.

In his explicit reference to Article 51 of the UN Charter, given that Russia has never been the target of an armed attack by Ukraine, Putin appears to be pleading collective self-defence to come to the aid of two friendly republics that asked for his assistance. These republics are, strictly speaking, *de facto* states that were only recognised by Russia two days before the military action began, and by some of its allies. In this regard, we should remember that Russian interference over the past eight years has been instrumental in depriving Ukraine of effective control over Donetsk and Luhansk. Indeed, it should not be forgotten that Russia has been directly responsible for the situation in the Donbas region since 2014, engaging in a hybrid warfare strategy in which it has openly supported the rebel forces of the pro-independence republics of Donetsk and Luhansk. The rules of international law are clear in this regard, as they prohibit international recognition of states that have emerged as a result of the illegal use of force.

Allusion to the Responsibility to Protect principle could also be inferred from his statement of 23 February. Putin does indeed state that Russia will take military action to protect the population of Donbas, although we consider that this cannot be linked to the Responsibility to Protect principle in any way, for two reasons: 1) there

8 Emphasis is the author's own.

is no room for unilateral invocation and application of this principle which, in its current legal-institutional configuration, can only be applied by the Security Council in the context of Chapter VII of the UN Charter; 2) the Russian government itself explicitly rejects the inspiring philosophy, based on the notion of ‘responsible sovereignty’, of this principle, at least since the war in Libya. This would therefore be a spurious invocation of the responsibility to protect.

From a legal point of view, we are therefore faced with an arbitrary use of force that is contrary to international law and constitutes a crime of aggression, as declared by the UN General Assembly (2022), in accordance with the definition of the International Criminal Court. Russia is thus flagrantly violating the general prohibition to use force, as well as the duty to settle its conflicts and disputes by peaceful means.

CONCLUSIONS

In the period from the outbreak of the war in Donbas to the beginning of the current Russian invasion, none of the international institutions consulted has made any accusations against the Ukrainian authorities of committing, or attempting to commit, a crime of genocide against the Donbas population. There is therefore no evidence of genocide, either in the reports of intergovernmental organisations or in the investigations of the competent international tribunals, in particular the ICC.

Neither can we find evidence of Ukrainian genocide in the Donbas region in the various documents that specialised NGOs have been producing and publishing for almost eight years as a result of their presence in Ukraine’s conflict zones, particularly Donbas.

Nevertheless, independent reports do confirm that in the context of the war in Donbas, both Ukrainian forces and pro-Russian separatist forces have committed human rights violations, ranging from

arbitrary detention to torture. In other words, this refers to possible war crimes and crimes against humanity on both sides.

In this respect, it should be recalled that continued Russian interference, through various instruments of a coercive nature, has been crucial to generate and keep the Donbas conflict alive for eight years. It should also be noted that, as a result of this interference by a foreign power, Ukraine no longer has *de facto* control of part of its territory, i.e. the area of Donetsk and Luhansk taken over by the pro-independence forces, with Moscow's indispensable support.

Ukraine's conduct in accepting *motu proprio* the jurisdiction of the ICC and bringing the case to the ICJ through the Genocide Convention is clear evidence of good faith on the part of the Ukrainian authorities to investigate facts that might constitute not only a crime of genocide, but also war crimes and crimes against humanity.

Likewise, Ukraine's attitude towards intergovernmental organisations involved in the war in Donbas should be assessed. Both Ukraine's request to the OSCE to deploy a special mission throughout its national territory and its invitation to the HRMMU to carry out its work, especially in Donbas, should be assessed in the light of the principle of cooperation in good faith. Recent history indicates that regimes suspected or accused of genocide do not cooperate with international authorities. They often entrench themselves in the principle of non-intervention in home affairs, using it deviously to conceal or condone their misdeeds.

Russia has demonstrated a very different attitude, as it is not a party to the Rome Statute, has never been willing to recognise the ICC's jurisdiction over Ukraine and has never cooperated with it. Moscow also failed to appear in The Hague at the start of the second ICJ case and denies the UN judicial body's jurisdiction in the matter. With regard to actions by intergovernmental organisations, it should be noted that Russia opposed the renewal of the OSCE mission in Ukraine, while the *de facto* authorities in Donetsk and Luhansk, always supported by the Russian government, do not cooperate with the OHCHR mission at all.

The lack of evidence of genocide highlights the absence of any moral or ethical basis for the intervention, which would at least justify it as a military intervention on humanitarian grounds.

From a legal point of view, moreover, there is no basis under international law to justify Russia's military intervention against Ukraine. Neither collective self-defence nor the R2P principle can be invoked by Russia on a valid basis. Consequently, the 'special military operation' carried out in legitimate self-defence under Article 51 of the UN Charter — as claimed by the Russian president — is nothing but a euphemism for an arbitrary and uncontrolled use of force, completely contrary to the rules governing *ius ad bellum*, and which constitutes a real act of aggression, according to the UN General Assembly.

In short, the alleged genocide in Donbas by the Ukrainian authorities only took place in the minds of Putin and his cronies. Moreover, the Russian aggression against Ukraine, an international crime in itself, brings with it serious human rights violations attributable to the Armed Forces of the Russian Federation that may constitute war crimes, crimes against humanity and, ironically, even a real crime of genocide.

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A full-blown attack

(Third fallacy: ‘The Russian Army has not committed international crimes in Ukraine’)

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INTRODUCTION

International law as we know it today began to take shape five centuries ago, its construction inspired by the same objective as today: the search for peace. This is a particular right, and modifications to it are not usually the result of calm and consensual reflection over time. It is often the case that, after major failures in the pursuit of this end, usually following devastating conflicts, leaders become aware of the need to avoid a repetition to improve the shortcomings of the system that led to its downfall. As Professor Víctor Sánchez points out:

From time to time, the forces temporarily contained by this law erupt violently, causing new international legal systems to emerge with their constituent power, containing essential principles and operating mechanisms in which elements of continuity and alterations to the previous system are combined (Sánchez, 2010, p. 43).

The Peace of Westphalia is regarded as the norm that changed the foundations of international society and established premises that the passage of time has not been able to erase. We might say that the system hinges on recognising sovereign equality and the conse-

quent principle of states' non-intervention in internal affairs. Given that the ultimate aim was to avoid new conflicts, or at least reduce them, this required a two-part strategy: regulate the right to wage war (*ius ad bellum*) so that any war initiated without just cause was understood to be unlawful, plus the rules to be respected during war (*ius in bello*) and, in turn, promote peaceful settlement of disputes. This is reinforced by the obligation to respect treaties emanating from agreements of intent between states or the *pacta sunt servanda* principle (Sánchez, 2010, p.47).

There have been constant attempts to regulate the right to wage war (*ius ad bellum*) since the early days of modern international law. However, it was not until the 1945 UN Charter that the threat or use of force in international relations was prohibited in broad terms. With the recognised exception of self-defence and Security Council authorisation, the definition of aggression has been highly controversial. In recent years, the debate has shifted to other forms of attack and other, more subtle conflict scenarios such as so-called 'hybrid warfare', given that an armed invasion of a state by another is considered inviable.

On 24 February 2022, Russia attacked and invaded a neighbouring state and started a war in the most archaic sense. In an address brimming with symbolism, Vladimir Putin explained this action to coincide with a UN Security Council emergency meeting in New York on the situation in Ukraine. Russia held the rotating presidency that month. He also referred to Articles 1 and 51 of the UN Charter to justify what he called a 'special military operation':

The People's Republics of Donbas turned to Russia with a request for help. In this regard, I decided to conduct a special military operation. Its goal is to protect people who have been subjected to bullying and genocide by the Kyiv regime for eight years. And for this we will strive for the demilitarisation and denazification of Ukraine, as well as bringing to justice those who committed numerous, bloody crimes against civilians, including citizens of the Russian Federation (*Heraldo de Aragón*, 2022).

On 9 May 2022, Putin elaborated on the need for preventive self-defence at the Victory Day celebrations:

Russia preventively rebuffed the aggressor. It was necessary, timely and right. The decision of a sovereign, strong, independent country (...). I reiterate, our actions are in self-defence against the threats that are being created against us and to prevent an even greater disaster than the one that is occurring today (Cerny, 2022).

As the hostilities unfolded, numerous images of suffering civilians flooded the media. The shelling of non-military targets, humanitarian corridors agreed but not respected, and dead bodies of defenceless civilians led to accusations against Russia of serious violations of *ius in bello*. The Kremlin's response is repetitive: staging, provocation, set up. In relation to Bucha:

[...] not a single local resident has suffered from any violent action during the time the city was under the control of the Russian armed forces; all the photos and videos published by the Kyiv regime that supposedly show 'crimes' committed by the Russian military are yet another provocation (*El País*, 2022).

According to the Russian narrative, no international crimes have been committed in Ukraine. They justify the attack and consider that there is nothing reprehensible in their handling of the conflict. We shall now analyse the alleged facts and discuss whether they qualify as an international crime.

'SPECIAL MILITARY OPERATION' OR CRIME OF AGGRESSION

The regulation of the right to war ex ante, during and ex post: evolution of the legal regulation of ius ad bellum

The theory of a just war established the absolute prohibition of war, except when it was resorted to in reaction to an unlawful act

perpetrated by another state.¹ However, during the 19th century with its pre-eminence of positivist theories, the notion that a war might be just or unjust was abandoned in favour of arguing that no rule of international law could limit the sovereignty of states to prevent them from resorting to war. Since *ius ad bellum* was assumed to be the law of states during the 19th century, widespread efforts attempted to implement regulations of *ius in bello*, i.e. how hostilities were to be conducted, so it can be said that *ius ad bellum* and *ius in bello* evolve together, given that the different regulations of *ius in*

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11. Basically, the essence of this idea goes back to ancient Greece and the Roman concept of *bellum justum et pium*, the foundation of the *Pax Romana*, whereby the question of whether or not a war was just was decided by a special group of jurists, the *fetiales*, who understood that a war, when declared against a foreign nation which had violated its obligations towards Rome, could be considered just and pious. St Augustine was one of the first to take up this idea, and he did so to reconcile the pacifism of the Gospels with the bellicose nature of certain Old Testament texts. According to him, four conditions were necessary for a just war: a just cause, reparation of an injustice; legitimacy of the decision-making authority; the absolute necessity of war, and the necessary restraint of military operations. Eight centuries later, writers such as Thomas Aquinas, Francisco de Vitoria and Suárez, convinced that universal peace could not be established, advocated for at least attempting to mitigate the violence of war. In his *Summa Theologica*, Thomas Aquinas not only alludes to certain rules of humanity, deduced from natural law, which should be observed when dealing with non-combatant civilians, wounded persons and prisoners of war, he also focuses on an analysis of the use of war. In this sense, he echoes the Roman concept of war, although, unlike the latter, he understands that recourse to war is justified in two cases: The so-called 'war of defence', waged against an unlawful attack by an enemy (the basis of a just war is an unlawful attack), or a war waged to pursue the attainment of a legitimate demand that an enemy refuses to satisfy voluntarily. This idea was later developed by Francisco de Vitoria, who added interesting, new elements, considering that the conditions of just war should be determined not only by moral imperatives but also by a new notion: the common good of all men and all nations. This brings the notions of just war and the international community closer together. The evolution of the 'just war' concept appears in the work of Hugo Grotius, who attempted to secularise the question, considering it no longer necessary to resort to moral precepts such as voluntary divine law to justify the right to war. It is sufficient to invoke natural law, universal precepts in accordance with the nature of man, *ius gentium* (the law of nations) and voluntary human law (Kelsen, 1952, p. 25).

bello have repercussions on the conception of the existence (or not) of the free right to resort to war. This took place in the context of a movement, initiated in the 18th century, which set out to humanise war by applying reason through the regulation of the various questions relating to each moment in time: *a priori*, limiting recourse to war; *during its course*, regulating the way in which the conflict develops; and *a posteriori*, through the emergence of several proposals to set up international criminal tribunals.

The origins of this modern law of war can be traced back to 1860, and practically developed in parallel in the United States and Europe (Carnahan, 1998, p. 213). Regarding the first aspect, concerning the *need to limit recourse to war*, the idea tentatively emerged of submitting disputes between states to the courts rather than settling them on the battlefield. This is set out in Jay's Treaty of 1794, whereby the United States and Britain agreed to have their disputes settled by the binding decisions of Joint Arbitration Commissions.² The devastation caused by the First World War took political leaders further down this path. The Covenant of the League of Nations limited the use of war as an instrument of international policy³ (Díaz Soto, 2014), although it did not prohibit it. It differentiated between licit and illicit wars, classifying any initiated before the three-month moratorium stipulated after the issuance of the Council Report, Arbitral Award or Court Judgment as illicit. Articles 16 and 17 established a liability regime imposing sanctions on any aggressor that had resorted to force without first exhausting available means of peaceful settlement. As Professor Blanc Altemir states, this approach "showed a basic deficiency in that,

2 This Treaty can be seen as a first step that encouraged the United States to resort to arbitration when settling territorial disputes. It did so in the 'Alabama' case, based on the 1871 Treaty of Washington; the arbitration award settled US claims against the UK for damage the Confederate corvette CSS Alabama had caused to the US fleet.

3 In this sense, see articles 12 and 227 of the Covenant of the League of Nations. Two other pieces of legislation are also noteworthy: The Draft Treaty of Mutual Assistance within the League of Nations (1923) and the Protocol for the Peaceful Settlement of International Disputes (1924).

once these means had been exhausted without success, recourse to war became legitimate” (Blanc Altemir, 1990, p. 10).

Along these lines, the General Treaty for the Renunciation of War (*aka* the Kellogg–Briand Pact) was concluded in 1928. It was the first legal document establishing not only a limitation, but also a prohibition, of *ius ad bellum*, placing war outside the scope of international law.⁴ Its articles state that “The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means,” and therefore “condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.” Despite its value as a precedent that it would later possess, the Kellogg–Briand Pact contained numerous inadequacies and inconsistencies, making its content a dead letter. It did not establish a body to oversee its application, or react in the event of non-compliance, and its scope was restricted to States and mutual relations (García Ruiz, 2000).⁵

The Second World War exposed all the shortcomings of international law. An ethical commitment by political leaders emerged from the suffering and barbarism of that war, embodied in the Preamble and Articles of the UN Charter. Article 2.4 enshrined the prohibition of the threat or use of force, which would become a rule of common law and *ius cogens* (Gutiérrez Castillo, 2022, p. 345).

4 *Seminar on the International Law of Armed Conflicts*. Presentations at the 3rd Seminar on the international legal regulation of armed conflicts, organised by the Red Cross of Catalonia and run by Dr. Victoria Abellán, Professor of International Public Law at the University of Barcelona. Edited by the *Oficina Autònoma Creu Roja de Catalunya*, 3rd, Barcelona, 1992, p. 19.

5 During the economic crisis, states were reluctant to disarm because they understood that this might pose a threat to their national security. As a result, efforts during this period concentrated on the regulation of *ius in bello*, momentarily leaving aside the prohibition of *ius ad bellum*. This trend led to the 1929 Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field relative to the Treatment of Prisoners of War.

The crime of aggression

After the Second World War rules focusing on the conduct of hostilities were agreed and efforts to hold individuals criminally accountable for violations of this law before international criminal tribunals were intensified, alongside attempts to regulate the right to war. After the end of the war, the victorious states decided to set up international military tribunals to try those most responsible for the crimes committed. Without wishing to analyse the controversies and doubts raised, it is interesting to note the objections raised by defence lawyers and a significant doctrinal sector to including the crime of aggression, on the grounds that unleashing a war of aggression did not constitute a crime under international law, so it would not be possible to attribute criminal responsibility to the individuals who initiated it, as it was *ex post facto* legislation (Tze Chung, 1966, p. 65).⁶

These criticisms obliged the Court at Nuremberg to justify its inclusion in two ways: by giving a detailed account of the international treaties that contained it, and on the understanding that it was a custom in the making⁷ which the Court would come to apply, given that:

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- 6 Art. 6.a of the Statute of the International Military Tribunal at Nuremberg: Crimes against peace “[...] are understood as the planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances.” A war of aggression is the real object of the accusation, the constituent element of the crime against peace, while the act of aggression is characterised by the fact that it is preparatory and does not involve the use of force. (Vabres, 1947, p. 490).
 - 7 “The law of war is to be found not only in Treaties, but also in the custom and practice of States, which gradually obtain universal and general recognition of the principles of justice applied by jurists and put into practice by Military Tribunals. The law is not static but responds to the needs of a changing world through continuous adaptation, In fact, in many cases, the Treaties do no more than express and define already existing principles of law” (Beigbeder, 1999, p. 43) The earlier treaties comprise Francis Lieber Code, 24 April 1863; Agreement ending the Boer War, 31 May 1902; Geneva Convention for the Amelioration of the Wounded and Sick in the Armed Forces in the Field, 6 July 1906; Art. 227 of the Treaty of Versailles; Art. 10 of the Covenant of the League of Nations; Draft

[...] the charges in the Indictment that the defendants planned and waged aggressive wars are charges of the utmost gravity. War is essentially an evil thing. Its consequences are not confined to the belligerent States alone, they affect the whole world. To initiate a war of aggression, therefore, is not only an international crime; *it is the supreme international crime*, differing only from other war crimes in that it contains within itself the accumulated evil of the whole (Merle, 1949, p. 113).

Even so, the weakness of the basis of international military tribunals and the crimes involved was more than evident, so efforts to create an International Criminal Court intensified after the trials were held. This evolved in two separate directions, although logic would have required integration: on one hand, the codification of international crimes and, on the other, drawing up a Draft Statute to set up an international criminal court (Bassiouni, 1998, p. 11).

In 1974, the United Nations General Assembly adopted Resolution 3314 (XXIX) entitled *Definition of Aggression* (UNHCR, 2007) by consensus, according to which: “Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.”

Furthermore, the road to an International Criminal Court was successfully completed on 18 July 1998 when its Statute was signed following the Conference of Plenipotentiaries in Rome. The extreme difficulties involved in negotiating the text, with a like-minded group of states leading the negotiations to set up an effective Court, meant that, while the crime of aggression was included among the crimes within the Court’s jurisdiction, Art 5.2 stated:

Treaty on Mutual Assistance, drawn up under the auspices of the League of Nations in 1923; Preamble to the 1924 Geneva Protocol on the Peaceful Settlement of Disputes; Locarno Agreements of 1925; Resolution of 24 September 1927 of the Assembly of the League of Nations; Declaration of the Sixth Pan-American Conference in Havana of 18 February 1928; General Treaty of Renunciation of War or Kellogg-Briand Pact of 27 August 1928; Non-Aggression Treaties of the Soviet Union with its enemies of 1931 and 1939.

The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime. Such a provision shall be consistent with the relevant provisions of the Charter of the United Nations (Rome Statute of the International Criminal Court, 2002).

The establishment of Resolution F of the Final Document of the Conference initiated a process to set up a Preparatory Commission to draw up a proposal to define the crime of aggression, its elements and the conditions under which the Court should exercise jurisdiction over it. The preparatory work culminated in July 2010 when the first Review Conference of the Rome Statute of the International Criminal Court was held, provided for in Article 123 of the Rome Statute, which took place in Kampala, Uganda.

Along the lines established by Resolution 3314 (XXIX), Article 8bis of Resolution 6 of the Kampala Conference, in Annex I on Amendments to the Rome Statute of the International Criminal Court relating to the crime of aggression, defined the crime of aggression as:

1. For the purpose of this Statute, 'crime of aggression' means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

2. For the purpose of paragraph 1, 'act of aggression' means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression:

(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

(b) The blockade of the ports or coasts of a State by the armed forces of another State;

(c) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

(d) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

(e) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

(f) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein. (Resolution RC/Res.6 The Crime of Aggression, 2010, Annex I, point 2).

On 24 February 2022, Vladimir Putin announced the start of a 'special military operation' in Ukraine. Russian army troops then invaded the country and began shelling major Ukrainian cities (CNN, 2022). This attack violates important provisions of the UN Charter:

Art. 1: "To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means,

and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”

Art. 2.3: “All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.”

Art. 2.4: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”

- UN General Assembly Resolution 2625/XXV: Prohibition of intervention in the internal affairs of other States.⁸

In his Victory Day address on 9 May, Putin not only continued to use a euphemism in naming the armed attack, but he also justified the operation on the grounds of pre-emptive self-defence:

In December last year, we proposed to secure an agreement guaranteeing this security. Russia called on the West to engage in honest discussion to find fair compromises which accounted for each other's interests. All of this was in vain! They didn't want to listen to us. And this means that, in reality, they had entirely different plans and we have seen this. Preparations were underway for another punitive operation in Donbas, for an invasion of our historical lands, including the Crimea. In Kyiv, they announced the possible acquisition of nuclear weapons. The NATO bloc has begun active military development of territories adjacent to us. Thus, a threat absolutely unacceptable to us was systematically created, moreover directly at our borders. All of this indicated that a clash with neo-Nazis and Banderites — on which the USA and its smaller companions have relied on — would be unavoidable. Let me repeat: we saw all this military infrastructure being set up. We saw hundreds of foreign advisors beginning to work, the regular deliveries of the most modern weaponry

8 The statement by AEPDIRI members on the Russian aggression in Ukraine is in the same vein. See <https://www.aepdiri.org/index.php/declaracion-ucrania>

from NATO countries, and the danger grew with each passing day. So Russia launched a pre-emptive attack against this aggression. It was necessary, timely and the only choice. The decision of a sovereign, strong, independent country.

Putin seeks to invoke one of the two exceptions to the Charter's prohibition on the threat or use of force: self-defence. This argument, based on the need to attack before being attacked, is not new. Israel invoked it before attacking Egypt in 1967 and bombing Osirak in 1981, and the US invoked it before the 1962 naval blockade of Cuba, the 1991 Gulf War and the 2003 invasion of Iraq. In the last-mentioned case, among other reasons the attack was based on the fear that Iraq would supply weapons of mass destruction to terrorist groups such as Al Qaeda (Esquivel, 2014, p. 33).

However, this speech has no place in international public law, as it merely masks a violation of Article 51 of the Charter, which Putin himself invokes in his speech of 24 February, stating:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by members in the exercise of the right of self-defence shall be reported immediately to the Security Council and shall in no way affect the authority and responsibility of the Council under the present Charter to take at any time such action as it deems necessary to maintain or restore international peace and security.

The existence of a prior armed attack is therefore required, and [the right to self-defence] can only be exercised proportionally and provisionally until the Security Council has taken all necessary measures to maintain international peace and security (Fuentes Torrijo, 2014, p. 261). It cannot be claimed that preventive self-defence is currently permitted under international law.

Therefore, taking the current regulation of aggression as a reference, plus the non-existence of exceptions to the prohibition of the

threat or use of force in international relations, we can categorically affirm that the so-called ‘special military operation’ is nothing more than a crime of aggression in the strictest sense.

CONDUCT OF HOSTILITIES: INTERNATIONAL CRIMES OR PROVOCATIVE SET- UPS

The regulation of law during war: international humanitarian law.

As previously mentioned, the regulation of the right to wage war runs parallel to the regulation of *how hostilities are carried out*, giving rise to what is known as International Humanitarian Law, a set of rules which originate from applicable conventions or customs in armed conflicts which aim to alleviate the suffering of the victims and protect them and the goods essential for their survival, and limiting the freedom of the rivals to choose their methods and means of warfare (Abrisketa, 2005).

The first attempt at conventional regulation of hostilities dates back to 1856, with the Paris Declaration respecting Maritime Law. Henry Dunant’s *A Memory of Solferino*, published in 1862, inspired the first Geneva Convention of 22 August 1864 on the Treatment of the Wounded and Sick. In parallel to European efforts, President Abraham Lincoln advocated creating a Code to mitigate the consequences of war that would require soldiers to behave honourably and humanely on the battlefield: the Lieber Code (or *Instructions for the government of armies of the United States Army in the field*) was published, requiring hostilities to be conducted in accordance with the rules and usages of war (Ferencz, 1980, p. 4). One of this Code’s most important contributions is, in my opinion, the concept of military necessity, contained in Article 14, which states: “Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages

of war.” It sets a limit to the actions which are taken; these must be indispensable to secure the ends of war, censuring acts of unnecessary violence regardless of any preconceived plan or purpose.

Following the St. Petersburg Declaration of 1868, the Hague Peace Conferences were held in 1899 and 1907, most notably the inclusion of the ‘Martens Clause’ in the Preamble of the former:

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity and the requirements of the public conscience (Ticehurst, 1997).⁹

The Clause appears in a slightly modified form in the 1907 Hague conventions:

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

Its content was reproduced by the Four Geneva Conventions of 1949, ratified by 156 States and their Additional Protocols of 1977.¹⁰

9 In 1906 the 1864 Convention was extended and supplemented to adapt it to the new rules of the 1899 Hague Conventions. After the First World War, it was deemed necessary to broaden the scope of humanitarian law once again and the text was added to the new version in 1929. See <https://www.icrc.org/es/doc/resources/documents/misc/5tdlcy.htm>

10 I Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; II Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; III Geneva Convention relative to the Treatment of Prisoners of War at Sea; and IV Geneva Convention relative to the Protection of Civilian Persons in Time

As Professor Abrisketa points out,

The Fourth Convention was a major step forward in the protection of civilians, since no treaty had been adopted on civilians in wartime until 1949. The Convention distinguishes between civilians and combatants, i.e. between those who participate in hostilities and those who do not. According to international humanitarian law, the latter cannot be targets of war and must be treated humanely. Likewise, assets essential to the survival of the civilian population cannot be destroyed (Abrisketa, 2005).

Important standards were subsequently agreed, such as the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols; the 1972 Bacteriological Weapons Convention; the 1980 Convention on Certain Conventional Weapons and its five Protocols; the 1993 Chemical Weapons Convention; the 1997 Ottawa Anti-Personnel Mine Ban Treaty; the 1999 Statute of the International Criminal Court; and the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

List of violations of international humanitarian law allegedly committed by the Russian military

We have seen broadcasts of the conflict since it began; images of women and children fleeing the country and the suffering of those who remain under Russian attack have shocked many people in Western society, who are witnessing the fighting in astonishment. Ukrainian President Volodymyr Zelensky's actions and his ability to connect with people and convey his desperation contrasts with the Kremlin's silence. Vladimir Putin has been widely accused of com-

of War. The two 1977 Protocols Additional to the Geneva Conventions: Additional Protocol I on the Protection of Victims of International Armed Conflicts; and Additional Protocol II on the Protection of Victims of Non-International Armed Conflicts.

mitting war crimes and even genocide. Scenarios such as Bucha or Mariupol have been met with a Russian response, based on denial and accusations of provocation and staging (Caubilla, 2022).¹¹ Nevertheless, internationally recognised NGOs such as Human Rights Watch (HRW) and Amnesty International¹² have denounced and documented these acts.

In line with HRW (2022), Amnesty International reports that the invasion of Ukraine has resulted in indiscriminate attacks on residential areas, schools, hospitals, social infrastructures and other civilian objects and infrastructures, leading to civilian deaths and injuries. Massive displacement of the population and the destruction of civilian homes are also taking place. Russia has used unguided bombs and prohibited weapons such as cluster munitions, against targets such as a kindergarten in Okhtirka where civilians were sheltering (AI, 2022b).¹³

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- 11 Russian ambassador Vasili Nebenzia assured the UN Security Council that his soldiers could not have committed these killings and attributed them to 'Ukrainian radicals' who are supported by 'criminals, thieves and foreigners' equipped with weapons delivered to Ukraine by Western countries. See https://www.huffingtonpost.es/entry/diario-de-guerra-ucrania-dia-41_es_624c9709e4b0d8266ab21e1a
 - 12 Amnesty International's Crisis Response Programme's *Evidence Lab* is a multidisciplinary team that uses cutting-edge digital research tools to document human rights violations in remote mode. The *Evidence Lab* helps ensure that information from conflict zones is timely and accurate and meets the needs of human rights work in crisis situations. See <https://www.es.amnesty.org/en-que-estamos/blog/historia/articulo/como-verifica-amnistia-internacional-ataques-militares-en-ucrania/> ; <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/ucrania-las-fuerzas-rusas-deben-responder-ante-la-justicia-por-crimenes-de-guerra-en-la-provincia-de-kiev/>
 - 13 <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/ucrania-las-fuerzas-rusas-ejecutan-extrajudicialmente-a-civiles-en-lo-que-parecen-ser-crimenes-de-guerra/> Amnesty International has obtained evidence of killings of civilians in Ukraine in indiscriminate attacks in Kharkov and Sumy Oblast, documented an air strike that killed people queuing for food in Chernigov and collected evidence of 'civilians living under siege' in Kharkov, Izium and Mariupol.

In principle, these acts would amount to violations of the core of common international humanitarian law (Henckaerts, Doswald-Beck, 2007), as they disregard:

- The principle of distinction:
 - Between civilians and combatants.
 - Between civilian installations and military objectives
 - Prohibition of indiscriminate attacks
 - Proportionality in attack
 - Caution in attack
 - Caution against the effects of an attack
- Specially protected persons and property:
 - Healthcare and religious personnel and installations
 - Journalists
 - Protected areas
 - Cultural assets
 - Works and installations containing dangerous forces
- Specific methods of warfare
 - Prohibition of no quarter given
 - Destruction and confiscation of property
- Weapons:
 - Prohibition of the use of means and methods of warfare that can cause superfluous injury or unnecessary suffering, and whose effects are indiscriminate.
- Treatment of civilians or persons outside combat.
 - States may not deport or transfer parts of their civilian population to territory occupied by them.

INTERNATIONAL RESPONSIBILITY OF THE INDIVIDUAL FOR COMMITTING INTERNATIONAL CRIMES

As previously noted, the idea of creating an international criminal jurisdiction appears historically linked to efforts to place war outside the law, or at least to oblige states not to resort to it without just cause, as well as to the regulation of law during war. Although the need to prosecute those responsible for violating this right has been expressed since ancient times¹⁴ and was considered on numerous occasions during the 19th and 20th centuries, it did not materialise until international military tribunals were set up in Nuremberg and Tokyo. At the time of the Nuremberg Statute, international order was still predominantly conceived by, and for, states. Only the gravity of the crimes in question, plus the need to deliver justice, prompted the concept of criminal responsibility of the individual,¹⁵ in the words of the Tribunal:

That international law imposes duties and responsibilities on individuals as well as on states has long been recognised... Crimes against international law are committed by men and not by abstract entities, and only by punishing the individuals who commit such crimes can the provisions of international law be enforced (Orihuela Calatayud, 1999, p. 666).

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- 14 Bassiouni refers to Naples in 1268 to speak of the first documented trial for unjustly starting a war, in which Conradin von Hohenstafen was accused of this offence, tried and sentenced to death (Bassiouni, 1992, p. 197).
- 15 To do this, it was first necessary to establish the non-applicability of the act of state doctrine to the cases in question, an idea which appears in the opening speeches of the American Chief Prosecutor, for whom "while it may be considered appropriate to employ the fiction of state or corporate liability for the purpose of imposing collective liability, it must be regarded as intolerable to allow such legalism to stand as a basis for immunity," and of the British Chief Prosecutor, who asserted: "The State is an abstract entity. Its rights and duties are the rights and duties of men. Its actions are the actions of men..." (Tze Chung, 1966, p. 77).

The work of these Tribunals gave impetus to a movement leading to setting up a permanent International Criminal Court to overcome their shortcomings. It was only possible for this idea to become a reality many years later (in 1998) when several factors came together, with the adoption of the Statute of the International Criminal Court. This consolidated the notion of individual responsibility — not only state — for violations of international law; regulatory development, driven by the work of the General Assembly and the International Law Commission; establishing the possibility of its existence in various international norms; the creation of *ad hoc* International Criminal Tribunals and their extensive jurisprudential repertoire, which “showed that it is possible to have criminal justice without victors, by virtue of which judges of different nationalities and legal systems dictate justice jointly in the name of the international community” (Yáñez Barnuevo, 1998, p. 57).¹⁶

According to the Statute of the International Criminal Court, Russia’s invasion of Ukraine, alongside actions allegedly committed during the conflict and documented by Amnesty International and other NGOs, would constitute not only the commission of a crime of aggression, already analysed, but also a violation of:

Art. 7: (d) “Deportation or forcible transfer of the civilian population,” in this case allegedly to Siberia.

Art. 8. War crimes:

Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(ii) Torture or inhuman treatment, including biological experiments;

16 Convention on the Prevention and Punishment of the Crime of Genocide of 1948 or the Convention on the Suppression and Punishment of the Crime of Apartheid of 1973.

- (iii) Wilfully causing great suffering, or serious injury to body or health;
- (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
- (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- (vii) Unlawful deportation or transfer or unlawful confinement;
- (viii) Taking of hostages.

Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

- (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
- (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

- (vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- (vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- (xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- (xii) Declaring that no quarter will be given;
- (xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- (xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- (xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- (xvi) Pillaging a town or place, even when taken by assault;

- (xvii) Employing poison or poisoned weapons;
- (xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;
- (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions.

The question of whether these actions constitute a crime of genocide is disputed. Zelensky has reported this because he considers that Ukrainians face ‘the elimination’ of their nationality and system of government (Ferrer, 2022). Even the president of the United States, Joe Biden, has said this, although other leaders such as Emmanuel Macron have been more cautious, stating in a radio interview that they are facing ‘the elimination’ of their nationality and system of government: “The word genocide has a meaning. And the word genocide, today, must be qualified by jurists, not by politicians” (Euronews, 2022). According to Article 6 of the Statute: ‘genocide’ means any of the following acts committed with intent to destroy,

in whole or in part, a national, ethnical, racial or religious group, as such.” The essence of legal qualification lies in this intentionality. Does Putin seek the elimination of Ukrainians as Ukrainians or only their conversion to Russian nationals?

The aforementioned crimes fall within the jurisdiction of the International Criminal Court, although neither Ukraine nor Russia has ratified its Statute. Despite this, on 28 February the ICC Prosecutor declared he was opening an investigation into Ukraine on what he considers to be ‘reasonable grounds’ as he believes that crimes are being committed under its jurisdiction. Opening the investigation requires the authorisation of either the Court or a Member State to refer the situation directly to the Court, without requiring any other authorisation. This second route has been used, with thirty-eight states, including Spain, referring the issue to the Court.

If none of the States involved is a party to the Statute, why is the Prosecutor acting? Ukraine has twice declared that it accepts the jurisdiction of the Court to enter the country to assess events occurring on its soil. The two declarations are based on a special clause in the Statute that allows for this type of submission to the Court without being a signatory to the Statute (art. 12 (3)). This dates back to 2013 and 2014. In the first, the Government of Ukraine referred to crimes committed during a specific period (from 21 November 2013 to 22 February 2014). The second declaration extended the exercise of jurisdiction in favour of the Court for an indefinite period, from 20 February 2014 onwards. It is this second statement from Ukraine that allows the Prosecutor to start the investigation into the events that are currently taking place. Ukraine recognises the jurisdiction of the Court to identify, prosecute and try perpetrators and accomplices of acts committed in Ukraine, and it has also announced that it will cooperate with the judicial body (Abrisketa, 2022).

It is important to note that the Prosecutor will investigate possible crimes committed by both contenders, and its mission will be

to gather the best possible evidence for future judicial proceedings (Arciniegas, 2022).¹⁷

CONCLUSIONS

Greek mythology recounts that Sisyphus was punished by having to push a huge stone up a steep hillside, so that, before reaching the top, the stone would roll down to where he had to restart his punishment, and so on for eternity. We are currently witnessing a major step backwards for international law, because President Putin's attitude and the tone of his speeches and reveries are reminiscent of the past and show great disregard for international norms.

We are not at the starting point, like Sisyphus. The Peace of Westphalia and the foundations it laid have evolved considerably over time, forged on the basis of lessons learned from suffering in the past. Despite its shortcomings and weaknesses, international law is now stronger and better resourced. True, it can hardly prevent international crimes from being committed because the system of peaceful settlement of disputes depends on the goodwill of the leaders involved, and Putin obviously lacks this. Once a conflict has broken out, the mechanism of international criminal jurisdiction is more developed today than it was some years ago. The experience of working with prestigious NGOs and the benefits they have provided over the years, not only for the codification but also for the application of international law, as well as the very existence of an international criminal court with the capacity to initiate an investigation and start a judicial process, are evidence of a response capacity that is still shaky but stronger than in the past.

Despite the euphemisms used, there is no legal doubt that Vladimir Putin committed a crime of aggression. It does not even raise

17 HRW has called on Ukraine to investigate the possible commission of war crimes against Russian prisoners of war. See <https://www.france24.com/es/europa/20220401-ucrania-crimenes-guerra-soldados-rusia>

questions of interpretation, given the crudeness of the attack. In relation to the other crimes — war crimes, crimes against humanity and genocide — Russia's strategy is based on denial of the acts of which it is accused, despite the images and testimony of journalists and NGOs on the ground where they are allegedly committed. This is nothing new and is inherent to all conflicts, so there is only one familiar response: an investigation by the International Criminal Court, with support from NGOs on the ground, to gather as much evidence as possible so that not only can Vladimir Putin be brought to trial in the future, but also those who, in the chaos of the conflict, have committed acts of barbarity and inhumanity. Once again, the stone rolls down the hillside and it is a huge struggle to get it back up to the top again.

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Erratic pacifism

(Fourth fallacy: ‘Giving weapons to the Ukrainians is contrary to peace’)

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A NOT-SO-FALLACIOUS FALLACY

A fallacy arises in this text, with a problem from the outset: if we stick to the literal meaning of the sentence, there is no lie, no deception and no fallacy. If the West gave arms to Russia instead of Ukraine, the war would end sooner, and peace would follow. Better still, instead of giving Ukraine arms, if the West disarmed it; or even better, if in addition to disarming, it allied with Russia to invade Ukraine, the invasion might end sooner, and peace might come earlier, because even the victory of the aggressor puts an end to a war, as Walzer (2001, p. 85) explains, and he concludes by quoting Moltke with acid sarcasm: “The greatest kindness in war is to bring it to a speedy conclusion.” The truth seems undeniable. Giving weapons to the Ukrainians is contrary to peace. It is a difficult pill to swallow if we wish to demonstrate the moral decay nestling in Putin’s words.

Walzer explains that, on the road to victory, and also to lasting peace, the convention of war, the law of war and the codification of norms intersect because we want to have it all, both moral decency in battle and victory in war: “A constitutional regime in Hell, and deliver us from it” (Walzer, 2001, p. 86). Let us try to shed some light on this contradiction. Before arguing about justice or interna-

tional legality, the right to self-defence, the role of the aggressor or the risks of non-belligerence, we can start with a simple distinction, which is the status of peace, the peace that Putin says arms sales to Ukraine seem to contravene. What peace would allow no arms sales to Ukraine? An old acquaintance of peace and conflict studies: 'negative peace' (Galtung and Jacobsen, 2000; King, 1963), i.e. the mere absence of war or violence. However, this can represent the consecration of an unjust situation or the consolidation of a conflict, the fossilisation of a gear that does not turn, and therefore, the confirmation of indirect and structural violence. It is the peace of cemeteries, or peace between the Koreas; indeed, at least the latter is better than the hell of war. However, it may not be valid as a grass-roots pacifist position. Or is it?

The argument of extreme pacifism - opposition to all violence - would admit the invasion of the very country it claims to defend. It has only been applied historically after threats and violent measures have failed in the face of aggression, and as a last resort, because it places the burden of action on civilians and exposes them to reprisals (Walzer, 2001, p. 434). Civil resistance consists of systematic non-cooperation, denying the benefits of the invasion to the aggressor through strikes, boycotts or sabotage, making the country ungovernable, generating a spirit of resistance, prolonging the conflict and aiming to come out on top with a low-level confrontation strategy. The idea is not far-fetched, because it presupposes a lower level of violence than open warfare (a scenario that Walzer himself does not always take for granted). It would be an option to consider... if it came from the Ukrainian leadership. However, if it is the aggressor himself who induces, requests or demands pacifism (i.e. 'don't send weapons to Ukraine, that's not peaceful behaviour!'), then it becomes a macabre joke.

Nevertheless, Putin's warnings to the West on this point are longstanding and conditioned by the geopolitical situation. In recent years, Russia has attempted to create a circle of advanced territories that protect the Russian metropolis (Sanchez, 2022, p. 8). The in-

ternational community (UN, OSCE, EU...) has constantly neglected its responsibilities in the face of Russian pressure in these territories (Bárceñas and López, 2011, pp. 197, 245). In the days leading up to the current invasion, Moscow claimed that arms deliveries to Ukraine would cause it to use more force against the separatists in Donbas, judging the deliveries to be unacceptable (Tass, 2022a, 2022b), while Russia denied that it was planning military action in Ukraine. Once the ‘special military operation’ began, the tone of the protests rose, from statements by spokespersons to diplomatic notes (Borger, 2022; DeYoung, 2022). Paradoxically, arms sales to Ukraine had slowed considerably between 2017 and 2021, according to SIPRI (Anthony, 2022), the prestigious Swedish peace studies institute. This was due to three factors: Ukraine’s low purchasing power, the country’s autonomy in military industrial capabilities, and sellers’ fear that conflict would escalate in Donbas, bringing increasing tensions with Russia.

On the very day of the invasion (24 February), Russian Foreign Ministry spokesperson Maria Zakharova reported three issues: that UK vessels had crossed ‘Russian territorial waters’, illegal immigration was being used as a weapon, and ‘constant arms shipments’ (Tass, 2022c). On 27 February, just three days later, Putin put his strategic nuclear deterrent forces on alert, attempting to regain the strategic initiative in the face of an unexpectedly cohesive response from the West, which led to an organised flow of arms supplies (Smith, 2022). Russia continues to issue veiled threats: sending arms to Ukraine will lead to a global catastrophe, said Foreign Minister Lavrov on 7 March (Fahey, 2022); his deputy minister Sergei Ryabkov declared the shipments ‘legitimate military targets’ five days later (AP, 2022). Finally, an enemy and its allies were identified: on 17 March 2022, Duma Speaker Vyacheslav Volodin made it clear that the aim of the special military operation was to ‘demilitarise and denazify’ the country. “They [the US and NATO] do not want Ukraine to be an independent and neutral state.” (Tass, 2022d).

How can we understand this paradox (I can invade, but any defence against my invasion is contrary to peace), if not as an obscene joke? It should be noted that when Vladimir Putin announced military action in Donbas on 23 February, a key idea in his argument was that Ukrainian forces should lay down their arms and withdraw, and that responsibility for any potential bloodshed would lie with the Ukrainian government (Hodge, 2022). This kind of reasoning can only be explained from the perspective of those who believe they are right, that they are fighting a just war, and therefore they should do so even if they do not want to (a very interesting idea, to which we will return later), and that it would be better for the unjust party to withdraw. This brings us to the moral aspect of the issue.

RESILIENCE, JUSTICE AND MORAL COURAGE

Why are tennis matches so long, not to mention cricket matches? They could be shorter, if the initial points were equally distributed. Not a good idea? In tennis you could start in the third set, splitting the first two sets. That way, if a contender is going to win by 3-0, they can still win (the final score would be 4-1), and if the match is going to be decided in the last set, after a 2-2 draw... it will still be decided but requires less effort beforehand. If this is not done, it is for two reasons. First, the beauty of the game: to make it last longer, as long as possible. The value of effort is still a measure of the beauty of sport. Secondly, the two rivals want to win everything; initially, the first three sets, and not drop a single game to their opponent, not even out of courtesy, not even if they also receive their corresponding reward. Why? Because they are confident that they can win.

A similar thing happens in war. One side offers the other side peace terms, sharing the first sets, but the opponent does not accept this, not out of beauty as in sport, but out of the conviction that justice is on their side, and that they can hold out and win. Even if this were not the case, defeat is historically not admitted in war, neither in the most unfavourable nor in the most desperate case: from

the Greek allies at Thermopylae to the heroic defence of Saragossa by Palafox; from the Jews of Masada, who chose suicide in 73 AD (but left their supplies intact so that the Romans would know it was not a forced surrender), to Hiro Onoda, who refused to surrender his weapons in the Philippines jungle (his Second World War went on until 1974); the history of war is dotted with heroic milestones... which are usually elevated to that status by making the ultimate sacrifice. Rarely has a country or an army surrendered without putting up a fight or resisting, at least formally or symbolically. Indeed, the facts around these situations have always been challenged, legally and morally, and there is always the question of what would have happened if..

There are two reasons for this heroic behaviour (or stubbornness in the face of defeat, to demystify the concept): the oft-irrational conviction of the justice of one's cause, which encourages these sacrifices, i.e. the aforementioned moral courage and an awareness of the strategic value (presumed or real) that such resistance might have in the course of operations. That is why the Ukrainians in Mariupol (the remnants of the 36th Marine Brigade and the Azov Battalion) holed up in the cellars of the Azovstal factory only surrendered on 17 May when their ammunition ran out, although some had sharpened their trench shovels in anticipation of last-ditch hand-to-hand combat in cellars and galleries. History has witnessed this so many times, sporting different uniforms and at different times, from the Alamo to the charge of the Alcántara; from Constantine on the walls of Constantinople to Custer and his cavalry; from Daoiz and Velarde to the defenders of Baler; all are a mixture of reality and desire which, in essence, is the conscience of nations.

All these heroic 'last stands', with their varying strategic value, share the feature that they are made so as not to lose a war; they are convinced that their cause is a just one. Nevertheless, it takes one of two things to end a war: either the adversaries sign a peace treaty (giving up a part of their notion of justice) or one of them triumphs over the other (imposing its version of justice). Sometimes peace

treaties only serve to defuse a situation temporarily, as at Versailles in 1918 or Compiègne in 1941. Justice and correct assessment seem to be the key factors for a lasting peace. If justice is partial, the peace will not last longer.

Undoubtedly, the threat of force rarely has the desired effect: causing the enemy to come out with its hands up before a shot is fired. That, however, would be the most rational thing to do — joining forces, calculating probabilities, and respecting the supreme value of life. Unfortunately, war is the opposite of rational thinking. Furthermore, added to the conviction that the justice of one's own cause is not enough on its own, history also shows examples of resistance at all costs that led to victory, even in the most desperate situations: the Alcazar in Toledo, the 'miracle' of Empel, Stalingrad... all these situations were desperate for the besieged party, and no political leader could criticise a military commander for surrendering at that moment. Operations would have continued, and the outcome of the war would not have been any different. In Stalingrad, for example, the Germans had gone as far as they could; even if they had taken the last square metre of the Volga wharfs in the city, the Soviet counter-attack would have taken place on their left flank in any case. Franco's troops would not have been able to take Madrid, even if they had not been diverted to Toledo to liberate the defenders of the Alcazar. The remarkable Spanish victory at Empel, against all odds, did not alter the course of the 80 Years' War... and if it had ended in defeat, this would not have altered the outcome either.

These victorious resistances have very high symbolic value but relative military value. It is true to say that some sieges distract troops; the siege of Oviedo was possibly more important than that of the Alcazar in the Spanish Civil War; the same might be said of the *festung* (fortresses) designated by Hitler in the face of the Allied advance, both in the east (Breslau, Posen, Budapest) and in the west (Dunkirk, Lorient, Brest). Their strategic usefulness is more than obvious, both in the case of victorious resistance and of failure and defeat, but the moral value and the publicity value are generally

greater. The resistance in Mariupol created a huge boost: more than 20,000 Russian troops were pinned back there, along with a steady flow of supplies that could have been used on other fronts. The time gained allowed Allied resources to reach Ukraine and new units to be formed, to the point of equalling Russia's supposed reserves of almost a million soldiers (IISS, 2021:164). This, plus the morale of both sets of troops, does not bode well for Russia's future in the conflict, as explained by former colonel Mikhail Khodarenok on Russian State TV (BBC, 2022). Indeed, beyond the strategic benefits of prolonged resistance, the greatest advantage gained is the immense moral value of fighting to the end for a just cause. It is the supreme sacrifice of dying not for those you love — the natural thing to do — but for those you do not know but who are your compatriots, co-participants in the unjust aggression.

Emil Zatopek, the famous Czech long-distance runner, said that the Russian invasion of Czechoslovakia had been defeated “by children, with nothing but flags on their chests and the power of their words to unite our people” (Tzabar, 2005, p. 18). The famous athlete was not speaking literally, as the Czechs surrendered and there was no effective defeat of the Russian tanks, but he was right when he spoke of a moral and clearly unquestionable defeat... although the Iron Curtain remained in place for two more dark decades. The defeat that the Russians are suffering in Ukraine is strategic and political (López Calderón, 2022), starting from the very moment that the first two operational ideas of the war failed: 1) the initial attack on the capital Kyiv, with the intention of taking over the government quickly, and 2) the subsequent conquest of the territory east of the Dnieper. Even if Russia wins territory in military terms or through favourable peace treaties, it has lost the battle of justice and the narrative. There are war crimes that must be explained: massacres in Bucha and Borodyanka, the treatment of civilians and politicians, the regular use of *zachist* (irregular ‘cleansing’ operations), attacks on civilian infrastructure in Mariupol and other besieged localities, the use of non-discriminatory weapons (white phosphorus, cluster

bombs) in populated areas... all this means that there is only one clear perpetrator of the crime of aggression and interference: Russia. It also means that its image has been tarnished, requiring accountability to international justice. No matter how many fallacies triumph, the war is lost.

THE FOUR RUSSIAN ERRORS: MORAL, LOGISTICAL, STRATEGIC AND TACTICAL

Russian errors have not only been moral (unjust aggression) or legal (behaviour contrary to the laws and customs of war), the first and largest error is political or moral: conceiving a war of aggression, to 'denazify' a country... one headed by a Jewish president (Gould Davies, 2022). Furthermore, at a technical or professional level there have been three other types of errors: 1) logistical, due to the lack of control over guarantees found in authoritarian societies; 2) the absence of free press or an independent judicial system, and 3) no parliamentary control by the opposition to shed light on a government's failures. If none of these exist, failures (incomplete arsenals, out-of-date materials, lack of equipment or spare parts) remain hidden until they eventually appear at the most delicate moment, i.e. when they are needed in a campaign.

There have also been strategic errors, precisely due to the failure to follow doctrine. The 'Russian way of war', which worked in Chechnya, Ossetia and Abkhazia, or in Syria, has not been applied in Ukraine. We did not see a prior bombing campaign to weaken air defences and gain superiority in the skies, *viz.* the NATO bombing of Serbia in 1999, the Allied bombing of Iraq in 1991 or the dreadful use of heavy artillery in Grozny or Aleppo, with the exception of Mariupol. Russia has betrayed itself. It eschewed these two tactics in favour of a less damaging option, a sudden strike: the airborne assault on Hostomel airport, 15 kilometres northwest of Kyiv, on the first day of the war. From there, the idea was to land troops to seize the capital, causing the government to flee the city. None of this

happened, partly because of staunch defence by the Ukrainians and partly because of Allied aid (a variety of weapons, although immediately effective, given the extreme and urgent need). The Russian army then encircled the major cities (Kherson, Kharkov, Kyiv) with heavy tank and artillery units.

It is this last type of error, the tactical one, which also caused this phase of the war to fail, with the exception of the southern front. Help for the Ukrainians in the form of intelligence and supplies, the activation of reserve troops and militias, the use of suicide and surveillance drones, the massive use of anti-tank missiles and RPGs (rocket-propelled grenades) used by extremely mobile infantry units — at a comparatively low cost, but with a very high hit and survival rate — plus control of the terrain using guerrilla tactics meant that all troops were withdrawn from around Kyiv by early April, and later from Kharkov and Mykolayev (near Kherson) as well as other smaller towns (e.g. Chernigov or Suny) along the northern front. At the time of writing (at the end of May 2022), the axis of Russian forces has changed direction: fighting is taking place on the Donbas front and north of Kharkov, and to a lesser extent, north of Kherson. These operations are high-intensity although limited in depth, with a series of small towns passing back and forth, the apparent aim being to consolidate the conquests of the early stages of the operation in the eastern area of Novorossiia and Donbas.

THE LEGITIMATE USE OF FORCE AND ITS LAWFUL APPLICATION

Amnesty International is one of the most vocal critics of the global arms trade. Nevertheless, in a communiqué on 23 March (Estévez, 2022), its spokesperson in Spain categorically stated that Western governments' arms shipments to Ukraine were legal, immediately adding "for the time being", and stressing the need to respect the 2014 Arms Trade Treaty (UN, 2014), especially Article 7 on the appropriateness of export, undermining peace and security and vi-

ulations of international humanitarian law or human rights. Such checks and balances exist in national systems, for example, in the case of Spain, the 'ex post certificate of final destination' required by Royal Decree 494/2020 on foreign trade in defence material (RD494, 2020), as well as the checks by parliamentary systems (in Spain, the specialised body for export procedures is the Defence Committee of the Parliament).

Amnesty International points out that the previous supply of arms to a belligerent party has the effect of exacerbating a conflict. This prolongs the duration of wars, increases the level of lethality and contributes to civilian harm (Estévez, 2022), i.e. the same discourse that Moscow is sending out (Tass, 2022d, 2022e). This is undoubtedly true; the international community's efforts have always set out to humanise war (Pereira, 2015:121), but it lasts longer if weapons are provided. As we argued from the outset, this could end up arming the aggressor instead of the persons resisting the attack, and the war would end sooner. That would be unfair, of course.

Self-defence is a right enshrined in Article 51 of the UN Charter (Díez de Velasco, 2017, p. 1072), and is one of the exceptions to the general prohibition of the use of force. The League of Nations Covenant (*aka* the Kellogg–Briand Pact) did not cover this point, as self-defence was considered a customary right that was already assumed. Even so, recourse to this legitimate right is sometimes dubious: there is reference to unarmed or economic attacks; threats of attack; extended or preventive defences are invoked, although each of these cases indirectly reaffirms the validity of the right to legitimate self-defence, despite attempting to make spurious use of it. In the case of the invasion of Ukraine, invoking this right is a game of semantics: the country has been invaded with weapons and it is not making preventive use of self-defence. The situation is crystal clear: Ukraine is entitled to defend itself.

However, self-defence is provisional and subsidiary (Art. 51 UN Charter): the Security Council must be notified, and it remains in force until the Council decides on the steps to be taken. The first

stumbling block appears here: the ineffectiveness of the Security Council (Díez de Velasco, 2017, p.1074). Article 39 of the UN Charter makes it clear that the Council must act (recommend or decide) on any aggression, breach or threat to peace. Security Council Resolutions 660 and 661 (1990) clearly defined the Iraqi act of aggression against Kuwait without any doubt or hesitation. The United Nations rarely considers these acts as aggression but rather as ‘threats to peace’, as Casanovas and Rodrigo (2019, p. 453) say, perhaps out of lexical modesty. The optimistic early years of the 1990s promised a New World after the fall of the Berlin Wall and encouraged people to feel that the UN would begin to function as a fledgling world government. Nevertheless, the first act of the Yugoslav tragedy began shortly afterwards. The Security Council did not issue an opinion on the conflict in Yugoslavia until 25 September 1991 (UNSCR 713), after Croatia and Slovenia gained their independence on 25 June of that year, when significant fighting had already taken place between federal forces and those of the new republics (Bermejo, 2007, p. 85). The Security Council was slow and hesitant, but at least it was not inactive, as it had been in the past. In the present case, however, where the invader is one of the five veto-wielding countries on the Security Council, no resolution is expected. With the Council paralysed, the only remaining recourse is to the UN General Assembly.

The case of the Korean War marked the way forward: on 27 June 1950 the Security Council acted in response to the USSR’s ‘empty chair’ policy with Resolution 83 to repel North Korea’s aggression against South Korea. Realising its mistake, the USSR returned to the Council and vetoed further action on 1 August. The General Assembly took over, and even in the knowledge that its resolutions were not binding, it states in number 377 — the famous ‘Union for Peace’ [A/RES/377(V)], that in the face of this case of paralysis:

If the Security Council, through lack of unanimity among its permanent members, fails to carry out its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace or act

of aggression, the General Assembly shall immediately consider the matter with a view to making appropriate recommendations to members for collective measures, including, in case of a breach of the peace or act of aggression, the use of armed force when necessary to maintain or restore international peace and security.

This type of moral sanction had some practical consequences at the time and later, for example, when the Assembly directly urged the Secretary General to take action during the Suez crisis, he set up UNEF, the first UN Emergency Force.

Similarly, the Assembly has played a leading role in the present case, given that the aggressor has a seat on the Security Council and the right to veto, which stifles effective condemnatory resolutions. In the Assembly resolution of 2 March (UN, 2022b), 141 of the 193 voting members condemned Russia's use of force against Ukraine. Five countries voted against, and there were 35 abstentions. Shortly afterwards, however, when possible war crimes were revealed in Bucha, it was suggested that Russia might be removed from the UN Human Rights Council. Only 93 countries supported the proposal (24 opposed, 58 abstentions, 18 blank votes). Conclusion: Russia is not isolated. Maybe it is not assisted, but it is not isolated. There is an Africanist vector in the United Nations with little concern for the difference between democracy and autocracy but which is permeable to the discourse (provided by China and Russia for years) of ending the colonial and imperialist heritage represented by the West and, ultimately, by NATO (Koller, 2022).

This juncture is not insignificant. The spirit and the letter of the law is being violated, but the sanctioning elements are ineffective due to the design of the right to veto. Furthermore, it brings into play factors that condition the narrative and the pragmatism of international politics, which sometimes prioritise commercial alliances or economic interests over questions of legality and justice, which is unfortunate.

OUTDATED NEUTRALITY AND THE RESTORATION OF NON-BELLIGERENCE

The level of professionalisation or combat capability of an army — such as Russia's — is not determined by the number of troops or the way in which they are recruited. A professional army does not guarantee victory if it is poorly armed and equipped, has little will to fight, no incentives, scant support from civil society, spurious political interests, an unjust cause or low morale. The much smaller Ukrainian army has shown that it can stand up to the Russian army and even beat it sometimes, despite being forced to conscript citizens with little or no military training, and with the handicap of the duty to ensure a monopoly of violence and control of paramilitary militias¹ in the chaotic context of an invasion. The role of Ukraine's allies has been, and still is, to strengthen the country's modest military core to serve as a catalyst and integrator of defence capabilities. This has previously been done through training in doctrine and joint manoeuvres, and now by providing intelligence and material.

This situation, which benefits Ukraine, puts its allies in a very dangerous and unstable position when two factors are taken into account: the allies do not want to engage in open warfare, and Russia is a nuclear power. We need to rethink this position: outside conflict, is neutrality possible these days? Moreover, is formal neutrality possible, as in practice it might favour one of the contenders?

1 The Azov Battalion is the best known, but others include the Pravy Sektor, the Misanthropic Division, the Tornado Unit or the National Militia of the *Natsionalnyi korpus* party (the National Corps). They all share anti-Russian sentiments and extreme right-wing ideology. The Batkivshchyna Battalion (the 34th battalion of Territorial Defence) or the Dnipro1 special police regiment (along with 55 other territorial battalions), were set up in the aftermath of the 2014 uprisings. Not only were they volunteers, but they were granted a high degree of independence, questionable training, and not always impeccable behaviour. Of all these militias and units, some (Tornadon) were disbanded; others (Azov) were integrated into other regular units such as the National Guard with the intention of diluting their ideology, implementing discipline and improving their combat capabilities.

Neutrality is defined in the Hague Agreements of 1907 (Red Cross, 2022a and 2022b) as a voluntary act of refraining from supporting belligerent parties in a conflict — especially by military means (Article 5). However, according to Article 7, “A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.” However, according to Article 9, it must do so equitably: “Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles 7 and 8 must be impartially applied by it to both belligerents.” This requirement, referring to impartial assistance, was the reason for the American *Cash and Carry* law of 4 November 1939, which allowed the sale of war material to opponents if they paid in cash and took care of its transport by their own means. France or the UK could do both, but not Germany.

The West is walking a fine line by supporting Ukraine with arms exports and donations, but not Russia. This approach could prompt a declaration of war as a co-belligerent party. This is why the clarity of messages and intentions from the allies is so important. As a result, it has clearly been stated that arms sales and donations are made on a country-by-country basis, for example, not as a bloc, which would involve NATO. Each partner country has to report its aid and sales on a case-by-case basis (Forum arms trade, 2022; SIPRI, 2022). On 9 May 2022, President Biden signed the Lend-Lease Act (US Congress, 2022), which greatly simplifies the transfer of material to Ukraine. It should be remembered that the 1941 Act of the same name was used to distance the United States from a policy of neutrality and isolation during World War II until August 1941, when it signed the Atlantic Charter and switched to *de facto* ‘non-belligerency’.

This concept of non-belligerency is an “illegal discrimination of a neutral against belligerents” (Pereira, 2015, p. 669). It is, in a way, an internal public violation of a country’s neutrality, in whatever terms each country decides to commit itself: from censure in favour of one of the belligerents to political gestures or concessions towards one

of them which may result in a subsequent commitment to belligerence... or be considered as *casus belli* by the opposing side. The latter is what deeply concerns NATO countries, particularly the United States (Deutsch, 2022). Russia's complaints have at least minimal legal cover. If, in the face of serious, repeated breaches of the Law of Armed Conflict by one party - such as violating neutrality - prior warnings are given to change this behaviour, and if this is not the case, the right to retaliate remains (Rodríguez-Villasante, 2007, p. 265). True, there are different degrees to these (political, economic and military) considerations. Moreover, in the current context they must be channelled through the United Nations (under the concept of international countermeasures or sanctions). Indeed, it seems bizarre for the aggressor to demand that others behave cleanly and correctly. However, if we admit that neutrality is a currently invalid concept, there is no longer any cause for concern. Let us develop this idea.

After the codification of the Law of War (or Hague Convention), the concept of neutrality was applied in various wars, with relative success. However, there were cases of non-respected neutrality during the Second World War (Belgium, the Netherlands, Luxembourg, Norway, Finland, Greece and Iceland) and of 'compromised neutrality' (e.g., to varying degrees, Switzerland, Sweden, Spain, Turkey and Italy, as well as Bulgaria, Hungary, Romania and Greece before they were invaded, and Vichy France after the occupation). In many cases, this 'non-belligerency' was a transitory state, swinging between engagement in the war (Italy) or neutrality (Spain). The case of the war in Ukraine is clear: you take sides and act accordingly. On 21 March, the head of EU diplomacy Josep Borrell accused Russia of committing terrible war crimes throughout Ukraine, especially in Mariupol (France24, 2022); three days later, the special aid budget for Ukraine was doubled to 1 billion euros. This demonstrates action and reaction; words and deeds; appraisal and commitment.

The concept of neutrality has clearly been devalued since the prohibition of recourse to war or the threat of force contained in

Article 2.4 of the 1945 UN Charter: the mere existence of neutrality is unnecessary. All countries are neutral in the world order, and any who resort to violence are outside the law, so there is no scope for declaring neutrality in the face of illegality. Equidistance between the victim and the perpetrator is not possible. One is not neutral by respecting a speed limit, although you are a good citizen if you do so. It is possible, as in the case of the conflict in Ukraine, to argue that one does not have the capacity or resources to confront the aggressor, and out of prudence — or selfishness — one does not confront it; but one cannot claim neutrality or equidistance.

However, as we all know, international law is aspirational, which unfortunately removes it from everyday praxis. The prohibition of war — like theft, embezzlement, rape or speed limits — simply criminalises an offence and makes its prohibition explicit, but it does not eradicate the behaviour; it is not magic, and there are robberies, rapes and wars in everyday life. In this context, and given that neutrality is impossible, ‘non-belligerence’ once again appears as a useful tool for declaring one’s position regarding a conflict: we pick a side, we are not neutral, but we do not want to go to war. This reasoning is a pragmatic calculation of possibilities, and a crucial factor when the nuclear threat comes into play.

THE CLARITY OF MESSAGES IN A NUCLEAR CONTEXT

The tense situation between nuclear powers (Russia on one side and NATO on the other) is an example of the need for extremely clear messaging, with the aim of avoiding misunderstandings that lead to an unretrievable escalation in the use of atomic weapons. For instance, as NATO countries’ willingness to support Ukraine takes shape, NATO Secretary General Jens Stoltenberg has declared that any attack on supply lines in NATO countries would trigger Article 5 (Brewster, 2022). Responding in a statement, Russian Defence Minister Sergei Shoigu clarified that any NATO transport “on Ukrainian

soil” would be destroyed (De Miguel, 2022; Mucientes, 2022). The headlines look like propaganda, but the nuances (“in NATO countries”, “on Ukrainian soil”) are important. In fact, they are what matters: the red lines. NATO understands that its war supplies will be attacked, but not on allied soil, so there is no reason for collective defence; Russia knows and admits that NATO will help Ukraine, even if it does not like the idea, but will only attack convoys once they have entered Ukraine. Rules for war: Walzer’s notion of a “constitutional regime in Hell.”

This does not detract from the fact that propaganda is always present in the context of war: on 7 February, Russian Foreign Ministry spokeswoman Maria Zakharova declared that multiple reports of future Russian invasion plans in Ukraine were nothing more than a conspiracy and provocation (Tass, 2022e), and that what the West showed was — literally — a “state of hysteria” (Tass, 2022b, 2022g). Disinformation and assessment are constant. On the allied side, for example, the lack of information on Ukrainian casualties is symptomatic, compared to the abundant information it offers on Russian casualties. The opponents know that this lack of clarity is part of the game, but other information is much clearer. For example, US intelligence assistance to Ukraine has two limitations: it will not be used to kill senior officials or political leaders, nor to attack targets on Russian soil (Gerasimova, 2022); nor will it provide information on the presence of specific officers in command posts, although it will provide their location. These caveats are made public so that Russia is aware of them, as additional ‘rules of the game’.

Aid tiering has also been interesting in this respect. On 14 April 2022, German Vice Chancellor Robert Habeck declared that Germany would not send heavy weapons to Ukraine (Borger, 2022, Olterman, 2022), at least until a consensual NATO decision had been reached, “so as not to become targets themselves” (Burchard, 2022). If countries such as the Czech Republic or Poland were to do so, they would be taking that risk on an individual basis, without involving the Alliance. In fact, these two countries sent T72M1, M1R

and other infantry vehicles on 5 and 13 April (Reuters, 2022; Adamowski, 2022). Such statements indicate to the other party what it can and cannot do, pre-empting one's own behaviour. For example, when President Biden asked US citizens to leave Ukraine on the eve of the invasion, because the crisis could spiral out of control at any time and no troops would be sent to evacuate them (Mars, 2022), he was not only addressing US citizens, but also the Russian government. The message is clear: no troops will be sent to Ukraine. Such messages, which are astonishingly clear if they are interpreted correctly, are effectively exercises in realism and political pragmatism, and are the result of a terrible and stark calculation of probabilities.

CONCLUSIONS

This chapter has developed just three ideas: 1) a fallacy that is not a fallacy, but cruelly real: more weapons will not stop the war, on the contrary, they will prolong it; 2) a compelling reason that explains the evil of this non-fallacy: international legality needs to be resolutely supported because it is just and moral, and 3) it has to be applied by sending weapons to Ukraine because Russia has left no other option. Despite the risk involved in taking such a clear stand, it sanctions the aggressor and provides military assistance to a belligerent party. Finally, there is a reflection on the danger of the nuclear threat, which calls for everyone to tread carefully (non-belligerence and clarity in public messages) as well as a certain pragmatism, as to whether it is worth engaging in battle when there is a risk of losing (or of unleashing a nuclear holocaust).

Nevertheless, this issue has further implications. This Russian intervention has become a pivotal before-and-after event, such as the fall of the Berlin Wall or the attack on the Twin Towers in New York. It has turned international order upside down and is ushering in a new era. Sweden and Finland have applied for NATO membership, breaking with a long tradition of neutrality; more surprisingly, Switzerland is forcefully redefining its two-hundred-year neutrali-

ty: Gerhard Pfister, president of the Swiss Christian Democrats, says that “neutrality becomes indecent when the consequences of our wait-and-see attitude have the effect that the aggressor is rewarded and the attacked party penalised” (Koller, 2022b), echoing the same thinking formulated by Hugo Grotius five centuries ago (Pereira, 2015, p. 663). The Swiss have signed up to the EU’s sanctions policy (as they did regarding Iraq or the former Yugoslavia in the 1990s), but more importantly, the debate over their neutrality is political and public, unthinkable not so long ago.

Similar political changes are taking place in other countries: Germany has broken with its policy of not sending arms abroad (Herszenhorn, 2022), despite the ghosts of its past and the economic cost of losing a preferential energy partner; Poland, the Czech Republic, Slovakia and the Baltic states are particularly resolute and are sending heavy weapons without hesitation. Poland has always had regional power aspirations, and a ‘historical obsession’ (Veiga, 2009, p. 353) to separate its neighbours, Russia and Germany; it is now positioning itself clearly on the side of Ukraine. The other countries have first-hand experience of Russian domination and will not fall into the trap of confusing cause with consequence: it is not NATO that is moving towards Russia, these countries are choosing to protect themselves within NATO in order to distance themselves from Russia.

Russia has, of its own volition, strayed from the path of cooperation with Europe over the next few years and has been ruled out - or ruled itself out - as a reliable partner (Anthony, 2022). Indeed, there is no sign that the war will be short or that the peace to be achieved will be just. If Russia signs a treaty under disadvantageous conditions, a complicated option for a nuclear power, it will find itself involved in a long process of reparation, satisfaction, compensation and restitution, given what happened with Crimea, annexed since 2014 (Díez de Velasco, 2017, p. 877) and the lack of coercive capacity of the international system. However, there is a precedent that cannot be ignored, namely post-war Germany, which became a loyal

ally in a new world within five years. In many ways Russia is Europe, and the ties which have been broken should be restored. Rules need to be re-established, deals respected, debts settled, and partners' aspirations taken into account. All of this should be discussed around a table, not on the battlefield. This was possible with Germany, and it must be done with Russia, to continue building Europe.

This is because Europe comprises liberal democracies, with varying degrees of imperfection, no matter which sea their coasts lie on or how far they are from Brussels. Europe is also Canada, Australia, Japan or the United States. To arm Ukraine is to unite its fate with Europe's, and to share its destiny. Europe will never willingly cry "Destroy!" and release the dogs of war. Why not? Because it has seen desolation and the dark side of the human spirit. Even so, Europe will also not be afraid to stand up, weapon in hand, to fight an unjust aggressor that intends to subjugate it. Prudence should not be confused with weakness, nor moderation with lack of intelligence. After all, old Europe would not wage war because it is fed up with it, or because it does not know how to. Unfortunately, it is an expert in that field.

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NATO as a pretext (Fifth fallacy: ‘It’s because of NATO[‘s expansion]’)

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INTRODUCTION

One of the main arguments put forward by Vladimir Putin to justify his ‘special military operation’ in Ukraine was “the fundamental threats which irresponsible Western leaders created for Russia consistently.” On the very day of the invasion, he stated “I am referring to the eastward expansion of NATO, which is moving its military infrastructure ever closer to the Russian border” (President of Russia, 2022a).

For Putin, his intervention was brought about by the lack of response from the United States and the Atlantic Alliance to demands presented by Moscow three months earlier, including: that NATO withdraws its forces to its pre-1997 borders (the date when the first enlargement took place); that the organisation should not offer membership to any other country (including Sweden and Finland); and that it should provide written guarantees that Ukraine would never join the Alliance (Ministry of Foreign Affairs of the Russian Federation, 2021). On 9 May 2022, to commemorate the anniversary of Russia’s victory in World War II, Putin reiterated the message that the invasion of Ukraine had been a pre-emptive attack, necessary to defend itself from the West’s planned aggression in the Donbas region (President of Russia, 2022b).

You do not have to be Russian to follow these arguments. Although it is Moscow with imperialist pretensions this time around with regard to Ukraine, the classic 'anti-imperialist' forces around us naturally blame the United States and the Atlantic Alliance. The theses regarding an authoritarian and repressive power seem to deserve more respect than the sovereignty and territorial integrity of the democratic states bordering Russia. Nor has there been a shortage of academic specialists in International Relations who have used their realist dogmatism to draw similar conclusions, although they are working from different premises. Few of them made as great a splash as John Mearsheimer, the well-known University of Chicago professor. Mearsheimer, who had already identified NATO enlargement as one of the causes behind the annexation of Crimea (Mearsheimer, 2014), repeated this idea after the invasion of 24 February: "The US and its European Allies share most of the responsibility for the crisis. The taproot of the trouble is NATO enlargement, the central element of a larger strategy to move Ukraine out of Russia's orbit and integrate it into the West," (Mearsheimer, 2022; Chotiner, 2022). Although this was not his intention, the Kremlin has constantly quoted him as an authoritative source in terms of understanding the conflict.

By blaming NATO, Moscow is implying that there was an opportunity to secure permanent peace in the Old Continent after the end of the Cold War, but the United States rejected it. Instead of merging Russia into a new European security structure, Washington chose to betray it and go back on its supposed promise that NATO would not expand to any new members. From Russia's perspective, the expansion of US hegemony through the Atlantic Alliance has made the return to a confrontational scenario inevitable. War in Ukraine would therefore be nothing more than the natural response from one great power to another threatening its vital security interests.

The reasoning is not entirely wrong. By invading Ukraine, Putin is trying to push Western influence away from the Russian border. In

turn, NATO is a military alliance that, unless it widens its geographic field of action, can only be conceived as a defence instrument against a rival called Russia (this is how it was perceived by Central and Eastern European countries who sought to join). However, the idea that NATO enlargement has caused the current conflict does not fit the facts. Indeed, it is a recurring myth that perfectly suits Moscow's usual tactics involving disinformation and distortion of history, where Russia is always portrayed as a victim, never the aggressor. The 'broken promise' narrative, and depicting the West as an enemy seeking to humiliate Russia's great power, have become a central element of the country's post-Soviet identity and one of the main factors ensuring Putin's popularity among the Russian people. It is a narrative that inspires what Putin has shouldered as his great historical mission: unpicking the order of post-Cold War security to restore Russia's international status (Stent, 2022; Hounshell and Askarinam, 2022). His strategic calculations could not have been more wrong however, and the outcome of his attack will differ greatly from his intention.

A COMPLICATED HISTORY

According to the Russian president, he had no other option but to invade Ukraine to defend himself from the West's attempts to encircle his country. This country's rapprochement with NATO — either due to the (quite remote) chance that it would be formally included, or due to the deployment of troops and strike systems on its territory by the Alliance — was an existential red line for the Kremlin. As Putin has endlessly repeated: "You promised us in the 1990s that NATO would not move an inch to the East. You cheated us shamelessly" (President of Russia, 2021). The question of whether or not this promise existed, and its scope, has been the subject of disagreement and mutual recrimination for years. Without going

into greater detail, beyond our scope here, it is useful to reconstruct what was agreed and then examine how the events unfolded.¹

The origin of the dispute dates back to the meeting held in Moscow, on 9 February 1990, between the Soviet leader, Mikhail Gorbachev, and the United States Secretary of State, James Baker. The key issue in European diplomacy at the time, just three months after the fall of the Berlin Wall, was whether to move towards German reunification (the United Kingdom and France, alongside Russia, had initially shown some misgivings) and should it happen, if NATO forces might be stationed in what had been the former East Germany. Unaware of the storm that his words would stir up, Baker asked Gorbachev: “Would you prefer to see a unified Germany outside of NATO, independent and with no U.S. forces, or would you prefer a unified Germany to be tied to NATO, with assurances that NATO’s jurisdiction would not shift one inch eastward from its present position?” (Sarotte, 2014, p. 92). While Moscow would later interpret the question as the basis for an agreement against NATO expansion, Baker was only suggesting possible options, which were corrected days later by President George H. W. Bush.

In a meeting with the German Chancellor, Helmut Kohl, Bush proposed — and Kohl accepted — that, once unified, Germany would be a full NATO member, with the proviso that only German soldiers (and by no means nuclear weapons) would be deployed in the former East Germany, and then only after Moscow had withdrawn all its troops. Gorbachev approved this solution in July, partly helped by the generous financial aid offered by Kohl (DM 15 billion). And these were the terms compiled in article 5 of the final treaty on German unification, which the Soviet Union approved — like the other signatories (both Germanies, United States, United Kingdom and France) — in September 1990 (Federal Foreign Office, 1990). The treaty made no mention of the possibility of expanding the At-

1 For further analysis, see Spohr, 2012; Shiffrinson, 2016; Marten, 2017; Trachtenberg, 2021; and Sarotte, 2022.

lantic Alliance beyond reunified Germany. Nor did Gorbachev seek assurances on this, as he acknowledged on several occasions (Korshunov, 2014).

This should come as no surprise. This issue had no place on the agenda while the Soviet Union and the Warsaw Pact still existed, and nobody could have imagined that the former would be dissolved just a year later (Kramer, 2009). It was the implosion of the USSR which radically transformed the situation. Several former Soviet bloc countries began to demand their right to become NATO members, which Russia was firmly against, although it accepted that the process could not be stopped and that there would be no binding commitment to prevent it. Furthermore, Moscow had signed both the Helsinki Charter (1975) and the Paris Charter (1990), which recognised each State's right to freely choose its security policy. The Russians felt cheated by the West, however: if the German reunification agreement prohibited deployment of foreign troops in the former East Germany, Boris Yeltsin's government reasoned that it should also be understood to prohibit this further east.

The Clinton Administration (which took office in January 1993) sought to make NATO membership, as requested by these countries, compatible with maintaining a cooperative relationship with Russia. In parallel to the first enlargement (Poland, Hungary and the Czech Republic were invited during the 1997 Madrid summit and became full members two years later), Washington offered Yeltsin a series of incentives (financial aid, WTO and G7 membership), as well as closer NATO ties with Russia. The latter were formalised in the 'Founding Act', a text in which both sides did not regard themselves "as adversaries," and that considered a shared effort to build "lasting and inclusive peace in the Euro-Atlantic area on the principles of democracy and cooperative security" (NATO, 1997). By giving the go-ahead to this agreement, the Russian leaders were thus accepting the enlargement of the Alliance in writing, and its implications: a new security map of Europe with Russia in a secondary role. However, Moscow never believed the American narrative that enlargement

was not directed against it, rather more intended to promote security and stability in the Old Continent by integrating the Central and Eastern European States. The Kremlin knew better than anyone why its former satellites wished to join the organisation, but the weakness of Yeltsin's government prevented any other outcome.

The first enlargement coincided with NATO's intervention against Serbia in 1999, an operation that had not been approved by the UN Security Council, with humanitarian justification — stopping the persecution of Kosovan Albanians — that the Russians never shared. It was the war in the Balkans, rather than the Alliance enlargement, which spread deep Anti-Western sentiment throughout Russian society, exacerbating the characteristic nationalism of its contemporary foreign policy. If NATO had acted illegally against a sovereign state, the Russians wondered whether they might be the next victims. In 2002, NATO and Russia agreed to set up a Council to resolve their differences, but Moscow never had much faith that it would be effective. By then, former KGB agent Vladimir Putin had replaced Yeltsin in the Kremlin.

The US invasion of Iraq in 2003, once again without authorisation from the Security Council, raised Russian concerns anew. However, what spoiled a positive relationship between Putin's Russia and the West was the succession of 'colour revolutions' in Georgia (2003) and Ukraine (2004); popular movements that brought leaders to power who were inclined to incorporate their countries into transatlantic structures. For the Kremlin, the causes of these political changes were not the local population's demands for democracy, but US interference (Mitchell, 2022). Convinced that a change in regime in Russia was the next objective, Putin chose to openly declare his hostility towards the West.

In 2007, in the Munich Security Conference, he accused the United States and the Atlantic Alliance of threatening Russia with these words: "I think it is obvious that NATO expansion does not have any relation with the modernisation of the Alliance itself or with ensuring security in Europe. On the contrary, it represents a serious

provocation that reduces the level of mutual trust.” “What happened to the assurances our Western partners made after the dissolution of the Warsaw Pact? Where are those declarations today?” the Russian president wondered, although he knew that the only formal ‘guarantee’ was made with respect to the reunification of Germany when the Warsaw Pact still existed (President of Russia, 2007).

One year after his diatribe in Munich, the NATO summit held in Bucharest recognised Ukraine and Georgia’s aspirations to join the organisation and agreed that “these countries will become members of NATO” (NATO, 2008, paragraph 23). For many analysts, this is the origin of the on-going war. The President of the United States, George W. Bush, supported by the United Kingdom, promoted Ukraine’s rapid accession, although the majority of its population was against this at the time (it did have popular support in Georgia, however), and without the necessary reflection on whether the Alliance was in a position to commit to defending these countries in the event of an aggression. Aware of these concerns, France and Germany managed to slow down the process, although this vague declaration laid down a line for Putin which he would not tolerate being crossed. Four months later, Moscow invaded Georgia, destroyed its armed forces and occupied two pro-Russian separatist regions (Abkhazia and South Ossetia). The war took the West by surprise and sent a clear message: Russia was not going to allow a pro-Western State on its periphery, and it was prepared to resort to force to stop this happening.

The next step is only too familiar: in March 2014, one month after the Maidan revolution in Kyiv that led to the fall of Viktor Yanukovych’s pro-Russian regime, Putin ordered the invasion and occupation of Crimea, and financed and provided military support to separatists in Eastern Ukraine in a war that is still under way. Russia was attempting to stop Ukraine from signing an association agreement with the European Union, but Putin once again blamed NATO enlargement: “They have lied to us many times, made decisions behind our backs, placed before us a *fait accompli*.” Although

the Alliance had decided to shelve Ukraine's accession *sine die*, the Russian President insisted: lack of action from him "would have meant that NATO's navy would be right there in this city of Russia's military glory [Sebastopol], and this would create not an illusory but a perfectly real threat to the whole of southern Russia" (President of Russia, 2014). In February 2022, he tried to demonstrate once again that there were red lines he would not permit NATO to cross.

NATO AS AN EXCUSE

The expansion of NATO has always been controversial. Since the mid-nineties, political leaders, diplomats and experts began to discuss whether this was a good idea; if it would really help ensure peace in the Old Continent after the Cold War, or on the contrary whether it would end it prematurely, as it would inevitably make Russia an antagonistic power (Brzezinski, 1995; Brown, 1995; Kennan, 1997). Those who defended this position drew the same conclusions after the invasion of Ukraine in 2022 (Mandelbaum, 2022; Carpenter, 2022).

With the perspective of more than 30 years since Baker's meeting with Gorbachev, we might ask why NATO grew so fast, and why it has not been possible to come to an understanding with Putin.² Regarding the first question, we should remember that, when the Cold War came to an end, nothing ensured a stable environment in Europe. In fact, one of the most prominent specialists highlighting the negative consequences of enlargement, the aforementioned John Mearsheimer, was one of the first voices to warn that the continent might soon become the scene of violent clashes (Mearsheimer, 1990). NATO enlargement was a response to these uncertainties: it was a

2 After the first expansion in 1999 (Poland, Hungary and the Czech Republic), Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia joined NATO in 2004; Albania and Croatia in 2009; Montenegro in 2017 and North Macedonia in 2020. Since 1949 the number of Member States has grown from 12 to 30, a figure that will continue to rise.

way of anchoring a reunified Germany in the West (the ‘German problem’ was the origin of the Washington treaty in 1949 alongside the Stalinist threat);³ it prevented old ethnic and territorial conflicts erupting (as happened in the Balkans), and provided protection for a number of new democracies whose integration into the Alliance structure would allow them to concentrate on their economic and political reforms without having to give the same priority to military matters. It also avoided the risk that they might want to develop their own nuclear capabilities.

It is undeniable that, at the same time, enlargement was helping to stave off the possibility that Russia might want to restore the Soviet Union’s sphere of influence. The United States believe it was justified in maximising its power in Europe after winning the Cold War, but Moscow was unlikely to accept marginalisation when the European security order was being defined (Goldgeiger, 2016). What it perceived as an affront to its dignity as a great power would make the expansion of the Atlantic Alliance a matter that would gradually erode its relationship with the West, irrespective of the incentives that the Clinton administration initially offered Yeltsin’s government. The subsequent political conflicts and Putin’s rise to power would hinder a positive relationship, particularly when the Russian president preferred to ignore two fundamental circumstances.

The first is that the Alliance began to expand due to pressure from Poland, Hungary and the Czech Republic; this process was not driven by the United States, which was initially more reluctant to meet their demands. As with the Baltic States and other candidates subsequently, these countries wished to join the Western sphere quickly because — for obvious reasons — they were keen to escape from Russia’s influence (Goldgeiger, 1999). After forty years dominated by Russia, including the occupation of Hungary in 1956 and Czechoslovakia in 1968, they were part of a history they wished to leave far

3 In the famous words of the first secretary general of the Alliance, the British Lord Ismay, its mission was “to keep the Soviet Union out, the Americans in, and the Germans down.”

behind them. Without NATO's security assurances, they feared for their independence or their democracy.

Secondly, although it might appear paradoxical, enlargement has also been advantageous for Russia. Moscow's historical problems, such as a threat from Germany (from both Kaiser Wilhelm II and Hitler), or potential risks such as a nuclear Poland, would be neutralised by NATO. A European instability scenario would have worsened rather than mitigated Russia's security issues. In 1997, the Alliance also pledged not to deploy foreign troops permanently in its Central and Eastern European states, a commitment that was respected until Russia's aggression against Ukraine in 2014. Not even the thesis of encircling its borders is correct: out of the 14 countries bordering Russia, only five are members of NATO and share barely five percent of its land border with them (Estonia, Latvia, Lithuania, Norway and Poland).⁴ The possibility that the Alliance might invade Russia is simply unimaginable, because surely the Russian nuclear arsenal and the largest army in Europe are sufficient deterrents?

So why has Putin not been able to live alongside an enlarged NATO? Part of the answer lies in the history of a country — held hostage by an obsessive perception of vulnerability — that has only been able to promote its security by imposing its control over neighbouring nations; a state which understands that, to survive, it has no choice but to extend beyond its own territory. This tradition leads us to two inevitable questions. Did it really invade Ukraine to prevent it from joining the Alliance? In more general terms: if the NATO enlargement had not taken place, would Russia no longer be a revisionist state?

Of course, it is understandable that Moscow opposes the Atlantic Alliance, but unleashing a war that is going to revitalise and increase the organisation's membership is difficult to understand unless there is another underlying issue. In fact, without having to resort to force,

4 This situation will naturally change with the forthcoming enlargement to include Finland (alongside Sweden), mainly caused by the violation of international rules by the Russian president.

it is plausible to think that Russian military pressure on the border might have led to Ukraine taking a neutral status, a possibility that President Volodymyr Zelensky actually stated he was open to discussing. This scenario has been overtaken by events, although it is relevant that, even if the Alliance formally ruled out Kyiv's future membership, Putin would refuse to accept Ukraine's right to exist as an independent state, nor would he change his perception that the consolidation of Ukrainian democracy was an existential threat to his regime (Person and McFaul, 2022, p. 19).

From annexing Crimea to the submission of Belarus, from its campaign against Armenia to its intervention in Kazakhstan in January 2022, just a few weeks before the invasion of Ukraine, everything seems to indicate that the Kremlin is seeking to restore a zone of influence and if it cannot achieve this goal through intimidation, it will attempt it using military instruments. Guided by revanchist intention (Marangé, 2022), Putin has set out to avenge the 'humiliation' he claims to have been subjected to by the West since the end of the Cold War, reverse the implosion of the Soviet Union and force its recognition as a major power in the international system. The enlargement of the Atlantic Alliance is not the real underlying problem here either, rather more the fact that, as members of the organisation and thereby free from Moscow's pressure, its former satellite states form an unsurmountable obstacle to its plans to reclaim Greater Russia. Control of Ukraine was the last resort to realise an ambition that neither the US nor NATO can satisfy. Attempting this by force will probably lead to Russia's defeat, as has happened to other revisionist powers throughout history.

CONCLUSIONS

The Kremlin's messages suggest that the invasion of Ukraine was the inevitable result of NATO enlargement, a process that — for Putin — could extend to Kyiv, and which has exacerbated Russia's insecurity.

Nevertheless, this interpretation does not stand up. On the one hand, the Soviet Union in the Helsinki Charter first, and Russia in the Paris Charter afterwards, accepted the principle that each state has the right to choose their alliances freely. On the other hand, it was not the West that forced Central and Eastern European countries to join the Atlantic Alliance; it was those countries which requested membership. NATO also made a unilateral commitment to limit its military presence on the territory of new member states. If anyone has violated all existing rules, it is Russia.

It is true that while the United States and its allies believed that the expansion of the Atlantic Alliance would ensure the stability of the continent that was in the centre of two world wars and the Cold War, Russia was not satisfied with the space to which it considered itself entitled. However, at the same time, was it possible to meet the demands from some democratic states, desperate to get out of Russia's orbit, and recognise Moscow's right to a sphere of influence? Even if the United States had refused enlargement, these nations would have done their utmost to distance themselves from Russia, and Russia would have continued to blame the West. It is the Kremlin that should be asking itself why so many of its neighbouring states wished to join the transatlantic community. Blaming NATO is an excuse to minimise the responsibility of a country that could find no other role than an empire, making its security depend on the insecurity of others.

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The ghost of Trump (Sixth fallacy: ‘With Donald Trump in the White House this would not have happened’)

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Immediately after the Russian invasion of Ukraine, former President Donald Trump boasted that Vladimir Putin would not have launched the attack if he were still in the White House. As Trump (quoted in Cillizza 2022a) told a crowd of supporters in South Carolina in March 2022, “Russia would not have dared to annex one inch of territory if I was in the White House. In fact, they never did when I was there.” Trump added that Biden’s weakness enabled Putin to invade Ukraine and then complained that the 2020 presidential election was fraudulent (Smith 2022). However, Trump’s assertions about Ukraine were refuted by his former National Security Adviser John Bolton. Bolton argued that Putin would have preferred to invade Ukraine if Trump were reelected in 2020 because he assumed Trump would withdraw the U.S. from NATO and not come to Ukraine’s defense (Brennan 2022). Trump’s support for Russia

and Vladimir Putin has direct consequences for American global leadership as he campaigns for president in the 2024 election.

When international conflict occurs, existing false narratives and disinformation evolve and amplify in the information warfare battlespace. Trump's deliberate attempts to disguise his affinity for Putin as well as his history of pro-Putin posturing are consistent with doublespeak, a derivation of the Orwellian doublethink (see Herman 1992). As with many themes associated with the former president, doublespeak is a fixture in Trump's world of falsehoods given his comfort with camouflaging the truth with lies and misrepresentations. In doing so, he has willingly exposed himself and U.S. foreign policy to Russian manipulation.

Like Putin, Trump's use of political discourse serves to distort reality with insincere euphemisms and idioms that defend the indefensible. Recall the moment in 2018 in Helsinki when in response to questions about Russian interference in the 2016 presidential election, Trump defended Putin and opposed U.S. intelligence reports confirming Russian intervention to benefit the Trump campaign. Trump and his supporters embraced Russian fake news and made false claims there was no Russian interference (Nussbaum 2018). Former U.S. Special Counsel Robert Mueller's (2019) report concluded that during the 2016 U.S. presidential election, "a Russian entity carried out a social media campaign that favored presidential candidate Donald J. Trump and disparaged presidential candidate Hillary Clinton... The investigation also identified numerous links between the Russian government and the Trump campaign." In the face of these and other actions and statements, Trump would still have us believe that he was tough on Putin.

Key to Trump's pro-Putin strategy, whether deliberate or improvised, is to promote conspiracies and transforming them into sensible positions among his supporters. Trump has often bragged about his personal relationship with Putin. For example, he (quoted in Harvey 2022) boasted to Sean Hannity on *Fox News*: "I knew Putin very well. Almost as well as I know you, Sean... I will tell you, we

talked about it, we talked about it a lot, he did want Ukraine, but I said, ‘You’re not going into Ukraine.’ He would never, ever have gone into Ukraine.” But the truth Trump attempts to obscure is that he is, and has always been, a willing advocate for Vladimir Putin and uses pro-Putin disinformation and falsehoods as vehicles for sustaining Russian support.

HOW TRUMP PROMOTES PUTINISM

Trump has a history of using lies and falsehoods when to obscure the truth and relying on partners willing to defend him. Former U.N. Ambassador Nikki Haley (quoted in Draper 2022) argued that the Russian invasion of Ukraine “never would have happened” during the Trump Administration, pointing to his opposition to Nord Stream 2 and higher U.S. defense spending. Trump’s right-wing media allies even sought to justify the Russian invasion with conspiratorial claims that American bioweapons labs operating in Ukraine threaten Russian national security interests. Tucker Carlson highlighted these falsehoods on his Fox News show as did former National Security Adviser Michael Flynn and Steve Bannon. Conspiratorial allegations by Trump’s allies are gleefully promoted and referenced on Russian state-media outlets (Garcia 2022). Trump’s allies even attacked Ukrainian President Volodymyr Zelensky. Right-wing pundit Candace Owens referred to him as a “very bad character” and U.S. Representative Madison called Zelensky a “thug,” comments that were spread on Russia state-media (Landen 2022a & 2022b).

To maintain his “Big Lie” that the 2020 presidential election was fraudulent, Trump made personal appeals to Vladimir Putin to intervene in the American political system on his behalf. Trump requested that Vladimir Putin reveal alleged compromising information on President Biden and his son Hunter Biden. Trump (quoted in Jackson 2022) stated, “I think Putin would be willing to probably” unveil the information since “Putin is not exactly a fan of our country.” And Russian state-media outlets were happy to oblige Trump,

Carlson, and Bannon by promoting toxic conspiracies and outrageous allegations Hunter Biden was somehow funding bioweapons operations in Ukraine (Davis 2022). Hunter Biden was under investigation for allegations of tax fraud in Delaware, but linkages with bioweapons in Ukraine are ludicrous.

These manipulations of reality go well beyond simple falsehoods and lies. They undermine U.S. national security interests and damage American credibility with allies and partners. As president, Trump was more concerned with advancing his personal interest and driven by his failure to recognize Russian intervention on his behalf in the 2016 election and his failure to accept that he lost the 2020 presidential election to Biden. Also, Trump's promotion of Russian disinformation and his hostility for the "deep state" encouraged his extremist supporters to storm the U.S. Capitol on January 6, 2021 and obstruct the constitutional process of certifying President-elect Biden (Barry et al., 2021).

As president, Trump created a "shadow foreign policy" network led by former New York City Mayor Rudi Giuliani that was designed to keep him in power (Vogel et al., 2019). This shadow network was independent from established national decision-making processes and designed to smear former Vice-President Joe Biden, his expected rival in the 2020 presidential election. Not only was this network created to dig up dirt on the Biden family, especially Hunter Biden, but a key component in its mission was also to pressure Ukrainian President Volodymyr Zelensky to help Trump in exchange for holding up the delivery of U.S. lethal military to obtain such information. This effort led the U.S. House of Representatives to first impeach Trump in December 2019, although the U.S. Senate failed to convict him.

Trump's argument that Putin would not have invaded Ukraine with him in the White House made no sense. Trump and his allies were bending U.S. foreign policy into partisan politics with lies disconnected from reality. As Former U.S. Ambassador to Ukraine Marie Yovanovitch (quoted in Todd et al., 2022) stated, Trump "showed the world that we had an administration that was willing to trade

our national security for personal and political gain.” Trump never passed up an opportunity to promote Kremlin disinformation. As John Bolton (quoted in Stanton 2022) observed, “you never know with Trump. It depends on what time of day it is; it depends on what he thought his political benefit would be at any given moment. I don’t think ultimately, he would have stood in Putin’s way.”

These observations show the extent to which the former president is attempting to rewrite history, a strategy modeled on autocrats like Putin. Trump’s pro-Putin foreign policy produced the opposite of what Trump has claimed, which is that his administration may have encouraged Russia to invade Ukraine. With the very real possibility that Trump could return to the White House in 2024, both Democrats and Republicans should develop institutional guardrails to prevent him from returning to the presidency.

RUSSIA, UKRAINE, TRUMP, AND PUTIN

Russian influence with Trump runs far and wide. For example, journalist Michael Isikoff reported that Russia’s foreign intelligence service, the SVR, made up a false story about Democratic Party official Seth Rich who was murdered in Washington D.C. in July 2016 (see Inskeep 2019). The SVR made up the lie that Rich was killed by gunmen hired by Hillary Clinton in retaliation for Rich stealing hacked emails from Democratic Party headquarters. The conspiracy was spread online by Julian Assange’s *Wikileaks*, *Fox News*, and Russian state-owned outlets *Sputnik* and *RT* (Rutenberg 2017). Trump’s political allies, especially Bannon, Roger Stone, and lawyer Jay Sekulow were the driving forces behind the Seth Rich conspiracy. This meant that Trump’s circle of friends and advisers were pushing a fabrication and conspiracy that emanated from the Russian intelligence service the SVR (Robertson 2020).

Special Counsel Robert Mueller uncovered evidence that members of Trump’s 2016 campaign staff had ties to Russian interests.

Trump campaign chair Paul Manafort had the most extensive connections with both Russia and Ukraine. Prior to becoming Trump's 2016 campaign chair, Manafort advanced pro-Russian interests in Ukrainian politics. Manafort became a consultant to Viktor Yanukovich, a pro-Russian and pro-Putin Ukrainian politician who was elected president in 2010 (Shuster 2017). After his election, Yanukovich pushed for closer relations with Russia, opposed E.U. and NATO accession, and transformed Ukraine into a kleptocracy (Miller 2018).

By advising Yanukovich, Manafort increased his access to pro-Russian interests (Shuster 2017). Former Russian intelligence officer Victor Boyarkin encouraged Manafort to pay debts he incurred to Russian oligarch Oleg Deripaska, who had ties to the Kremlin. Boyarkin stated that Manafort (quoted in Shuster 2018) "owed us a lot of money. And he was offering ways to pay it back." Manafort's work with Yanukovich would later enable him to serve as trusted intermediary between Russia and the Trump campaign.

The Trump campaign embraced pro-Putin and anti-Ukraine positions throughout the 2016 presidential campaign, contradicting his 2022 claims that he was tough on Russia. J.D. Gordon, the Trump campaign's national security adviser, removed references to endorsing "lethal defense weapons" for Ukraine from the 2016 Republican Party platform. Roger Stone requested that Wikileaks release DNC emails hacked and stolen by Russian intelligence, which it later did after Trump (Schmidt 2018) publicly requested it: "Russia, if you're listening, I hope you're able to find the 30,000 emails that are missing."

After Trump was elected president in 2016, Trump fulfilled Putin's demands by undermining U.S. foreign policy and circumventing established protocols. In the now infamous July 2019 phone call with Ukrainian President Volodymyr Zelensky, Trump repeated a Russian conspiracy that it was Ukraine, not Russia, which interfered in the 2016 presidential election. Trump asserted that the cybersecurity company Crowdstrike provided Ukraine with a secret

server showing that Ukraine was covering up its attempts to assist the Clinton campaign. During the phone call, Zelensky requested that the U.S. provide Ukraine with Javelin anti-tank missiles to fight Russian-backed separatists in Donbas. Trump's (quoted in Savage and Barnes 2019) response was to pressure with Russian conspiracies for his own personal benefit: "I would like you to find out what happened with this whole situation with Ukraine, they say Crowd-strike... I guess you have one of your wealthy people... The server, they say Ukraine has it." Trump then expanded on the conspiracy by insisting that Zelensky put forth negative information impugning Democratic primary candidate Joe Biden, his expected rival in the 2020 presidential election.

Of course, this was a fantasy concocted by Trump and his political allies to distract the public from Russian interference on his behalf in 2016. Ukraine was never implicated in any nefarious activities with CrowdStrike about secret servers. The Ukraine-Crowdstrike conspiracy was linked to Russian intelligence operative Konstantin Kilimnik, who was Manafort's associate and later implicated by the U.S. Senate Intelligence Committee to subvert the 2016 presidential election (Bertrand 2020; Winter and Dilanian 2020). Former Trump White House Chief of Staff Mick Mulvaney (quoted in Blake 2019) confirmed that Trump even delayed U.S. military assistance to Ukraine based on Trump's acceptance of the Ukraine-Crowdstrike conspiracy: "Did he mention to me in [the] past the corruption related to the DNC server? Absolutely. No questions about that. But that's it, and that's why we held up the money."

During the House Impeachment inquiry hearings in late 2019, when Republican committee members were repeating the Ukraine-Crowdstrike conspiracy, National Security Council staff member Fiona Hill (quoted in Cassidy 2019) accused them of spreading a "fictional narrative that has been perpetrated and propagated by the Russian security services themselves. I would ask that you please not promote politically driven falsehoods that so clearly advance Russian interests."

Trump's pro-Russia inclinations and willing acceptance of Russian disinformation were reflective of an American president who aspired to be an authoritarian in the mold of Putin and remain in power as long as he wanted. Trump was willing to do anything to serve that singular interest, including promoting nonsensical and absurd Russian conspiracies. While Trump admired other illiberal leaders and would-be autocrats, namely Recep Tayyip Erdogan and Viktor Orban, it was his affinity for Putin and comfort with corruption and autocracy that was most appealing to the former president.

Trump sought to privatize foreign policy for his own purposes centered on a network of Pro-Russia consultants and advisers and Russian falsehoods, fake news, and conspiracies. Trump had a mystical attraction to Putin that led him during the 2016 campaign and later as president to function in servitude to Putin. But what Trump never realized is that an autocratic president operating in a political system of checks and balances, separation of powers, and rule of law, was never going to work.

NOT ALL REPUBLICANS ARE ON BOARD WITH TRUMP'S PUTINISM

Trump's praise of Putin exposed real political divisions within the Republican Party. Even before Russia's invasion of Ukraine, cracks were emerging among rank-and-file Republicans. Ten House Republicans voted to impeach Trump and seven Republican U.S. Senators voted to convict him over his role in the January 6, 2021, insurrection to halt the constitutional certification of President-elect Biden's victory in the Electoral College. Among the most vocal anti-Trump House Republicans were Liz Cheney and Adam Kinzinger and Republican U.S. Senators Mitt Romney, Pat Toomey, Bill Cassidy, Richard Burr, Susan Collins, Lisa Murkowski, and Ben Sasse, all of whom rejected Trump's support for Putin (Sprunt 2021; Wiseman and Broadwater 2022).

Today, congressional Republicans are more compelled to question Trump's affection for Putin. Following Russian attacks on civilians, U.S. Senator Mitt Romney (quoted in Mastrangelo 2022) described his relationship with some Republican colleagues as "I've got morons on my team." In a speech to Republican donors, former Vice President Mike Pence criticized fellow Republicans who cozied up to Putin in the wake of Russia's assault on Ukraine. A few days after Trump referred to Putin as a "genius" for invading Ukraine, Pence (quoted in Orr 2022) countered by stating "There is no room in this party for apologists for Putin. There is only room for champions of freedom."

Pence took his remarks one step further by demanding that the Biden Administration boost political and economic pressure and confront Putin directly in Ukraine. Pence (quoted in Orr 2022) called on President Biden to sanction Russian oil exports and provide Ukraine with offensive weapons: "Putin must stop or Putin must pay. We must demand this administration increases military spending immediately, (arms) Ukraine with lethal weapons to counter Russian armor and aircraft and President (Joe) Biden should sanction all Russian oil exports worldwide." The former vice president even praised NATO, the collective security organization that both Trump and Putin repeatedly attacked. Pence stated (quoted Montanaro 2022), "Where would our friends in Eastern Europe be today if they were not in NATO. Where would Russian tanks be today if NATO had not expanded the borders of freedom." Pence's speech harkened back to the Cold War when the Reagan Administration confronted the USSR by boosting military assistance to the mujahedeen in Afghanistan, which helped defeat the Soviet Union.

However, anti-Putin sentiment from Pence did not seem to win over his former boss. At roughly the same time Pence was condemning Putin, Trump was praising him. At the 2022 meeting of the Conservative Political Action Conference, Trump heaped even more praise on Putin and engaged in his usual rants about the 2020 presidential election having been stolen from him. The former president

(quoted in Cillizza 2022b) stated, “reporters asked me if I thought President Putin is smart. I said, of course, he’s smart.” However, Pence (quoted in Orr 2022) appealed to Republicans to no longer promote lies and falsehoods about the 2020 election: “We cannot win by fighting yesterday’s battles. Forgetting what is behind and straining toward what is ahead, let’s press on toward that goal.”

Following the Russian massacre of civilians in Bucha, Ukraine, and with the number of Russian war crimes in Ukraine increasing, Republicans began distancing themselves from Trump and his attraction to Putin. In March, the House voted by the very wide margin of 414 to 17 to ban Russian oil imports. All 17 members voting to oppose the measure were Republicans, representing just 8% of the House Republican caucus (Solender 2022). The House also voted 361 to 69 to approve \$14 billion in lethal military assistance to Ukraine with just 53 Republicans or 25% of the caucus voting against the defense package (Dutton 2022).

Overwhelming Republican support for Ukraine is not only consistent with the anti-Putin wing of the Republican Party, but also aligned with American public opinion. In an April 2022 *CBS* public opinion poll, 69% of Americans supported using U.S. military force if Russia attacks a NATO ally and 78% support using force if Russia resorts to using weapons of mass destruction. Moreover, 78% support U.S. sanctions and 72% support sending lethal U.S. military assistance to Ukraine. An interesting finding is that 55% of Americans believe Biden has not been tough enough on Russia, which leaves room for Trump to rewrite history and make his false claims that he was being tough (Salvanto et al., 2022).

Evolution in American public opinion toward both Russia and Ukraine can be broken down in terms of political party affiliation. Before Russia’s February 2022 invasion of Ukraine, 42% of Republicans stood with Ukraine and in 2017, 49% of Republicans thought Russia was a U.S. ally, and 32% held favorable views of Putin himself. After the Russian invasion, Republican support for Ukraine increased to 58% and only 6% hold favorable views of Putin compared

to Democratic support for Ukraine, which increased from 58% before the invasion to 70% after (see Viala-Gaudefroy 2022).

While American public support for assisting Ukraine remained high in early 2023, one poll showed partisan divisions have emerged. 84% of Democrats support major or minor level of assistance compared to 70% of Republicans with the total level of support having declined from May 2022 (AP-NORC 2023). Another poll reported 40% of Republicans believe the U.S. is providing too much assistance to Ukraine compared to 53% of Democrats who believe the U.S. is not providing enough or just the right amount (Dunn 2023). While Trump will likely exploit these divisions in Republican primaries to play to his far-right wing supporters in key U.S. states, his pro-Putin positions risk being far out of step with overall American public opinion.

However, the problem with Republican messaging on Russia and Ukraine is the clear fault-line within the party between the larger, traditional Pence-led anti-Russia wing and the Trump-led and Pro-Putin vocal minority wing. The Pence-led wing includes anti-Russia standard-bearers like Senators Mitch McConnell and Mitt Romney as well as representatives Liz Cheney and Adam Kinzinger. If Pence chooses to run for president in 2024, his very public condemnations of Putin and support for NATO will pit him against Trump in the battle for the Republican nomination. If Russian atrocities against Ukrainian civilians worsen, the Trump-led wing could be politically out of step with the voters.

Trump remains the *de facto* leader of the Republican Party; however, he is not unchallenged. Congressional Republicans appear aligned with American public opinion on the Russian invasion of Ukraine and hold conventional anti-Russia/anti-Putin foreign policy positions. Most of these Republicans voted with Biden, endorsed sending weapons to Zelensky's government, and support for Ukrainian refugees in the U.S. even though many think Biden has not been tough enough on Putin. Trump's Republican allies in Congress echo his false rhetoric that the February 2022 invasion would

not have happened if Trump were still in office. The tension between these two wings will determine whether the Republican Party can move beyond Trumpism.

TRUMP'S PRO-PUTINISM AND THE 2024 PRESIDENTIAL ELECTION

As the Biden Administration recalculates U.S. foreign policy, it is hampered by the damage caused by Trump to America's global reputation. The 2024 presidential election will demonstrate whether Trump is an aberration in American politics. Trump is unique among America's bad presidents in that his approach to politics is about promoting himself, remaining in power at all costs, and seeking affinity for autocrats who actively oppose U.S. national security interests.

However, Trump's failure to overturn the constitutional certification of President Biden's Electoral College victory validates American rule of law and the significance of the U.S. Constitution. It also showed the world the extent of Trump's incompetence and ineptitude. Moreover, the very poor performance of Trump-endorsed, election-dying Republican candidates in the 2022 congressional midterm elections showed that American voters are willing to safeguard democratic norms. As John Bolton (quoted in Draper 2022) contends, Trump is "not smart enough to be an authoritarian" and if he were re-elected in 2020, the former president would have caused "damage that might not be repairable."

However, Trump damaged U.S. foreign policy from a geopolitical standpoint. Under Trump, the U.S. missed an opportunity to prepare Ukraine much earlier for the Russian invasion in February 2022 and to strengthen transatlantic unity. Trump was complicit in delaying U.S. military assistance to Ukraine in 2019 with his conspiracies and falsehoods, depriving the Zelensky government of an opportunity to better prepare for the Russian onslaught in February 2022. Consequently, Ukraine became a fault line in America's relationship with NATO.

As president, Trump did everything he could to undermine Ukraine's movement toward Euro-Atlantic institutions and attacked NATO and the E.U. in the process. Trump chose to view Ukraine through the lens of conspiracies about Hillary Clinton's private server and CrowdStrike, as opposed to America's national security interests. Trump provided Putin with the momentum in early 2021 to amass the Russian military along its border with Ukraine and launching the invasion in February 2022.

When Trump was in the White House, Putin fomented and exacerbated divisions in the U.S. Putin saw a massive opportunity to invade Ukraine that was created by Trump who was enabled by his Republican allies and media pundits. Trump's encouragement of Russian disinformation and promotion of Russian conspiracies and lies sent Putin the very sign he was looking for to invade Ukraine during the Biden Administration. Trump's false claim that he would have been strong enough to stop Putin from invading in February 2022 is his attempt to rewrite history and ignore reality.

It is possible Trump could be the Republican nominee for president in 2024. That would be pit a 78-year-old Trump against an 81-year-old President Biden. American and international media will provide Trump a vehicle to spread more Russia-inspired conspiracies and disinformation about the 2020 presidential election, Russia's invasion of Ukraine, NATO, and transatlantic relations. If he runs and is defeated, Trump will again not concede, threatening a repeat of the extremist political violence on January 6, 2021.

The possible return of Trump represents a broader challenge to American democracy. It will test whether the U.S. still has the legitimacy and credibility to uphold the rules-based order against authoritarian Russia and China. A second Trump Administration could mean that democracy would be undermined by a former U.S. president who was closely linked with the Russian government and spread conspiracies, lies, and falsehoods from Putin's spies and propagandists. A former president who was twice impeached, spread Russian fake news and conspiracies during the U.S. response to the

COVID-19 pandemic, and inspired his followers to storm the U.S. Capitol could mean American democracy is no longer the gold standard.

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Democratic Sophism

(Seventh fallacy: ‘Russia is a democracy because it holds elections [and Putin wins them]’)

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“But the falsehood, like
so many falsehoods, is a false
version of a half-truth”.

G.K. Chesterton

The Superstition of School

Refuting a fallacy can be a very stimulating intellectual task, when it is an optical illusion that has become increasingly consistent thanks to incrustations and adherences from unconditional scholastics. For example, Montaigne’s presumed fallacy “The profit of one man is the damage of another” (Montaigne, 2007, p.125), that has been widely used by both left and right,¹ even though the Bordeaux humanist was censuring the sentence against a gravedigger in Ancient Athens, accused of benefiting from the death of others. Actually, Montaigne claimed that the sentence does not seem to be

1 In *Human Action*(1949), Ludwig von Mises wrote that the continuous change in market circumstances, while preventing the emergence of a smoothly rotating economy, constantly leads to losses and gains that favour some and disadvantage others. It has therefore been stated that any gain invariably represents a loss to another; nobody prospers except at the expense of others. Authors have long held this dogma and among modern writers, Montaigne was the first to reiterate it and so it is considered as *Montaigne’s dogma* (Mises, 1995, p. 783).

appropriate, because one man's gain is not another man's loss, and because, according to this consideration, all kinds of gain should be condemned (Montaigne, 2007, p. 126), although that falsified half-truth became a solid fallacy, the kind that urges one to gleefully challenge it. However, the world is plagued by shady business involving vulgar cheating and it seems a waste of time to fight it in any other way than with humour. This is the case of the mantra that 'Russia is a democracy because it holds elections' and we can strip back its layers, like an onion.

FIRST LAYER: ARGUMENTATIVE DESTITUTION

Stating that 'Russia is a democracy because it holds elections' is as fallacious as believing that 'Bats are birds because they fly.' With the same verbal rudiments, we might propose that 'Spain is an atheist country' because it allows euthanasia or that Spain is a Catholic country because children celebrate their first communion. Therefore, to assume that democracies are only such because they hold elections and to infer that Russia is a democracy from this, because Putin has won every election that he ever called, verges on the ridiculous. However, we agree with Montaigne that "there is indeed no greater stupidity, no more constant, no more heteroclit, than to be upset and angry at the follies of the world" (*Op. cit.*, p. 1386). Therefore, it is not worth either refuting or arguing with people who are determined to defend the indefensible "with the aplomb of those who ignore doubt" (Borges, 1981, p. 37).

SECOND LAYER: TWISTED SOPHISM

If someone were to clumsily reason and draw the conclusion that 'Russia is a democracy because it holds elections', their thinking would be so simple that this might be classed as *modus ponens* or straightforward reasoning, and this is a fallacy. However, if someone maliciously reasons that 'Russia is a democracy because it holds

elections', their thinking would be so twisted that they would have devised a *modus tollens* or indirect reasoning, and this is a sophism.² Why would it be a sophism to declare that Putin's Russia is a democracy? Because a sophist does not make this declaration as a democrat but as an 'immoralist'.

The sophist can adapt their behaviour to laws out of interest or cunning, or they can violate these laws like any other citizen; what is interesting from the sophistic point of view is their narrative against the moral discourse: their 'moral' behaviour — which can no longer really be called so without abuse — is their own business, that is, nobody's business (Savater, 1986, p. 40).

To put it bluntly, the sophist who insists that 'Russia is a democracy because it holds elections' has preconceived ideas about Russia, democracy and elections. Most importantly of all, they are not Russian.

THIRD LAYER: RUSSIAN SALAD

Mere months before his death, Leo Tolstoy published *Path of Life* (1911), unpublished in Spanish for over a century. In that compendium of quotations and reflections we can identify the sort of rural, uncritical monk that Tolstoy had become, ranting about the state in general, and democracy in particular:

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- 2 "What we currently call sophism is based on the attribution of unspeakable content, that might be successful, or not. Actually, any distinction between sophism and paralogism rests on the question of attributing intentions. A paralogism is on the side of error; sophism is a paralogism that is used for the interests or passions of its author [...] A paralogism can appear in a dialogue or a monologue, but a sophism necessarily appears in dialogue. We are annoyed that we have made a paralogism and we rectify it. We are not bothered by having constructed a sophism, merely that the trap did not work. Someone can be caught out by their own paralogisms but catch others with sophisms; this is what differentiates an idiot from a waster" (Plantin, 2015, p. 49).

It's enough to renounce deceitful doctrine, which was accepted based on faith alone, and to look at the situation of a person living in the state, whether he'd belong to the most despotic or democratic state, to be appalled at the extent of the slavery in which people live now, at the same time imagining that they are free [...]. And here you are, people put in this situation not only do not see their slavery, but proud of it, consider themselves as free citizens of the great states of Britain, France, Germany, Russia, proud of that, just as doormen are proud of the importance of the masters they serve" (Tolstoy, 2021, pp. 328 and 330).

In his lavish *Russian Thinkers* (1978), Isaiah Berlin analysed the ideas of Russian intellectuals who were at the centre of political debates before the 1917 revolution and, with the exception of Alexander Herzen (1812-1870), he found no one else safe from the left and right-wing fanaticisms who dragged Russia into Soviet totalitarianism (Berlin, 1979, pp. 351-390). In other words, we cannot speak of a Russian democratic tradition before communism, a regime that also took no pains to enthrone the values of Western democracies, because it appealed to moral legitimacy to justify its repressive nature. The Sevillian journalist Manuel Chaves Nogales had already warned of this back in 1929:

The great communist revolution was not only a political, social and economic revolution: it was a moral revolution. All the political and economic gains of the revolution could be lost tomorrow. To win them back, and thereby ensure continuity for the revolutionary work and guarantee that the previous regime would never return, there is a communist youth, with a communist morality, a youth that, from childhood, has been subjected to the most formidable catechist action in the world (Chaves Nogales, 2012, p. 255).

The origin of a sophist's moral alibi lies in the 'bourgeois other's' view of the Russian revolution, conscious of Soviet oppression but persuaded of the moral superiority of that proletarian dictatorship. Once again, we turn to Chaves Nogales's impartial chronicle:

The Bolshevik regime leaves no room for doubt about its nature, purpose and procedures. A bourgeois or intellectual who goes to Russia with the firm intention to understand and love, full of revolutionary fervour, saturated with mujik literature and humanitarianism, finds himself in a state with hostile opinions to all that he holds dear, gripped by narrow, implacable class discipline, lacking in humanity and intelligence. No humanitarianism, no sentimentality, no literature, Tolstoy is a poor saint, an old fool, with beards that only serve as a lure. Dostoevsky, a literary swine full of physiological defects and bourgeois prejudices.

No Democracy, no Human Rights, no Freedom. Lenin's question regarding the point of freedom is thrown in your face as soon as you raise the slightest objection to the dictatorship. In Bolshevik Russia, there is nothing but the tyranny of one social class over the others, and dominating it all, the instruments of that tyranny: the Red Army and the political police, the GPU (*Op. cit.*, p. 256).

However, despite the totalitarian nature of Communist Russia, Chaves Nogales admitted that "it disgusts me to equate the Soviet government to any dictatorial government in bourgeois countries" (*Op. cit.*, p. 257). Thus, fascination with Russian despotism did not originate in Russia but in Western European countries, just as *Russian salad* was devised by an Italian chef in London in 1845, from whence it travelled to Paris in 1856 and on to Madrid in 1858, long before it was first served in Moscow in 1864. Why do democratic palates have such slavish obsessions?

FOURTH LAYER: THE SUPERSTITION OF DEMOCRACY

Will all individuals living in a democracy be democratic? The answer is obviously no, although it is not worth reflecting on those who are not by default, but on those who are not by excess. That is, due to being fanatics and idolaters of democracy. Chesterton has taught us

that “idolatry exists wherever the thing that originally gave us happiness becomes at last more important than happiness itself” (Cheserton, 2006, p. 84) and from Bertrand Russell we learned that “a fanatical belief in democracy makes democratic institutions impossible” (Russell, 2003, p. 37). Fernando Savater previously claimed that.

We tend to forget or ignore that democracy is a process — something therefore always substantially *pending* — not a once-and-for-all achievement: its simple and immobile formal defence necessarily entails regression and decline (Savater, 1987, p. 110).

Democracy should be a means and not an end to enthroning justice and prosperity within institutional frameworks that guarantee both freedom and equality, but democracy’s superstitious followers worship it as if it were a hierophany and so are obsessed with convening successive electoral rituals, as if the essence of democracy revolved entirely around voting. That is why the core of the sophism ‘Russia is a democracy because it holds elections’ is neither Russia nor democracy, but the act of voting.

FIFTH LAYER: THE SHIPWRECK OF SUFFERING

The idea of enshrining any proposal approved by popular consultation or parliamentary majorities as a right entails transforming laws into an expression of power, as laws should always be the limit of power and never its reflection. However, the compulsive need to convert programmatic demands into universal rights often leads to promulgating all kinds of nonsense:

“There are commonwealths, plainly to be distinguished here and there in history, which pass from prosperity to squalor, or from glory to insignificance, or from freedom to slavery, not only in silence, but with serenity. The face still smiles while the limbs, literally and loathsomely, are dropping from the body. These are peoples that have lost the power of astonishment at their own actions. When they give birth to a fantastic fashion or a foolish law, they do not start or stare at the monster

they have brought forth. They have grown used to their own unreason; chaos is their cosmos; and the whirlwind is the breath of their nostrils. These nations are really in danger of going off their heads *en masse*; of becoming one vast vision of imbecility, with toppling cities and crazy countrysides, all dotted with industrious lunatics” (Chesterton, 2006, p. 601).

A dissident or heretic of democracy does not show their democratic credentials, but the superstitious follower of democracy boasts of them and is therefore in a hurry to sanctify anything he manages to put to a vote, because his real intention is to force his institutions and fellow citizens to live in permanent electoral stress:

Faced with the project of reconstructing a hierarchical society, the left must place itself fully within the sphere of democratic revolution and expand the chains of equivalence between the various struggles against oppression. *The task of the left ... cannot be to renounce liberal-democratic ideology, but on the contrary, to deepen and expand it in the direction of a radical and plural democracy [...]* This non-fixation allows its articulation with elements of the conservative discourse, but also different forms of articulation and redefinition that accentuate the democratic moment. That is to say, as in the case of any other social element, the constituent elements of liberal discourse never appear crystallised and can be the field of a hegemonic struggle. The possibility of a hegemonic strategy from the left does not lie in abandoning the democratic sphere but, on the contrary, in extending the field of democratic struggle to the whole of civil society and the state (Laclau and Mouffe, 2001, p. 222).

As can be seen, for superstitious followers of democracy it is not even a priority to win the consultations they promote or to push through the legislative initiatives they demand, because what is important for them is to compel their institutions and fellow citizens to choose between extreme proposals, unpicking the legal frameworks and pushing the formation of blocs or fronts to vote and vote again, until their adversaries are isolated like shipwrecked sailors on an island. Castaways can vote on whether they want to be rescued,

but rescue is not up to them. Hence, the superstition of democracy twists and manipulates the concepts of transparency and authority — now indeed it does — in the image and likeness of Vladimir Putin.

SIXTH LAYER: THE MOST TRANSPARENT REGION

After enthroning voting as a fetish, democracy's superstitious followers must create other golden calves to justify their need to continuously demand consultations and elections. Hence the ever-increasing requests for information in the name of a supposed transparency that removes hierarchies by putting news agencies and social networks, media and personal blogs, instant messaging and professional reporting all on the same level:

No buzzword dominates contemporary public discourse so much as 'transparency.' Above all, it is emphatically invoked in connection with the freedom of information. The omnipresent demand for transparency, which has reached the point of fetishism and totalization, goes back to a paradigm shift that cannot be restricted to the realm of politics and economics (Han, 2020, p. 11).

Thus, in the name of transparency, states must renounce instruments that guarantee national security and the fight against organised crime, while conspiracy theories, the most bizarre deniers, radical populisms and intoxications of all stripes gallop in the open. In other words, the loss of institutions' credibility is inversely proportional to the speed that reality is distorted by agents outside the state apparatus. In the mid-20th century, only states were able to influence public opinion, but in the internet and social media age, fallacies and sophistry that once required decades of indoctrination now catch fire within hours or minutes:

"I am persuaded that there is absolutely no limit in the absurdities that can, by government action, come to be generally believed. Give me an adequate army, with power to provide it with more pay and

better food than falls to the lot of the average man, and I will undertake, within thirty years, to make the majority of the population believe that two and two are three, that water freezes when it gets hot and boils when it gets cold, or any other nonsense that might seem to serve the interest of the State. Of course, even when these beliefs had been generated, people would not put the kettle in the refrigerator when they wanted it to boil. That cold makes water boil would be a Sunday truth, sacred and mystical, to be professed in awed tones, but not to be acted on in daily life.

What would happen would be that any verbal denial of the mystic doctrine would be made illegal, and obstinate heretics would be 'frozen' at the stake. No person who did not enthusiastically accept the official doctrine would be allowed to teach or to have any position of power. Only the very highest officials, in their cups, would whisper to each other what rubbish it all is; then they would laugh and drink again" (Russell, 2003, p. 174).

Everything Bertrand Russell predicted in 1950 has come true, except for his overestimation of people's credulity, for today there would be no shortage of people who would try to boil water in the fridge, just as 4% of the US population drank bleach to prevent Covid-19 (Hartman & Ernstoff, 2021). Nonetheless, today we have armies of hyperconnected trolls, nonsense circulates on social media with total impunity and the creators of hoaxes, fallacies and sophistry are not only high-ranking civil servants. One hundred years later Chesterton's worst fears have been realised:

"We shall soon be in a world in which a man may be howled down for saying that two and two make four, where angry partisan cries will be raised against anyone who says that cows have horns, in which people will persecute the heresy of calling a triangle a three-sided figure, and hang a man for maddening a mob with the news that grass is green" (Chesterton, 2018, p. 235).

In the age of transparency, truth is just another opinion, because for the superstitious supporters of democracy, truth is whatever is

approved by a simple majority, after creating artificial debates on the net and in the streets:

The society of transparency not only lacks truth; it also lacks symbolic appearance. Neither truth nor symbolic appearance are see-through. Only the *vacuum* is completely transparent. In order to banish this vacuum, a mass of information is put into circulation. The mass of information and images is a fullness in which the emptiness is still noticeable. An increase in information and communication does not *clarify* the world by itself. Nor does transparency make one a clairvoyant. The mass of information does not engender any truth. The more information you get going, the more intricate the world becomes. Hyperinformation and hypercommunication do not inject any *light* into the darkness (Han, 2020, p. 79).

Putin's Russia is the model country admired by those who spread the fallacy and sophistry we are dealing with — 'Russia is a democracy because it holds elections' — because in addition to intoxicating the most transparent democratic regions, Vladimir Putin has succeeded in trapping his country inside an information forcefield which cannot be penetrated by foreign media. If a majority of Russian citizens are persuaded that war is not being waged in Ukraine and that same majority is capable of voting for a candidate who banishes, imprisons or poisons his rivals, the superstitious followers of democracy are not ashamed to admire Putin, because Putin has been elected. Such sympathy has nothing to do with left or right-wing ideologies, but with the concept of authority that inspires the superstition of democracy.

SEVENTH LAYER: POWER AND AUTHORITY

In Spanish-speaking countries, where we have suffered cruel and long-lasting dictatorships, we distrust the word 'authority' as if it were synonymous with authoritarianism, when the opposite is true. Authority comes from *auctoritas*, which in the Roman tradition referred to the admirable and respectable status that certain persons

attained because of their values, knowledge and experience. Some of these people came to enjoy power — *potestas* — but the norm was to hold *auctoritas* without having *potestas* or to exercise *potestas* without having *auctoritas*. A dictator and a tyrant certainly have *potestas*, but they would never have *auctoritas*, because a dictatorship is neither admirable nor respectable. However, when voting becomes a fetish, the authority elected by majority becomes the alibi used by the superstitious followers of democracy to legitimise authoritarianism. In other words, Putin would have *auctoritas* and *potestas* for having won the elections he himself called, even as the only candidate:

Are we therefore facing the death of ‘*auctoritas*’ and ‘*potestas*’? Thus, the modern state is composed of individuals and not of a vertebrate social body. Society is built on intrinsic individualism that considers people as economic agents acting in the market, as a vote or a subject of legal imputation. A total subversion of the social sub-systems is thus taking place, characterised by an anthropological, philosophical, economic, political or legal conception of the person which shows that only power is valued nowadays (Morales Fabero, 2020, p. 253).

Before losing the battle of ideas, liberal democracy will lose the battle of language, because between fetishisms and political correctness, what Iván de la Nuez has called a ‘euphemocracy’ will be put in place; that is, a new semantic order where “euphemisms behave like the ideal vocabulary of this time in which words have ceased to designate things and have come to exist, exclusively, in and for language” (Nuez, 2018). Worst of all, in the world of political language, there are not only fallacies, sophisms, paradoxes and other tricks, but also phrases that sound very grandiose but are actually hollow because the contemporary apparatus of charlatanism requires abusive use of numerous formulas that no longer say anything because they have shed their argumentative properties. Thus, while democracy’s superstitious supporters anoint Vladimir Putin with the authority to wield all power because he won an election, the supposed defenders of the West’s representative democracies imagine that they are inflicting some harm on him by hurling catchphrases at him such as:

“Power tends to corrupt and absolute power corrupts absolutely.”³
 We don’t care whether Putin knows who Lord Acton was, but we are irritated that the West trivialises his thinking and slices his arguments in half, leaving us with a half-truth.

HALF-TRUTH AND A BROKEN HEART

The epigraph presiding over our reflection warned that “falsehood, like so many falsehoods, is a false version of a half-truth” (Chester-ton, 2013, p. 50) and so we began our argument by demonstrating that Montaigne’s alleged fallacy came — in fact — from another clipped sentence and therefore from a half-truth. The refutation of the fallacy or sophistry ‘Russia is a democracy because it holds elections’ would be meaningless if we did not emphasise that this is not a Russian assumption, but a self-serving Western, European or American invention. However, the corollary that enshrines Vladimir Putin as a democrat for winning such an election, awarding him *auctoritas* and *potestas* like the absolute kings of the Middle Ages, should not be challenged by chopping up Lord Acton.

John Emerich Acton (1834-1902) was an English aristocrat, liberal and Catholic, who devoted himself to politics, history and university teaching at Cambridge, where he was Regius Professor of Modern History. He spoke five languages fluently and was a staunch defender of minorities, even if those minorities were against his own ideas and beliefs. Thus, acting as a Catholic and a liberal, he opposed the infallibility of the Pope of Rome, speaking out in the Holy See itself and writing various essays and articles.

His famous plea against absolute power appeared in a personal letter to Anglican Bishop Mandell Creighton (05.04.1887) and its actual context was as follows:

3 We invite readers to type “Putin” into a search engine plus this phrase (“*Power tends to corrupt* and absolute power corrupts absolutely”) to see the thousands of hits this produces, demonstrating that this sentence has been reduced to a vulgar gambit used by pundits and politicians.

...I cannot accept your canon that we are to judge Pope and King unlike other men, with a favourable presumption that they did no wrong. If there is any presumption it is the other way against holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority: still more when you add the tendency or the certainty of corruption by authority. There is no worse heresy than that the office sanctifies the holder of it. That is the point at which the negation of Catholicism and the negation of Liberalism meet and keep high festival, and the end learns to justify the means (Acton, 1959, p. 487 [[emphasis added]]).

Lord Acton was not admonishing any dictator or autocrat of his time, but the Pope of Rome, and also the King of England while he was about it.

That is to say, to ‘his own people’, and his — complete, not half-baked — argumentation already had all the layers of the onion that we have removed: fallacy, superstition, power, authority and degradation⁴. If Vladimir Putin believes that Russia is a democracy because it holds elections that he wins, that is his problem. The real problem — as Lord Acton sensed — is that the superstition of “office sanctifies the holder of it” takes root in London and Rome. That is what has ended up happening, much against our will.

The onion – unlike the artichoke – has no heart. If we peel away all its layers, we will not find anything solid at its core, although if we cut it in half, in the centre we find see a broken heart, like those half-truths that leave us swimming in tears without ever having to peel an onion.

La Vereda de los Carmelitas, spring 2022

4 Lord Acton has another memorable sentence on the subject: “a [decent] man rightly scorns one who has a historical opinion and another political one, one for the foreigner and another for his own country: one for the opposition and one for the post.” (*Op. cit.*, p. 30).

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It's ethics, stupid!

(Eighth fallacy: 'Capitalism is to blame, as it is incompatible with democracy')

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INTRODUCTION

Right from the start of Putin's invasion of Ukraine, more than a few authors, economists, politicians, journalists and analysts have put forward a series of arguments to attempt to justify, or some might say *understand*, this 'special operation'. Among the arguments used, one might hear that 'capitalism was to blame, as it is incompatible with democracy, because it only seeks the benefit of the elites', or that 'the fall of communism brought capitalism which swept away democracy', or that 'like all wars, this war is basically the fight between some economic elites against others, between the interests of some people at the top against those of others also at the top', implicitly equating both sides, aggressor and aggressed in this case. All this was an attempt to link the supposedly harmful aspects of capitalism to democracy, or, in other cases, explicitly or implicitly, to justify the supposed benefits of communism over capitalism.

This chapter aims to answer this series of fallacies related to the politico-economic aspects of the invasion. When speaking about Russia nowadays, we are faced with a situation that is, one might say, untraditional, in which the old, classic dialectic of 'communism or capitalism' has been completely superseded. Russian reality has little to do with a communist or capitalist economy *sensu stricto*, let

alone a democratic one, and it is therefore impertinent to use it to judge whether either of these systems is the most *just* or convenient. The conclusion is much simpler. The Russian economy has unbearably high levels of corruption, sustained over time by the country's enormous natural resources. The traumatic transition from a communist to an ostensibly capitalist system in the late 20th century concealed that actual management of the vast majority of resources (public and private, natural, technological, financial, etc.) was rapidly falling into the hands of a very small group of agents, all of them controlled by Putin (Belton, 2020).

While it is true that the communist era provided vast experience in the one-man organisation around an absolute leader, this new system of political and economic management that we can call Putinism (Applebaum, 2013; Halili, 2022) takes this further. All aspects of politics, legislation, the economy, the media, the intelligence services, etc. are organised and managed around Putin. It is Putin who, vertically, is behind the decision-making and the main economic agents or oligarchs around him in managing all the nation's economic resources.

The main conclusion to be drawn from this picture is that any economic system which shuns efficient and ethical resource management, risks collapse, regardless of whether it is a planned or a free-market economy. It goes without saying that democracy also falls by the wayside. Let's look at this in depth.

ETHICS AS A DETERMINING FACTOR OF ECONOMIC GROWTH AND SUSTAINABILITY

Historically, economic literature has been devoted to investigating the causes of countries' economic growth. Different schools of thought have identified various factors as determinants of an economy's increased capacity to produce goods and services. Traditionally, the factors of production or available resources (land, labour and

capital/technology) have been considered to determine the long-term evolution of GDP. A large majority of scholars focusing on the economic growth phenomenon have focused on the importance of natural resources (land), capital (machinery, buildings, infrastructure) and/or technology as the key to explaining how an economy behaves.

Furthermore, the human factor (labour) has been gaining greater prominence in research as it is considered the core of economic theory: people making decisions (creating companies, managing them, deciding what to produce, etc.). This approach has highlighted the importance of the worker (person) and their training (education) as a key economic agent that generates productivity and can increase GDP, thus contributing to economic growth. Alongside this approach, there is a surprisingly late emergence of a trend that highlights the good governance of institutions as the main determinant of economic performance¹ (La Porta *et al.*, 1998; Levine, 2003; Beck and Levine, 2004). This institutional quality might be seen as a subdivision of the aforementioned key factor: the human being.

Homo economicus constantly makes economic decisions and these decisions can have two main outcomes: increased economic efficiency and greater fairness. Societies, economies, governments, public or private companies, households or human groups of all kinds that are continuously and sustainably managed by people who are capable of increasing both dimensions with an ethical approach have seen throughout history how their economies prospered, and civilisation advanced. In contrasting circumstances, this was hard to perceive.

1 The World Bank defines the term 'good governance' as "the manner in which power is exercised in the management of a country's economic and social resources for development." See World Bank (1992)

A WAR OF CIVILISATIONS? EAST AGAINST WEST?

Speaking of civilisations, if we go back historically to certain religious denominations, they already harboured the debate on making resource-management decisions. In this sense, from Judaism and Islam, through the Pentateuch and the Koran, to the Quakers and Methodists of 17th and 18th century England, certain ethical criteria were already considered to be fundamental in managing economies. Jews regarded Tzedek (fairness and justice) as a guide to direct their behaviour in daily life. Owners had rights and duties and had to be exemplary in how they managed their holdings, avoiding any harm to others and promising to earn financial returns in a sustainable and ethical way. By means of Shariah-Compliant Finance, Islam also considers ethical aspects in economic decision-making. Both individuals and institutions are responsible for risk and profit management; money is a means and not an end in itself, and agents should not use it for speculative purposes (Riba); on the other hand, the Quakers, through the Religious Society of Friends, included ethical criteria when managing their investments and enterprises and, moreover, they opposed slavery and war.

As for the Methodists, mainly through John Wesley, and his sermon *The Use of Money*, they laid the foundations to consider ethical aspects in investment. The importance of the ethical dimension in decision-making is also appreciated by analysing the economic content of one of the most important Buddhist holy books, the Dhammapada. A strong social concern runs through Buddhist economics, with an ethical emphasis on respect for natural resources, animals and people in general. In this sense, Buddhists are also concerned not to cause harm to oneself (poor quality of life due to lack of moderation, selfishness...) and not to cause harm to others (causing problems to society or damaging the environment).

In 1776, Adam Smith wrote his magnum opus *An Inquiry into the Nature and Causes of the Wealth of Nations*, a fundamental piece

of classical economics that had, and still has, a significant impact on the vast majority of modern societies. Since then, economists worldwide have whimsically interpreted and adapted this Scottish economist and philosopher's work to a culture in which both households and businesses make self-interested decisions. Thus, an overriding, and sometimes virtually the only, objective was imposed: to increase the production of goods and services. Only seventeen years earlier, Smith had written *The Theory of Moral Sentiments*, a book that would be condemned to oblivion. In it, the author considered the role of generosity, humanity, kindness, virtue, justice, admiration, compassion, sympathy, mutual friendship and esteem to be central to society and the economy, while referring to resentment, revenge and corruption in opposing terms.

Many years before Smith, the School of Salamanca was an intellectual movement which was widely accepted as the origin of economic science. This was a group of theologians and canonists, including Martín de Azpilcueta, the Franciscan San Bernardino de Siena, San Antonino de Florencia, the Dominicans Francisco de Vitoria and Domingo de Soto, or the Jesuits Luis de Molina, Juan de Mariana and Francisco Suárez, who by following the works of Thomas Aquinas were able to apply Catholic standards of justice to numerous economic questions back in the 16th and 17th centuries, presenting arguments that emphasised the importance of social justice for a peaceful, productive and ethical social order.

Although it may be too ambitious to call the School of Salamanca the cradle of human rights, individual rights were certainly present in many of its arguments. Their conception of the market was diametrically opposed to that of modern neo-liberals. Although, for them, the market was first and foremost a physical place where real people met, these participants held a moral conscience that was also part of the economic process. In that sense, Molina claimed that a slave can have an *ius qua homo* and therefore also rights, and that an injustice to someone is a violation of that person's rights.

In turn, Vitoria's ideas about society depended in part on his Aristotelian belief that human beings are social by nature and need others to survive and achieve a good life. His views on the economy are based on natural law, which implies a normative view of economic processes rather than the purely strategic and material rationality of a simple *homo oeconomicus*. This is, therefore, a person who looks after his or her own interests, but above all, the common interest. Finally, Azpilcueta's ideas on inflation and his defence of morality in the exchange set guidelines for ethical behaviour in economic transactions.

As demonstrated, although there is vast ideological and religious distance between all the above approaches, there is a common factor in all of them: the consideration of ethics when managing scarce resources. Regardless of their origin, historical or geographical, all these denominations have ethics at the heart of their daily organisation.

A WAR BETWEEN THE MARKET (CAPITALISM) AND THE STATE (COMMUNISM)?

It is difficult to understand twentieth and twenty-first century economic history without grasping the enormous influence of two of the most important economists in history: John Maynard Keynes from Britain and Friedrich Von Hayek from Austria. As friends and intellectual rivals, they were both strongly influenced by 20th century events, especially the First World War. Their ideological positions represent opposite extremes of the importance and presence that states should have in the economy. Keynes believed that markets, through the free play of supply and demand, were a good way to allocate resources but that so-called market failures can sometimes occur, situations in which the state should intervene to correct these misalignments that affect efficiency and/or fairness. In turn, Hayek understood that the best way to allocate resources is to give private agents the freedom to make decisions (buying, selling, hiring, etc.),

without government intervention or, if necessary, only minimally so as not to distort the free hand of households and firms. Later, the debate would be revived by other economists, such as Friedman and Samuelson, Summers and Krugman, among others.

Keynes was enormously influential from the First World War until the oil crises, mainly, when the spotlight shifted to his Austrian counterpart. Today, the importance and relevance of this debate can be seen in any parliament, university or forum: Raise or lower taxes? Boost or cut public spending? Despite this, both economists were deeply aware of the importance of considering ethics when economic agents co-exist, and that many more aspects connected them as economists than arguments divided them.

At this point, and after analysing the two main approaches to the role that the public sector should play in the economy, the question arises: What is the best option for organising the economy, the state or the market? Again, in economic science, the answer is 'it depends'. It is just as wrong to consider that the best option is the absolute freedom of economic agents to make decisions (the invisible hand of Adam Smith's *laissez faire-laissez passer*) as the total and sole presence of an omnipresent state deciding what to produce, how and for whom it should be produced (communism at its most radical and idealised). Therefore, for that question, we must explain this answer of 'it depends'.

We need much more information to answer this question. To begin with, which state or which market? In other words, we understand that higher and optimal levels will be reached whenever both agents (private and public) interact, although under a series of conditions, related to what we mentioned above: is this decision-making government made up of efficient people? (the same question regarding the private agent, company or consumer), is efficiency considered in decision-making? Do the best people (meritocracy) really sit on the decision-making bodies of companies, public or private, and are these decisions based on ethical criteria? Is there corruption? Are personal interests favoured in this process to the

detriment of the common good? Is there transparency in the day-to-day running of the organisation? Actually, once we get this information and clear up a number of unknowns, it is quite irrelevant whether this natural or legal person is public or private.

There are, therefore, two vital aspects when answering this question: the first is the requirement that the people who manage resources adhere to efficiency, ethics and meritocracy criteria. The second is citizens' demand for interaction between the best of the 'public' (efficiency, ethics and meritocracy) and the best of the private.

“ETHICS, STUPID!” THE 2.0 VERSION OF *THE ECONOMY, STUPID!*

We often hear the well-known phrase “the economy, stupid!”, especially in situations of economic crisis. In the aftermath of the pandemic and since the crisis generated by Russia's invasion of Ukraine, this phrase has been seen and heard in many media and spheres. Despite a primarily political purpose when first formulated, its content and essence were purely economic. The purpose of the slogan was not originally financial, but political. In fact, this slogan was coined in the US by James Carville, Bill Clinton's campaign advisor during the 1992 presidential election. Until then, candidate Clinton, the Governor of Arkansas, was running against George Bush Sr., who had just achieved historic foreign policy success in the White House by ending the Cold War. For this reason, Clinton's advisers decided to launch an aggressive campaign and put their efforts into another aspect beyond politics: the economy.

The collapse of the Soviet Union had a very negative effect on the already-ailing post-Soviet economies, which eventually spilled over to the world's major powers. The recession would eventually hit the US economy between 1990 and 1991, forcing the government to implement fiscal adjustment measures, accompanied by privatisation of public enterprises and restructuring of public spending. Clinton's

team took advantage of the situation to launch this slogan, emphasising other fundamental economic issues in the day-to-day lives of US citizens: 'change' versus 'more of the same', 'don't forget about health care', and so on. By appealing to voters' wallets, Clinton finally managed to win that election. From then on, the expression 'The economy, stupid!' became popular and spawned many different versions.

Today, economic stakeholders continue to pinpoint the economy as a benchmark for a society's standard of living and whether that prosperity can be sustained. However, there is one element that could compete with (and beat) the economy in a theoretical battle to become the main element that allows the durability and existence of a society over the centuries; and that is ethics. As mentioned above, and explained below, ethical decision-making can make all the difference between economic prosperity and stagnation, long-term sustainability and short-term economic exhaustion, high levels of efficiency and productivity as opposed to low levels of efficiency and productivity.

In this way, one could update James Carville's famous phrase and replace it with "(it's) ethics, stupid!". This highlights the element that conditions everything in any economic system, and which is too often not given its real importance. It is obvious that the economy is substantially important in our daily lives. Politically, it can overthrow governments, generate revolutions, provoke structural changes, cause wars, unleash technological disruptions... but we should not underestimate the strength and mediation of ethics as a determining factor that conditions all of this, for better or for worse.

In this sense, Davis' work (1973) kicked off a debate between two of the most influential economists of the last century, both winners of the Nobel Prize for Economics. Paul Samuelson argued that companies which include corporate responsibility policies, transparency and that promote business ethics in their strategy see advantages and improved performance.

In contrast, Milton Friedman argued the opposite, seeing such policies as a cost that only harms a company's financial results. However, despite their differences, both approaches unanimously advocated managing the economy in a democratic, corruption-free environment. This environment has been totally absent in Russia over the last twenty years, let alone back through its history, even during the timidly democratising decade of the 1990s.

CORRUPTION: THE GREAT ENEMY OF EVERY ECONOMIC SYSTEM

Measuring and calculating levels of corruption has historically posed a huge challenge for many researchers. It is fundamental to become aware of how corruption affects other economic variables, both at macro and microeconomic level, to be able to analyse this problem with figures and thus detect possible solutions. Considering this limitation, International Transparency is one of the most reliable and comprehensive sources in the world.

It is a non-governmental organisation that promotes measures against political corruption and corporate crime all over the world. Founded in 1993, it publishes the annual Corruption Perception Index,² a ranking of perceived levels of corruption in the public sector in 180 countries. The level of corruption clearly varies substantially between the best performing countries (mainly Nordic countries, plus New Zealand and Singapore) and countries with the worst records (countries at war, with severe social imbalances and/or autocratic regimes such as Syria, North Korea, Venezuela, Yemen and Somalia). As shown in more detail below, the Russian economy ranks 136th, alongside economies such as Liberia, Mali and Angola, on a par with Mauritania, Pakistan and Cameroon.

2 For more information, see <https://www.transparency.org>

We should not forget that economics is the science that studies how scarce resources are managed to satisfy unlimited needs. Corruption therefore erodes how an economy operates in several ways at once. Firstly, diverting these always-scarce resources means that many of them do not reach the productive part of the economy, which reduces investment, i.e. how the economy will be able to perform in the future (in terms of education, infrastructures, productivity, competitiveness, etc.). Furthermore, corruption also affects worker selection processes at all levels. Meritocracy is replaced by arbitrary worker choice, seriously eroding the productivity that ultimately determines living standards and economic growth in the long run. In this scenario, the most qualified workers do not necessarily have access to the most relevant positions in the economy. When this happens both at public level (because of corruption) and at private level, there is a severely negative effect on productivity.

Likewise, from a social point of view, corruption undermines an economy's ability to devote resources to the most disadvantaged (remember, resources are scarce), with the consequent erosion of social cohesion, increased inequality, social instability and the inevitable reform of the economy's tax structure, which necessarily implies cuts in social spending and tax hikes to cover resources lost down the drain of corruption.

Conversely, implementing socially responsible and ethical policies in public and private businesses can have a positive impact on business performance, and thus on the economy as a whole, through improved innovation and increased efficiency, providing a greater competitive advantage (Greening and Turban, 2000). By generating a more significant competitive advantage, they become a magnet for the most talented workforce, leading to higher productivity and efficiency and, ultimately, better business performance. Increased sustainability will ultimately have an impact on financial performance (Porter and Kramer, 2006; Eccles and Serafeim, 2013, 2014), not to mention the environmental impact (Porter and van der Linde, 1995a, 1995b).

Moreover, companies can use CSR and anti-corruption criteria to mitigate risk and thus reduce the cost of capital, financing and debt. A proper corporate governance structure, with efficient and agile boards of directors, good environmental management, e.g. avoiding toxic waste, and concern for employee welfare, are a few examples of effective ways to reduce borrowing and debt costs. At the same time, better ESG instruments³ reduce the cost of equity capital. Authors have found benefits for firms that include ESG in their strategies in the form of lower capital cost (Sharfman and Fernando, 2008), lower cost of equity (El Ghoul *et al.*, 2011), higher credit ratings (Attig *et al.*, 2013) and cash holdings (Cheung, 2016). All of this, as we know by now, is completely alien to the politico-economic regime of Putin's Russia, a veritable criminal kleptocracy, in the words of Belton (2020).

THE RUSSIAN ECONOMY: AN ASIAN ECONOMY, IN A EUROPEAN CONTEXT, WITH AN AFRICAN ECONOMY STRUCTURE

At this point, it is useful and timely to take a brief moment to analyse the main features of the Russian economy. Geographically, Russia is the world's largest economy (twice the size of the next three: Canada, China and the US). Its sheer size means that it shares land borders with 14 countries and maritime borders with two (the USA and Japan). This size also makes it the economy with the largest provision of natural resources in the world (gas, oil, coal, timber, cereals, raw materials, etc.), so it also has trade relations with Europe and Asia. Russia has many advantages in terms of location and size, but this is also a major limitation: most of its borders (in kilometres) are shared with Asian countries (North Korea, 19 km;

3 ESG, or environmental, social and governance criteria, considered when investing in a company, are increasingly important in the interest of socially responsible investment.

Mongolia, 3485 km; China, 3645 km; Tajikistan, 6846 km and Azerbaijan, 284 km) but its main cities (urban centres with more than one million inhabitants) are located in the westernmost third of the country (Moscow, 12.1, St. Petersburg, 5.1, Kazan 1.2, Nizhny Novgorod: 1.2, Yekaterinburg 1.4, Novosibirsk 1.5), accounting for a total population of 105 million out of 144 million. Although Russia has been trying to strengthen relations with Asia, mainly China, in recent years, and especially since 2014, the region's demographic and geographic organisation complicates this strategy. This also represents a major challenge for Russia after its invasion of Ukraine since its dependence on the EU economy is very high: 34% of Russian exports/imports are sent to/originate from the EU (3.3% to the US and 7% to the UK). China accounts for 14% of its exports and 23% of its imports.

In terms of the main macro-figures, Russia has a GDP of \$1.5 trillion and a per capita income of about \$10,000. Its production capacity is similar to Spain's (Spain's GDP is 1.3 trillion dollars) and lower than Italy's (1.8 trillion) although these countries have three times the income per capita. The unemployment rate is around 6%. Public debt is around 20%, one of the lowest in the world, largely because of the economy's enormous capacity to generate revenue by exporting raw materials and energy.

It is still too early to quantify the impact of the invasion of Ukraine on these figures, but in the short term we already know that interest rates doubled in the first week of the war (from 9% to 20%, now standing at 14%), inflation soared to 18% (25% forecast for 2022), the rouble lost almost half its value and the unemployment rate increased as hundreds of companies cleared out.⁴ In addition, there was a significant exodus of skilled Russian workers to other countries, especially in the technology industry. Incidentally, Russia

4 The impact will be devastating, although there is currently no exact figure, as many companies that have stopped their operations in Russia continue to pay salaries for their workers, who are not counted as unemployed.

was already haemorrhaging population before the invasion, by –2% per year.

Furthermore, monetary policy is fully controlled by the country's executive, which determines the price of money. According to Russia's Higher School of Economics, 3% of the population owns 90% of all financial assets, money and savings. Moreover, data on income distribution in Russia show that it has one of the least equal distributions of wealth in the world. The percentage of the population living below the poverty line is 14%.

Finally, high levels of corruption, unequal income distribution and the Russian economy's enormous dependence on exporting raw materials and energy, with hydrocarbons accounting for 10% of GDP and 47% of exports, make this economy more akin to many African economies than to any European economy. Regarding corruption, Russia has historically suffered from unbearably high levels. Indeed, corruption was one cause of the USSR's collapse, as the absence of meritocracy led to low levels of productivity and efficiency, and the consequent collapse of the economy. The gigantic, arbitrary and disorderly privatisation process that the Russian economy underwent after the demise of the USSR (Belton, 2020) largely explains the legacy of corruption, inefficiency and rigidity seen in the Russian economy today. Appointments of managers and owners of these public mega-companies in charge of managing the country's main industries (energy, metallurgy, telecommunications, banking and finance, among others) were made on the basis of personal affinity and hidden interests, rather than merit and/or previous experience. One of the many consequences is that Russia is now one of the most corrupt countries in the world. Unsurprisingly, there is a global absence of leading Russian companies in all kinds of sectors such as technology, innovation and growth.

THE OTHER MAJOR WEAKNESSES OF THE RUSSIAN ECONOMY

The high level of corruption mentioned above has three other fatal consequences for any economy, not only in Russia: chipping away at the anti-trust law, the lack of a good incentive system and the absence of a merit-based mechanism for access to jobs.

Regarding the former, an economy that aims to be efficient, sustainable and strong must have a robust, effective anti-trust law. Promoting competition means fighting inefficiency caused by one firm holding excessive market power in a given sector. It also requires mechanisms that help to prevent companies from assisting each other to make profits at the expense of consumers by fixing prices, sharing markets or, in short, not competing in those markets. It is important to remember that consumption accounts for about 60% of GDP in a developed economy, which means that any threat to consumption will have a very negative effect on output. In the case of the Russian economy, several companies are effectively monopolies, prohibited in the EU (except for natural monopolies). These 'companies' operate outside any competition, both domestic and foreign, and are run by managers or owners appointed at the discretion of the Kremlin.

As economic theory indicates, in the absence of competition, prices are higher, meaning that lower quantity and variety are produced, there is high inefficiency or deadweight loss,⁵ a drop in consumer surplus, there is no innovation in products and processes, costs rise and product quality plummets. When monopolies are not the exception but the rule in an economy and, moreover, operate in the most strategic sectors, inefficiencies tend to erode the structure of the economy.

Moreover, regarding the incentive system, any properly-functioning economy must have a good system of both positive and neg-

5 Leading to an irreparable loss of efficiency.

ative incentives. The gaps in this system are key to understanding why the USSR collapsed. The incentive system means that staff train to a higher level to earn more. It also makes companies strive to innovate and thereby compete in markets and/or reduce their costs. It fosters entrepreneurship and better management of risk. Ultimately, it connects the investment made by economic agents with the corresponding rewards for that effort.

Finally, the way in which workers, whether low-skilled or high-skilled, gain access to different jobs or positions is particularly important. This selection of human capital greatly affects how an economy performs. It is important to know how people get into the upper echelons of the army, for example, or the intelligence services, how major companies are managed, who makes decisions on monetary policy, the technology sectors, management of R&D&i, modernisation of the energy system, and so on. If the answer to that question is meritocracy, that economy has a good chance of remaining sustainable and robust. On the other hand, if the people who fill these positions have not been subject to a selection process or proven their experience, this will have catastrophic consequences for the economy.

Applied to the invasion of Ukraine, Russia's battlefield failures are largely explained by all of the above. Thus, incompetence is evident in production of defective equipment (missiles, tanks, equipment)⁶ from companies run by individuals who were selected without a minimally reliable selection process. High levels of corruption determine which companies or individuals are awarded major public contracts, in return for bribes, to produce these weapons, rifles, etc., with no regard for criteria of excellence, innovation, competition or meritocracy. An absence of incentives further aggravates this situation.

6 It is estimated that around 70% of missiles launched by Russia in the invasion of Ukraine fail to explode and 60% that do explode do not reach their intended target.

The images of hundreds of tanks blocked along Ukrainian roads and highways highlight a lack of coordination in the army's high command, a low level of innovation in the economy (especially visible in the military sphere), and imbalances and shortcomings of the intelligence services.⁷ The image of an army with mid-twentieth century technology in the age of data, information, innovation and knowledge, highlights the weaknesses of the Russian economy and how it is affected and infected by high levels of corruption.

If we move away from these purely military examples and extrapolate to the rest of the Russian economy (banking, aviation, automotive, food, etc.), the role of ethics will become clearer in managing an economy, at both public and private level, as this strange *third way* between the public and the private that exists in Putin's Russia. Handing out management jobs in these large companies to 'friends' close to President Putin (Putin's cronies or oligarchs), plus management of issues that transcend the economy, explains how their economy works to a large extent. In this regard, authors such as Belton (2020) are enlightening. The author describes in great detail how large state enterprises in the former USSR were privatised and ownership of these enterprises transferred to people closely linked to the secret services, mainly run by President Vladimir Putin. These agents, led by Putin, will essentially be in charge of managing the Russian economy over the coming decades, and their ties and tentacles will reach throughout the world's economies.

In this sense, it is advisable to keep an eye on the role of tax havens, ideology-free zones where eastern and western corruption converge. Linking these tax havens with the analysis thus far, one of the main conclusions to be drawn is the danger they pose to democracies all over the world. In fact, it is in tax havens that the ideological debate, which does not actually exist, is diluted and collaboration flourishes between the most corrupt agents on the planet, who

7 For more information on this, see <https://www.politico.eu/article/russia-military-corruption-quagmire/>

might hail from communism, capitalism, East, West or any other type of regime, belief or religion. They also come, of course, from Russia, where 'Putin's cronies', in Belton's words (2020, p. 38), will pour billions of dollars into undermining and corrupting institutions and democracies around the world.

Until the Russian invasion of Ukraine, collaboration between different global economic stakeholders, including Hollywood actors, famous footballers, top European politicians or big businessmen with the most powerful Russian oligarchs has been constant and deep-running.⁸ Long before the war, through the Panama papers, Pandora, etc., we already knew that Russian oligarchs, military, politicians and leaders used tax havens,⁹ both on exotic tropical islands and in places much closer to home¹⁰ (remember *Londongrad* or *London laundromat*),¹¹ with a reciprocal benefit for both parties, often with dubious motives sprinkled with the darker suspicion of corruption.

BY WAY OF CONCLUSION

In short, as we have tried to explain, this was never about democracy versus capitalism, or capitalism versus communism, or some interests versus others in equal ethical, moral and human terms. This is about unsustainable kleptocracy versus sustainable economy, whose foundations could be summarised *grosso modo* as having shared resources, education, cooperative knowledge, technology and especially ethics, lots of ethics.

We are currently witnessing a paradigm shift in economic organ-

8 See <https://www.csce.gov/international-impact/russia-s-weaponization-corruption-and-western-complicity?page=2>

9 See <https://www.businessinsider.com/us-is-tax-haven-hard-to-sanction-russian-oligarchs-2022-3>

10 See <https://www.occrp.org/en/laundromat/the-russian-laundromat-exposed/>

11 For more information, see <https://www.ft.com/video/d3bafb94-9dbd-4c1e-8016-8cd8331960f1>

isation in general terms. On the one hand, the technological revolution we are experiencing is changing all processes, providing a series of resources and tools that will allow us to reach very high levels of productivity and growth, but forcing citizens, companies and governments to adapt to a rapidly changing environment. On the other hand, consideration of ethics in management, in both public and private spheres, is particularly relevant, becoming a benchmark demanded by an increasing number of citizens. In this sense, many people from very different origins and with enormous worldwide influence, both natural and legal persons, are calling for a change towards an economic model that revolves around people and their dignity, plus the environment in and with which we live together.

In short, any economy that wants to endure and prosper in a democracy, or vice versa, must invest in education, cooperate with other economies to share knowledge, and use technology to make people's lives easier. However, it must specifically promote efficiency and ethics, which are much closer than they might seem. It goes without saying that the absence of corruption is a *sine qua non* condition, as any political or economic system that incorporates high levels of corruption into its structure will suffer the economic consequences sooner or later.

Let the ill-fated but illuminating example of Putinism, and our brief economic analysis of it here, serve as a warning to any democracy on the planet: ignoring ethics in the organisation of a society and its economic foundations will result in economic collapse sooner or later, in addition to other human and moral considerations.

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Truth as a victim

(Ninth fallacy: ‘Shutting down the Russian media limits freedom of expression’)

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Broadening the range of products that the media offer does not always mean broadening the pluralism of information. Reducing the former does not necessarily mean undermining the latter, but quite the contrary: sometimes it is a way of protecting it, or a way of safeguarding it. This chapter aims to refute a fallacy that has taken quite a hold. It is a fallacy which makes it easy to eloquently fondle highly valuable concepts: freedom of expression, the right to information, democratic pluralism... Thus, speaking out against this fallacy will be claimed as an attack on these sacrosanct principles by its apologists. So, let us try to explain it properly, and avoid the pitfalls along the way.

EXPLANATIONS FROM THE EUROPEAN COMMISSION

On Sunday 27 February 2022, three days after Russia’s invasion of Ukraine, the European Union announced new sanctions against Putin’s regime. These measures include one that connects very directly with the chapter in question: banning Sputnik and RT (RTVE, 2022) from broadcasting in the European Union.

For years, these Kremlin-funded communication artefacts have been gaining a foothold on the international stage, and also within the EU. This does not so much refer to a rise in audiences, but rather to coverage — the expansive commitment to spread the word further afield. To illustrate this, RT affiliates are already broadcasting in English, German and Spanish.

The president of the European Commission, Ursula Von der Leyen, clearly explained the aim of curbing the ‘toxic information’ spewing from this media machine. In the same vein, the High Representative for Foreign Policy, Josep Borrell, argued: “We are taking an important step against Putin’s manipulation operation.” He added that in the EU we are “turning off the tap for Russian state-controlled media.” Borrell stressed that this war “is not only against Ukraine,” and underlined how the invader Putin not only aims to conquer a country, but also to “conquer the spirit of the people.” Hence, Putin’s regime resorts to false and inflammatory messages. Borrell adds that they are engaged in a disinformation campaign in Ukraine and in the European Union itself.

For the European Commission, in short, Sputnik and RT “are part of Russia’s war machine.” It is not about stopping isolated falsehoods with this or that bias. It is about being aware of the war-mongering framework that haunts us, and it is about renouncing the naivety that these platforms are simply media with a specific editorial line, justifying it by saying that “They basically propagate the Kremlin’s vision. In that context, we are not taking measures against the media, but against propaganda channels, that’s the difference.”

To put it another way. If lies and self-serving slogans are part of the *weaponry*, if certain media are shaping the *war machinery*, it would also be appropriate to defend oneself against this propaganda apparatus. If a war is being waged, as much as we are determined to avoid physical bombardment on the battlefield, it would be appropriate to avoid mental bombardment on the media front.

REACTIONS AGAINST THE VETO

Cancelling RT and Sputnik on European soil proved to be a move that was soon called into question, even from radically differing ideological positions. This ideological divergence and, in turn, this questioning of the measure is exemplified by the responses from Pablo Iglesias and Juan Ramón Rallo.

The former leader of *Podemos* (a left-wing populist political party in Spain), with a PhD in Political Science, used his official Twitter profile to disagree: “Do Russia Today and Sputnik report in favour of the Russian government? No doubt, just as Mediaset and Atresmedia report in favour of their owners. In a context of war, will they manipulate people? Obviously. What does it mean to censor them? That freedom of the press is hypocritical liberal discourse” (Iglesias, 2022). He has 2.6 million followers on Twitter.

Meanwhile, claiming to embody those liberal hypotheses that Iglesias decried, Rallo (2022) is also opposed to the veto. With a PhD in Economics, Juan Ramón Rallo speaks on his YouTube channel, where he has 424,000 followers.

In the light of EU measures, and without questioning the fact that this is propaganda we are dealing with, Rallo raised three main objections: (1) from the formal perspective; (2) from the perspective of the objectives; and (3) from the perspective of the consequences.

We can subdivide his argument on how this should be approached into two parts: (1.1) Rallo stresses that the EU is not at war, and that it would therefore make no sense to take the extraordinary measures justified only by a war context; (1.2) measures of this nature (such as the cancellation of media outlets) should be the responsibility of the courts, not of the rulers by decree.

With regard to the objectives, Rallo points out that: (2.1) the measure would make sense if there were pro-Russian sentiments within the EU, which would make it difficult to implement any measures against Putin’s regime. However, since public opinion is main-

ly pro-Ukrainian, the veto would also lack this justification. Rallo adds: (2.2) the audience for these media is marginal, so that 'greater ideological cohesion' is not being sought, but rather "we are turning censorship into a legitimate sanction against an external enemy, running the risk that it also becomes a legitimate sanction against an internal enemy."

According to Rallo, the consequences would put us on that "slippery slope we could end up tumbling down": (3.1) if European governments assume their right to censor the media, "then we are giving free rein to the arbitrary censorship of our politicians."

In this respect, Rallo introduces a nuance: (3.2) in the case in question, we are talking about public media, state media. It could be argued that essential rights such as freedom of expression are not being infringed, since these rights are individual rights, and therefore belong to individuals and not to states. Although he agrees with the substance of this argument, Rallo adds his objections: (3.2.1) vetoing RT and Sputnik would help a regime like Putin's to take advantage of this because showing its own people that liberal democracies also censor legitimises its own censorious apparatus, and this could serve it well against foreign media outlets wishing to report on Russia, and against any Russian media that are presented as dissidents.

Rallo also adds a futuristic point: (3.2.2) what would happen if we were dealing with a private media that receives some public funding? If it is argued that, in this case, the cancellation that was applied to RT and Sputnik can no longer be applied to a private media outlet, this would give Putin's regime a simple way to circumvent the restrictions. If it is argued that the veto is also relevant (given that the public resources it receives would firmly position it within the Putinist propaganda machine), "this would open a tremendously dangerous door for the future of freedom of expression," Rallo argues. The drift he is trying to warn against can be found, for example, in Spain: the vast majority of private media outlets receive

public money to some extent (either in the form of institutional advertising or through other types of agreements and subsidies). So, Rallo asks whether cancellation of a media outlet should also be justified here, without this prerogative being perceived as an attack on freedom of expression?

At the end of his video, Juan Ramón Rallo concludes: “Freedom of expression is a right to safeguard that third parties can say what we don’t like to hear. Even in times of war.”

Among these dissenting positions on cancelling RT and Sputnik, there are a few more arguments to consider. Let’s look at four meaningful, qualified opinions from Carme Colomina, Jesús Núñez Villaverde, Javier Morales and Edith Rodríguez (Pilar, 2022). Their ideas are explained below.

Carme Colomina, a researcher at the CIDOB (Barcelona Centre for International Affairs), points to the challenge presented by the penetration of Russian narratives, but she does not ignore problems involved in curbing such narratives: from possible undermining of “freedom of expression”, to “reprisals that such a decision could bring for the European press in Russia.”

In turn, the co-director of IECAH (*Instituto de Estudios sobre Conflictos y Acción Humanitaria*) is clear: “Disinformation is fought with truthful information, not censorship.” In the face of these insidious campaigns that threaten Western democracies, Jesús Núñez Villaverde adds: “what we have to do is to strengthen our capacity to offer truthful information to counteract the rubbish that these media can spread.”

Javier Morales, professor of International Relations at the Complutense University of Madrid, also takes a stance on reciprocity: “the main danger lies in the reprisals that Russia might take.” If the European Commission’s measure leads to a ban on Western media in Russia, according to Morales we would lose “one of the main instruments to stop the war right now,” which is for Russian society to really know what its leaders are doing in Ukraine.

Turning Russia into an “information black hole” is one of the concerns expressed by Edith Rodríguez, vice-president of RSF (Reporters Without Borders), questioning the benefit and efficiency of the Brussels decision. In turn, she points out: “We do not agree with the principle that an executive power, such as the European Commission, should ban, veto or censor any media. We believe that this is an attack on freedom of the press.” Remember that, in states governed by the rule of law, in democracies, only the legal system has the legitimacy to take such measures. This objection does not prevent Edith Rodríguez from condemning media “that are mere lackeys of totalitarian regimes, and spreaders of propaganda. It has been proven that Sputnik and Russia Today are just that. It’s not that we think so, we have proof”

THE ALIBI FOR ALTERNATIVE VIEWS

RT’s and Sputnik’s slogans are ‘Question More’ and ‘Counting the Untold’ respectively. There is a connection between the two that is significant for this chapter. Both media artefacts are advocates of telling another story that differs from the hegemonic one. They proclaim to report (sic) from another perspective that is not the most widespread among the Western media. That is why it is necessary, they say, to ask other questions that the Western mainstream media neglect; explaining why they insist on the need to speak about a reality that others would not mention.

From the Putin regime’s point of view, RT is just another global broadcaster, like the BBC or France 24. The nuance Steven Erlanger (2017) states they would stress is that RT shows ‘alternative points of view’ to Western media. These amassed positions, this gathering of alternative perspectives, will come to be perceived as natural and a sign of a broadening pluralism. Only from these premises can it be understood that even The New York Times, five years ago, invited ambivalence. The dilemma appears right from the headline:

“Journalism or propaganda? A Russian TV Network Blurs the Line” (Erlanger, 2017).

Erlanger did provide a clue, corroborated over time. Beyond defending Putin’s regime and the concept of Russia that this regime embodies, “if anything characterises RT in general, it is deep scepticism of Western and US worldviews” (Erlanger, 2017). Thus, RT’s and Sputnik’s propagandistic deployment would split into a defensive stance (propagating Putinist ideology and interests) and a more offensive one (scorning the West and eroding any democratic institutions and achievements that might be associated with the Western world). The invasion of Ukraine merges both attitudes.

Back in the 2010s, Russian state broadcasters were well aware of the slogan: they “were taught that power was real but that the facts of the world were not,” notes Timothy Snyder (2018, p. 157). The historian explains how international news gradually replaced regional and local news, and this focus on foreign coverage had a purpose — it “meant the daily registration of the eternal current of Western corruption, hypocrisy and enmity. Nothing in Europe and the United States was worth emulation” (Snyder, 2018, p. 157).

The most effective propaganda will always be that which is not perceived as such, which finds masks and alibis to conceal its underlying purpose. This is how it can be understood that RT was able to combine a professional and documented approach to certain subjects with excessive and clearly intentional treatment. In the same way, the interviews could give way to a curious miscellany: “interviews with all kinds of people: famous and unknown, left-wing and right-wing. These include favourites like Noam Chomsky and WikiLeaks’ Julian Assange, peculiar voices like Pamela Anderson, and eccentrics who believe that Washington is the source of all evil in the world” (Erlanger, 2017).

In the same vein, Snyder adds, RT has had no qualms about “inviting a Holocaust denier to speak and identifying him as a human rights activist; hosting a neo-Nazi and referring to him as a specialist on the Middle East,” and so on. In other words, it produced a cu-

rious hotchpotch of topics, approaches, positions and personalities. However, this was never a random hotchpotch. The hotchpotch would be acceptable as long as it served to fuel an anti-Western and Putinist message. Beyond calculated foreshortening and dissimulation, Putin himself was clear: given that RT is funded by the government, “it cannot help but reflect the Russian government’s official position” (Snyder, 2018, p. 157).

RT amplified doubts that might occur to some US and European citizens; doubts on so many issues. Nonsensical and conspiratorial doubts, as well as legitimate and understandable doubts, were raised about political representatives and the Western media. RT’s slogan (‘Question More’) fuelled this melting pot of uncertainties.

The aim was not to nurture a constructive critical spirit, but to foster the deepest discrediting of the institutions, in turn extolling a firm rejection of objectivity. RT management reiterated the message: “There is no such thing as objective reporting” (Snyder, 2018, p. 157).

EROSIONS THAT HAD ALREADY TAKEN HOLD IN THE WEST

These ‘alternative views’, spewed by Putin’s propaganda machine, might remind us of the famous ‘alternative facts’ popularised by the Trump administration. I am not making comparisons between leaders, but I am underlining the parallelism in the ‘alternative’. The Putins and Trumps of this world (there are plenty on either sides of the ideological spectrum) will be pleased how easy it has been to continue to pursue their practices.

Much of the Western media narrative, even without intentionally trying to boost autocrats and various populists, has ended up helping these political prototypes seize their chance:

“(...) the shamans are back and their influence looks set to grow in the post-COVID world, because history teaches us that nothing fuels

these specimens more than systemic crises,” writes Victor Lapuente (2021, p. 14). Under fascist or communist garb, totalitarian shamanism flourished in the early decades of the 20th century; and there is no need to dwell on its genocidal and repressive achievements. Fortunately, the second half of the century was more ‘exploratory.’¹ The parties in the spotlight (social democrats, liberals, conservatives) may have differed in many respects, but they shared certain basic consensuses, and saw each other as adversaries, not enemies.

We are now ploughing through the first decades of the 21st century. The systemic crisis is in full swing again, and 5G shamanism, so to speak, is gaining ground. It continues to gain traction on both sides of the ideological spectrum. The pandemic exacerbated the threats, but not the temperance and rigour to deal with them. While shamans of all creeds are rubbing their hands in glee, we are playing for more than just the electoral results of one party or another. The stakes are high whether we choose to face the real challenges that surround us with wisdom or folly. A possible erosion of the most elementary principles of the social and democratic rule of law is at stake. One day we will be tearing our hair out; and on that day, it will be too late.

Some features that have gained prominence in Western public discourse (such as the suspicion of objectivity, the rise of relativism, misconceptions about scepticism or the heyday of post-truth) have certainly been exploited. These shifts, both a cause and an effect of

1 This terminology evokes a previous study, in which the same author contrasted two ways of understanding politics: “that of the shaman and that of the explorer” (Lapuente, 2015, pp. 83-136). The former represents a highly ideologised profile, brimming with indignation at a world that does not conform to their expectations, and which will look for culprits in the name of justice (*their*, not *the* justice). The *shaman* of one creed or another will always have scapegoats at the ready. Meanwhile, the *explorer* embodies a more pragmatic and realistic profile, where there are no miraculous solutions, nor are electoral programmes presented as an elixir to cure all woes.

shamanism, come at a high cost. A high cost whose price is not only paid in economic terms. Not to mention that it will presumably be verified in the future. Unfortunately, we are already seeing this in the present day.

“To abandon facts is to abandon freedom. If nothing is true, then no one can criticize power, because there is no basis upon which to do so,” notes Snyder (2017. P. 75). These design realities according to the target audience, this ‘self-service’ truth (Espada, 2021, 2006) feed into a series of successive traps.

Why have such ‘alternative’ views become so normalised? This is the heart of the problem. There is a well-established opinion group whose beliefs in facts has been shaken. This scenario ends up in the idea that hard data can coexist with any ‘alternative’. All of this is presented as a mere sum of opinions; a mere juxtaposition of subjectivities.

This suspicion of objectivity not only appears in Putin’s regime but has been a growing trend in the West, and in Western media. This leap is no anecdotal matter. Facts have been eroded, the conception that facts exist and that it is possible to account for them has been eroded: “The big change is the widespread consensus that there is no such thing as ‘the facts’. It is not that we doubt what ‘truth’ is, but we do not believe it is possible to find it. This desolation is a sign of our times” (Lozano, 2020, p. 226).

Once the perception that facts exist, that it is feasible to verify them and that it is feasible to transmit them truthfully has been blown apart; we are left with only stories. If it is all about narratives, why should the autocrat’s mendacious and deceitful narrative be worth less? These are the shifting sands forging those narratives which have distanced themselves from objectivity and misinterpreted scepticism. Certain sceptics resort to the same arrogance as the worst dogmatists: “(...) they are convinced that they know nothing and nothing can be known with the same arrogance that others show in asserting their conviction that they know everything that can be known,” says Savater (2013, p. 22-23).

Decades ago, Jean-François Revel (1982) expressed his astonishment that journalism was increasingly disavowing objectivity. The relativist approach paved the way, and the author was surprised that so many journalists had limited their ambition to “juxtaposing points of view, for the public to choose from.” This appeal was not directed at regimes where closed-mindedness has been imposed directly and plurality has been curtailed. Revel’s appeal went out to democratic frameworks in which the conception of journalism was limited to providing a “range of subjective views of reality.” Drawing a parallel, he found it very strange “that doctors would test fifty or so prescriptions on the patient’s eyes, at their discretion, arguing that they all amounted to the same thing.” It is obvious that the claimed ‘therapeutic pluralism’ would not deliver higher quality healthcare.

Unscrupulous head honchos would be the major beneficiaries of this state of affairs. Denying objectivity from the outset already invalidates any effort to achieve it. Conscientious compilation of facts and their exhaustive verification undeniably brings us closer to the truth. Much more than starting from a crude propagandistic bias, assumed as just another story, as an added perspective and as an alternative point of view. Giving the same consideration to painstaking professional work and crass forgery, presenting it all with the same cynical disdain, provides the basis for any despot to benefit.

Many years after Revel’s writing, Llaneras (2016) also notes this surprising distrust of objectivity. Not among scientists, of course, but among journalists, interestingly enough. Without denying the difficulties involved in achieving it entirely, Llaneras does commit himself to corroborating the existence of objectivity: “It exists as courage, freedom or justice exist, as an ideal. It is not possible to be perfectly equal, nor entirely free, but it does not occur to anyone to say that equality or liberty are inventions.” Denying it, he believes, not only “damages journalism”, but also “impoverishes public debate” as a whole. Such impoverishment responds to a sad and fallacious logic: that since it is impossible to rid ourselves completely

of all our biases, the sensible thing to do would be to give ourselves over to them enthusiastically, without measure.

The concept of ‘fake news’ is not the final word in disinformation, nor does it account for it best (Suárez, 2018; VV. AA., 2018; Maldito Buló, 2018). Likewise, the popularisation of the term post-truth has familiarised us with the signifier, while it is common to find misunderstandings and inaccuracies in the meanings.

Well before post-truth gained its current popularity, we find significant contributions in terms of understanding the phenomenon. In other words, before the Oxford Dictionary listed it as word of the year in 2016, and even before the term was coined, its meaning was gradually being forged (Sánchez and Boscán, 2021, pp. 95-102).

Back in the 1980s, authors such as Harry Frankfurt (2005), Mario Perniola (1986, pp. 151-160) and Gianni Vattimo (1989) had addressed the media and political-social transitions that forged post-truth: highlighting one or other of its consequences, and “with different languages, as each belongs to a different philosophical tradition” (Quintana, 2018, p. 145), but all three have played a pioneering role in addressing the concept.²

The assumption that there are no facts, only points of view, has become widespread babble, with a certain Nietzschean flavour: “There are no facts, only interpretations” (Nietzsche, 2010). The philosopher boosted the misunderstanding, although it would be unfair to hold him responsible for a number of hasty readings that

2 A brief note to explain how these three authors’ contribution is said to come from the 1980s, while the bibliographical reference for Frankfurt is from 2005. While Frankfurt was a Yale professor, he wrote an essay in 1986 that became popular almost two decades later. Although the author did not use the term post-truth, he was discovering it in *On bullshit*. Among his contributions, a noteworthy one would be that bullshit differs from lying. A liar is interested in the truth (from this knowledge he will channel his fallacy); but he who engages in bullshit (in idle talk, in the lie, in hollow and elusive chatter), will show indifference to true facts.

sought to rely on this quotation. What is clear, however, is that the consequences are not harmless.

Paradoxical as it may seem, the relegation of facts has permeated politics, the very sphere which is hardwired into reality: “Politics must be the great builder of roads, bridges, steps towards dignity. It is a form of good architecture, which allows people to inhabit reality” (Marina, 2003, p. 207). Given that politics do not exist without communication (Canel, 2006, p. 17-19), when we observe that post-truth threats are hanging over politics, we would also be corroborating that such threats are hanging over the public sphere as a whole and, in particular, over the communication disciplines that claim to report on it.

As a continuation of these propositions, another simplification emerges that will enhance the aforementioned accumulation of ‘perspectives’. To presuppose equal validity in all opinions; to consider that all opinions should be given equal consideration; to make opinions, just because they are opinions, and therefore irrefutable... leads us to the hackneyed clichés of our time. Some authors have rightly dismantled these clichés: “all opinions are respectable” (Arteta, 2013, p. 187-190; Savater, 2015, pp. 155-157) or “all opinions are equally valid” (Savater, 1999, pp. 65-66) are contemporary mantras that, besides evidencing relativist premises, leave us defenceless against the arrogance of the ignorant and the arrogance of the fanatics.

To annihilate the facts would give all versions similar veracity and depth. Rigour would then take the same position as superciliousness. It is like equating scientific demonstration with the testimony of flat-earthers and anti-vaccine activists. There is an inversely proportional relationship between political lies and public freedoms (Flores D’Arcais, 2006). While post-truth is not the same as lying, it certainly shares that equation: the more post-truth flourishes, the less and less vigorously democratic potential will be deployed. Civic hygiene requires respect for the facts and the political and media powers are certainly not in the best position to neglect this *sine qua non*.

Of course, post-truth dynamites priority mechanisms of democracy, and creates another battering ram against enlightened fundamentals (Quintana, 2018b). Post-truth surrounds itself with dangerous sidekicks, and feeds back into affronts that lie at the heart of our current and future world: from polarisation (Klein, 2021) to populism (Arias, 2021, pp. 177-186; Rosanvallon, 2020), through *confirmation bias*, *bubble effects*, *echo chambers*... and all the challenges that come with content consumption increasingly filtered by algorithms: “We no longer choose the information; it chooses us. That’s the essential loss of freedom we should be discussing” (Lozano, 2018). The detailed and personalised knowledge of the addressee implies advantages, but it also has its shadows, especially in the field of information: “(...) they adapt to our tastes, but they also condition them” (García Aller, 2020, p. 76).

JUSTIFICATION FOR ACTION

Several arguments can be put forward to defend the cancellation of Sputnik and RT. Some of these have already been included in the summary of the European Commission’s position so we will basically focus here on what has not been said, and which could certainly be said.

To begin with, words do not only express ideas. Words also do things. So, if there is no doubt that actions can be limited, those words that are doing things can be equally limited.

Let us recall how Austin explained the ‘performative’, ‘realisatory’ or ‘realisative’ function. There are sentences in which the purpose is not to describe or state, but to ‘do’ using expression. In so far as we have said, we are in turn doing. That is, “when, with my hand on the Gospels and in the presence of the appropriate official, I say ‘Yes, I swear’, I am not reporting an oath, I am taking it”, Austin exemplifies in the first of his lectures (1990, p. 47). In his Lecture II, he goes on to address those cases “in which *saying* something is *do-*

ing something, or in which because we say something or by saying something we do something” (1990, p. 53).

This performative function of language makes it possible to clarify false controversies and self-serving exercises in victimhood. While advocating a broad and open-minded concept of freedom of expression, it will never accommodate all actions that may have been performed through words. Perverse and fallacious ideas will exercise us in countering them; they will make us strive for a sound basis for the argumentation that refutes them, as Stuart Mill came to argue in his discussion of “liberty of thought and discussion” (2008, pp. 94-148). Thus, along this line of argument, even the most mendacious and perverse ideas could help to advance knowledge, and would find their place in an open, pluralistic and democratic society.

However, when we are talking about actions (actions performed with words), we are faced with a very different scenario. Let’s take an example. When the terrorist group ETA sent out letters to businessmen, demanding money, making it clear that they knew which school their children attended, it would be absurd to consider that this letter was merely exercising freedom of expression. The words in that letter are doing things: threatening. Therefore, to try to stop these letters is not opposing freedom of expression but opposing blackmail and coercion. Blackmail and coercion are actions that have no place in any democracy worth its salt. Consequently, standing up to words that carry out such actions does not undermine democratic rights; on the contrary, it protects them. Stopping this poorly-named ‘revolutionary tax’ (a bloody euphemism used in the terrorist group’s way of speaking) can in no way be presented as despicable censorship.

Just as Austin perceived that some philosophical debates stemmed from a failure to distinguish these outlined functions of language, overlooking any particularities incorporated by the performative function, Quintana (2017) also considers how many difficulties concerning freedom of expression emanate from there: “not distinguishing between expressing ideas and doing other things

with language.” Hence, he argues that there are no limits to freedom of expression, and at the same time he also argues that certain actions, those performed with words, are “perfectly reprehensible”.³ Consequently, limits on those words that do punishable things do not in any way imply a repressive attitude.

No right is unlimited, in the sense that every right can collide with the rights of others. It is important to weight this meaty situation properly. Indeed, “true freedom is not found in the absence of limitations, but in the ability to navigate them” (Baggini, 2022, p. 113). Unlimited freedom would not make us freer, but more fanatical, more subjugated, more enslaved.

Everything argued about the performative function is particularly relevant when we consider the issue that concerns us in this chapter. Putin’s regime’s propaganda machine is not simply expressing ideas, it is not simply conveying a way of seeing the world. Considering that only words (words without action) come out of this propaganda machine is more than a candid perception. Either we would be faced with a condensation of irresponsibility or we would be faced with sickly collusion, in the most flagrant cases.

Putin’s propaganda apparatus has given more than a hint of its nature. “Information war is now the main type of war,” asserted Dmitry Kiselyov, coordinator of Russia’s state-run international news agency and host of a high-profile programme (*Vesti Nedeli*), which back in 2014 was already spearheading the information offensive against Ukraine (Snyder, 2018, p. 158). These statements place us squarely before what is known as ‘hybrid warfare’ (Rey-

3 Someone who screams and shouts in a cinema or at a conference, making it impossible for the rest of the audience to hear, is generating noise, causing a disturbance, and “silencing them is not going against their freedom of expression, but denying them the right to prevent the rest of us from listening.” Furthermore, the adult who “persuades a seven-year-old girl to have a sexual relationship with him is not telling her his ideas; he is propositioning her, and we can perfectly well choose to prohibit this action” (Quintana, 2017).

García; Miranda-Galbe; Quintana-Paz; Martín Martín and López Corral, 2020, pp. 281-292).

The Russian invasion in 2014 provides a glimpse of disinformation practices that have parallels with what we have continued to see in 2022. Snyder adds that 2014 saw “the most sophisticated propaganda campaign in the history of warfare.” This propaganda was deployed on two levels: on the one hand, “as a direct assault on factuality, denying the obvious, even the war itself”; and, on the other, “as an unconditional proclamation of innocence, denying that Russia could be responsible for any wrong” (Snyder, 2018, p. 158). Let us recall that on 28 February 2014, after Russia had already begun its invasion of Ukraine, Putin lied shamelessly: “We have no intention of rattling the sabre or sending troops to Crimea” (Snyder, 2018, p. 158). At that time, as later shown, he had already sent troops into Crimea, and Russian troops had already been advancing on Ukrainian territory for four days.

In 2014, as in 2022, it is clear that the propaganda apparatus is an indispensable part of this autocratic regime, of this warmongering machine. A propaganda machine that not only says, but in saying... is doing. Throughout the chapter, when referring to RT and Sputnik, at some points I have used the term ‘communicative artefacts’ in an attempt to avoid the term ‘media’. The concept of ‘media’ does not invariably invoke beatific connotations (there are better and worse media; media that contribute with greater authenticity and nobility to informative, analytical, watchful work... and media that contribute little in this respect). In any case, resorting to the use of artefacts rather than media was intended as an initial clarifying sign.

There are also two meanings of the term ‘artefact’ that are relevant to the issues discussed in this chapter. According to the dictionary, an artefact is, as its first meaning, an ‘object, especially a machine or apparatus, constructed with a certain technique for a certain purpose.’ RT and Sputnik’s *raison d’être* is inextricably linked to the aims of Putin’s regime. They not only contribute to these ends in their own way, but they are an indispensable part of Pu-

tinism. This regime has used destabilisation, invasion, crime, rape, extermination as emblems... All the parts within this huge device of destruction are contributing to these tasks. Within this shameful Meccano-type structure, the media-propaganda axis is neither anecdotal nor secondary. This axis is very far, diametrically far, from what the media and analysis are supposed to represent.

The third meaning of the noun is also interesting. An artefact is an 'explosive charge'. The dictionary gives the example of 'a mine, a firecracker, a grenade, etc.' To consider that *explosives* should not be deactivated; to assume that *explosives* help to broaden pluralism; to defend *explosives*, implying that freedom of expression is being defended; to support explosives, imagining that this strengthens democracy... are curious lines of reasoning. This reasoning greases detonation and vileness, sometimes out of naivety and sometimes out of crooked complicity with Putin's regime.

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European order in danger

(Tenth Fallacy: ‘Ukrainian refugees are welcome and Syrians are not. That’s racism’)

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INTRODUCTION: POSITIVE DISCRIMINATION IS NOT RACISM

Migration has become a major demographic force in the world. According to the United Nations, there will be 281 million international migrants in the world in 2022. These are people who move from their home countries to travel, work or seek other opportunities due to conflict, poverty, natural disasters or other crises (United Nations, 2022). As one example, the conflict in the Ukraine has created the largest single-year influx of refugees since the end of the Cold War (The Economist, 2022). In fact, in the space of just five weeks, more than four million people sought refuge outside Ukraine, while millions more were forced to move to other parts of the country. Moreover, this migration continues to make an impact on the societies that receive and send migrants. As one example, Warsaw, the capital of Poland, has seen its population grow by nearly 20 percent since the war began in Ukraine. This has led to several difficulties related to integration, education, health care, job opportunities, etc., which must be managed in the medium and long term. In addition to these human security issues, we cannot ignore the cost in human lives: between 1 January 2019 and 24 November 2021, 8,436 migrant deaths were recorded worldwide, according to

official figures. Another 5,534 migrants are missing, presumed dead (The Economist, 2022).

The overall response, both nationally and internationally, might be characterised as uncoordinated. This deficit in Ukrainian migration management has been used by the Russian regime to launch a series of accusations about the ‘racist’ response from the EU and some of its member states. Russian President Vladimir Putin wasted no time spreading a series of fallacies related to migration management within the European bloc, only intended to undermine the credibility of the integration project. The comparison between how Syrian and Ukrainian refugees are managed was used as a starting point. The radically different ways that European authorities reacted to the two migration crises can be explained by several identity-driven criteria. This analysis has a dual purpose. Firstly, it seeks to examine how the Russian regime’s fallacies on the EU’s allegedly racist behaviour in managing Syrian, Afghan and MENA refugees seek to undermine the European project by perceiving the EU as an antagonistic geopolitical actor to Russian interests. Then it will present the facts and arguments which refute these fallacies.

Be that as it may, the Russian regime has argued vehemently that the EU is not what it pretends to be, and that its traditionally multicultural behaviour in managing the influx of Syrian refugees masks the true nature of the integration project. The Hungarian case has been quite illuminating in this regard. Hungary refused to take in these refugees on religious grounds, citing the country’s Christian identity — a staging of Samuel P. Huntington’s ‘clash of civilisations’ paradigm which represented an alarming contradiction to the very essence of the EU.

This shattered the EU’s identifying hallmarks of solidarity, tolerance, pluralism and a commitment to human safety. The threat of populism was lurking, as was the dysfunctional aspect implied by a lack of accountability. This is what Nassim Nicholas Taleb called ‘Skin in the Game’, referring to the fact that certain authorities make

decisions hoping that they will not be affected by their possibly negative consequences (Taleb, 2018).

Migration management is clearly presented, not only to evaluate political management, but also to find out what society is thinking. In this sense, the refugee issue remains susceptible to the impact of certain fallacies based on both mistaken information, misinformation and false information (Zimdars and McLeod, 2020, p. 71). These fallacies promote the idea that positive discrimination is racism. We should therefore ask ourselves whether our greater support for Ukrainian refugees over Syrian refugees makes us racist. It would seem that, for the Russian regime, this positive discrimination in treating Ukrainian refugees in a more supportive and generous way, and Syrian refugees less so, is nothing more than a racist way of handling the situation.

Similarly, we should reflect on the factors that might underlie this alleged structural racism. Such racism would refer to “a system in which public policies, institutional practices, cultural representations, and other norms work in various, often reinforcing ways to perpetuate racial group inequity. It identifies dimensions of our history and culture that have allowed privileges associated with ‘whiteness’ and disadvantages associated with ‘colour’ to endure and adapt over time” (The Aspen Institute, 2017). In this sense, the EU cannot be blamed for succumbing to this kind of structural racism. Although the Russian regime and its president continue to insist that the unequal treatment of these refugees is due to their origin and race, the EU’s public policies in this area make it crystal clear that its intention is always to minimise human suffering as much as possible. Nevertheless, the Russian regime continues to benefit from the fact that, as soon as we address the issue of refugee management, we find analyses that avoid more critical engagement with race, in which there is a predominant intention to address racism in terms of questions such as the success or failure of multiculturalism, quantification of levels of integration and social cohesion, tolerance of diversity or the unfortunate persistence of discrimination (Lentin, 2017, p.125).

THE EXCEPTIONALITY OF THE CASE: DIFFERENTIAL FACTORS

Distinguishing refugees on the basis of criteria such as race, religion or nationality marks a trend towards depersonalising human beings. Answering the question of why some lives matter more than others reflects the international community's failure to manage the phenomenon of migration (voluntary or involuntary). It thus sets a Herculean task to answer questions such as: why has the world not cared for Syrian refugees as it has for Ukrainian refugees; why are Syrian refugees' lives not part of the super-powers' geopolitical calculations; why are refugees welcomed selectively?

Some politicians, journalists and global leaders have assigned certain labels to Ukrainian refugees — such as membership of an affluent middle class or geographical proximity — that do not exist for Syrian refugees. This would help understanding on how racism and xenophobia might partially explain a series of double standards.

In the Western bloc, the issue of identity is presented as vitally important. Just as Alexander Dugin has long promoted the idea that Russia is a distinct, independent civilisation, with the right to manage certain challenges and threats in its own way, so too should the EU be left to manage migratory movements as it sees fit (Dugin, 2009). For the European bloc, Ukrainian refugees do not fall into the category of others, but into the category of 'our own'. We could say that the distance from otherness that helped us ignore the Syrian war or the collapse of Afghanistan has not occurred in the case of Ukraine. It is unsurprising that many Western countries immediately offered Ukrainian refugees long residence permits, work permits and free transit to other countries. This would help explain that, while Ukrainian refugees continue to pour into Poland, the very same country continues to build a wall along its border with Belarus to prevent Syrians, Afghans and Iraqis from entering. These measures could be explained by national interests, plus the geopolitical imperatives of certain Eastern European countries.

These double standards regarding refugee management are partly a result of the impact of populism (López Aranguren, 2021). In the case of migration management, and especially for Syrian, Afghan, Iraqi refugees, etc., right-wing populism promotes a completely biased and non-inclusive view of those who are different. The presence of refugees from the Middle East and North Africa would mean an increase in socio-political diversity in a given social reality. Populism of this ideological bias aims to prevent such diversity. On the other hand, Ukrainian refugees would be considered as 'our own', which would not affect pluralism. Thus, before the Russian invasion began on 24 February 2022, the Ukrainian community already represented the third largest immigrant community in the EU, following the Moroccan and Turkish communities (Kerneis, 2022, p.3).

Therefore, even if it is uncomfortable and difficult to understand, we could not consider the EU to be racist because some countries advocate making the most of the organisation's intergovernmental dimension.

Member States could decide not to follow EU directives if they consider them to be contrary to their national interest.

In this case, the survival of the player himself is at stake, so it is normal that we face the problem of the non-circulation of norms (Barroso, 2019). In this sense, the Russian regime is trying to convince international public opinion that an openly racist Europe would disregard the principles and values it is supposedly trying to protect after Russia's military invasion of Ukraine. In relation to this, the Russian regime seems to lose sight of the fact that the EU is not a state, and that its member states remain independent sovereign nations.

To understand Vladimir Putin's behaviour in his attempt to chip away at the European project, which has taken the side of Ukraine, we should remember that political leaders seem more likely to lie to their own people on foreign policy issues than to other state or non-state actors in the international accord (Mearsheimer 2013). What he is trying to do, both internally and internationally, is discredit the

image of the EU and its principal member states through the fallacy of racism.

The latter is based on a number of deception techniques. One of the most applicable to the case at hand is known as 'Spinning'. This is what happens when a storyteller emphasises certain facts and relates them in a way that benefits him or her, while, at the same time, minimising or glossing over inconvenient facts (Mearsheimer, 2013, p.16). In the case of Syrian refugees, the Islam factor has been highlighted by some authorities as an element that undermines the potential integration of Syrian minority groups in host countries. Fear of the Islamisation of Europe does not play in favour of a positive welcoming, respectful and tolerant attitude, but rather encourages the spread of Islamophobia.

The migration crisis has also raised parallels that are difficult to understand. In fact, in some cases crisis management differs little between European or Middle Eastern countries. This can be explained by the fact that migration management considers the needs and peculiarities of the host societies in both regions. Thus, for example, fees for temporary residence permits were increased in Lebanon, and the so-called 'Jewellery Bill' was passed in Denmark, allowing Danish authorities to requisition certain goods from asylum seekers to contribute towards the costs they incur in the country's welfare system (John, 2022). In both cases, the national interest justification was presented as a priority.

Perhaps elements favourable to some refugees, and unfavourable to others, based on ethnicity, race, religion, etc., can be explained by what psychologists call 'dead spots', namely a series of innate hidden preferences and inclinations that are used to make quick associations. Such inclinations influence our behaviour, in a complex yet subtle way. This influence can be felt in our values, so that it significantly affects our choices and preferences (Bajani and Greenwald, 2013). Indeed, to understand these dual standards in relation to how Syrian and Ukrainian refugees are managed, one might ask how the local racial context affects attitudes towards immigration (Kaufmann and Harris, 2015, p. 1564).

In an attempt to combat the cluster fallacy promoted by the Russian regime, we might refer to a number of theoretical approaches that would help to analyse and explain how these hidden preferences and inclinations work. Firstly, the ‘contact theory’, which states that “intergroup contact seems to work primarily through three mediators — knowledge, empathy and intergroup anxiety — although by far the strongest is intergroup anxiety” (Barlow et al., 2012). On the other hand, reference could be made to ‘threat theory’, which argues that the presence of minorities triggers anxiety among members of the majority ethnic group (Putman, 2007). Both theories therefore defend the idea that diversity might generate conflict, rather than promote tolerance. Similarly, the ‘space between us’ thesis should be mentioned as it infers that the relationship between community size, distance between ethnic populations and levels of segregation affects inter-community relations and perceptions of the other (Enos, 2017).

In this case, it could be argued that in some cases ‘contact theory’ has not delivered as expected. In marginalised suburbs of major European cities, ghettos have sprung up with the Syrian, Afghan and Iraqi refugees. Such geographic encirclement has not improved mutual understanding, nor has it diminished the fears of the majority European ethnic group.

Nevertheless, it has managed to stoke what is known as ‘moral panic’: certain situations in which the values and interests of society would be threatened (Cohen, 1972, p. 1). Understanding how this threat theory can explain unequal migrant management involves considering the securitisation narrative, developed in connection with legal and illegal immigration.

Security can be defined as a process of social construction of threats involving a securitising actor (mostly the political elite), who decides which issues are urgent and threaten survival, and, once these issues have been accepted, who legitimises the use of extraordinary measures to neutralise the threat. In this way, the issue is securitised, taken outside the normal boundaries of the democrat-

ic political process and becomes part of the 'panic politics' agenda (Buzan, Waever and De Wilde, 1998). In this sense, in its unequal treatment of different migratory movements, the EU has not been inclined to securitise the presence of ethnically-different refugees. This does not detract from the fact that some EU Member States would have done so.

From this perspective, the EU is at a crossroads in terms of solidarity. Having recently celebrated the 25th anniversary of the Barcelona Process, in which it should have assumed a more relevant geopolitical role in relation to the southern Mediterranean shore, the EU faced the choice between internal, or intra-EU, solidarity and external solidarity (Soler i Lecha, 2020). The EU is aware of the risk of choosing internal solidarity over external solidarity, as the 2008 crisis demonstrated the result of its inaction. Thus, the increase in the number of refugees arriving in Europe, and the increase in the number of terrorist attacks recorded on European territory, may have contributed to the perception of threat and the securitisation process. However, it would in no way justify labelling the entire EU as 'racist' as far as migration management is concerned.

HUMAN EMPATHY AND THE ROLE OF THE EUROPEAN UNION

Immigration management raises the issue of empathy and emotions in politics with a rather delicate scenario in which to reflect on its potential scope and limits. In general, there seems to be a kind of resentment when it comes to comparing migration management caused by the war in Ukraine against the situation in 2015 provoked by the war in Syria. Although both cases involve Russia, the level of empathy shown by neighbouring and EU member states has not been the same. Comparison is the thief of joy, as they say, and in this case the reaction has been so disparate as to generate indignation and resentment from the outset.

Within the EU, there are two clearly antagonistic blocs when it comes to managing immigration and refugees. Indeed, the Eastern bloc formed by Poland, Hungary, Slovakia, and Romania during the 2015 migration crisis opted for the use of what is known as “vetocracy” (Fukuyama, 2018, p. x),¹ with a view to curbing the open-arms policy put forward by the Western bloc. This reluctance focused on the harm it caused to national interest, while other countries openly embraced cooperation on migration management as a vital part of the EU’s responsibilities as an international player (Frijs and Juncos 2019).

Migration can therefore be perceived as an opportunity with great potential, or as a threat to host countries. This differentiation will also appear in how we perceive the functionality of borders, and the restriction or facilitation of the movement of migrants across borders. Be that as it may, the reaction of the Eastern European bloc in the Ukrainian crisis has been the complete opposite, showing the most support in terms of efforts to manage Ukrainian migration. Thus, for example, as of 6 April 2022, Poland had taken in a total of 2,514,504 Ukrainian refugees, Romania 627,751, Hungary 404,021, Slovakia 304,983, and Moldova 401,704 (UNHCR, 2022). The curious thing is that Hungary was the country most opposed to the entry of Syrian, Afghan and Iraqi refugees, citing religious, identity and civilisation-related factors. Russia has continued to use this apparent rift to further undermine cohesion and solidarity within the EU. Moscow seems to have struck gold here because this issue touches on one of the most important values of the European project, namely solidarity.

Empathy is thus affected by what is known as post-truth, defined as “relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than ap-

1 Francis Fukuyama uses this to refer to the ability of certain interest groups to block collective action. In fact, this system of inter-community blocking would be enhanced by the question of recognition as a hegemonic element within a given system.

peals to emotion and personal belief” (OED, 2016). Migration management within the EU has not been able to escape this process of distortion that has worked in favour of the securitisation process against migrants; a process that has been facilitated by the fact that certain claims related to migration management have shifted from being based on facts to focus on public emotions, beliefs or desires. There would only be interpretations and not facts, and populist proposals would gain ground. In fact, we would be faced with a fallacy where mediation would take place between interests and not so much between truths (Ferraris, 2019, p.41). In other words, truth becomes a matter of belief, and facts cease to exist (D’Ancona, 2019, p. 42). The options for media and information manipulation thus expand the options for certain fallacies to emerge and be fostered. Thus, for example, the Russian regime not only justifies its military invasion by arguing the need to denazify Ukraine and remove the current Ukrainian regime due to corruption and for violating the fundamental rights of the Russian minority on Ukrainian soil, but it also claims that Ukrainians are defending their country alone.

Such fallacies could also be promoted by the strategic errors of some international stakeholders when deciding what measures to take. They spend money, symbolically accept some refugees, and perpetuate crises. According to the Russian regime, the EU could be presented as a clear example of lack of determination to alleviate the problem. In the meantime, refugees will remain destitute or have only minimal levels of security. For the case at hand and regarding the EU’s reaction, the latter would not be true. In fact, at no time has the EU shown a lack of empathy and solidarity with regard to Syrian refugees; nor has it shown indifference to human suffering, giving rise to racism and xenophobia. In migration management, the EU has taken a cautious approach to upholding its values and principles. Non-repayable support for the Ukrainian people is not a bad thing, and the EU has shown how solidarity extends to refugees from other regions, albeit at a lower intensity. This hospitality has therefore lost none of its credibility. This is a question of val-

ues (Cortina, 2022) and the EU has demonstrated its consistency in protecting and defending them.

The empathy shown towards Syrian and Ukrainian refugees should put an end to the argument of collective amnesia and the fallacy of double standards. The EU has shown how political correctness should not succumb only to the racial and ethnic factor. The memory and lessons learned should form an essential body of law to avoid repeating the same problems in terms of managing legal or illegal immigration. What is ultimately at stake is nothing less than cosmopolitanism as a political project. The EU knows this better than any other actor because it presents itself as a normative power representing a form of governance based on values, principles and norms that are much more respectful of human fraternity. The EU is aware that double standards when managing refugees based on ethnic criteria wrecks the core of its values, principles and pillars from within, and has done its utmost to avoid such double standards.

Despite accusations of racism promoted by the Russian regime, most peoples of Europe have shown themselves capable of embracing the universal spirit of the 1951 Refugee Convention (Global Detention Project, 2022).² As a *sui generis* actor in international relations, the EU must nevertheless make a reflective effort to further improve its management of certain transnational issues such as migration. Safeguarding democracy against the rise of authoritarian regimes, defending fundamental rights, promoting internal and external solidarity, cosmopolitanism as an inalienable project (Cortina, 2021), etc. will continue to be essential for the EU to be able to stand up to certain fallacies, and continue to ensure the credibility of its project.

2 As stated in Article 3 of the Convention, all Member States must apply the provisions of this Convention to refugees without discrimination on the grounds of race, religion or country of origin.

CONCLUSION

In this chapter, we have tried to shed some light on what underlies the racism fallacy promoted by Vladimir Putin's regime against EU and Western bloc efforts to manage migration. Accusations of racism, based on the EU and some of its member states treating Syrian and Ukrainian refugees differently, do not hold up if we consider both the identity factor and the national and geopolitical interests of countries closest to Ukraine.

We have been able to explain how the 'I am not a racist' argument is based on certain socio-cultural attributes, rather than on factors such as race or skin colour. It is precisely when shaping the latter's perception that the main fallacies regarding migrants and refugees begin to take centre stage. Contact and threat theories, moral panic, the politics of panic, the process of securitisation, as well as using the reception of Ukrainian refugees as another tool for Europeans in their defence against the Russian invasion, are central elements in understanding the proliferation of fallacies promoted by the Russian regime.

Moscow actually promotes the thesis that the EU gives special treatment to Ukrainian refugees because they are allies against Putin's geopolitical project. It is vitally important to curb such arguments because what the very survival of the European integration project and the post-Cold War security order is at stake. European values and the rules of interaction in the Old Continent are perceived by Putin as an existential threat to his regime and Russia's status as a great power. Needless to say, this threat has very different scope from that posed by other authoritarian leaders, such as Syrian President Bashar al-Assad.

We have been able to show how, in the European bloc, Ukrainian refugees, unlike those from Syria, are perceived as 'our own', white, Christian, educated, etc.; alongside the fact that most of them are women and children, these aspects facilitate acceptance of these refugees. This demographic component greatly favours their accep-

tance as they are not seen as a potential danger to host societies, an argument that could not be made in the case of Syrian refugees and those from the Middle East and North Africa. In Eastern Europe, countries have remained ethnically and culturally homogeneous over the past decades, which may have encouraged a perception of Islamic immigration as a factor of insecurity. Daily experience has thus shown us how we always feel greater empathy with our neighbours than with people from further away.

Similarly, we have seen how the factor related to the Ukrainian diaspora in the European bloc might explain why most European countries are inclined to take in Ukrainian refugees; another argument that would not apply to Syrian refugees either. Be that as it may, the solidarity and effort made by the EU and its member states in managing migration in both crises has been unquestionable, even though national or geopolitical interests may be more important in certain situations. It is these countries' social, political and economic circumstances which, alongside the security situation at regional level and the impact of certain transnational threats, mark the attitude and strategy of these states in relation to migration management.

To protect European order, fighting these fallacies will become routine. The debate between democracy and authoritarianism will continue to hinder the development of a European order based on liberal values. The EU must continue to focus on promoting empathy, tolerance, resilience and integration through collective policies that continue to propose solutions congruent with the transnational and human nature of the global phenomenon of migration. What happens in the medium- and long-term regarding Ukraine will continue to demand answers to questions such as: who counts as a human being? Who deserves protection and who does not? What kind of society and social justice are we promoting? How far does the dictatorship of political correctness extend? Is it possible to speak of objectivity when talking about refugees and human suffering? Only time will tell how the accusations of racism made by the Russian regime are not only unfounded, but also serve to delegitimise the authoritarianism represented by the figure of Vladimir Putin.

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The editors

As Maite Pagazartundúa categorically states in her foreword to this book, democracy is not possible without truth, and without democracy there is no guarantee of human rights. She knows this well from her political career and personal life, and all the authors of this book — experts and academics from a range of universities and latitudes — underline this. Their approach to studying the war in Ukraine not only looks at the military aspect but also at a hidden, stealthy element: the propaganda issued by the Kremlin to adapt the real situation to its lies.

In the mid-20th century Harry Truman said that propaganda was one of the most powerful weapons in the fight against freedom, but he did not foresee that his words would also help us to understand the 21st century. At the present time, this applies to anyone who loves freedom and needs explanations; whoever considers that facts are independent of the power of a despot who wishes to modify them; and who, in this war of tanks – but also of disinformation, fallacies and poisoned arguments – refuses to be a propagandist for Putin. They will find this book an indispensable tool to understand what is happening and be able to challenge the deceit. Paraphrasing Churchill's words in wartime, maybe truth needs us as bodyguards, a mission for which this book can be a good user manual.