Peaceful coexistence, as juridical concept, denotes a factual, existential condition with normative legal consequences. It belongs, properly, to what Kelsen identified as the Grundnorm, or high-level authoritative starting point for any mature legal system, with subordinate, intermediate or lower level, legal norms emerging from it in the dynamic process of unfolding and development of the basic norm itself. The basic norm for any legal system, national or international, is by definition a pre-legal, meta-legal fact which must, of necessity, have a certain correspondence to reality for purposes of identification of the basic norm in order to be of any operational utility in action. The emphasis, here, has to be in legal realist terms, on the law-in-action, and not the law-in-books, otherwise it must end up, as Harold Laski observed, as an exercise in logic and not in life. This is a determination obviously crucial to international law and its rôle in the world community at any time.

As legal term-of-art, peaceful coexistence is to be found in the celebrated Pancha Shila Agreement of 1954 between the People's Republic of China and the Republic of India, whose 50th Anniversary was celebrated by leaders of the two countries in a major ceremony held in Beijing in 2004. Latter-day (late 1940s, early 1950s) Soviet jurists
would find roots for it in the early, pre-1917 October Revolution writings of the great Lenin himself. It can certainly be found in occasional speeches of Stalin and Foreign Minister Molotov. Nevertheless, as a principal talking-point in Soviet foreign policy it clearly emerges only in the period after Stalin’s death in 1953 and the determined mounting of an official de-stalinisation campaign in Soviet internal affairs after that. With the consolidation of Premier Nikita Khrushchev’s power, following his defeat of the ultra-orthodox, neo-Stalinist, “Anti-Party” group, peaceful coexistence becomes a leitmotiv for Soviet foreign policy, proclaimed by Soviet diplomats and officials in their public encounters with their Western counterparts, not merely in the official, inter-governmental arenas of the United Nations and main UN agencies but also in important private, non-governmental arenas (scientific, academic and other) suddenly opened up to Soviet representation and active participation at Khrushchev’s initiative.

A. Historical Origins of the Peaceful Coexistence Campaign

As with many high-level, political-juridical concepts made use of in the practical, operational exercise of foreign policy and its concrete policy-making opportunities, peaceful coexistence seemed always to have a somewhat ambivalent character: first of all, directed inwards for consumption in internal Soviet political life and as a rationalisation of main new doctrinal trends in Soviet external relations vis-à-vis the West; and then, at the same time, directed outwards to policy-makers and peoples in other countries outside the Soviet bloc,—sometimes perhaps to persuade and conciliate, and sometimes perhaps to baffle and confuse as to the real Soviet intentions. But, and this as a not necessarily intended consequence of the working of the dialectic within Soviet society itself, there may even have been, in time, a certain change in its significance and emphasis,—as operational concept of Soviet
