THE HISTORICAL BACKGROUND OF THE SOVIET CONSTITUTIONS

by

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INTRODUCTION

In the Soviet Union the relationship between social and economic conditions on the one hand and Constitutional law on the other is closer than in other states, and of a peculiar nature. The relationship is specifically dictated by Marxist doctrine. The totality of productive social relationships, wrote Marx, constituted the "real basis upon which is built the juridical and political superstructure."[1] Since it was a basic tenet of the Marxian dialectic that the nexus of substructural, economic relationships underwent periodic change, it followed logically that the juridical superstructure would also change from time to time. According to Lenin, "The essence of a constitution lies in the fact that the fundamental laws of the state . . . express the actual correlation of forces in the class struggle. A constitution is a fiction when law and reality part; not a fiction when they meet."[2] Hence, in Marxist thought, society is not based on law; law is based on society.

This formula is borne out by the definition of law accepted by all Soviet jurists:

> Law is the totality (a) of the rules of conduct, expressing the will of the dominant class and established in legal order, and (b) of customs and rules of community life sanctioned by state authority - their application being guaranteed by the compulsive force of the state in order to guard, secure, and develop social relationships and social orders advantageous and agreeable to the dominant class.[3]

Furthermore, in the Soviet Union itself,

1. Cited by Andrei Y. Vyshinsky, The Law of the Soviet State, (translated by Hugh W. Babb), New York, 1951, p. 6.

2. V.I. Lenin, Sochineniia (2nd ed.), XIV, Moscow and Leningrad, 1926, p. 18.

3. Vyshinsky, p. 50.

> . . . law is entirely and completely directed against exploitation and exploiters. Soviet law is the law of the socialist state of workers and peasants. It is invoked to meet the problems of the struggle with the foes of socialism and the cause of building a socialist society. As socialist law it puts these tasks into practice from the first moment of its rise.[1]

The question at once arises as to whether Soviet law (jus, droit, Recht, pravo), as opposed to laws (leges, lois, Gesetze, zakony), exists at all. A brief summary of some legal attitudes towards this question is necessary for the purposes of this investigation.

One opinion is that Soviet law "lacks any ethical content, that the concept of justice is foreign to it, that it is merely a system of regulation imposed by an omnipotent state, and that it is not law in any meaningful sense."[2] Such a view, frequently held by professional anti-Communists, is too extreme and, indeed, superficial. Soviet citizens have real, if limited, rights in family law, property law and criminal law.

A more balanced opinion is that Soviet law is "parental" law, that is, that Soviet citizens are not independent possessors of rights as in the West, but are considered by the state as immature youths "who must be guided and trained and disciplined in their consciousness of rights and duties, and for whom rights are also gifts."[3] This concept infers that rights and duties are conferred by the state

1. Vyshinsky, p. 50.

2. George C. Guins, Soviet Law and Soviet Society,

3. Harold J. Berman, "The Law of the Soviet State," Soviet Studies, V (1954-1955), Oxford, 1955, p. 236.

as a matter of grace, and that the rules and procedures of the law are valid unless the secret police step in, that is, unless the state exercises its "parental" function.

Approaching the question from a study of Soviet statutary law, another observer concludes that because of the large number of new juridical concepts being introduced, and in proportion to the dwindling importance of topics and practices regulated by Roman ideas, Soviet, "Socialist", law may be characterised as a new order of legal system, taking its place with Roman, Islamic and English common law.[1]

In accord with this last opinion, the present writer holds that the study of Soviet constitutional development must be undertaken within its own framework. Too often critics examine the Soviet Constitutions solely by comparing them with Western European and North American principles. Political scientific literature is rich in analyses based on the comparative method. But the tendency to look on the Soviet Constitutions as imitations of Western constitutions, and poor imitations at that, is useful only to point out the differences that exist, without leading to the understanding of the peculiar nature of the Soviet constitutional process. An approach of that sort is also prone to the danger of imposing on the historical process a system of norms, usually the standard patterns of development of the viewer's own tradition. Inevitably ethical conclusions will be drawn, and they will be adverse.

1. A.K.R. Kirafly, "The Characteristics of Soviet Law", Osgoode Hall Law Journal, II (April 1962), Toronto, 1962.

The three Soviet Constitutions - the Constitution of the Russian Socialist Federated Soviet Republic of 1918, the Constitution of the Union of Soviet Socialist Republics of 1923, and the Stalin Constitution of 1936 - were created under unique historical circumstances. They were drafted in accord with a dogmatic political theory in a country to which stability was denied by the effects of a world war, a civil war and a revolution of unprecedented political, social and economic scope. This study is an attempt to examine the complexes of historical events which, in determining the course of state life in Soviet Russia, shaped the Soviet Constitutions.

CHAPTER I

THE MARXIST-LENINIST THEORY OF THE STATE

At first sight a constituted Marxian state presents a paradox. Marx and Engels expressed a strong and vituperative opposition not only to the apparatus of contemporary states, but to the state as a thing in itself. An examination of the development of the state concept in their writings and in those of Lenin reveals how this initial attitude among Marxists came full circle, resulting in the establishment and elaboration of a constitutional "Marxist" state only seventy years after Marx first condemned the state *per se*.

Marx's first considerations of the state betrayed his Hegelian background. In the *Koelnische Zeitung* in 1842 he showed his respect for the state as an abstract ethical principle, as a "great organism through which legal, ethical and political freedom will be realised," and added, "in obeying its laws the individual citizen obeys the natural laws of his own human reason."[1] Two years later, in the *Deutsch-Franzoesische Jahrbuecher* he still maintained that men could transcend egoism only within the framework of the state, outside of which all manifestations of egoism prevailed.[2]

By this time, however, Marx had had his first revelation of the state as an instrument used by the propertied classes to

1. F. Mehring, *Aus dem literarischen Nachlass von Karl Marx, Friedrich Engels und Ferdinand Lassalle*, Stuttgart, 1902, I, p. 267.

2. Cited by E. Goldhagen, *The Withering Away of the State* (unpublished M.A. thesis, McGill University), Montreal, 1954, p. 22.

further their own interests. Already in the sixteenth century More had made such an analysis of the state in his Utopia and from the late eighteenth century, when Adam Smith expressed the opinion that the protection of property was one of the major functions of the state, the idea passed into radical thought and thence to the growing socialist movement in France.[1] Socialism had not spread markedly beyond France by the early 1840s, and Marx had yet to be stimulated by it. He seemed to reach his "socialist" interpretation of the state independently, if not originally, as the result of a bill introduced into the Rhineland Assembly in 1843. The proposed law would have protected the interests of the large forest owners by prohibiting the poor from their traditional right of scavenging dead wood. Reacting violently to "this phase of the battle led by capitalism against the last vestiges of communal ownership of the land (la propriété commune du sol)",[2] Marx wrote,

> the organs of the state have now become the eyes, ears, arms, legs, with which the interest of the forest owners hears, spies, appraises, defends, seizes, runs. . . . the provincial assembly has degraded the executive power . . . to material instruments of private interests.[3]

He had occasion to meditate further on the matter while preparing a critique of Hegel's Philosophy of Law, when, for the first time, he studied contemporary socialist literature. The state, he concluded, was "nothing more than the form of organisation which the bourgeois necessarily adopt both for internal and external purposes

1. Cf. E.H. Carr, The Bolshevik Revolution, I, London, 1950, pp. 233-234.

2. A. Cornu, Karl Marx, L'homme et l'oeuvre, Paris, 1934, p. 183.

3. Cited by Sidney Hook, From Hegel to Marx, New York, 1936, pp. 159-160.

for the mutual guarantee of their property and interests."[1] In the Communist Manifesto, published in 1848, he developed this line of thought in what was to become the classical Marxist definition of the political process: "Political power, properly so called, is merely the organised power of one class for suppressing another."[2]

The concept of class conflict lies at the heart of the Marxist view of the state. In the Manifesto Marx presented a brief and impassioned outline of the historical course of the conflict.

> The history of all hitherto existing society is the history of class struggles.
>
> Freeman and slave, patrician and plebeian, lord and serf, guild master and journeyman, in a word; oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary re-constitution of society at large, or in the common ruin of the contending classes. . . .
>
> The modern bourgeois society . . . has not yet done away with class antagonisms. It has but established new classes, new conditions of oppression, new forms of struggle in place of the old ones.
>
> Our epoch, the epoch of the bourgeoisie, possesses, however, this distinctive feature: it has simplified the class antagonisms. Society as a whole is splitting more and more into two great hostile camps, into two great classes directly facing each other: Bourgeoisie and Proletariat.[3]

Marx did not attempt to transform his early and apocalyptic views into a systematised doctrine of the state. He was pre-occupied with his economic studies and with the forging of an immediate strategy for the proletarian revolution. The task of creating a comprehensive summa fell to Engels. Thirty years after the Manifesto Engels made his first thorough analysis of the state in Anti-Duehring and followed

1. Karl Marx-Friedrich Engels: Historisch-Kritische Gesamtausgabe, Berlin, 1932, Erste Abteilung, V, p. 52.

2. K. Marx, Communist Manifesto (introduction by Stefan T. Possony), Chicago, 1954, p. 56.

3. Ibid., pp. 13-15.

it up with Origin of the Family, Private Property and the State in 1884. In his speculation about the origin of the state, he deduced that the state first appeared with class distinctions at a time when it became possible for some men to live off the surplus production of others.

In ancient primitive communities the means of production - the land - was common property.[1] Changes in the modes of production (which Engels does not specify[2]) led to surplus production and the formation of private property. Private property

> developed within these communes, at first through barter with strangers, till it reached the form of commodities. The more the products of the commune assumed the commodity form, that is, the less they were produced for their producers' own use, and the more for the purpose of exchange, the more the primitive natural division of labour was replaced by exchange also within the commune, the more inequality developed in the property of the individual members of the commune, the more deeply was the ancient common ownership of the land undermined, and the more rapidly the commune developed towards its dissolution and transformation into a village of small peasants.[3]

In this inequality of ownership Engels saw the origin of class and class antagonism. It was to hold the antagonism in check that the

1. Engels based much of his thought concerning early communistic societies on the findings of contemporary anthropologists, chief among whom was L.H. Morgan, on whose Ancient Society of 1877 Marxists still base their belief in primitive communism.

2. The logical, semantic and historical problems surrounding the concept of the modes of production are examined by H.B. Mayo, Democracy and Marxism, New York, 1955, pp. 41-46. Mayo concludes, "the forces of production, never clearly defined, are said to determine both the course of history and the entire superstructure of society. In no sense is this an ultimate explanation, since how changes occur . . . is as much a mystery as ever." (p. 46).

3. F. Engels, Herr Eugen Duehring's Revolution in Science (Anti-Duehring) (translated by Emile Burns), New York, n.d., p. 184.

state arose.

> Former society, moving in class antagonisms, had need of the state, that is, an organisation of the exploiting class at each period for the maintenance of its external conditions of production. . . . The state was the official representative of society as a whole, its embodiment in a visible corporation; but it was this only in so far as it was the State of the class which itself, in its epoch, represented society as a whole. . . .[1]

Thus the state was "an organ of class domination, an organ of oppression of one class by another;" indeed, its very existence was proof that "class antagonisms cannot be objectively reconciled, . . . are irreconcilable."[2]

It was precisely this element of class domination in the nature of the state that Marx and his disciples planned to turn to proletarian advantage in order to pull down the bourgeois state. To accomplish the revolutionary goal of overthrowing the capitalist system and bourgeois society, the working class was to set up the dictatorship of the proletariat, that is, to erect a new coercive apparatus of its own, one with all the hallmarks of the classical state machinery. Like its precursors, it would be an instrument of class interest, organised by one class for the suppression of another. Marx first alluded to this dictatorship of the proletariat in the Manifesto.

> The proletariat will use its political supremacy to wrest, by degrees, all capital from the bourgeoisie, to centralise all instruments of production in the hands of the State, i.e., of the proletariat organised as a ruling class; and to increase the total productive forces as rapidly as possible.

1. Engels, Anti-Duehring, pp. 314-315.

2. F. Engels, Origin of the Family, Private Property and the State, New York, 1942, pp. 8-9. (Engel's italics.)

> Of course, in the beginning, this cannot be effected except by means of despotic inroads on the rights of property, and on the conditions of bourgeois production . . . .[1]

Initially it was easy to infer that the immediate aim of the revolution was to seize the apparatus of the state and turn it against the bourgeoisie. However, as a result of the failures of 1848 and 1870 in Paris, where such a tactic had been followed, Marx concluded that the proletariat had to destroy the bourgeois state machinery and erect its own.[2] Engels concurred in this opinion:

> The Commune had to recognise right from the beginning that the working class, once come to power, cannot continue to operate with the old State machine; that this working class, in order not to lose its own rule which it just conquered, must . . . do away with all the old machinery of oppression hitherto utilised against itself . . . .[3]

From the beginning the dictatorship of the proletariat was seen as a transitional phase of historical development. Justifying the despotism of the dictatorship in the Manifesto, Marx claimed that it would sweep away the old conditions of production and with them "the conditions for the existence of class antagonisms, and of classes generally, and will thereby have abolished its own supremacy as a class."[4] He later described it more succinctly as "the necessary transition stage to the abolition of all class distinctions,"[5] and in his criticism of the Gotha programme he wrote:

1. Manifesto, p. 54.

2. K. Marx, The Civil War in France (translated by E.B. Bax), Chicago, n.d., p. 39.

3. Ibid., Engels' introduction to the 1891 edition, p. 18.

4. Manifesto, pp. 56-57.

5. Marx, Die Klassenkaempfe in Frankreich, Berlin, 1895, pp. 93-94. Cited by S.H.M. Chang, The Marxian Theory of the State, Philadelphia, 1931, p. 90.

> Between the capitalist and the communist systems of society lies the period of the revolutionary transformation of the one into the other. This corresponds to a political transition period, whose state can be nothing else but the revolutionary dictatorship of the proletariat.[1]

Again Engels held the same opinion. He viewed the proletarian state as "a transitional institution which we are obliged to use in the revolutionary struggle in order to forcibly crush our opponents," and added that it would not function "in the interests of freedom but in the interest of crushing its antagonists."[2]

It was Lenin, the revolutionary practitioner, rather than Marx and Engels, the prophets of revolution, who put a fine edge on the theory of the proletarian dictatorship and turned it into a political reality. One of the most violent exhortations to revolutionary action in modern political literature is contained in his State and Revolution, conceived on the eve of the February revolution and cast in its final form during his exile to Finland in the summer of 1917.

Lenin saw the dictatorship of the proletariat as having two functions, one destructive and political and the other constructive and economic. To destroy the old ruling classes and to prevent a bourgeois resurgence he followed the orthodox Marxian line.

> Progressive development - that is, toward communism, marches through the dictatorship of the proletariat; and cannot do otherwise, for there is no one else who can break the resistance of the exploiting capitalists, and no other way of doing it.[3]

1. K. Marx, Criticism of the Gotha Program, New York, 1922, p. 48.

2. Engels, Letter to Bebel, March, 1875. Cited by Chang, p. 108.

3. V.I. Lenin, State and Revolution, New York, 1935, p. 93. (Lenin's italics.)

> During the transition from capitalism to communism, suppression is still necessary. . . . A special instrument, a special machine for suppression - that is, the 'state' - is necessary, but this is now a transitional state, no longer a state in the ordinary sense of the term.[1]

Later Lenin described the dictatorship as a period of "the fiercest and most merciless war of the new class against its most powerful enemy, the bourgeoisie, whose power of resistance increases tenfold after its overthrow, even though overthrown in only one country."[2]

With regard to the constructive and economic function, Lenin was less orthodox. During the dictatorship the inequalities of income which characterised the first period after the revolution would be enforced. In the transitional period the workers were to be rewarded according to their contribution to society, that is, the Leistungsprinzip: "From each according to his ability, to each according to his work." Only after society had passed from the stage of socialism to the stage of communism (Lenin here introduced the terminological distinction), could the old slogan "From each according to his ability, to each according to his needs" be introduced.[3]

As is evident in several of the foregoing statements, Marx, Engels, and Lenin considered the period of the dictatorship to

1. Lenin, State and Revolution, p. 95. (Lenin's italics.)

2. V.I. Lenin, Sochineniia (2nd ed.), Moscow and Leningrad, 1926-1929, XXIV, p. 270.

3. The distinctions between a socialist and a communist state in Bolshevik theory are discussed by Walter Meder, "Die Entwicklung der Sowjetischen Staats- und Rechtstheorie," Universitaetstage, Berlin, 1961, p. 97.

be transitional. What was to follow it? The dialectical consequence of the proletarian revolution, which would destroy the bourgeoisie, was a one-class society. Since the state was sui generis a weapon in the class struggle, it would no longer have any scope for action and, unwanted and unnecessary, it would disappear as a truly communist society emerged.

Already in 1846 Marx alluded to the disappearance of the state. The working class, he wrote, would establish "an association which will exclude classes and their antagonisms, and there will no longer be political power, since political power is precisely the official summary of the antagonism in civil society."[1] In the Manifesto he repeated this prediction:

> When in the course of development class distinctions have disappeared, and all production has been concentrated in the hands of a vast association of the whole nation, public power will lose its political character.[2]

In 1850 he spoke outright of the "abolition of the state as the necessary result of the abolition of classes, when the need for organised force of one class for the suppression of other classes falls away of itself."[3] In his polemical contests with the anarchists - especially with Bakunin - Marx continued to define his idea of the elimination of the state, but again it was Engels who gave a fuller expression to the theory. Because of the "simplification" of the contemporary class struggle, the dialectic - in so far as the state

1. Marx-Engels: Gesamtausgabe, Erste Abteilung, VI, p. 227.
2. Manifesto, p. 56.
3. Mehring, III, p. 438.

was concerned - was approaching its final and most meaningful phase. Just as the communism of gentile society had been replaced by the slave economy; just as the feudal order had been overturned by the bourgeoisie; so too, now, the capitalist system and the state of its creation were on the verge of extinction.

> The state . . . has not existed from all eternity. There have been societies which have managed without it, which had no notion of the state or state power. At a definite stage of economic development, which necessarily involved the cleavage of society into classes, the state became a necessity because of this cleavage. We are now rapidly approaching a stage in the development of production at which the existence of these classes has not only ceased to be a necessity, but becomes a positive hinderance to production. They will fall as inevitably as they once arose. The state inevitably falls with them.[1]

Summing up his point of view in Anti-Duehring, Engels coined the phrase which has spelled out the ultimate destiny of the state in Marxist thought ever since.

> When ultimately the state becomes representative of society as a whole, it makes itself superfluous. As soon as there is no longer any class in society to be held in subjection; as soon as, along with class domination in the struggle for individual existence based on the former anarchy of production, the collisions and excesses arising from these have also been abolished, there is nothing more to be repressed which would make a special repressive force, a state, necessary. The first act in which the state really comes forward as the representative of society as a whole - the taking possession of the means of production in the name of society - is at the same time its last independent act as a state. The interference of state power in social relations becomes superfluous in one sphere after another, and then ceases of itself. The government of persons is replaced by the administration of things and by the conduct of the processes of production. The state is not abolished; it withers away.[2]

On another occasion Engels observed, "The State, and together with it also political authority, will vanish as the result of the future

1. Engels, Origin of the Family, p. 158.

2. Engels, Anti-Duehring, p. 315. (Engels' italics.)

Socialist Revolution, i.e., that public functions will lose their political character and will be transformed into simple administrative functions, concerned with social interests."[1] How long the withering away would endure as a process remained a moot point, but Engels ventured that it might not occur "until a generation, grown up in new and free social conditions, will be able to throw off the entire state trumpery from itself."[2]

Like so much of the Marxist state theory, the withering away of the state remained largely a theoretical matter until political events demanded that it be interpreted as a problem of concrete strategy. Before the first World War it was discussed by Marxists from time to time, especially in polemical debate with the anarchists, but only after the deleterious accentuation of social tensions brought on by the War had pushed several European countries close to revolution was the idea subjected to fundamental examination.

Even as late as January 1917 Lenin doubted that he would "live to see the decisive battles of the coming revolution."[3] By the end of the month revolution was imminent in Russia and he undertook the studies that led to State and Revolution, a work accepted by Marxists and non-Marxists alike as the core of Lenin's revolutionary doctrine. It was a curious mixture of realism and idealism. On the one hand, his call for violent revolution and the establishment of the dictatorship of the proletariat was well within the bounds

1. Engels, "Ueber das Autoritaetprinzip", Neue Zeit, XXXII, No. 1, p. 39; cited by Chang, p. 128.

2. Marx, Civil War in France, Engels' introduction to the 1891 edition, p. 50.

3. Lenin, Sochineniia, XXIII, p. 246.

of his usual revolutionary pragmatism, while on the other hand, his almost lyric prognosis of the withering away of the state was the product of an utopian spirit.

Lenin's vision of the incipient communist society did not conform to his previous utterances nor his subsequent actions. One modern analyst explains this "aberration" as a deviation into leftist revolutionary idealism which overtook the Party in 1917 and, "overriding objections on the part of some of Lenin's formerly closest disciples, consummated the victory of October."[1]

Lenin foresaw a society in which the regulatory functions of the state would become the habitual actions of individuals, a devolution made possible by the great "simplification" of social and economic norms carried out by the bourgeoisie. As classlessness became a reality, "there will vanish all need of force for the subjection of one man to another, of one section of society to another, since the people will grow accustomed to observing the elementary conditions of social existence without force and without subjection."[2] Once freed from capitalist slavery, "people will gradually become accustomed to the observation of the elementary rules of social life. . . . They will become accustomed to their observance without force, without constraint, without subjection, without the special apparatus for compulsion which is called the State."[3] He went on:

1. Robert V. Daniels, "The State and Revolution: A Case Study in the Genesis and Transformation of Communist Ideology," The American Slavic and East European Review, XII (1953), p. 21.

2. Lenin, State and Revolution, pp. 86-87. (Lenin's italics.)

3. Ibid., pp. 94-95.

> The expression, "the State withers away," is well chosen, for it indicates the gradual and elemental nature of the process. Only habit can, and undoubtedly will, have such an effect; for we see around us millions of times how readily people get accustomed to observe the necessary rules of life in common, if there is no exploitation, if there is nothing that causes indignation, that calls forth revolt and has to be suppressed.[1]

Again and again Lenin stressed the point that as people became accustomed to observing the rules of communal life "habit" would cause the state to wither away. The habit would develop in proportion to the degree to which workers took control of all aspects of life.

> When all . . . have learned to govern the state, . . . have established a control over the insignificant minority of capitalists, over the gentry with capitalist leanings, and workers thoroughly demoralised by capitalism - from this moment the government begins to vanish.[2]

When all men "have learned to manage" and the guardians of capitalist traditions" have been controlled, "the door will then be wide open for the transition from the first phase of Communist society to its second higher phase, and along with it to complete withering away of the state."[3]

In this "habitual" society, the two great characteristics of the bourgeois state, the army and the bureaucracy, would be absent.

> The repression of a minority of exploiters by a majority of former wage slaves is so relatively simple, easy and natural, that it will cost far less blood than the repression of risings of slaves, serfs and hired workers, and work out far cheaper for humanity. And it coincides with the extension of democracy to such an overwhelming majority of the population that the need for a special machinery of repression begins to vanish. The exploiters are naturally not in a position to crush the people without a most complicated machine to carry out the task.

1. Lenin, State and Revolution, p. 95.
2. Ibid., p. 108.
3. Ibid.

> But the people can crush the exploiters with very simple "machinery", almost without "machinery", without a special apparatus, through the simple organisation of armed masses.[1]

And since capitalism had simplified the methods of accounting and made them "comprehensible to every literate person," no special bureaucracy would be needed.

> Under socialism much of "primitive" democracy will inevitably revive, since for the first time in the history of civilised societies the mass of the population will be raised to independent participation not only in voting and elections, but day to day administration. Under socialism all will administer in turn and will quickly become accustomed to nobody adminstering.[2]

One need scarcely point out that the size and scope of the bureaucracy and the army in Soviet Russia have increased greatly since the Revolution, whereas some bourgeois regimes have developed rather more refined techniques of control than unleashing the army on the civil population.

Just as Engels found it difficult to predict the dawn of the new era, so too Lenin did not set a specific date for the advent of the utopia he outlined. The urgent tone of State and Revolution seemed to indicate that it was imminent, but within a year of its publication he was assuming a more modest tone:

> For the present we stand unconditionally for the state; and as for giving a description of socialism in its developed form, where there will be no state - nothing can be imagined about it except that then will be realised the principle "from each according to his capacities, to each according to his needs." But we are a long way from that . . . . We shall come to it in the end if we come to socialism. . . . When will the state begin to die away? We shall have time to hold two or

1. Lenin, State and Revolution, p. 110.

2. Ibid., p. 111. (Lenin's italics.)

> more congresses before we say, - See how our state is dying away. Till then it is too soon. To proclaim in advance the dying away of the state would be a violation of the historical perspective.[1]

Also early in 1918 he voiced the opinion that the withering away of the state would not begin for at least a decade,[2] and by 1919 he told the May Day gathering in Red Square that "a majority of those present who have not passed the age of 30 or 35 will see the dawn of communism, from which we are still far,"[3] that is, some three or four decades.

If the state was to wither away there still remained the question of co-ordinating affairs in the communist society. Neither Marx nor Engels was an anarchist of the school of Bakunin. As a businessman Engels realised that a complete lack of direction would lead at once to chaos. The marked authoritarian tone of Marx's writings was not consistent with anarchism, and Marx recognised anarchism as a distant and abstract goal. Both men realised that a continuous supervision of economic and social processes would remain a necessity even in a stateless society.[4] In Das Kapital Marx avoided mentioning the withering away of the state, but dwelled frequently on the need for future controlling agencies.

1. Lenin, Sochineniia, XXII, pp. 364-365.

2. Ibid., p. 466.

3. Ibid., XXIV, p. 270.

4. They preferred, however, to designate this direction by the words "Gemeinwesen" or "commune" rather than "state". Karl Marx and Friedrich Engels, Selected Correspondence, London, 1934, pp. 336-337.

> Regulation and order are indispensible factors of every method of production, if it is to assume social firmness and freedom from mere accident and arbitrariness.[1]

> After the abolition of the capitalist mode of production, and while the socialist mode of production prevails, the determination of value continues in force in the sense that it becomes more essential than ever to order working hours, to apportion social labour to the various branches of production, and finally to keep books for these purposes.[2]

Lenin was no less an authoritarian. Of anarchists who demanded the abolishment of all state power at once, he asked, "Have these people ever seen a revolution?" and he answered, quoting Engels, "'A revolution is beyond doubt the most authoritarian thing imaginable."[3] Even during his flight into utopianism he did not so far abandon his mentors as to neglect some reference to the future ordering of society, albeit his realism on this score was an exception to the general tone of State and Revolution.

> Take a factory, a railway, a vessel on the high seas, . . . is it not clear that not one of these complex technical units, based on the use of machines and the ordered cooperation of many people, could function without a certain amount of subordination and, consequently, without some authority or power?[4]

The exercise of authority or power must rest ultimately on the right to coerce. Even if the personality conflicts that beset the hierarchies of large scale industrial enterprises could be eliminated in a communist society by the development of a "new Soviet man", there would still remain honest differences of opinion. Few of the basic decisions made in any enterprise are of a "scientific" nature, in that different policy makers who ponder a problem are unlikely to arrive at the same solution. Ultimately one man, or one small group

1. K. Marx, Das Kapital, Hamburg, 1921, III, pp. 326-327.
2. Ibid., p. 388.
3. Lenin, Sochineniia, XXI, p. 412.
4. Ibid., XXV, p. 394.

of men, must have final authority and the power to enforce their decisions. To the Marxist the meaningful question would be whether this final authority constitutes a class action. It has come to. In the Soviet Union those in positions of final authority are members of the political bureaucracy which, Milovan Djilas contends, constitutes a new class.

> As in other owning classes, the proof that it is a special class lies in its ownership and its special relations to other classes. In the same way, a class to which a member belongs is indicated by the material and other privileges which ownership brings to him.
>
> As defined by Roman law, property constitutes the use, enjoyment, and disposition of material goods. The Communist political bureaucracy uses, enjoys, and disposes of nationalised property.[1]

From the foregoing examination of the Marxist-Leninist theory of the state, it is evident that the founders of Communism considered class and state to exist in a symbiotic relationship. Brought into being as the moderator of class conflicts in gentile society, the state remained ever afterwards an instrument of suppression in the hands of successive dominant classes precipitated to power by the dialectical development of society. In the simplified class struggle of Marx's own time, when only two classes survived, the proletariat was to rise up, overthrow the bourgeois state, and establish a state of its own which, characteristically, would be an instrument of class oppression. The proletarian state

1. Milovan Djilas, The New Class, New York, 1957, p. 44.

would be only temporary, for once it had eliminated all but the working class, it would have created a classless society and the state, no longer having a raison d'être, would simply wither away.

In Lenin's Russia, however, the "objective conditions" for a rapid transition to a communist, or even a socialist, society did not exist. From the October Revolution until his death seven years later, Lenin was engaged in trying to establish these conditions in Russia. It was natural for him, as a Marxist, as an administrator, and above all as a revolutionary, to use all possible organs of power to achieve his goals. The Russian state, rather than disappearing, was strengthened.

In this transitional period, then, the Marxist-Leninist would see no contradiction in the formal ordering of a state apparatus and the existence of a constitution, although it might discomfort him, would not pose him a genuine paradox.

CHAPTER II

THE RSFSR CONSTITUTION OF 1918

From the abdication of Nicholas II on the evening of 2/15 March[1] 1917 to the ratification of the Constitution of the Russian Socialist Federated Soviet Republic by the Fifth All-Russian Congress of Soviets on 10 July 1918, the Russian state was without a fundamental law. During these sixteen months Russia underwent a series of revolutionary changes which altered fundamentally the national composition, the state structure, the society and the economy of the former empire. The Constitution of 1918, drawn up under the aegis of a tenuously established Bolshevik regime, embraced many of these changes and projected others in accordance with Marxist-Leninist doctrine.

The most complex and perplexing problem facing the Russian revolutionary governments of this period was the question of the national minorities. In 1917 the Russian Empire was a vast multi-national state. It counted within its borders 177 nationalities or tribes which spoke 125 languages and practised 40 different religions.[2] The largest homogeneous and dominant group was composed of the Christian orthodox Great Russians who, numbering some 55.6 millions, constituted only 44.3% of the total population.[3] During

1. On 14 February 1918 the Bolshevik regime officially adopted the Gregorian calendar. Dates cited in this paper up to that time will show both the Julian and the new styles.

2. Corliss Lamont, The Peoples of the Soviet Union, New York, 1944, p. 8.

3. Hugh Seton-Watson, The Decline of Imperial Russia, London, 1952, p. 31.

the crisis brought on by the World War and the Revolution itself, the non-Russian areas along the entire western and southern periphery of European Russia either were separated from the Russian state or broke away to establish themselves at least temporarily as independent republics.

The Grand Duchy of Finland, joined to Russia in a personal union in 1809, retained its own Diet and constitution until 1903, when Nicholas II abrogated the constitution and imposed Russian laws on Finland. After the February Revolution in 1917 the Finns demanded the right to secede from the Russian state, but the Provisional Government declined in this case to make any constitutional change until the meeting of the projected Constituent Assembly. However, Lenin had long championed the Finnish cause[1] and the Bolshevik government recognised the Finnish declaration of independence of 23 November/6 December 1917. Lenin agreed to the separation of Finland with an easy mind because the Finnish Social Democratic Party was strong and well organised;[2] helped by Soviet troops still in the country, the Finnish SDP attempted a coup in January 1919, but German military intervention ended the civil conflict in favour of the bourgeois nationalist government in May.

On the south shore of the Gulf of Finland and disturbingly close to Petrograd, similar separatist movements broke out in the

1. In 1913 Lenin wrote, "All the Finns want now is autonomy. We stand for giving Finland complete liberty; that will increase their confidence in Russian democracy, and when they are given the right to secede, they will not do so." V.I. Lenin, Selected Works, London, 1944, Vol. 5, p. 310.

2. The VTsIK (Central Committee of the All-Russian Congress of Soviets), however, had some misgivings. See Carr, I, p. 288.

Baltic provinces. Peter the Great and Catherine II had pushed the Russian Empire westward along the Baltic littoral to encompass the modern areas of Estonia, Latvia and Lithuania. Economic and social life in the provinces was dominated by a German minority against whom the Balts, numbering over four millions,[1] made increasingly radical demands after 1905. When the Imperial Government fell Estonia, Latvia and Courland (Lithuania) all demanded the right to self-determination. An Estonian People's Assembly claimed sovereignty of 15/28 November 1917 and set up a Soviet regime. It fell before the German advance in February 1918. Latvia followed a parallel course. With the collapse of Germany, bourgeois nationalist republics were set up in both countries. In November and December Soviet regimes were again established by military force, but in January and February 1919 a British naval show of force brought them down and the bourgeois governments were restored.

In Lithuania, the Taryba, a nationalist council, declared an independent republic under German auspices in February 1918. A Soviet government took over after the end of the War, but collapsed before the Polish invasion of Lithuania in 1919. At the end of the Polish-Russian war in 1920, a bourgeois government established itself at Kovno, Vilna having been ceded to Poland, and was recognised by Moscow.[2]

1. Seton-Watson, p. 31.

2. Carr, I, pp. 311-414; K. Tiander, Das Erwachen Osteuropas, Die Nationalitätenbewegung in Russland und der Weltkrieg, Vienna and Leipzig, 1934, passim.

To the south and west of the Baltic states lay Russian Poland. In 1863 it had lost the final vestiges of the precarious autonomy it had retained since the Partition of 1795 and became simply the "Vistula land" of the Empire. It, too, was occupied by the Germans during the War. In response to nationalist demands and as an anti-German tactic the Provisional Government granted Poland its independence on 30 March 1917, but it did not define the boundaries of the new state and it anticipated a military union between the two countries. Before any settlement could be negotiated, however, the Bolshevik coup occurred in Russia and no details were formally settled.[1]

The northwestern fringe of the Empire thus passed from Soviet control. Only in the course of World War II were the Baltic states re-incorporated into the Soviet sphere and major boundary alterations imposed on Finland and Poland. In the Ukraine, Byelorussia and the Caucasus the Bolsheviks enjoyed a more immediate and complete success.

The Ukraine presented the most difficult and continuous nationalist problem to the Bolsheviks between 1917 and 1922. From the middle of the nineteenth century there had been a strong nationalist movement in the Ukraine, which had suffered constant oppression at the hands of the Imperial Governments. The outbreak of the World War led to new measures against Ukrainian nationalists, whose loyalty to the Russian state was doubtful. The Provisional Government split on the issue of Ukrainian separatism, but granted the Ukraine its

1. Oskar Halecki, "Partitioned Poland," A Handbook of Slavonic Studies (Leonid I. Strakhovsky, ed.), Cambridge, Massachusetts, 1949, pp. 334-342.

autonomy. A many-sided struggle to establish a state order in the Ukraine began with the October Revolution. Bourgeois nationalists set up a Rada (Central Council) at Kiev; the Bolsheviks countered by establishing an opposition government at Kharkov. The Rada was recognised by Britain and France, but fell before the Red Army in February 1918. In March a German advance encompassed Kiev, and a pro-German puppet regime was set up which lasted to December.[1]

Between the Ukraine and Lithuania and bounded by Poland on the west, lay Byelorussia. Of all the national minorities in European Russia, the Byelorussians were the least politically conscious. Only after the Bolshevik coup did they form a National Congress at Minsk, which was dispersed by the Red Army in December 1917. For three months a Soviet regime existed in Byelorussia. In March 1918 it fell before the German spring offensive that toppled the Soviet regimes in Latvia and Estonia. Until the end of the War a German puppet government ruled Byelorussia, when another short-lived Soviet regime was set up.[2]

On the southeastern periphery of European Russia the disappearance of imperial authority opened the way for the vigorous peoples of the Caucasus to seek their autonomy. During the summer of 1917 they formed several coalitions in an attempt to assert their political independence. On 7/20 September they set up a loosely knit North Caucasian Federalist Republic. On 9/22 November the Georgians,

1. Carr, p. 289 ff.; Oleg S. Pidhaini, The Ukrainian-Polish Problem in the Dissolution of the Russian Empire 1914-1917, Toronto, 1962, pp. 82-87. The later stages of the struggle are discussed below, pp. 64-66.

2. Later developments in Byelorussia are discussed below, pp. 67-68.

socially and economically the most advanced on the Caucasians, formally declared their independence of Russia. In April 1918 they joined with the Azerbaijanis and the Armenians to form an independent Trans-Caucasian Republic, but within a month the historic rivalries of the three peoples tore it apart and led to the founding of three national republics in May. These republics rejected the advances of Moscow and entered negotiations with the Germans, the Turks or the White Russian forces after the beginning of the Civil War. But if the Caucasian states could not live together, they could not live apart, for, having been developed for a century as an economic and administrative unit, they found that separation placed unbearable strains on the elementary processes of social life. Once the immediate threats to the Bolshevik regime had been warded off, Soviet Russia was able to reconquer the hill states with little difficulty.[1]

The centrifugal force of these national problems came to a head in February and March 1918 under the impact of the negotiations the Bolsheviks undertook with the Central Powers for a separate peace. The Bolsheviks were deeply committed to a policy of immediate peace and they began to implement it as soon as they had set up their government.[2] The fact was that the war was "psychologically over" for all Russians except "the more conscientious army officers and a limited cross section of the intelligentsia and the middle class."[3]

1. Richard Pipes, The Formation of the Soviet Union, Cambridge, Massachusetts, 1954, p. 207; Georg von Rauch, A History of Soviet Russia (translated by Peter and Annette Jacobsohn), New York, 1957, p. 86.

2. The major documents pertaining to the Bolshevik peace policy are collected by O.H. Gankin and H.H. Fisher, The Bolsheviks and the World War, Stanford, California, 1940.

3. George Vernadsky, A History of Russia, New York, 1944, p. 261.

From the late fall onward large numbers of soldiers were deserting to their villages. "They voted for peace with their feet," Lenin often said.[1] Trotsky proposed a general peace to the allied representatives in Petrograd and, over their protests, concluded a truce with the Central Powers on 2/15 December. Peace talks were to begin at Brest-Litovsk in January.

The Germans were anxious to conclude a peace as quickly as possible, especially in the light of the election returns for the Constituent Assembly, which had produced a Socialist Revolutionary majority. The Germans regarded this as a sign of Bolshevik instability, but when Lenin mustered sufficient strength to dismiss the Assembly in January, they no longer feared the imminent collapse of the regime.[2] The German delegation increased its demands. At the same time a delegation from the Ukrainian Rada appeared at Brest-Litovsk at German invitation, and demanded self-determination for the Ukraine. Even while the parleys were in progress the Rada declared the Ukraine an independent republic (9/22 January 1918).

What in effect the Central Powers were asking was the cession of all of the non-Russian western lands. Trotsky protested in vain. Declaring that he could not "enter the signature of the Russian Revolution under conditions which carry oppression, sorrow, and suffering to millions of human beings," he refused to accept the terms. He further declared that Russia, unilaterally, considered the war

1. Cited by von Rauch, p. 72.

2. Pravda, No. 34, February 24, 1918, p. 3; cited by James Bunyan and H.H. Fisher, The Bolshevik Revolution, 1917-1918, Stanford, California, 1934, pp. 517-519.

at an end.[1]

Astonished by this "no war, no peace" policy, the Central Powers launched a new offensive which rapidly carried them to Narva and Pskov in the north, deep into the Ukraine, and into the Crimea and the Caucasus in the south. The Sovnarkom protested to Berlin, but under the circumstances found itself forced to accept the terms, now even harsher than before.

The Treaty of Brest-Litovsk was signed on 3 March 1918.[2] By its terms all of the national minority areas on the western periphery of the former Empire were shorn away.[3] Russia was forced to cede Poland and the better part of Byelorussia to the Germans, to recognise the Rada and evacuate the Ukraine, to withdraw its forces from Finland and the Baltic lands, where the future of the area was to be determined by Germany. Ardahan, Kars and Batum were to be given to Turkey. The demobilisation of the Russian army was to be completed. An amended version of the Russo-German trade pact of 1904 was to be renewed. All Bolshevik agitation in lands held by the Central Powers was to cease.

The Bolsheviks did not accept these terms easily. It was only Lenin's insistence on the idea that the threat to the existence

1. Mirnye peregovory v Brest-Litovske, I, pp. 207-208; cited by Bunyan and Fisher, p. 510.

2. The text of the Treaty is reproduced in U.S. Foreign Relations, 1918, Russia, I, pp. 442-475.

3. The statistical significance of Russia's losses by the Treaty is difficult to determine. Approximately one third of her arable land and population passed from Moscow's control, as did more than one half of her industrial enterprises and over three quarters of her coal fields. See Vernadsky, p. 265; Novaia Zhizn, No. 80, April 30, 1918, p. 2 (cited by Bunyan and Fisher, pp. 523-524); and U.S. Foreign Relations, 1918, Russia, I, p. 490.

of the regime be stopped at all costs that carried the Treaty to ratification by the Congress of Soviets on 15 March. Trotsky's "no war, no peace" policy was a reflection of the implicit faith of some Bolsheviks (and the Mensheviks and Left SRs) in the imminent outbreak of the world revolution in Germany. Bukharin and the Left SRs were for carrying on a revolutionary war. Lenin himself, advocating a separate peace in September 1917, had argued that if Germany refused a truce the Bolsheviks "would carry on a war in a truly revolutionary manner . . . . The resources, both material and spiritual, of a truly revolutionary war are still immense in Russia . . . . to secure a truce at present means to conquer the whole world."[1] First hand observation of the Russian scene led him, however, to conclude that the German revolution could not break out soon enough to be useful to Russia in the event of a "truly revolutionary war," and he deemed the Treaty an evil necessity.

The issue split the VTsIK and the Seventh Congress of the Russian Communist Party. The Left SR commissars withdrew from the VTsIK, leaving in fact a Bolshevik cabinet.[2] Lenin evidently believed that the territorial losses were not permanent. He told the Congress that peace was a period in which the Soviets could build their strength and "history tells us that peace is a breathing space for war." He argued that it was necessary to grant space in order to get time.[3]

1. Lenin, Sochineniia, XXI, pp. 197-198.

2. A study of the controversy surrounding the Treaty is to be found in John S. Reshetar, A Concise History of the Communist Party of the Soviet Union, New York, 1960, pp. 148-153.

3. Lenin, Ibid., XXII, pp. 327-328.

Lenin's sanguine hope that the lost lands would soon be restored to the socialist fatherland fell short of fulfillment. Before the end of 1918 the relinquishment of sovereignty certified by Brest-Litovsk, the independence of the Caucasian states, the foreign intervention and the civil war reduced the area of Russia under Bolshevik control to that of the Grand Duchy of Moscow in the sixteenth century.

Within the area that remained under its control the Bolshevik regime had to contend with the overt opposition of the bourgeoisie and the peasantry. In the long run the middle class had no future in a Marxist state and immediately it supported policies hostile to the Bolsheviks. The bourgeoisie was devoted to the Allied cause and proposed to continue the war. Firmly constitutionalist, it had supported the Provisional Government and Kerensky while waiting for the Constituent Assembly to reshape and stabilise Russia. Harried by capital levies and forced loans in the first months after the October Revolution,[1] it attempted to strike back at the regime from its entrenched position in the bureaucracy. From this point d'appui middle class civil servants tried to cripple the administration by going on strike, and State Bank officials refused to obey the orders of the government. The Bolsheviks dismissed the uncooperative state employees and appointed their own men to key posts.[2]

1. Carr holds that this harassment was not the result of any consistent plan, but was "either a reaction to some pressing emergency or a reprisal for some action or threatened action." Bolshevik Revolution, I, p. 153.

2. Vernadsky, p. 258.

The Constitutional Democrats, the party of the bourgeoisie, participated in the Provisional Government until its fall, but before the Assembly met in January 1918 the Cadets' voice was stilled. On 28 November/11 December the Sovnarkom declared the Cadets to be "enemies of the people", charging that "the bourgeoisie led by the Cadet party prepared all its forces to bring about a counter-revolutionary coup d'état at the time of the Constituent Assembly."[1] The Sovnarkom was prompted to act in this manner by the outbreak of the civil war among the Don Cossacks under their hetman, Kaledin, who had the open support of the Cadets. Trotsky declared that the Government's principle task of the moment was a merciless struggle against the Cadets and stated that it "would stop at nothing in the prosecution of class warfare."[2] To some members of the Soviets who disapproved of such a violent course (including the less militant Bolsheviks), he replied:

> You are shocked at the mild form of terror we use against our class enemies, but take notice that not more than a month hence that terror will assume a more terrible form, on the model of that of the great French Revolution. No prison but the guillotine for our enemies. It is not immoral for a democracy to crush another class. That is its right.[3]

1. Izvestiia, No. 239, December 12, 1917, p. 1; cited by Bunyan and Fisher, pp. 357-358.

2. Reported in the London Times, 18 December 1917, p. 6.

3. Ibid. Trotsky immediately claimed that "the Press had misinterpreted his guillotine speech. He meant to indicate that the people, in a moment of extreme dispair, and disgusted by the sabotage of the propertied classes, might have recourse to the guillotine." Times, 20 December 1917, p. 6.
In 1901 Lenin wrote, "In principle we have never renounced terror and cannot renounce it. This is one of those military actions essential at a certain moment of the battle . . . . But terror at the present time is applied not as one of the operations of an army in the field, closely connected and co-ordinated with the whole plan of the struggle, but as an independent method of individual attack divorced from an army." Sochineniia, IV, p. 108. This tactical error was not repeated in 1917.

The purge of the Cadets reached its culmination in January with the assassination of two Cadet leaders, Shingarev and Kokoshkin, by Red sailors. The murder of these men of conspicuous idealism aroused intense public indignation which the Bolsheviks professed to share.

Trotsky's threat of an organised terror was shortly carried into effect with the creation of the Cheka (Chrezvychainaia Komissiia - Extraordinary Commission), a secret police organisation. An indirect terror had already come into being with regard to the food problem. Ration cards were issued to three categories of eaters: members of Party organisations (including the Red Army) and industrial workers, government employees, and craftsmen and unemployed workers. All others were declared "unproductive elements" and denied cards, a deprivation tantamount to starvation.[1] This system was not sufficiently effective to root out all of the enemies of the regime, and a more formal institution was found in the Cheka. Felix Dzierzynski, head of the new bureau, declared its aims on taking office.

> Do not believe that I am concerned with formal justice. We do not need any laws now. What we need is to fight to the end. I request, I demand, the forging of the revolutionary sword that will annihilate all counter-revolutionaries![2]

More specifically, another Cheka official said, "We are not waging a war against separate individuals; we are exterminating the bourgeoisie as a class."[3] The Cheka terror reached its peak in the fall of 1918 when foreign intervention seemed most serious.

1. Vernadsky, p. 260.
2. N. Zubov, F. Dzierzynski, Moscow, 1933; cited by von Rauch, p. 64.
3. Vernadsky, p. 259.

The peasants posed an even more difficult problem. They were interested in only two things - redistribution of the land, and peace so that peasants absent at the front might return to participate in the redistribution. The Provisional Government temporised on the land issue and, more finical in this matter than in that of self-determination for the national minorities, held that any final solution must be made by the Constituent Assembly. Unwilling to wait for formal license, the peasants began to seize the landlords' estates in the summer of 1917. In close sympathy with the peasant demands, the SRs put forward a policy of immediate redistribution and peace which, as the November elections to the Assembly were to show, won them the confidence of the majority of peasants. Moreover, as the ruble grew increasingly unstable and manufactured goods came into ever shorter supply, the peasants began to withhold their grain from the market rather than collect sums of dubious currency.

In order to pacify the peasants after the Bolshevik coup, Lenin adopted the major features of the SR land and peace policy. The Decree on Land,[1] promulgated by the Second Congress of Soviets on 26 October/8 November 1917, abolished "in perpetuity" the right of private ownership of the land, and prohibited the purchase, sale, lease and mortgage of it. All land became the property of "the whole people, to be used by those who cultivate it." The only land not so distributed were areas with "highly developed forms of

1. The text of the decree is reproduced by James H. Meisel and Edward S. Kozera, Materials for the Study of the Soviet System, Ann Arbor, Michigan, 1953, pp. 19-22.

cultivation" (i.e., with greenhouses, orchards, nurseries, etc.), which were to be transformed into model farms under state or commune control. Mineral, water and forest resources became the property of the state.

In effect the Decree legalised past and future seizures. Yet, by merely recognising an existing situation, the decree failed to evoke a concrete demonstration of loyalty by the peasants for the regime. They continued to withhold their grain and as winter began, widespread hunger and the danger of starvation haunted the cities.[1] Thousands of city-dwellers filled bags with second-hand goods and took them to the country where they bartered for food. According to Lenin these "bagmen" (meshochniks) brought more food into the towns than did the state purveying organisations.[2] Finally the government was forced to organise "food battalions" to scour the countryside for grain. Subject to seizures without compensation by these battalions, the peasants hid and even destroyed their stores of foodstuff. They carried their resentment into the local soviets which, not directly controlled from the capital, began to legislate in ways as varying as were local conditions. Thus in those areas which had always presented an administrational problem to the central Russian government - the provinces remote from the capital - resentment toward the Bolsheviks flourished where they had least power to combat it. By the summer of 1918 it flashed

1. Already before the October coup, bread deliveries to Petrograd were only one half of what was necessary. Rech, No. 244, October 30, 1917, p. 3; cited by Bunyan and Fisher, p. 49.

2. Lenin, Sochineniia, XXIV, pp. 509-510. See also Alexander Baykov, The Development of the Soviet Economic System, Cambridge, 1950, p. 19.

into armed resistence and blended easily with the counter-revolutionary uprising led by Kaledin.

The terror which the Bolsheviks had instituted against the bourgeoisie was now turned against the peasants and their political party, the Socialist Revolutionary Party. In December the Bolsheviks managed an alliance with the Left SRs, with whose cooperation they closed the Assembly. The uneasy coalition survived until July 1918, despite the SRs' bitter opposition to the arrangements at Brest-Litovsk. Then, during the Fifth Congress of Soviets, the two parties fell out over the issue of the peace. Of the 1132 delegates at the Congress, 745 were Bolsheviks and only 352 were SRs. Unable to carry the Congress, the LSRs turned to other means. Two members of the party assassinated the German ambassador, Count Mirbach, in order to create a breach between the Russian and German governments. At the same time, SRs attempted unsuccessful risings in provincial towns and even in Moscow. In the face of this breach of the alliance, the Bolsheviks brought the marriage of convenience to an end. The Cheka arrested most of the SR delegates to the Congress, leaving a Bolshevik rump which henceforth ruled the Soviets with little external opposition.[1]

Behind the overt national and social upheaval a constitutional uncertainty undermined the tenuous organs of state power. For almost a year after the fall of Tsardom the legal foundation of

1. von Rauch, pp. 94-95.

the new state waited on the calling of a Constituent Assembly. Grand Duke Michael, in whose favour Nicholas abdicated, declined to assume power unless requested to do so by a Constituent Assembly elected by universal franchise, and he relinquished his state powers to the Provisional Government. By this action he legitimised the revolutionary government and made provision for an agency which would determine the final form of the Russian state.

In the early rush of revolutionary events the Provisional Government and even the Soviets agreed to the convocation of the Assembly. However, the Government put off the elections for eight months. In July Kerensky foiled the first Bolshevik attempt to seize power, forcing Lenin to flee to Finland, and in August he put down the Kornilov revolt. Flushed with his success over both left and right extremists, he arrogated a major function of the Assembly by declaring Russia to be a republic (1/14 September 1917). Pre-occupied with balancing the factions in his coalition government, he did not attempt to elaborate on the structure of the republican state.[1]

With the Bolshevik coup the question of the Assembly faced another severe crisis. Lenin had no desire to submit his regime to popular sanction. Even before his return to Russia he had dismissed the calling of an Assembly as a "liberal pleasantry."[2] In his April Theses he declared that if Russia were to become a

1. See Bunyan and Fisher, pp. 21-22.

2. Cited by Isaac Shapiro, The Origin of the Communist Autocracy, London, 1955, p. 80.

parliamentary democracy it would be taking a retrograde step from the system of Soviets.[1] The conception of the Assembly as a reactionary institution vis-à-vis the "progressive" Soviets was clearly stated by Zinoviev:

> We see in the rivalry of the Constituent Assembly and the Soviets the historical dispute between two revolutions, the bourgeois revolution and the socialist revolution. The elections to the Constituent Assembly are an echo of the first bourgeois revolution in February, but certainly not of the people's, the socialist, revolution.[2]

Despite such dialectical objections to the Assembly, Lenin could not afford to prohibit it outright. Many Bolsheviks recognised the popularity which the proposed Assembly had gained among the peasant masses, and feared that to prevent its creation would exacerbate opposition to the Party while its grasp on power was still precarious.[3] Indeed, Lenin himself had appreciated this fact and during the summer of 1917 frequently promised that the Bolsheviks would hold the elections when and if they came to power. When the moment for decision came, Lenin wanted to delay the elections until the voting age could be lowered so as to enfranchise many young radicals, and until the Cadets could be outlawed, but he was overruled on this.[4]

After the coup the Bolsheviks acted as if they intended to

1. Lenin, Sochineniia, XX, pp. 87-90.

2. Cited by Carr, I, p. 116. Lenin's attitude raised a problem in Marxian logic: if Russia was in the throes of a bourgeois revolution, then the Assembly ought to be supported; if current events were a part of the socialist revolution, then the Assembly ought not to meet at all. The problem was smothered in dialectical argument. Ibid.

3. Shapiro, pp. 81-82.

4. David Shub, Lenin, New York, 1950, p. 146.

uphold the principle of the Assembly. One of the first acts of the Sovnarkom was to confirm the date set for the elections by the Provisional Government. They nominally regarded the acts of the Congress of Soviets - especially those pertaining to the land question - as provisional. Lenin stated in the Congress,

> Even if the peasants should return a socialist revolutionary majority to the Constituent Assembly, we shall say, so be it . . . We must leave full creative freedom to the popular masses.[1]

The Party's election list charged that Kerensky's government had delayed the elections for fear that the Assembly would declare against him on all important matters. It also claimed that "the only sure way of having a Constituent Assembly was to overthrow the Kerensky government and bring about a victory of the workers, soldiers and peasants over the bourgeoisie."[2]

That these were statements of tactic rather than of policy was made manifest by Lenin's utterances in December. To the Central Executive Council (VTsIK) he stated:

> If the Constituent Assembly is considered in the abstract and apart from the atmosphere of class struggle which has reached the point of civil war, then there is no institution expressing more perfectly the will of the people. But to do that is to live in a dream world. The Constituent Assembly will have to act in the midst of civil war.
>
> We are asked to call the Constituent Assembly as originally conceived. This will never happen. It was conceived against the people and we carried out the insurrection to make certain that it will not be used against the people.[3]

1. Vosmoi Syezd Sovietov, II (December 1920), p. 57; cited by Shapiro, p. 80.

2. Izvestiia, No. 233, November 25, 1917, p. 1; cited by Bunyan and Fisher, p. 346.

3. Lenin, Sochineniia, XXII, pp. 109-110.

In his Theses on the Constituent Assembly (published anonymously in Pravda on 26 December) Lenin worked from the position that the bourgeois revolution was now a spent force and that future action must be directed toward securing the socialist revolution.

> . . . a republic of soviets is a higher form of democratisation than the ordinary bourgeois republic with a constituent assembly . . . . the sole chance of a painless solution of the crisis which has arisen as a result of the lack of correspondence between the elections to the Constituent Assembly and the will of the people, and the interests of the toiling and exploited classes . . . is an unreserved statement of the Constituent Assembly about recognition of the Soviet regime and the Soviet Revolution, of its policy in regard to peace, land, and workers' control, a decisive adherence of the Constituent Assembly to the camp of enemies of the Cadet-Kaledin counter-revolution.[1]

Unless the Assembly accepted the Bolshevik position in power, a crisis would arise which could "only be solved by revolutionary means."[2] The October Revolution had ended the dual government which plagued Russia since March by placing power in the hands of the Congress of Soviets; Lenin had no intention of permitting another opposition government in the form of the Assembly.

The elections were held on 12/25 November as scheduled. Throughout December and early January the results poured in. Never sanguine of the outcome, the Bolsheviks were nonetheless disappointed by the final tabulation:[3]

1. Lenin, Sochineniia, XXII, pp. 132-133.

2. Ibid., p. 134.

3. Oliver Henry Radkey, The Election to the Russian Constituent Assembly of 1917, Cambridge, Massachusetts, 1950, p. 21.

SRs (SRs proper - 299, Ukrainian SRs - 81)	380	seats
Left SRs	39	"
Bolsheviks	168	"
Mensheviks	18	"
Popular Socialists	4	"
Cadets (including 2 rightists)	17	"
Nationalist groups	77	"
	703	seats

The Socialist Revolutionaries thus had an absolute majority. The voting pattern had been predictable. The SRs' great strength lay among the peasant masses, the Bolsheviks' among the urban proletariat and the armed forces near the capital.

How much of subsequent Bolshevik action with regard to the Assembly was due to these results and how much to Leninist theory is not easy to determine. It is not difficult to speculate that had the elections given the Bolsheviks a majority the Assembly might well have constituted the Soviet state and become an obedient arm of the Party. On the other hand, save for tactical reasons, Lenin was no respecter of constitutional forms. In his later reflections on the Assembly and the elective principle there was a certain air of sour grapes, but it was no novelty for him to state:

> Only knaves and idiots imagine that the proletariat must first gain a majority in elections held under the bourgeois yoke and that only then can it try to rule . . . . We, on the contrary, maintain that the proletariat must first overthrow the bourgeoisie and take power into its own hands and then use . . . the dictatorship of the proletariat . . . in such a way that it gains the sympathy of the majority of workers.[1]

1. Lenin, Sochineniia, XVI, p. 336.

And again:

> Universal suffrage provides an index of the state of maturity of the various classes in the understanding of their tasks. It shows how the various classes are inclined to solve their problems. But the solution of the problem is effected not by means of the ballot, but by the class struggle in all its forms including civil war.[1]

In short, Lenin would have been unwilling to admit electoral means as the determining political force, especially if this admission meant a renunciation of the dialectical process.

From the first dilemma - that of holding elections they did not expect to win - the Bolsheviks proceeded to a second; once they had permitted the elections it was no longer possible to prohibit the convocation of the Assembly, even though a clash between the Assembly and the Bolshevik government was inevitable. For tactical reasons they had permitted the elections to take place, but they did not bind themselves to abide by the decisions of the Assembly. Even before the elections some Bolsheviks made open threats of violence against the Assembly if it proved intractable, one going so far as to say, "We may have to dissolve the Constituent Assembly with bayonets."[2] Certainly the pattern of voting enabled the Bolsheviks to rely on armed force. The Baltic fleet, the military forces in the capital and the urban workers had been their strong supporters in the elections. Lenin observed that his party had in effect "an overwhelming preponderance of force at the decisive moment and at the decisive points."[3]

1. Cited by Shub, p. 191 (appendix). (Lenin's italics.)

2. W.H. Chamberlin, The Russian Revolution, 1917-1921, London, 1935, p. 441. See also Bunyan and Fisher, pp. 334-335.

3. Chamberlin, p. 367.

The Bolsheviks lost not time in making preparations for the convocation of the Assembly. For the first time the socialist representatives were subjected to force; the Right SR leader, Avxentiev, and some of his followers were arrested on charges of organising a counter-revolutionary conspiracy. The All-Russian Congress of Soviets was called "in order to torpedo the Assembly."[1] The day before the Assembly met the Central Committee of the Bolshevik Party issued a final challenge. Claiming that all power belonged to the Soviets, it warned that

> any attempt on the part of any person or institution whatever to usurp this or that function of state power will be regarded as a counter-revolutionary act. Any such attempt will be crushed by all means at the disposal of the Soviet power, including the use of armed force.[2]

As 5/18 January dawned it became apparent that the government meant to carry out its threats. Troops of Red Guards and sailors were stationed around the Marinsky opera house where the Assembly was to meet. Soldiers were posted at the doors to "protect" the members. The galleries were open only to holders of tickets issued by the Cheka. At noon a demonstration in favour of the Assembly was dispersed by gunfire. When the session opened, the oldest deputy, following the usual custom, took the chair. He was shouted down by the left bloc and the galleries, and replaced by the Bolshevik, Sverdlov. Sverdlov demanded that the Assembly accept the Declaration of the Rights of Toiling and Exploited Peoples, drafted by the VTsIK two days previously, as the Russian constitution.

1. Carr, I, p. 116.

2. Sobranie Uzakonenii, 1917-1918, No. 14, art. 202; cited by Carr, ibid., pp. 117-118.

The motion was defeated after some disorder and the Bolsheviks left the hall, followed by the Left SRs. The rump carried on until dawn despite intimidation and adopted three resolutions: a land law closely following the Bolshevik decree of 26 October/8 November; an appeal to the Allies regretting the separate peace, but sanctioning the armistice (which the Assembly proposed to negotiate); and the proclamation of a Russian democratic federative republic.[1] None of these resolutions differed essentially from the Bolshevik programme. At dawn the Assembly recessed, and when the delegates returned at noon, the doors were barred by troops and artillery.

That evening the Sovnarkom issued a decree dissolving the Assembly. Both the Left SRs and the Mensheviks protested the closure but were outvoted. The Third All-Russian Congress of Soviets which convened on 10/23 January became the natural heir of the Constituent Assembly, whose dissolution it confirmed.

The Third Congress did not attempt to carry out the function of the Assembly. In the first months of 1918 all state and Party officials were pre-occupied with the peace negotiations at Brest-Litovsk, the transfer of the capital to Moscow to lessen the danger to it from the German armies, the incipient civil war and the problems of administering a state apparatus that was rapidly collapsing. It is not surprising that the Congress adjourned without having considered the problem. During February and March several tentative constitutions were drawn up by the Commissariats of Internal Affairs and of Justice, but neither these nor other proposed fundamental laws

1. Chamberlin, p. 370; von Rauch, p. 68.

secured official sanction.[1] The Fourth Congress, sitting in March, also ignored the problem and only after it adjourned did the VTsIK decide to set up the necessary machinery for the drafting of a constitution.

The draft commission appointed by the VTsIK on 1 April 1918 consisted entirely of Bolsheviks, either as representatives of the Party or of the Commissariats of Internal Affairs, Justice, Nationalities, War and the Supreme Council of National Economy. Sverdlov, the president of the VTsIK, became the chairman of the commission, whose members included Stalin, Bukharin, Pokrovsky and Steklov, the editor of Izvestia.[2] The composition of the commission was significant in that it foreshadowed what was to become a basic pattern of Soviet constitutional experience: any major change in the Soviet constitutional structure was to be carried out on the initiative and under the direction of the Communist Party. Although their political theory recognised that all legislative power belonged to the Soviets, the Bolsheviks also considered the Party to be a sovereign body. In their eyes the interests of the Soviets were identical with those of the Party which, as the vanguard of the proletariat, they regarded as the source of initiative in Soviet life. The new Party programme, completed in 1919, was already in discussion early in 1918. It stated overtly the Party's objective

1. These early proposals are reproduced by G.S. Gurvich, Istoriia Sovietskoi Konstitutsii, Moscow, 1923. Gurvich was a member of the draft commission.

2. Carr, I, p. 125.

of controlling and directing all phases of Soviet life, including the Soviets.

> The Communist Party assigns itself the task of winning decisive influence and complete leadership in all organisations of the labouring class: the trade unions, the co-operatives, the village communes, etc. The Communist Party strives particularly for the realisation of its programme and for full control over present political organisations such as the Soviets . . . . The Russian Communist Party must win for itself undivided political mastery in the Soviets and de facto control of all their work by means of practical, daily, devoted work in the Soviets, and the advancement of its most stalwart and dedicated members to all positions in the Soviets.[1]

The draft commission appointed on 1 April completed its assignment toward the end of June 1918. It had carried on its deliberations without any direction from Lenin[2] who, pre-occupied with the immediate problems of securing the peace, moving the capital and waging the civil war, spent the better part of 1918 actively engaged in administrative problems rather than those of political theorising. In any event, despite his reservations about the immediate withering away of the state, he would not have found drawing up a constitution a rewarding task in the light of the still expected world revolution which would make such labour redundant.

1. Rossiiskaia Kommunisticheskaia Partiia (bolshevikov) v rezoliutsiiakh ee sezdov i konferentsii (1898-1922gg.), Moscow and Petrograd, 1923, pp. 255-256.

2. Lenin suggested only some changes in wording. See D.A. Gaidukov, V.F. Kotok and S.L. Ronin (eds.), Istoriia Sovetskoi Konstitutsii, Sbornik dokumentov 1917-1957, Moscow, 1957, p. 67.

The commission at once decided to use an existing document as the foundation for its draft - The Declaration of the Rights of Toiling and Exploited People.[1] The Declaration had been rejected by the Assembly[2] and was accepted by the Third Congress of Soviets.

Russia was proclaimed a Republic of Soviets in which all authority belonged to the Soviets, and which was established as a federation on the basis of a "free union of free nations." The Declaration stated overtly the government's intention to carry on the class war. The Republic had

> the fundamental aim of abolishing all exploitation of man by man, of eliminating completely the division of society into classes, of ruthlessly crushing exploiters, of establishing the socialist organisation of society, and of bringing about the triumph of socialism in all countries . . . .

To accomplish these ambitious goals, it decreed the socialisation of the land, the nationalisation of natural resources, the ratification of the decree establishing workers' control of industry and

1. For text see Gaidukov, Kotok and Ronin, pp. 44-46. English translations are given by James Bunyan, Intervention, Civil War and Communism in Russia, Baltimore, 1936, pp. 507ff., and by Meisel and Kozera, pp. 57-59. Bunyan's translation is used here.

2. Section IV of the Declaration was originally intended as an act of abdication by the Assembly. Because the elections took place on the basis of lists made before the October coup "when the people could not yet rise en masse against the exploiters . . . and when the people had not yet practically undertaken the creation of a socialistic society, the Constituent Assembly would deem it radically wrong, even from a formal point of view, to set itself in opposition to the Soviets . . . . The power must belong wholly and exclusively to the toiling masses and their plenipotentiaries, the Soviets . . . . Supporting the Soviet Government and the decrees of the [Sovnarkom], the Constituent Assembly recognises that its tasks are completed when it has framed a general statement of the fundamental bases of a socialistic reconstruction of society." Meisel and Kozera, p. 59.
After the dissolution of the Assembly, this passage became obsolete and was dropped from the text.

transportation,[1] the introduction of "universal labour duty",[2] the repudiation of both domestic and foreign governmental debts, and the arming of the proletariat - especially of the Red Army.

Turning to the international scene, the Declaration stated that the Soviet Government repudiated secret treaties and urged all efforts "to bring about, by revolutionary means, at all costs, a democratic peace on the principles of no annexations, no indemnity and the free self-determination of nations."

The Third Congress of Soviets, inheriting the function of the defunct Assembly, was to formulate the fundamental principles of the federation, leaving the workers and peasants of each national group free to decide independently whether "they desire, and if so, on what conditions, to take part in the federal government and other Soviet institutions."

The completed draft of the Constitution of the Russian Socialist Federated Soviet Republic was presented to the Bolshevik rump of the Fifth All-Russian Congress of Soviets and ratified on 10 July 1918.[3] Of the several problems raised by the Constitution, three show most clearly the impact of the historical forces of the years 1917-1918. First there was the paradox that the Soviet state

1. Ten days after the October coup Lenin urged the workers to take control and on 14/27 November Sovnarkom decreed it. Lenin, Sochineniia, XXVI, p. 267, and Meisel and Kozera, pp. 27-28.

2. Only on 31 October 1918 was this provision fully elaborated by Sovnarkom decree. See Bunyan, pp. 418-419.

3. For text see Gaidukov, Kotok and Ronin, pp. 76-87. English translations are given by Bunyan, pp. 507-524, and by Meisel and Kozera, pp. 79-92. Bunyan's translation is used here.

was conceived as a federal state; secondly, the class war and class friction between workers and peasants materially altered the expected democratic electoral system; and thirdly, a struggle for power between the two highest institutions of the state, incapable of solution in practice by the spring of 1918, was incorporated into the Constitution itself.

Claiming the oneness of the problems and interests of the proletariat the world over, orthodox Marxism held steadfastly to internationalism and centralism in the organisation of post-revolutionary society. In his early years Lenin tolerated the idea of national self-determination only insofar as it was directed against the capitalist system and imperialism. He rejected forcefully the concept of cultural-national autonomy in that it "separates the nations and actually draws together the workers of one nation and its bourgeoisie."[1] By 1913 he had committed himself to a policy of national self-determination, which he included in the Party programme.

However, national self-determination had by this time become inseparably tied to the question of secession from the Russian state. Lenin found himself in the dilemma of supporting nationalist separatism on the one hand and asserting that the international proletariat was drawn together by class interest on the other. He attempted to resolve this paradox by qualifying self-determination in such a way that no contradiction in action might arise:

1. V.I. Lenin, Critical Remarks on the National Question, Moscow, 1951, p. 49.

> The right of self-determination is an exception to our general thesis, which is centralism . . . . But a broad interpretation may not be made of an exception. There is nothing, absolutely nothing here, and there must be nothing here, but the right to secede.[1]

The point was further elaborated at the 1913 conference to give the Party the final voice in any question of secession:

> The question of the right of nations to self-determination . . . must not be confused with the question of the expediency of this or that nation seceding. The Social Democratic Party must decide the latter question in each separate case from the point of view of the proletarian class struggle for socialism . . . .[2]

This formula was repeated in essence in a resolution passed by the Party conference in May 1917, at a time when the problem of self-determination and secession had become a pressing and immediate reality.

From the admission of the right to secede, even with the limitations he imposed on it, Lenin was led inescapably to envision a federative rather than a unitary form of administration. In 1903 he had argued against it.

> We must always and unconditionally strive to achieve the closest unity of the proletariat of all nationalities, and only in isolated and exceptional cases may we advance and actively support demands . . . to substitute a loose federal unity for the complete unity of a state.[3]

He also put forward a theoretical argument for rejecting federalism: it was an anachronism in the dialectical development of the state.[4]

1. Program i ustav RS-DRP, Paris, 1914, p. 7; cited by Pipes, p. 33.
2. Lenin, Selected Works, London, 1936, IV, p. 427.
3. Ibid., p. 322.
4. Lenin, Critical Remarks on the National Question, pp. 54-55.

By 1916, however, Lenin was beginning another of his tactical shifts, this time because of the increasing nationalist agitation in the Russian Empire. He now ventured the opinion that "one may be a determined opponent [of federalism] and a partisan of democratic centralism and yet prefer federation to national inequality as the only path towards complete democratic centralism."[1] In March 1918, as the peripheral national areas of Russia were dropping away from Bolshevik control, he finished the elaboration of a federal scheme in order to attract back the areas which seceded and to forestall further withdrawals. He recognised "a federation of nations as a transition to a conscious and closer unity of toilers, who have learnt voluntarily to rise above national enmity."[2] Here again, as in the case of the dictatorship of the proletariat, Lenin devised a "transitional stage" to suit his tactical needs rather than his theoretical convictions.

Under the conditions of the civil war there was no opportunity to build governmental machinery necessary to a "federation of nations". Only in the early 1920s as the peripheral areas again came under Moscow's sway was a system worked out by Stalin, not on the basis of voluntary association but by military conquest.

The second factor under consideration, the electoral law of the RSFSR Constitution, reflected directly both the Bolshevik

1. Lenin, Selected Works, V, p. 270.

2. Ibid., VIII, p. 322.

view that the proletariat constituted the most "advanced" sector of the population and the relationship that existed between the state and the peasantry in the spring of 1918. Both of these elements worked to the disadvantage of the enormous rural population of Russia. As well, the electoral law was the sharpest weapon the Constitution offered in the class war against the bourgeoisie in that it brought into force the general prescription against the "exploiter class" first outlined in the Declaration.

The sub-committee set to drafting the electoral law was ordered not to undertake anything new, but to pay "every attention" to "existing practice", an extraordinarily difficult limitation in that the civil war, the active and passive sabotage of the intelligentsia and the activities of "rightists" had precluded the formation of a uniform system and at times led to no system at all.[1] Nevertheless, the sub-committee was able to produce a draft satisfactory to the commission. The electoral law it produced was overtly "a weapon of class interest" in which the franchise ceased to be a right and was "transformed into a social function of the electors."[2]

Article 64 of the Constitution limited the franchise to those over 18 years of age who gained "their livelihood by productive and socially useful work, and also persons engaged in domestic persuits . . . workers, and employees of all kinds and categories engaged in industry, commerce, agriculture, etc., peasants and cossack farmers who do not use hired labour for the sake of profit,

1. Gurvich, pp. 41-42.

2. Ibid., p. 46.

to the Red Army, and to incapacitated workers." Persons employing hired labour for profit, rentiers, merchants, business agents, monks and the clergy, former police officials and members of the dynasty[1] were specifically denied the vote.

The restriction of the franchise aroused bitter attacks in the bourgeois press, which Steklov dealt with when he presented the Constitution to the Congress.

> I should like to point out that the bourgeoisie has for centuries denied the vote to peasants and workers, and even today universal suffrage is by no means practised everywhere. Even if it were, it is nothing more than an empty shell, for the capitalist regime makes it impossible for the working class to free itself from oppression . . . . We have need of this law in the transition period of the dictatorship of the proletariat . . . and our limitation of the right to vote is not a reactionary measure, is not against the interests of the people. On the contrary, it aims at progress, revolution, the freedom of the toilers . . . and the abolition of all oppression and exploitation.
>
> Just as you have denied the bourgeoisie the honour to bear arms in the defense of the country, so also you will approve the law . . . vesting all the power of government in the toilers, and in them only, . . . taking it from those who take it directly or indirectly.[2]

In view of the conflict between the Bolshevik regime and the peasantry, it is not surprising that restrictions were also imposed on the rural population. Article 57a put forward a representative scheme whereby the cities, and hence the industrial proletariat, were to offset the numerical preponderance the countryside would enjoy under a system of strictly proportional representation. The All-Russian Congress of Soviets was to consist of "representatives

1. Gurvich wrote afterward, "To point to the members of the reigning household could not, understandably, have great practical significance, but to unite them under one standard with the former Okhraniki had a political flavour of its own." Ibid., p. 50.

2. Bunyan, p. 503.

of city soviets on the basis of one deputy for every 25,000 electors, and of representatives of gubernia congresses of soviets on the basis of one deputy for every 125,000 inhabitants."

The system of electing city deputies on the basis of the number of electors and the rural deputies on the basis of the number of inhabitants was a continuation of the practice used by the All-Russian Congress of Soviets of Workers' and Soldiers' Deputies and the All-Russian Congress of Peasants' Deputies before their amalgamation in November 1917. The system was, therefore, nothing new, but the proportions were. During the debate on the Constitution in the Congress, objections were raised to the ratio since the peasants were classed as "toilers" along with the industrial proletariat. Steklov replied,

> in the cities the adult population is larger . . . and that is why representation in the cities is on the basis of the number of voters. The 125,000 inhabitants in the country have a smaller number of voters than the same number of inhabitants in the city . . . . As it stands, the city is not favoured as against the country. . . . Petrograd with its two million inhabitants has never had more than twenty or twenty-five delegates in the congress.[1]

Carr concludes that with the voting age at eighteen "the arithmetically correct ratio could not have been lower than two to five: the British Labour Delegation of 1920 was told that it was one to to three."[2] Looking back on the eve of the publication of the 1923 Constitution, Gurvich concluded:

> our electoral law is a Soviet law and not a Redensart because it took part in the formation of the system of Soviets, worked

1. Bunyan, p. 506.

2. Carr, I, p. 144, note 3. Several authors have accepted the superficial numerical ratio of one to five. Cf. Vernadsky, p. 320, and Chamberlin, I, p. 60.

> with them, lived the same life with them, and it became obvious that these working institutions of a working nation differ from parliaments in their total absence of scurrying after the fantasy of national or universal or even class will.[1]

The third problem showing the impact of immediate events on the Constitution was the confusion and conflict that existed between the VTsIK and the Sovnarkom. When the Bolsheviks seized power they had no intention of turning the direct control of state affairs over to the VTsIK (Central Executive Committee) of the Congress of Soviets. For one thing, the Congress and its VTsIK were not entirely Bolshevik in composition and Lenin could never be sure of commanding immediate decisions by either body: for another, the VTsIK, having some 200 members, was too large a group to act as an inner council of government. A much more reliable group was the Council of People's Commissars (Sovnarkom), whose membership was made up entirely of Bolsheviks appointed by the C.E.C. of the Russian Communist Party, and whose chairman was Lenin himself.

Lenin did not dare remove all power from the VTsIK. By a decree of 31 October/12 November, the Sovnarkom assumed that until the meeting of the Constituent Assembly the government (i.e., the Sovnarkom) should carry out the preparation and drafting of laws, but recognised the right of the VTsIK "to defer, modify, or annul any decisions of the government."[2] Many early Sovnarkom decrees were acts of fundamental power, for, as Trotsky wrote,

> Lenin was eagerly impatient to answer all problems of economic, political, administrative and cultural life by decrees. In this he was guided . . . by a desire to unfold the party's program in the language of power . . . . Lenin was in a hurry to

1. Gurvich, p. 45.

2. Sobranie Uzakonenii i Rasporiazhenii Rabochego i Krestianskogo Pravitelstva, 1917, No. 1, pp. 10-11; cited by Bunyan and Fisher, p. 187.

> tell the people what the new power was,[1] what it was after, and how it intended to accomplish its aims.

The friction between the two bodies came at once into the open, especially since the Sovnarkom tended to ignore the strictures of the VTsIK. Gurvich wrote,

> It will not be an exaggeration to say that when we were building the project of the constitution it was a time of very noticeable friction between the central government institutions and in particular between the VTsIK and the Sovnarkom. . . . the interrelationship between these two higher institutions, not without some internal struggle, was leaning toward a factual predominance of the Sovnarkom in internal and external policies.[2]

The predominance of Sovnarkom was attested to by the fact that it issued 1,615 decrees between 1917 and 1921, while the VTsIK issued only 375.[3]

The chief opposition to the expanding powers of the Sovnarkom came from the Left SRs in the VTsIK. They protested the "arbitrarily constituted and altogether illegal procedure of issuing decrees" and demanded that all further decrees be submitted to the VTsIK. The VTsIK as a whole, however, supported the acts of the Sovnarkom, stressing the point that "the Soviet parliament of the toiling masses has nothing in common with the procedure of bourgeois parliaments." It refused to deny the Sovnarkom "the right to issue decrees of immediate necessity in the spirit of the general program of the All-Russian Congress of Soviets without first submitting them

1. L. Trotsky, My Life, an Attempt at an Autobiography, New York, 1930, p. 342.

2. Gurvich, p. 67. Attempting to vindicate the novel and unique nature of the new system, he went on, "This struggle (insofar as there can be a struggle between two parts of one whole) did not even in the remotest bear the characteristics of friction between the executive and judicial authorities." p. 68.

3. Vernadsky, p. 319.

to [the VTsIK]."[1] Yet at the end of November the VTsIK restated the Sovnarkom's responsibility to itself and required prior submission of all legislation and ordinances "of a general political character", while leaving Sovnarkom freedom to act directly in the fight against the counter-revolution.[2] This was not effective either. All during the winter the Left SRs continued to protest in vain.

The Constitution did nothing to reconcile the overlapping powers of the highest government institutions. Chapter VI of the Constitution, concerning the organisation of central authority, limited the power of the VTsIK. The Congress of Soviets, "the supreme authority" in the RSFSR (art. 24), was to elect a VTsIK of not more than 200 members (art. 28). The VTsIK was responsible to the Congress in all matters (art. 29), and enjoyed supreme authority only in the interim between the Congresses (art. 30). Chapter VII, dealing with the VTsIK specifically, went further to describe the VTsIK as "the supreme legislative, executive and regulative organ" of the RSFSR, with the function of directing "in a general way the activities of the . . . government and of Soviet organs thoughout the country. It unifies and coordinates legislative and administrative functions and supervises the enforcement of the Soviet Constitution" (art. 31).

Similar functional powers were granted to the Sovnarkom. Chapter VIII specified that the VTsIK established the Sovnarkom

1. L. Trotsky, Sochineniia, Moscow, [1924], III, Book 2, p. 43; cited by Bunyan and Fisher, p. 188.

2. A.L. Popov, Oktiabrskii perevorot: fakty i dokumenty, Petrograd, 1918, p. 292; cited by Bunyan and Fisher, p. 189.

"for the general direction of the affairs of the RSFSR" (art. 37). With this object, the Sovnarkom could issue decrees, orders and instructions for the "prompt and proper conduct of state affairs" (art. 38). The familiar - and ineffective - restrictions limited the Sovnarkom's independence of action. The VTsIK could suspend any Sovnarkom decrees (art. 40), all of which had to be submitted to it before publication (art. 41). Hence the Constitution had the effect of preserving the dichotomy of administrative power.

In that these confusions in the structure of the state power weakened large, politically heterogeneous bodies and favoured small ones staffed by Party members, they played into the Bolsheviks' hands. The VTsIK was not clearly distinguished from the Congress of Soviets. The VTsIK had a greater proportion of Bolshevik members than did the Congress. The functions of the VTsIK and the Sovnarkom were similar and conflicting. The Sovnarkom was entirely Bolshevik in composition, and Lenin was its chairman. The confusion could scarcely have been accidental. It was much more likely to have been an early and rough application of the Party's principle of "democratic centralism" to the machinery of the state administration.

CHAPTER III

THE UNION CONSTITUTION OF 1923

Like the 1918 Constitution, the first Constitution of the USSR described rather than prescribed the organisation of state power. To a large degree, the new Soviet constitutional system had already been in force for some time before the document legalizing it was ratified in 1923. The revised order of the Soviet state was worked out pragmatically under the impact of the demands made on Soviet society by the New Economic Policy.

A change in the Soviet economic policy had become absolutely necessary by 1921. The devastation of the Civil War, combined with the effects of War Communism, had reduced Russian agricultural and industrial production to their lowest ebb. The loss of the Ukraine to the Whites deprived Soviet Russia of its greatest single source of grain. As the fronts of the internecine struggle swept back and forth, areas which had not yet recovered from the World War were again laid waste. In some areas the scorched earth policy of both Reds and Whites, and in others the forced deliveries imposed by the Soviet state, took away any incentive the peasants had to cultivate their soil. They began to abandon their land to participate in the Civil War, or, unwilling to cooperate with a regime that confiscated their surplus produce and paid them in worthless scrip, they planted only enough to satisfy their own immediate needs. The result was that by 1921 the area under cultivation had dropped to about 74% of what it had been in 1916, with a concommitant drop of 51% in gross crop yield. Over the same period horses and cattle decreased in number by about

26%, and sheep and goats by about 40%.[1] A drought in 1920 and a crop failure in 1921 resulted in the notorious famine in the Volga districts.

Industrial production was, if anything, even worse. By 1920 it was only 20.4% of the 1913 volume. Particularly large declines occurred in the production of pig iron (down to 2.4% of 1913 volume), steel (40.0% of 1913), cotton manufacturers (5.0% of 1913) and sugar (5.8% of 1913).[2] Extreme shortages of food, fuel and consumer goods, and the breakdown of the transportation system brought distribution almost to a standstill. Private trading was abolished on 21 November 1918 by Sovnarkom decree[3] and the absence of a legitimate market place gave rise to a black market, especially for foodstuffs and inflationary prices.[4] The Soviet state had monopolised foreign trade on 22 April 1918. Exports, already down to 10% of the 1913 volume in 1917 because of the War, almost ceased entirely in 1919, rising slightly in 1920 to less than 1% of the 1913 volume. Imports followed a similar curve.[5]

Peasant hostility to the regime flared up in numerous revolts in 1920-1921 and the disaffection of rural areas spread to the

1. Cf. Baykov, p. 23.

2. Ibid., p. 8.

3. Meisel and Kozera, pp. 97-98.

4. In 1921, for example, the price of bread was 11½ times what it had been a year before. von Rauch, p. 126.

5. Exports (in millions of roubles): 1913 - 1520.1; 1917 - 137.0; 1918 - 7.5; 1919 - 0.1; 1920 - 1.4. Imports (in millions of rubles): 1913 - 1374.0; 1917 - 802.0; 1918 - 61.1; 1919 - 3.0; 1920 - 28.7. Baykov, p. 29.

cities. The socialisation of the means of production had not turned out well for the workers. It was the state, not the workers themselves, that had replaced the former employers after Trotsky "militarised" the labour force.[1] Enrolled in "labour battalions", the workers found that when a factory closed down for want of raw materials they themselves were coerced by the state to accept other jobs, often far away, in accordance with the obligatory labour provision of the 1918 Constitution and the Labour Code of the RSFSR.[2] The rewards for their toil, largely the payok (food ration), were not substantial enough to overcome their sense of having been cheated.

Even within the Communist Party the policies of War Communism had raised opposition. Two controversial issues, the militarisation of labour and the democratic centralism in the Party, precipitated a so-called "Workers' Opposition" among the "left Communists." Under the leadership of Alexandra Kollontay, this faction emerged fully at the Tenth Congress of the RKP (b). Trusting to "the working masses endowed with the class instinct"[3] rather than to the Party leaders, Kollontay demanded the establishment of a workers' democracy and election rather than appointment of officials to Party posts. Lenin counter-attacked the Opposition and managed to silence it. "There is no need for an opposition now, comrades, it

1. This tendency had become manifest by the fall of 1918. See, for example, the resolution of the Conference of Metal Workers on 18 October 1918 in Meisel and Kozera, p. 95.

2. Henri Chambre, Le Marxisme en Union Soviétique, Paris, 1955, pp. 98-102.

3. Alexandra Kollontay, The Workers' Opposition in Russia, Chicago, n.d., p. 9.

is not the time," he said.[1] Indeed it was not, for while the Tenth Congress of the RKP (b) was in session, the Kronstadt uprising took place.

When workers' rations were reduced in Petrograd in February 1921 a wave of strikes and demonstrations ensued. Martial law was proclaimed and the populace was brought to order, but a dangerous rebellion broke out in an unexpected quarter - the Red Navy at Kronstadt, hitherto a loyal source of Bolshevik strength. Influenced by Mensheviks and SRs, the sailors formed a revolutionary committee and, under the slogan "Soviets without Bolsheviks", demanded a series of fundamental political and economic reforms in the name of all workers and peasants.[2] The uprising was suppressed with military force as thoroughly as were the peasant revolts.

War Communism had become an unsatisfactory policy on another, more theoretical, level as well. Many of the ad hoc aspects of the policy were of a temporary nature, formulated in the daily expectation of the world revolution. After the miscarriage of the attempted communist revolutions in Germany in 1918-1919 and the overthrow of the short-lived communist regimes in Bavaria and Hungary in 1919, there were no further possibilities at that time for the establishment of the Soviet system in western Europe. As the Civil War dragged on into 1920 it became clear that the world revolution was not going to occur spontaneously. By August 1920 the Second

1. Lenin, Sochineniia, XXVI, p. 227.

2. von Rauch, pp. 127-128.

Congress of the International no longer regarded the revolution as being spontaneous and imminent, but rather launched a world-wide propaganda campaign to prepare the ground for the revolution.[1]

The failure of the world revolution, the peasant revolts, the split within the Party and finally the Kronstadt uprising forced Lenin to revise the policy of War Communism. The continued existence of the Communist regime depended on its ability to revitalise the Soviet economy to the point where at least the minimal necessities of life would again be available to the masses. "We are in a condition of such poverty, ruin, and exhaustion of the productive power of the workers and the peasants," said Lenin, "that everything must be set aside to increase production."[2]

Sweeping concessions were made in both agriculture and industry. The burden of confiscations was lifted from the peasantry. The forced deliveries were replaced by a fixed tax in kind, later changed to a money tax.[3] Although the peasants were still prohibited from buying or selling land, they could lease it and hire labour to work it.[4] After the private marketing of agricultural produce was restored they could sell their surplus production legally on the open market.[5] The concessions made to private ownership were no less

1. Statutes and Conditions of Affiliation of the Communist International (as adopted at the Second Congress, Moscow, August 1920), London, [1920], pp. 8-9.

2. Lenin, Sochineniia, XXXII, p. 211

3. VTsIK decree, 21 March 1921. Meisel and Kozera, pp. 127-128.

4. N.E.P. Land Decree, 22 May 1922. Ibid., pp. 133-138.

5. Restoration of Private Marketing of Agricultural Products Decrees, 29 March and 24 May 1921. Ibid., p. 127, note 1.

broad. While those enterprises which had actually been taken over by the state were to remain in state hands - especially large-scale industries, banking, the transportation system and foreign trade - "all other establishments . . . which have not been actually nationalised . . . belong to the former owners who may use them in accordance with the law."[1] All citizens of the RSFSR and its allied Soviet Republics were granted "the right of organising industrial and commercial undertakings and of persuing trades and professions permitted by the laws of the RSFSR".[2] Rights to private ownership of buildings, tools and the means of production, and articles of domestic utility were also recognised, and provision was made for the legal recognition of foreign-owned companies.[3] Even the state-operated enterprises felt the effects of the NEP in that they had now to buy their raw materials. This stipulation led inevitably to the creation of credit and of a money economy, so that by the end of 1921 an orthodox state bank had to be set up.

Lenin recognised that the NEP was a retreat from socialism to what he termed State Capitalism. He justified the apparent regression only with some difficulty. After the Kronstadt uprising he concluded,

> . . . we had advanced too far . . . we had not secured a sufficient base . . . the masses had sensed what we ourselves could not as yet consciously formulate . . . namely, that the direct transition to purely Socialist forms, to purely Socialist distribution, was beyond our strength, and that, unless we proved able to retreat and to confine ourselves to easier tasks, we would be threatened with disaster.[4]

1. Denationalisation of Industry Decree, 10 December 1921. Meisel and Kozera, p. 130.

2. The Right of Private Property Decree, 22 May 1922. Ibid., pp. 139-141.

3. Ibid.

4. The Essentials of Lenin, London, 1947, vol. 2, pp. 813-814.

He outlined and justified the cure in April 1921.

> Our poverty and ruin are so great that we cannot restore large-scale, factory, state Socialist production at one stroke. To restore our industry we must accumulate large stocks of grain and fuel in the big industrial centres, we must replace our worn-out machines with new ones, and so on. Experience has convinced us that this cannot be done at one stroke . . . . Hence, it is necessary, to a certain extent, to help restore small industry, which does not need machines, does not need either state reserves or large stocks of raw material, fuel or food, and which can immediately render some assistance to peasant farming and increase its productive forces.[1]

The restoration of even small private industry would entail the revival of the petty bourgeoisie and capitalism. Lenin claimed that it would be impossible to prohibit all capitalist activity. The only "sensible policy" was to try to direct the development of capitalism "into the channels of state capitalism."

> Can the Soviet State, [he asked], the dictatorship of the proletariat, be combined, united with state capitalism? Are they compatible?
> Of course they are.[2]

Although capitalism was evil compared with socialism, Lenin explained, "Capitalism is good compared with medievalism, compared with small production, compared with bureaucracy."[3] He went on to advocate the adoption of capitalist techniques:

> We must not be afraid of Communists "learning" from bourgeois specialists, including merchants, the capitalist co-operators and the capitalists; or learning from them the same way as we learnt from the military experts . . . . Do not stint payment for "tuition"; no price for tuition will be too high if only we learn intelligently.[4]

1. Lenin, Selected Works, London, 1936, vol. IX, p. 179. (Lenin's italics.)
2. Ibid., p. 180.
3. Ibid., pp. 186-187.
4. Ibid., p. 201.

Within the bosom of the Party, Lenin was less enthusiastic, and stressed the need for ever greater discipline lest the retreat become a total rout.[1]

At the end of the Civil War, the NEP period coincided and blended with a new phase in Russian foreign policy. The internal demands of the NEP forced Russia to seek normal international relations so that fruitful contacts might be made in the interest of the projected economic revival. Already before Wrangel's evacuation of the Crimea in November 1920, an event which may be regarded as the end of the Civil War, the RSFSR had concluded peace treaties with Lithuania, Latvia and Finland. No sooner had the NEP been announced than Russia brought the Polish war to an end at the cost of ceding to Poland her territories west of the Curzon Line which included a large Ukrainian-majority area. Also in March 1921, the RSFSR concluded a friendship pact with Turkey and a trade agreement with Germany. A year later at Genoa, Chicherin met the Entente representatives, prepared even to recognise Russia's pre-war and war debts and obligations for confiscated foreign property in return for de jure recognition and "adequate assistance."[2] Only disagreement among the Allies prevented accord before the Rapallo agreement with Germany was announced. The Hague and Laussane Conferences also proved abortive, but in February 1924 the newly elected Labour Government in Britain recognised the RSFSR. Within a short time Britain's example was followed by several other western European countries.

1. Lenin, Sochineniia, XXVII, p. 239.

2. Jane Degras, Soviet Documents on Foreign Policy, London, 1951, vol. 1, pp. 301-302.

The changes in Soviet foreign policy necessitated by the NEP were partly presaged by and partly coincidental with a new strategy devised in Moscow relating to the Soviet Republics which had been established within the confines of the former empire. Although contact between the Republics and the RSFSR existed through Party channels from the first, military conditions as well as ideology demanded close co-ordination and precipitated the period of treaty relations. During this period binding alliances were formed between the RSFSR and the new states. Two of the peripheral areas became major targets of the Soviet policy of re-incorporation: in the west, the Ukraine and Byelorussia, and in the south, the Caucasian states of Georgia, Azerbaijan and Armenia.

From the fall of the old regime in 1917 to the final establishment of a Soviet Republic there in 1920, the Ukraine was a continual battleground in the Civil War. In three years, nine governments claimed power, none achieving authority for any duration of time. The German puppet government headed by Skoropadski fell in December 1918 before the alliance of the Ukrainian Directory and the Bolsheviks. However, the Bolsheviks had already established a Communist government in Kharkov; they now supported it with the Red Army, which invaded the Ukraine in December and took Kiev in February 1919. For the second time a Soviet government was set up and it lost no time in declaring its solidarity with Soviet Russia.

> Close historical, economic and cultural ties between the Workers' and Peasants' Ukraine and Soviet Russia impose on us the duty of uniting our revolutionary front of class

> struggle first with that of the Russian proletariat. We declare that the enemies of Soviet Russia are the enemies of the Soviet Ukraine as well. Our political, economic and military tasks are identical.[1]

In March 1919 the Third Congress of the Ukrainian Communist Party declared that the Ukraine should weld close economic and administrative ties with the RSFSR. The Congress also decided that the Constitution it was drafting for the Ukraine should conform as closely to that of the RSFSR as local circumstances would permit. Sverdlov, as representative of the RKP (b) at the Congress, claimed that the Russian Constitution was of an international nature and should be accepted without any changes.[2] The final draft of the Constitution of the Ukrainian SSR[3] did not deviate from the Constitution of the RSFSR in any important issue.

The final form of the Ukrainian state was, however, to be decided in Moscow. On 24 April 1919 the Party in Moscow ordered the Ukrainian Commissariats of War and Communications to subordinate themselves to their Russian counterparts; a month later the Commissariats of National Economy, Finance and Communications of the Ukraine became simply bureaux of the RSFSR Commissariats.[4] At the instruction of the Central Committee of the RKP (b), the VTsIK issued a decree

1. Collected Laws of the Ukrainian S.S.R., No. 4, Art. 47; cited by A. Denisov and M. Kirichenko, Soviet State Law, Moscow, 1960, p. 57.

2. M. Ravich-Cherkasskii, Istoriia Kommunisticheskoi Partii Ukrainy, Kharkov, 1923, p. 111.

3. Gaidukov, Kotok and Ronin, pp. 113-118.

4. D.B. Wolfe, "The Influence of Early Military Decisions upon the National Structure of the Soviet Union," The American Slavic and East European Review, IX (1950), New York, 1950, pp. 169-179.

on 1 June 1919 declaring the necessity of a military union between the Soviet Republics in the Ukraine, Latvia, Lithuania and Byelorussia on the one hand, and the RSFSR on the other. The union was to involve a fusion of "military organisations and military command, of the councils of national economy, of railway administration and economic structure, of finances and of people's commissariats of labour."[1] At the same time the VTsIK was enlarged by the admission of thirty members of the Ukrainian Central Committee. Before this union could be completed Denikin's army swept into the Ukraine and took Kiev. During this critical time the Ukrainian Communist Party was rent by dissention between nationalist and centralist factions at the highest level of the Party organisation. The centralists, who were oriented towards Moscow, could not master the situation and the RKP (b) dissolved the Central Committee of the Ukrainian Communist Party in October. The Red Army again entered the Ukraine and in the spring of 1920 it established a permanent Soviet regime under the domination of the centralist faction of the Ukrainian Communist Party.

The VTsIK decree of 1 June 1919 was of vital significance in the formation of the Soviet Union in that it was the first declaration of the basis on which the 1923 Union would be carried out. It proposed the re-unification of the component parts of the former empire and the "close union" of vital commissariats, and it pre-supposed the power of the RSFSR to determine the

1. Sobranie Uzakonenii, 1919, no. 21, art. 264; cited by Carr, pp. 381-382.

constitutional form of state power in the Union.

The experience of Byelorussia in the period 1917-1920 was similar to that of the Ukraine. During these three years Byelorussia was periodically occupied by foreign troops, first the Germans and then the Poles. As in the Ukraine, three successive Soviet governments were established under Russian aegis. The national movement in Byelorussia was very weak, but a Byelorussian National Congress was set up in Minsk late in 1917. In December the Red Army dissolved the Congress and transferred state power to a Soviet government. The German spring offensive in 1918 toppled this first Soviet regime, and from March to December Byelorussia was governed by a national republican regime under German auspices. With the reentry of the Red Army at the end of 1918, Byelorussia was again transformed into a Soviet Republic. At the same time, the RKP (b) supervised the formation of a Byelorussian Communist Party, while the Byelorussian Soviet government drafted a constitutional manifesto which embodied "all the fundamental and political and legal ideas expressed in the first decrees of the Government of the RSFSR."[1] However, this second Soviet regime was overthrown in April 1919 by the Poles under Pilsudsky after the Bolsheviks had attempted to incorporate Lithuania into the Byelorussian Soviet Republic. A year later the Polish war took a successful turn for the Bolsheviks and the Byelorussian SSR was restored on 1 August 1920. By the treatry of Riga, which ended the war with Poland, Russia ceded to Poland

1. Denisov and Kirichenko, p. 59.

the western half of Byelorussia, to be regained only in 1939.

Because of the size of the Ukraine and the strength of its national movement, the Bolsheviks had been obliged to exercise at least some political tact in establishing the Ukrainian SSR. The RKP (b) recognised the need for delicacy in dealing with the national minorities in the program formulated at its Eighth Congress.

> In order to remove mistrust on the part of the working masses of the oppressed countries toward the proletariat of those states which formerly oppressed them, it is necessary to abolish all privileges of any national group, to proclaim the fullest equality of colonies and oppressed nations to political separation.
>
> . . . particular care and attention must be exercised by the proletariat of those nations which were oppressing nations, toward the prevailing national feelings of the working masses of the oppressed nations, or nations which are limited in their rights. Only by such a policy is it possible to create favourable conditions for a voluntary and real unity of different national elements of the international proletariat. . . .[1]

This note of caution was disregarded entirely by the Bolsheviks when they turned to the problem of re-incorporating the Caucasian states. Azerbaijan, Armenia and Georgia were brought into the Soviet sphere by military conquest.

After the break-up of the Transcaucasian Republic early in 1918, the three states went their own ways. Azerbaijan attained initially friendly relations with Turkey, while British forces from Persia took Baku and held it until 1919. Armenia had no power on which to rely;[2] after the evacuation of the Germans and the Turks

1. Meisel and Kozera, p. 108.

2. The Armenian government sought the protection of the United States. President Wilson sent a delegation to Armenia to investigate the possibility of establishing an American mandate there, and, despite the pessimistic report of the delegation, introduced a bill to that end into the Senate. See Pipes, pp. 209, 217.

at the end of the World War, it supported Denikin against the Soviets and foolishly challenged Turkey by a policy of territorial expansion. Georgia collaborated with the German forces present until November 1918, when a Menshevik ministry took over.

The three states had been recognised by the Allies and could continue to exist as long as Russia was pre-occupied with the Civil War, the Turks with their revolution, and both with their suspicion of each other. By the spring of 1920 these conditions were changing. In January Denikin's army collapsed. Shortly afterwards Russia and Turkey reached an unofficial entente. The Red Army occupied Azerbaijan and moved against Armenia and Georgia. The latter were spared for the moment by the outbreak of the Polish war. Ordzhonokidze, charged by Stalin with the establishment of an Azerbaijani SSR, carried out a harsh repression of Azerbaijani nationalists. The government he set up conformed to the prescription "national in form, socialist in content." Composed almost entirely of Muslim left-wingers, it was headed by Narimanov, a former Soviet official in Moscow. The appointment of an all-Muslim administration was a manoeuver designed to create the impression that the Azerbaijani SSR had come into being at the behest of the population. Real power was exercised by Ordzhonokidze who was head of both the local Party organisations and of the Kavbiuro, a special organisation of the RKP (b) set up in February 1920 to deal with political problems in the Caucasus.[1] The Constitution of the Azerbaijan SSR[2] was drawn

1. Bolshaia Sovietskaia Entsiklopediia, 1939, XLIII, sub voce "Ordzhonokidze, G.K."

2. Gaidukov, Kotok and Ronin, pp. 149-161.

up at the first Congress of Soviets of the Republic in May 1921. It did not differ in anything but detail from the Constitution of the RSFSR, perhaps because of the 445 delegates at the Congress, 392 were Communists and 53 had "no party affiliation (bespartinyx)."[1]

The Armenian policy vis-à-vis Turkey reached its predictable conclusion in September 1920 when the Turks, no longer willing to bear the Armenian inroads, counter-attacked and came close to absorbing Armenia. Fearing lest it disappear entirely, Russian forces also invaded Armenia. A Soviet Socialist Republic was declared and the laws of the RSFSR were applied by the Red Army.

With its Menshevik government, Georgia had become a haven for non-Bolsheviks in the Caucasus. Alarmed that it might become the bridgehead for further interventionist activity, Stalin ordered the invasion of his homeland in February 1921. After bitter fighting, Tiflis fell to the Red Army. An amnesty was declared so that Georgian forces might combine with the Red Army to beat the Turks back from Batum. Under Stalin's supervision Ordzhonokidze again carried out a purge of nationalists. Warned by Lenin against a repetition of his actions in Azerbaijan, Ordzhonokidze persisted in Stalin's policy and precipitated a violent struggle in the RKP (b).[2]

Thus within a year of the end of the Civil War, Soviet Russia had completed the first step toward the creation of the

1. Gaidukov, Kotok and Ronin, p. 161.

2. This struggle led to open conflict between Lenin and Stalin. Lenin expressed his misgivings of Stalin's suitability as General Secretary of the Party in his Testament (25 December 1922). In January 1923, in a post script, he proposed that Stalin be removed as Secretary. By 5 March 1923, Lenin had come to threaten Stalin with an open severance of any relationship between themselves. Stalin's problem of holding on to power in the face of Lenin's animosity was solved on 9 March when Lenin suffered his third and worst stroke. Stalin managed to have discussion of the Testament delayed until after Lenin's death in 1924. Reshetar, pp. 186-188.

USSR by establishing five Soviet Socialist Republics on its western and southern frontiers. Although they were nominally independent these Republics were bound to the RSFSR by military ties and parallel constitutions. The closest contact, however, was through the organs of the RKP (b) and those of the Communist Parties of the Republics.

The Bolshevik insistence on the highest degree of centralisation and discipline within the Party had been one of the major issues that split the Russian Social Democratic Party in 1903. With the emergence of the national Communist Parties after 1918 it is not surprising that these characteristics were stressed in order to preserve the unity of the Party on an international level. The Eighth Congress of the RKP (b) reasserted the need for "the strictest centralisation" and "virtually military discipline" under the circumstances of the civil war. The establishment of Soviet Republics on the periphery of the RSFSR "solved for now the question of state structure,"

> But this does not at all mean that the Russian Communist Party should therefore reorganise itself as a federation of independent Communist parties.
>
> The Eighth Congress of the RKP resolves that there must be a single centralised Communist Party with a Central Committee leading all Party work in all sections of the RSFSR. All decisions of the RKP and its directing organs are unconditionally binding on all branches of the Party, regardless of their national composition. The Central Committees of the Ukrainian, Latvian and Lithuanian Communists have the rights of regional committees of the Party, and are entirely subordinated to the Central Committee of the RKP.[1]

1. Rossiiskaia Kommunisticheskaia Partiia (bolshevikov) v rezoliutsiakh ee sezdov i konferentsii, Moscow and Petrograd, 1923, pp. 253-254.

The RSFSR could afford to recognise the nominal independence of the peripheral Soviet Republics because control effective enough for the moment was exercised over them by means of the "single centralised Communist Party."

If Party control could enforce ideological uniformity in all of the Soviet Republics, there still remained the problem of co-ordinating their governmental and especially their military apparatus, a union necessitated at first by the Civil War and by the chaotic economic conditions of the period. To achieve this intimate administrative liaison, the RSFSR entered into a series of treaties with the other Soviet Republics. The treaties were disguised as international agreements between sovereign states, but they were in reality agreements made between the Moscow and the local national offices of the Communist Party.

The first such alliance was concluded on 30 September 1920 between the RSFSR and the Azerbaijan SSR. The close military and financial union of the two states was carried out by a series of five agreements which unified the two Republics' military organisations, their organs of internal economy, of foreign trade and of finance, and their means of supply and communication.[1] In three of the unified commissariats Russian delegates were to have the deciding vote.

1. For texts of the economic treaties, see Walter Russell Batsell, Soviet Rule in Russia, New York, 1929, pp. 255-258.

Three months later on 28 December 1920 the RSFSR concluded a somewhat similar treaty with the Ukrainian SSR.[1] The Russian and Ukrainian Commissariats of Military and Naval Affairs, Foreign Trade, Finance, Labour, Ways of Communication, Posts and Telegraphs and the Supreme Soviets of People's Economy were declared united. These Commissariats entered into the RSFSR Sovnarkom. The RSFSR was careful to avoid any symbol of Ukrainian inferiority; unlike Azerbaijan, the Ukraine acquired the right to send delegates to the Russian Congress of Soviets and Lenin himself signed the treaty.

Byelorussia was the next Soviet Republic to enter into a "military and economic union" with the RSFSR (16 January 1921).[2] The usual commissariats were declared unified and, after the Azerbaijani model, the Byelorussian Commissariat of Finance was to have a Russian representative with a deciding vote. Georgia followed suit on 21 May, and on 30 September Armenia entered into a financial agreement only with the RSFSR,[3] its Commissar of Finance to be appointed by his Russian counterpart.

Many of the provisions of the treaties were devoted to economic matters, yet their main goal was to effect a military union. The VTsIK decree of 1 June 1919 declared that "world capital" had "movilised all the force of monarchist and capitalist counter revolution" to "strangle" the Soviet regime.

1. Batsell, pp. 246-247.
2. Gaidukov, Kotok and Ronin, pp. 143-144.
3. Batsell, p. 260.

> Resistance to this attempt once more to reduce to slavery tens of millions of . . . workers and peasants requires closest unification of their fighting forces, centralisation of the leadership in the life and death struggle.[1]

As late as December 1922 Stalin still spoke of the "capitalist encirclement" and the "danger of attack from without."[2] The variations in the agreements, concludes one historian, did not reflect so much a difference in the degree of unification achieved as it did as the ability of the Treaty Republics to contribute to the working of the unified system.[3]

The military and economic union was followed by a diplomatic union. The treaties did not touch on the power of the Republics to conduct their own diplomatic relations with other states. They neglected to do so partly to preserve the putative sovereignty of the Republics and partly because the Republics had already been recognised by some of the Entente powers. When the RSFSR began to establish foreign relationships after the introduction of the NEP, it gradually gathered into its own hands the diplomatic powers of the Republics. The treaty of 16 March 1921 which settled the frontier between Turkey and the Transcaucasian states[4] was negotiated by the RSFSR, which undertook "to bring about the recognition by these republics, in treaties which will be concluded by them with Turkey, of the articles of the present treaty directly affecting them." These

1. Degras, I, pp. 157-158.
2. Stalin, Works, Moscow, 1953, vol. 5, p. 151.
3. Carr, pp. 387-388.
4. Degras, pp. 237-242.

treaties were in fact concluded in October and were co-signed by an RSFSR delegate.[1] As a co-signer with the Ukraine of the Riga treaty, the RSFSR acted with full powers for the Byelorussian SSR. In February 1922 all of the Soviet Republics empowered the RSFSR to act for them at the Genoa Conference and at any conferences resulting therefrom.[2] The military and diplomatic unions both reached their culmination in a statement made by Litvinov to the disarmament conference at Moscow in December 1922: "Since the armed forces of all the Soviet republics constitute a single whole, the Russian delegate has full powers to negotiate a reduction of them."[3]

By the end of 1922 the period of treaty relations had resulted in a de facto union of the Soviet Republics, but it was a union in which the problems of political structure were indeed complex. There was no multi-lateral treaty among the Republics; each was bound only to the RSFSR. Since no new legislative or administrative organs were created to deal with them, the central bureaux found themselves performing functions relative to four different types of federated states - the Autonomous Regions, the Autunomous Republics, the Treaty Republics and the Peoples' Republics.

The Autonomous Regions and Republics were administrative districts within the RSFSR. The Declaration of the Rights of Toiling and Exploited Peoples had proclaimed the Russian republic a "federation of national Soviet republics." The principle had no scope

1. Degras, pp. 263-269.

2. Gaidukov, Kotok and Ronin, pp. 172-173.

3. Conférence de Moscou pour la Limitation des Armaments, Moscow, 1923, p. 64; cited by Carr, p. 393.

for application until the farther reaches of the RSFSR had been redeemed in the course of the Civil War. Between 1919 and 1923 the RSFSR organised numerous Autonomous Regions and Republics on its own territory in addition to the self-established Bashkir and Turkestan republics.[1] In 1920 a uniform constitution for the Autonomous Republics was devised, based on the model of the RSFSR Constitution, which allowed the Republics their own Congresses of Soviets and Sovnarkoms. Some of their commissariats, chiefly war, foreign trade and the Cheka, were made local organs of the central administration. Another group dealing with the economic life of the Republics were subordinated to Moscow, and the rest were left their independence.[2]

Bukhara, Khorezm and the Far East set themselves up as so-called "Peoples' Republics." They were Soviet in organisation but not yet classified as socialist; Stalin pointed out in 1923 that of eleven members of the Bukharan Sovnarkom, nine were merchants, traders, intellectuals and mullahs.[3] The RSFSR concluded economic treaties with them between 1920 and 1922, after which it exercised increasing control over them through the Communist Party. In November 1922 the Far East Peoples' Republic was absorbed by the RSFSR.

1. The Autonomous Republics were: Tartar (27 May 1920), Kirghiz (26 August 1920), Gorskaia (20 January 1921), Dagestan (20 January 1921), Crimea (18 October 1921), and Iakut (27 April 1922). There were also two Workers' Communes - the Karelian and the Volga Germans' - which had the rights of Autonomous Republics. The Turkestan and Bashkir Republics organised themselves on 18 April 1918 and 23 March 1919 respectively. M.P. Kim (ed.), Istoriia SSSR, Moscow, 1958, map folder , map 6.

2. Zhizn Natsionalnostei, No. 6 (61, leg. 63), 15 February 1920; cited by Carr, pp. 383,403.

3. Rudolph Schlesinger (ed.), The Nationalities Problem and Soviet Administration, London, 1956, p. 73.

A similar federal complexity, albeit on a minor scale, was imposed on the Caucasian states. In November 1921 the Kavbiuro resolved to complete the unification of Georgia, Armenia and Azerbaijan which Ordzhonokidze had already begun in the spring. Lenin hesitated to impose the federation on the traditionally hostile states without at least their per forma consent.

> The Central Committees of Georgia, Armenia and Azerbaijan shall be instructed (through the Caucasian Bureau) [Kavbiuro] to submit the federation question for broad discussion in the Party and by the workers and peasant masses, conduct vigorous propaganda in favour of forming a federation and secure decisions to that effect by the congresses of Soviets in each of these republics.[1]

The Federated Union of the Soviet Socialist Republics of Transcaucasia received its constitution on 12 March 1922.[2] It left the constituent republics wide measures of self-rule, including the conduct of their own foreign policy, a right they surrendered to the RSFSR in May. While the Constitution of the USSR was being discussed in December, the Kavbiuro re-organised the Transcaucasian Republic into a still tighter federation, depriving the three constituents of such competence as they retained. The constitutional relationship of the new Transcaucasian Soviet Federated Socialist Republic to the RSFSR was not specified; it simply expressed the desire to be incorporated into the forthcoming USSR.[3]

That the administrators in the RSFSR, VTsIK and Sovnarkom should become confused in dealing with these several areas is, of

1. Lenin, Sochineniia, XXV, p. 624. (Lenin's italics.)
2. Gaidukov, Kotok and Ronin, pp. 189-190.
3. Ibid., p. 202.

course, understandable. That their confusion should lead them to treat the Peoples' Republics, the Treaty Republics and the Transcaucasian SFSR as Autonomous Republics of the RSFSR was not entirely accidental. As early as 1920 Stalin had told Lenin frankly, "In your theses you draw a distinction between the Bashkir and the Ukrainian types of federal union, but in reality there is no such difference, or it is so small that it equals zero."[1]

The period of treaty relations had created a union of the Soviet Republics. The transition to a formal constitutional Union was inevitable in view of the centralising tendency of the RKP (b) and especially in the light of the demands being made on Soviet society by the NEP. In the fall and winter of 1922-1923 Lenin was convalescing from his second stroke. As in 1918 the Constitution of the state he had worked so hard to create was elaborated without his direct participation. Stalin became the "chief architect" of the movement for Union.[2]

From the very outset two forces within Soviet society threatened to wreck Stalin's scheme for Union. On the one hand Great Russian chauvinism, the urge of the Russian people to assert their historically dominant role over the national minorities

1. Lenin, Sochineniia, XXV, p. 624.

2. Isaac Deutscher, Stalin, New York, 1949, p. 244. Stalin was in an excellent position at this time to lead the movement. He was Secretary General of the Central Committee of the RKP (b), a member of the Politburo and Orgburo and chairman of the Workers' and Peasants' Inspectorate. Close associates and friends of his held many other high posts in both the Party and the state administration. Pipes, p. 266.

aroused local nationalism among the non-Russians, who attempted to defend and advance their cultural and political entity. The conflict between them beset the drafting of the Constitution from its first mooting.

As in most matters involving a fundamental decision under the Soviet system, the initiative for the formation of the USSR came from the Party.[1] On 10 August 1922 the Orgburo set up a commission to consider inter-Republican relationships with a view to constitutional union. The commissioners, drawn from all of the Republics, quickly split into two groups on the issue of Russian chauvinism. They were replaced by another commission appointed by the Central Executive Committee to work out a "Draft Resolution on the Relations between the RSFSR and the Independent Republics."[2] The decisions of this commission were dominated by the Russian delegation which put forward two resolutions: that the Ukraine, Byelorussia and the three Transcaucasian Republics should enter the RSFSR as autonomous republics, and that the VTsIK and the Sovnarkom should extend its jurisdiction over all of them. Lenin criticised and rejected these resolutions and proposed that an entirely new union should be created in which the republics would be on an equal footing without being subordinated to the RSFSR.[3] Lenin's views were accepted by the commission. Its draft, providing for the formation of a Union of Socialist Soviet

1. On the basis of proposals made by the Transcaucasian Republics, the Ukraine and Byelorussia in September, Stalin was able to maintain even before the Congress of Soviets that the republics themselves and not the RKP (b) had initiated the union. Stalin, Works, V, pp. 141,148.

2. Dennisov and Kirichenko, pp. 69

3. Ibid., p. 69.

Republics with "the right of free secession from this Union being reserved to every republic,"[1] was accepted on 6 October by the Central Executive Committee, which then appointed another commission, headed by Stalin, to elaborate the principles on which the USSR was to be created. These principles, worked out by Stalin, were accepted by all of the republics in December before the opening of the Tenth All-Russian Congress of Soviets.

Before he delivered the official justification of the movement for union at the Congress, Stalin had outlined one of the major reasons for unification in a Pravda interview on 18 November.

> The motives are chiefly economic. Assistance to peasant farming, the raising of industry, improving means of transport and communication, financial questions, questions concerning concessions and other economic agreements, joint action in foreign markets as buyers and sellers of commodities - such are the questions that give rise to the movement for the formation of a Union of Republics.[2]

Because of the devastation of the Civil War and the absence of a flow of foreign capital, "none of our Soviet republics is in a position to restore its national economy by its own unaided efforts." The treaty system had become inadequate in that "it is necessary to set up appropriate permanently functioning Union bodies capable of directing the economic life of these republics along one definite road." He explained that the Union would be no innovation, but the natural outcome of the military, diplomatic and economic relations of the past five years.[3]

In his official justification at the Tenth All-Russian

1. Dennisov and Kirichenko, p. 69.
2. Stalin, Works, V, p. 142.
3. Ibid., pp. 142-143.

Congress of Soviets, Stalin drew a more elaborate picture of the need for union. He outlined four sets of problems, all of which pointed to union for solution: economic, international, ideological and constitutional. He reiterated the need to husband the meager resources left in the Soviet states after seven years of warfare and confessed that in the absence of such sources of state revenue as the vodka monopoly and foreign credits there were "far less opportunities for large scale development than, for instance, under the old regime."[1] The "natural division of labour", that is, the concentration by various areas of the country on specialised agricultural or industrial production had created an imbalance that could be righted only by bringing all areas into a "single economic whole."

Turning to the international scene, Stalin held that the threat of intervention was not yet past and that in the light of the reduction of the Soviet army to 600,000 men, "it is particularly essential to have a single and continuous front capable of safeguarding the republic against the external danger." Secondly, there was the threat of economic isolation, "a new form of intervention, which is no less dangerous than military intervention, and can be eliminated only by the creating of a united economic front . . . in the face of the capitalist encirclement." Lastly, the danger of a "diplomatic boycott" by the Entente made necessary a "united front also in the diplomatic field."[2]

1. Stalin, Works, V, p. 150.

2. Ibid., pp. 151-152.

On the ideological level, Stalin held that the bourgeois states of the west fostered national differences and conflicts, while the socialist camp had already demonstrated its ability to bring thirty nationalities into a harmonious compact. "The very nature of the regime fosters among the labouring masses a natural striving towards union in a single socialist family."[1] More to the point, and not mentioned by Stalin, was the ideological concept that the class nature of Soviet society - especially in the period of the proletarian dictatorship - demanded a union of as many elements as possible for the struggle against the remnants of the old bourgeoisie and the new class of entrepreneurs which, even at that moment, the NEP was calling into being.

Stalin finished his justification by attacking an idea that would have reduced the preponderant power of the RSFSR in the Union. A logical consequence of the federation would have been to dissolve the RSFSR into its component republics and to permit each to enter the union as an equal of the Treaty Republics. Although no formal proposal to that effect was made before April 1923, Stalin now rejected the idea of "disuniting already existing federal units, a process that would upset the truly revolutionary process of union of the republics which has already begun" and declared that the subsequent necessity to create a "specifically Russian" VTsIK and Sovnarkom "would lead to considerable organisational perturbations."[2]

1. Stalin, Works, V, p. 153.

2. Ibid., p. 155.

Stalin concluded his speech by submitting his principles as a resolution. He conceived of the Union as being based on the voluntary consent of the republics, which were to retain the right freely to secede. He specified two types of Union Commissariats: those of Military and Naval Affairs, Transport, Foreign Affairs, Foreign Trade and Posts and Telegraphs that would result from a merger of the existing commissariats in the republics, which they would then replace entirely; and secondly, those of Finance, Food, National Economy, Labour and the Workers' and Peasants' Inspectorate, which would not replace their republican counterparts but "subordinate" them. The RSFSR delegation in "collaboration" with the republican delegations was to draft a Union Agreement on this basis.[1]

On 30 December 1922, only four days after Stalin's speech, the draft of the Union Agreement was accepted by the Tenth All-Russian Congress of Soviets which, by virtue of the presence of the delegations from Byelorussia, the Ukraine and the Transcaucasian Federation, declared itself to be the First Congress of Soviets of the USSR. The VTsIK, now the Central Executive Committee of the USSR, appointed a commission to draft the Constitution.[2]

Before the final draft was ready in July 1923, the commission had split sharply on the issue of Russian chauvinism and local nationalism. The Party had to intervene, and at its twelfth Congress in April and at its C.E.C. conference in June it formulated directives to the draft commission which determined the final form of the

1. Stalin, Works, V, pp. 156-157.

2. Of the 25 members on the commission, the RSFSR provided 14, the Ukraine 5 and Transcaucasia and Byelorussia 3 each. Only 9 of the RSFSR commissioners were Russians, the others coming from the Autonomous Republics. Carr, p. 399.

Constitution.

In his theses prepared for the Congress Stalin outlined three Party tasks relative to the problem of chauvinism. Stalin saw it as an inherited "reflection of the former privileged position of the Great Russians" which was becoming stronger under NEP conditions and which manifested itself in "an arrogantly disdainful and heartlessly bureaucratic attitude on the part of Russian Soviet officials toward the needs and requirements of the national republics." The USSR could become a reality "only if these survivals are vigorously and irrevocably eradicated." Secondly, since many of the peripheral areas were peopled by "backward" populations, that is, by non-proletarians, the next task of the Party was to abolish the inequalities among Soviet peoples by raising their cultural and economic level. Those peoples who had borne the "heavy yoke of national oppression" in the past had developed "a certain national aloofness" and lacked "full confidence . . . in measures proceeding from the Russians." Fostered by NEP conditions and by economic competition, this gave rise to "aggressive nationalism" and "blatant chauvinism", especially in Transcaucasia, Bukhara and Khorezm. The third task of the Party was, then, to stamp out "nationalist survivals."[1] Thus, by attacking both of the contending parties, Stalin proposed to allay the problem of national conflict. What he did not point out, however, was the relative ease with which the Party could crush local nationalism, and the immense difficulty it would encounter if it seriously tried to de-Russify the state apparatus. Indeed, the Party itself,

1. Stalin, Works, V, pp. 190-192.

centralised in and obedient to Moscow could not have been the impartial arbiter Stalin implied it would be. When the inequality of the two phenomena was argued by Bukharin and Rakovsky, Stalin replied by placing the whole problem in a Marxian framework that silenced his opposition.

> It is clear to us, as Communists, that the basis of all our work lies in strengthening the power of the workers, and that only after that are we confronted by the other question, a very important one but subordinate to the first, namely, the national question. We are told that we must not offend the non-Russian nationalities. That is perfectly true; I agree that we must not offend them. But to evolve out of this a new theory to the effect that the Great-Russian proletariat must be placed in a position of inequality in relation to the formerly oppressed nations is absurd. . . . Nevertheless, it is clear that the political basis of the dictatorship of the proletariat is primarily and chiefly in the central, industrial regions, and not the border regions, which are peasant countries. If we exaggerate the importance of the peasant border regions, to the detriment of the proletarian districts, it may result in a crack in the system of the dictatorship of the proletariat.[1]

Thus if the worst aspects of Russian chauvinism could be curbed, whatever remained could be written off in terms of proletarian raison d'état.

Still, some concession had to be made to the national minorities. The Congress accepted a resolution based on a recommendation made by Lenin for a bicameral Central Executive Committee of the USSR: one of the chambers was to reflect the class interests of workers of all nationalities and the other was to represent the interests of the various nations.[2] This resolution echoed a proposal which had first been put forward by the Ukrainians on the drafting

1. Stalin, Works, V, pp. 269-270.

2. Dennisov and Kirichenko, p. 75.

commission in February and which had been rejected by the Russian members.[1] In their struggle to reduce the power of the central organs, the Ukrainians now proposed the formation of two presidiums for the Union C.E.C., one for each of the two chambers. They also attempted to have the Commissariats of Foreign Trade and Foreign Affairs transferred from the category of "merged" commissariats to that of "directive", hoping thereby to maintain some control over the foreign policy they had previously exercised.

These matters came in for fuller discussion at the fourth Conference of the Party's C.E.C. in June. At that time Stalin designated the two chambers of the Union C.E.C. as the Union Soviet and the Soviet of Nationalities, and made some proposals concerning the composition, rights and jurisdiction of the Soviet of Nationalities which were transcribed almost verbatim into the Constitution.[2] Turning to the Ukrainian proposals made in April, he rejected the one as "inadvisable"[3] and the other as unacceptable "if we are really going to form a single Union State capable of coming before the outside world as a united whole."[4] Rakovsky, the Ukrainian delegate, made a last ditch stand. He complained that as things stood the RSFSR would have more than three quarters of the seats in the Soviet of nationalities; he recommended that a system akin to the Weimar constitution be adopted so that no one state could predominate. Stalin refused his amendment on the grounds that the Soviet

1. VKP (B) v Rezoliutsiiakh, Moscow, 1936, I, pp. 505-506.
2. Cf. Stalin, Works, V, p. 301; Meisel and Kozera, p. 159.
3. Stalin, Works, V, p. 302.
4. Ibid., p. 303.

of Nationalities represented nations and not states and that the nations were equally represented.[1] Rakovsky then tried to have the phrase "[the Republics] unite themselves in one federal state" removed from the preamble of the Constitution, but this motion, too, failed.[2] Stalin's resolutions were carried.

On 6 July 1923 the finished draft of the Constitution (Fundamental Law) of the Union of Soviet Socialist Republics was submitted to the second session of the Central Executive Committee of the USSR. It was legislatively sanctioned and immediately enacted. On 31 January 1924 it was unanimously adopted by the Second Congress of Soviets.[3]

In its general aspect the 1923 Constitution turned out to be the 1918 Constitution writ large. It established a governmental structure essentially the same as that of the RSFSR, but with several elaborations suited to the federal conditions of 1923. The All-Union Congress of Soviets was the "supreme organ of power" and during its recesses its Central Executive Committee (the old VTsIK). As in 1918, the Congress was to be elected indirectly, by urban Soviets on the basis of one deputy for every 50,000 electors and by rural Soviets on the basis of one deputy for every 125,000 inhabitants. The C.E.C., elected by the Congress of Soviets, was composed of two bodies, the Union Soviet and the Soviet of Nationalities. These two Soviets elected the Presidium of the C.E.C., which

1. Stalin, Works, V, pp. 281-282.

2. Ibid., pp. 347-348.

3. The text of the Constitution is reproduced in Meisel and Kozera, pp. 152-168.

became "the supreme organ of legislative, executive and administrative power" between sessions of the C.E.C. A Soviet of Peoples' Commissars was "constituted" by the C.E.C. The Constitution introduced two major innovations - the establishment of a Supreme Court and of the Unified Political Administration of the State (G.P.U.), the old Cheka under a new guise.

While the problem of accomodating the national minorities had been readily solved for the moment in 1918 - largely because the peripheral areas were slipping from Bolshevik control - by declaring Russia a federated state, the national question had become so immediate and acute in 1923 that neither Marxian dogma nor Party discipline had been able to extinguish entirely the nationalist sentiments of the Republics, and they had to be incorporated into the Union as outwardly sovereign states. For that reason the Constitution was given the character of an international agreement.

The Constitution was divided into two parts, a declaration and a treaty, the latter embodying the constitutional provisions. The declaration drew in sweeping terms a picture of the contemporary world as being divided into the two camps of capitalism and socialism. The capitalist world was divided by "national hate and inequality, colonial slavery and chauvinism, national oppression and massacres, brutality and imperialist wars." In the socialist camp there was "reciprocal confidence and peace, national liberty and equality, the pacific co-existence and fraternal collaboration of peoples."[1] The declaration recapitulated the reasons for Union

1. Meisel and Kozera, p. 154.

made by Stalin before the tenth Congress, stated the right of the contracting Republics to secede freely, and opened the Union to "all Republics already existing, as well as those that may be born in the future."[1]

The treaty provisions of the Constitution immediately raised the question of how much sovereignty the Republics actually retained. The sovereign rights of the Republics were specified in Chapter II of the Constitution. The residual powers belonged to the Republics (art. 3). The right of each member Republic to withdraw freely was reiterated (art. 4), and any limitation, modification or suppression of this right had to have the approval of all the Republics (art. 6). The territory of the Republics could not be modified without their consent (art. 6). The Republics were to bring their constitutions into conformity with the Union Constitution (art. 5).

This superficial sovereignty was severely limited by the powers of the supreme Union organs. Broadly outlined in Article 1, the Union powers were spelled out fully in the chapters dealing with the C.E.C., its Presidium, the Sovnarkom and the Supreme Court. The Union C.E.C. and its Presidium had the right to suspend or abrogate the decrees, acts and orders of the Republican Congresses and their C.E.C.s; the Presidium, which oversaw the execution of all Union decrees by Republican agencies, could also suspend or abrogate the

1. This was at some variance with what Stalin told the delegates of Bukhara at the twelfth Party Congress when they applied for admission: "To be able to join the Union you must first show the peoples of the Union that you have earned the right to join; you have to win this right. I must remind the Bukhara comrades that the Union of Republics must not be regarded as a dumping ground." Stalin, Works, V, p. 340.

orders of the Republican Sovnarkoms (arts. 20, 30, 31, 32). The Republics "may object to the decrees and orders" of the Union Sovnarkom, but only "without suspending the execution of these orders" (art. 42).

The Supreme Court was set up "in order to maintain revolutionary legality" and had competence

> (a) To give the Supreme Courts of the member Republics the authentic interpretations on questions of federal legislation;
> (b) To examine . . . the decrees, decisions and verdicts of the Supreme Courts of the member Republics, with view of discovering any infraction of the federal laws, or harming the interests of other Republics . . . ;
> (c) To render decisions on the request of the C.E.C. of the Union of S.S.R., as to the constitutionality of laws passed by the member Republics;
> (d) To settle legal disputes between the member Republics (art. 43).[1]

Cases could be brought before the Court only by the C.E.C., its Presidium, and by the Prosecutor of the Supreme Court (art. 47), who was appointed by the Presidium. The function of a supreme court in a western federal state to test the constitutionality of central governmental acts and legislation was absent. Ultimate authority rested with the Congress and its C.E.C. "It was not possible for any act of these bodies," remarks one analyst of the Constitution, "any more than of the British Parliament, to be ultra vires."[2]

A second agency through which the C.E.C. and the Presidium could control the activities of the Republics was the G.P.U. It was set up under Sovnarkom to unify "the revolutionary efforts of the member Republics in their struggle against the political and economic

1. Meisel and Kozera, p. 163.

2. Carr, p. 405.

counter-revolution, spying and banditry" (art. 61). The legality of its action was supervised by the Prosecutor of the Supreme Court (art. 63). The scope of the G.P.U. was defined in a decree of the C.E.C. on 24 October 1924. Within its jurisdiction fell "direction of the activity of all state political administrations of the union republics and special departments of the military circuits subordinate thereto."[1] The powers, specified and implied, of the Supreme Court and the G.P.U. obviously cast the meaningful exercise of the residual powers by the Republics into doubt.

The organisation of Commissariats was carried out according to Stalin's tripartite division first formulated in 1920 for the Autonomous Republics within the RSFSR. Commissars dealing with "strictly federal matters" - Military and Naval Affairs, Foreign Affairs, Foreign Commerce, Ways of Communication and Postal and Telegraphic Service - had in the various Republican Sovnarkoms "delegates directly subordinate to these commissars" (arts. 50a, 51, 53). Those handling "purely domestic" matters - National Economy, Supplies, Labour, Finance, and Workers' and Peasants' Inspection - had "as executing organs in the various member Republics, their Commissars of the People of these Republics of similar title" (arts. 50b, 52, 54). The Republican Sovnarkoms had, therefore, a majority of members either subordinate to or acting as the executing organs of the Union Sovnarkom. The assurance that "within the limits of

1. Meisel and Kozera, pp. 168-169.

the territory of each member Republic the supreme organ of power is the Congress of Soviets of the Republic" (art. 64) had a hollow ring.

Even the rights to secede already lay under a shadow. The Party program worked out at the eight Party Congress in 1919 had recommended a federative union "as a temporary measure toward achieving the unity of nations". At the same time it dealt with the possible secession of a component nation:

> The All-Russian Communist Party regards the question as to which class expresses the desire of a nation for separation from a historical point of view, taking into consideration the level of historical development of the nation, i.e., whether the nation is passing from medievalism toward bourgeois democracy or from bourgeois democracy toward Soviet or proletarian democracy, etc.[1]

The twelfth Party Congress had carefully avoided any implication that the right to secede might be limited in any way, but Lenin had private and disturbed thoughts on the matter. In his notes of December 1922, he wrote that under the circumstances of Russian chauvinism, "it is quite obvious that the 'freedom of exit from the Union', with which we justify ourselves, will prove to be nothing but a scrap of paper, incapable of defending the minorities in Russia from the inroads of that hundred percent Russian, the Great Russian chauvinist, in reality - the scoundrel and violator, which the typical Russian bureaucrat is."[2]

1. Meisel and Kozera, p. 108.

2. L. Trotsky, Stalin, (2nd ed.), New York, n.d., p. 362.

CHAPTER IV

THE STALIN CONSTITUTION OF 1936

During the years 1923-1936 the Russian Communist Party, now the Communist Party of the Soviet Union (CPSU(b)), and the Soviet government carried out a second revolution, in the course of which they established in practice many of the precepts of the October Revolution. In the first years of its existence the Bolshevik regime had proved unable to control the chaotic Russian economy or to impose its goals on a divided and intransigent population. It had been forced to abandon and even to reverse some of the policies of 1918. The year of 1928 marked the turning point in this trend. Having gathered into his own hands the reins of Party and governmental power, Stalin began to transform the mixed economy and society of the USSR according to socialist principles. By 1936 he had effected radical alterations and, following the Marxian precept that law is based on society rather than society on law, he created a new Constitution to reflect the new conditions of life. In 1923 his voice had been of the highest significance in the creation of the Union Constitution; in 1936 it was absolute. The fullness of his authorship was recognised in the sobriquet applied to the new fundamental law: the Stalin Constitution.

The NEP produced astonishing economic results in 1928. Most key metal production and manufacturing had again attained the 1913 level, and some industries even surpassed their pre-war output.[1]

1. For example, pig iron production in 1929 was 95.2% of 1913 volume; steel, 116.7%; cotton textiles, 113.2%; and sugar, 100.5%. Baykov, pp. 23, 307.

Foreign trade, which had declined so disastrously by 1919, revived in the early 1920s, but by the end of the decade had not yet reached pre-war volume.[1] Internal trade almost trebled between 1922 and 1928, the greatest gains being made by the state controlled and co-operative organisations.[2] Agricultural production also rose significantly under the NEP. The area sown in 1928 was 7.6% larger than that of 1913, and in 1927 and 1929 grain production surpassed the pre-war level.[3] The industrial and agricultural revival had some serious drawbacks. It was in heavy industry rather than in consumer goods production that the greatest advances were made, and the quality of manufactured commodities was poor. The increase of the peasant population during the NEP and the peasants disinclination to sell their produce at prices fixed by the state resulted in a severe reduction of the marketable grain surplus. At 20.3% of the total crop in 1913, the surplus had dropped to 14.3% in 1924 and declined steadily to 11.1% in 1928-1929.[4] However, even with such limitations, the increased agricultural and industrial production fostered by the NEP materially improved the standard of living in the USSR, thereby fulfilling at least in part the major goal of the "economic retreat."

Yet even with these promising results, Stalin was of no mind to continue the policy that was an ever present indictment of

1. In 1927-1928 exports were 51.2% of the 1913 volume and imports were 69.0% of the 1913 volume. Baykov, pp. 29, 75.

2. Between 1922-1923 and 1927-1928, state trade rose from 512.0 million rubles to 2408.8, co-operative trade from 368.0 to 9341.2 millions, and private trade from 2680.0 to 3406.6 millions. The total trade rose from 3560.0 to 15,156.6 millions. G. Ia. Neiman, Vnutreniia torgovila SSSR, Moscow, 1935, p. 122.

3. Baykov, chart 48, p. 325.

4. Ibid., p. 136, note 6.

socialist theory. As well, the fear of the capitalist encirclement haunted the speculations of Soviet theorists; if the USSR were to meet the bourgeois states on a realistic military footing, the whole industrial machine would have to be reconstructed in the interests of military production. The continuing grain crisis led in 1928 to so serious a shortage that agriculture also needed a new policy, one which called for the mechanisation of agricultural techniques by the introduction of an enormous number of tractors and other farm machines.

Stalin found the answers to these problems in his theory of Socialism in One Country. He originally developed this theory as a polemical attack on Trotsky's theory of the Permanent Revolution. Trotsky believed that the ultimate stability of the Revolution depended on the success of the proletarian revolution in western Europe. In his eyes, therefore, the primary function of Soviet policy was to concentrate on the spread of the revolution. Early in 1924 Stalin still seemed to agree with Trotsky on this point. "For the final victory of socialism," he then wrote, "for the organisation of Socialist production, the efforts of one country, particularly of a peasant country like Russia, are insufficient; for that, the efforts of the proletariats of several advanced countries are required."[1] Hence the revolution was first to be extensive, then intensive.

1. Joseph Stalin, Problems of Leninism, Moscow, 1957, p. 157.

In his struggle with Trotsky for the leadership of the Party, Stalin found it necessary to distinguish himself from his rival on the theoretical as well as the practical level. Entering into a polemical contest with the great theoretician, Stalin reversed the order of the steps toward the stabilisation of the Russian revolution. Although Lenin had frequently stated that the victory of socialism depended on the spread of the revolution, Stalin was able to find a few passages in his master's works which indicated that the Russian proletariat could act as an inspiration and even as a military ally of the revolution in other lands.[1] On this basis he emphasised the creative role of the revolution and damned Trotsky's passiveness. He contested that Russia had the capacity to construct a socialist society without waiting for the victory of the revolution abroad, although he admitted that the final triumph was indeed dependent on events elsewhere. At the Fourteenth Congress of the CPSU (b) in December 1925, he managed to have his theory accepted over the objections of Kamenev and Zinoviev. Trotsky himself did not challenge the theory until 1926, when it had already become popular.[2]

Inherent in Stalin's theory of Socialism in One Country was the collectivisation of the land and the intensification of industry. Stalin's critics pointed out that the peasants could not

1. Lenin, Sochineniia, XVII, pp. 232-233. See also E.H. Carr, Socialism in One Country, London, 1959, II, pp. 40-41.

2. Deutscher, p. 293.

easily be dislodged from their land, and that Russian industry would have to face the insuperable challenge of matching the industrial processes of the West entirely on the basis of her own resources; if productivity and labour standards remained lower than they were in the West, socialism would have failed. Stalin did not answer his critics. His theory had the appeal of a clear-cut policy and it appealed to the Russian sense of patriotism in that it freed the homeland's destiny from dependence on events abroad. To the Bolsheviks it gave "the soothing theoretical conviction that, barring war, nothing could shake their mastery over Russia."[1]

In 1928 Stalin elaborated parts of his theory into a cohesive economic policy. This was the first Five Year Plan, a huge undertaking which proposed to reorganise Soviet industry and agriculture along socialist lines and to increase production by the application of modern machinery and rational control techniques.

The idea of large-scale economic planning was not new. In 1919 the economist Grinevetsky had proposed that the state should begin the industrial development of the Urals and western Siberia so that the industrial complex would be centered closer to the sources of minerals and fuel, and far from the reach of any potential invaders.[2] Bukharin had provided a theoretical basis for state planning in his work, The Economics of the Transitional Period in 1920.

1. Deutscher, p. 289.

2. Vernadsky, p. 335.

> Only in a society where production has an anarchistic character . . . do the laws of social life appear as "natural", "spontaneous" laws, independent of the will of individuals and groups, laws acting with the blind necessity of the law of gravity . . . . Indeed, as soon as we have to deal with an organised national economy, all the basic "problems" of political economy such as value, price, profit, etc., simply disappear. Here "relations between men" are no longer expressed as "relations between things", for here the economy is regulated, not by the blind forces of the market and competition, but by the consciously carried out plan.[1]

The fundamental aim of the Plan was to create an overall economic growth in the USSR. Especial emphasis was placed on the forced growth of heavy industry - basic iron and steel production and the manufacture of machine tools. All other aspects of the Plan depended on success in this primary development; if it bogged down, other areas - consumer goods, agriculture, electrification, transport, education and housing - would suffer in order to concentrate on the primary goal.[2]

The initial draft of the Plan was relatively cautious, making allowances for possible crop failures, the slow achievements of industry and the burden of defense production, but in the final version any hesitancy was cast aside and a myopic optimism led Stalin to proclaim that the Plan was to be fulfilled in four years. Socially, the Plan implied a period of unrestricted hardship for the urban workers and the extinction of the last remnants of private enterprise

1. Cited by Adam Kaufman, "The Origin of 'The Political Economy of Socialism'", Soviet Studies, IV (1952-1953), Oxford, 1953, p. 245.

2. The gloomy prospects for a higher standard of living were further darkened by the method of financing the Plan. Seventy-five per cent of the necessary capital was to be furnished by industry itself out of the surpluses to be achieved by huge increases in production and simultaneous reduction of costs. By the end of the Plan, overall production was to be 235.9% of 1927-1928 volume; cost of production was to be reduced 35%; and labour productivity was to increase by 110%. Baykov, pp. 154-156.

which had done so much to raise the living standard in the USSR under NEP.

The toleration of private enterprise and free markets during the NEP period had the inevitable consequence of bringing into existence a new class of entrepreneurial capitalists, the "Nepmen", composed of small factory owners, shopkeepers and speculators.[1] Although it is impossible to determine the size of this class as a whole, an industrial census in 1923 counted the private factory owners. It showed that there were 147,471 privately owned establishments (88.5% of the enterprises listed). They were generally very small, employing an average of only two workers each, as opposed to the state concerns which averaged 155 workers. Private capitalists were also engaged in co-operative enterprises with the state.[2]

With the introduction of the Plan, the better part of the Nepmen were forced out of business. The Plan placed emphasis

1. William Henry Chamberlin, a correspondent in Russia from 1922 to 1934 for the Christian Science Monitor, gives this vignette of a Nepman he met in 1925: "Although he had been a worker before the Revolution and had fought in the Red Army during the civil war, he was now a man of property, the owner of a number of clothing workshops. Whereas most Nepmen . . . complain bitterly about taxes and labour requirements, our acquaintance was inclined to strike an optimistic note. He made a fair living, as he said, and had accumulated about a hundred thousand rubles. He evaded some of the trade-union payments by sending out much of the work to the homes of his employees." Russia's Iron Age, Boston, 1934, pp. 353-354.

2. N. Vorobiev, Town Industry of the USSR according to Census, 1923, cited by Baykov, p. 107.

on the development of large-scale industry. The purchase of raw materials became a state monopoly, but even after rationing was introduced state factories had difficulties in obtaining required supplies. Few raw materials were distributed to the non-state sector, and small private enterprises often perished for want of them. By the end of the Plan in 1932, the private sector of the economy had become insignficant, save perhaps in the production of small consumer goods in which field it was most active.

Before the Sixteenth Congress of the CPSU (b) in 1930, Stalin stated:

> The characteristic feature of our industrialisation is that it is socialist industrialisation, an industrialisation that guarantees the victory of the socialist sector of industry over the private sector, over the small-commodity and capitalist sector.[1]

He went on to show that between 1926-1927 and 1929-1930 capital investment in the socialist sector had increased 335% while in the private sector it had decreased by 19%. In the same three year period, large scale production in the socialist sector had risen from 97.7% to 99.3% of the total, with a concommitant drop from 2.3% to 0.7% in the private sector. "Clearly," he announced, "the question of 'who will beat whom', the question whether socialism will beat the capitalist elements in industry . . . has already been settled in favour of the socialist forms of industry. Settled finally and irrevocably."[2] Within three years he could announce to the Central Committee of the CPSU (b),

1. Stalin, Works, XII, p. 275. (Stalin's italics.)

2. Ibid., pp. 276-277.

> . . . the capitalist elements have been completely and irrevocably eliminated from industry, and socialist industry has become the sole form of industry in the U.S.S.R.[1]

The new economic course was not satisfied simply to eliminate the opponents of socialist industry. It also required the transformation of the industrial working class. Through the labour unions and by means of decrees concerning conditions of labour, the urban proletariat was dragooned for the goals of the Plan.

During the NEP period labour unions in the USSR continued to play their traditional role as collective bargainers and organisers of strikes. Although only a minority of workers was employed by private enterprises and the majority by state or co-operative concerns, the government had taken no formal measures to curtail the rights of unions. There was a give and take between the unions and state organisations which permitted the ambiguity to remain.

In 1928 a crisis was precipitated at the Eighth All-Union Congress of Trade Unions. Tomsky, president of the All-Union Central Council of Trade Unions (AUCCTU), declared that the status of unions in the USSR was the same as that of unions in capitalist states; Soviet unions ought, therefore, to continue to press for the material betterment of their members. He rejected the proposition that unions should press for improvements in factory techniques, claiming that they could not at the same time control industries according to the principles of accounting and faithfully discharge their obligation to their members. "As long as the wage system exists in any country", he said, " . . . the workers will naturally demand higher wages than

1. Joseph Stalin, Leninism, New York, 1942, p. 247.

they receive. It is the duty of the trade unions to know the industry and each factory unit and its possibilities for meeting the demands of the workers."[1]

During the Congress, L.M. Kaganovich, a member of the Central Committee of the CPSU (b), was elected to the presidium of the AUCCTU, where he spent the following two years educating the members of the presidium in the needs of the Plan. Tomsky was forced to resign in 1929. In 1930 an investigation showed that only 9% of the members of the AUCCTU were of working class origin; 41.9% were Party members and the rest were of "alien class origin", that is, from noble, merchant or priestly families.[2] These aliens were expelled and the AUCCTU was brought to heel. The Sixteenth Party Congress decided that the unions should take the lead in promoting "socialist competition" and should organise "shock brigades" (udarniks), whose function was to raise the productivity of the whole community. Under Kaganovich's influence the AUCCTU accepted this policy. A Soviet trade union was no longer "an isolated body, but an integral part of the entire system, assisting in the fulfillments of production programmes by organising socialist competition and shock brigades, and attending to the cultural and economic requirements of the workers."[3]

At the same time that the Party was transforming the unions, the State was revising the conditions of labour. The Labour Code

1. Quoted by Robert W. Dunn, Soviet Trade Unions, New York, 1927, p. 82.

2. Report of Ninth Congress of Trade Unions, 1931, pp. 25-26; cited by Beatrice and Sidney Webb, Soviet Communism, A New Civilisation?, II, New York, 1936, p. 171.

3. Moscow Daily News, 12 November 1932; cited by the Webbs, II, p. 172.

of the USSR placed all citizens under obligation to work, but during the NEP period the numbers of unemployed had increased so that by 1929 1,741,000 persons were registered with the Labour Exchanges.[1] The new industrial complexes constructed under the Plan absorbed workers so rapidly that in October 1930 the Commissariat of Labour felt justified in abolishing unemployment benefits. It directed that unemployed workers be drafted not only for work in their own trades but for any work available. No excuse or refusal, except one supported by a medical certificate, was to be accepted.[2]

The effect was startling. By August 1931 only 18,000 persons remained on the unemployment rolls. A labour shortage ensued, which continued until the Labour Exchanges registered all persons out of work, including the widows, wives and children of workers, with the purpose of directing them to socially useful labour.[3]

The shortage of skilled workers became so pronounced that factory managers began to entice personnel away from other plants by various incentives, including bribes. Such raiding was prohibited by decree. Then, reminiscent of the binding of the serfs to the soil in the seventeenth century, the Commissariat of Labour decreed that "in order to maintain cadres of skilled workers on production it is forbidden in the course of the forthcoming two years to promote workers from the lathe to any administrative offices whatsoever, promotion from the lathes to higher production and skilled work only remaining unaffected."[4]

1. Baykov, p. 213.
2. End of Unemployment Benefits Decree, Meisel and Kozera, pp. 190-191.
3. Baykov, p. 213.
4. Cited by Baykov, p. 214.

It is not surprising that Soviet workers rebelled against such conditions of labour. Official pronouncements covered up the unhappy lot of the workers in meaningless generalities. Stalin, for example, in a glowing address at the end of the Plan declared that socialist construction had

> succeeded in bringing about a decisive change in the sphere of productivity of labour. This change has found expression in an expansion of the creative initiative and intense labour enthusiasm of the vast masses of the working class . . . .[1]

This enthusiasm had been "stimulated" by self-criticism directed against the bureaucracy, by "socialist emulation" against shirkers and disturbers of "labour discipline", and by the introduction of the "uninterrupted week", that is, the arrangement whereby workers took their weekly day off at different times so that the factory continued in production seven days a week.[2]

Contrary to Stalin's glowing picture of the labour scene, the workers' enthusiasm had reached so low a point in 1932 that absenteeism had become a major problem. The Labour Code (art. 47) provided that any worker unjustifiably absent for more than three days a month could be dismissed. Now, in a joint decree, TsIK and the Sovnarkom abolished the three day period and ordered that

> a worker be dismissed from the services of a factory even in case of one day's absenteeism from work without sufficient reasons and be deprived of the food-and-goods card issued to him and also of his lodgings allowed to him in the houses belonging to the factory.[3]

1. Stalin, Leninism, p. 134.

2. Ibid., p. 135.

3. Dismissal of Workers for Absenteeism Decree, Meisel and Kozera, p. 192.

These tactics proved relatively effective. The First Five Year Plan, however unbalanced its result, changed the face of Soviet industry. With some justice Stalin could claim in 1932 that the Plan had brought into being an iron and steel industry, tractor, automobile, machine tool, chemical and aircraft industries, and that in the fields of oil, agricultural machinery, electrification, metallurgy and textiles, huge strides had been made. In the process the Russian worker was frequently forced into labour he could not refuse to do, faced with extraordinarily high work norms, put back on piece work and subjected to an unwavering military discipline.

If the Five Year Plan carried out a fundamental revolution in industry and altered irrevocably the life of the urban worker, it achieved no less significant a revolution in rural society. The collectivisation of agriculture was a basic element in the theory of Socialism in One Country.

> It is impossible [Stalin wrote in 1928] to develop socialism in industry alone, and leave agriculture to the mercy of spontaneous development, on the theory that the country will automatically follow the town . . . . In order that the socialist town may completely draw the peasant village after it, it is essential as Lenin says, "to transform the economic life of the country, including agriculture, to a new technical basis, the technical basis of modern large-scale production."[1]

He envisioned the reconstruction program as requiring

> the extensive construction of collective and soviet farms, the mass application of the contract system and machine and tractor stations as a means of establishing a productive

1. Quoted by Meisel and Kozera, p. 177.

smychka [alliance] between industry and agriculture.[1]

Stalin's two-fold aim of modernising agricultural production and applying the norms of socialist ownership and control to the land were a continuation of the agrarian revolution of 1917. The great estates had disappeared. Rural Russia was cut up into a myriad of peasant holdings, most of them small and geographically incoherent. Both of Stalin's aims pointed toward the same solution of agricultural problems. Modern agricultural techniques, especially machine cultivation, could be undertaken only if the peasant plots were consolidated into huge collective farms (kolkhozes). Socialist theory, which precluded the permanent establishment of small peasant proprietorship, held that individual cultivation was inconsistent with the proletarian way of life. Hence collectivisation was to affect all peasants, rich and poor alike, in that kolkhozes could be built only by disregarding individual and even village property lines.

The framers of the Plan were aware that the peasants' land could not easily be taken away from them. They declared that the individual peasant farmers would continue to "play the principle part in the production of agricultural commodities," but foresaw that "individual farms will differ greatly by the end of the five-year period from what they were at the beginning", in that "they will have largely joined the co-operative movement, they will have

1. Quoted by Meisel and Kozera, p. 178. (Stalin's italics.)

been reconstructed."[1] On the eve of the introduction of the Plan, Stalin himself issued a cautious warning:

> The way out is to unite the small and dwarf peasant farms gradually but surely, not by pressure, but by example and persuasion, into large farms based on common, co-operative, collective cultivation of the land with the use of agricultural machines and tractors and scientific methods of intense agriculture.[2]

The Plan originally called for the collectivisation of about 20% of the peasant farms each year, but in the spring of 1930 the pace was stepped up tremendously. Between January and March alone, 34% of the remaining peasant farms were forced into kolkhozes, which grew in number from 59.4 thousand to 110.2 thousand as a result.[3] The indiscriminate and wholesale collectivisation, often brutally carried out, so aroused the peasants, whose right to join the movement voluntarily was completely ignored, that Stalin was forced to temper the pace. In his reply to complains, the article "Dizzy with Success",[4] he claimed that bureaucratic zeal had led to excesses. The initial success of the program had carried the bureaucracy to the giddy self-delusion that it could achieve whatever it set its mind to. As an indication of the real policy of the regime, Stalin ordered some of the larger kolkhozes to be broken up and peasants were allowed to leave others. Within two months the number of kolkhozes was reduced to 82.3 thousand.[5]

1. Piatletnii Plan narodnokhoziaistvennogo stroitelstva SSSR, Moscow, n.d.; cited by Baykov, p. 189.

2. Stalin, Works, X, pp. 312-313. (Stalin's italics.)

3. Isvestia, 9 March 1930; cited by Baykov, p. 196.

4. Stalin, Works, XII, pp. 197-205.

5. Baykov, p. 198.

Stalin justified this retreat by claiming that it was "normal" for "sham collective farms" to disappear and for unsound ones to be "cleansed of their unstable elements."

> It follows that an exodus of a section of the peasants from the collective farms is not entirely a bad thing. It follows that, inasmuch as this exodus relieves the collective farms of dead souls and definitely alien elements, it is a sign of a beneficent process making the collective farms healthier and stronger.[1]

After posing as the friend of the peasant by halting a process which he himself had started, Stalin renewed the policy of collectivisation more temperately. By the end of the Five Year Plan, only some 60% of all peasant farms, accounting for over 70% of the land under cultivation, were incorporated into the system of kolkhozes.[2] During the second Five Year Plan most of the remainder were also collectivised.

At that time and since, Soviet writers have been at pains to demonstrate that collectivisation and the destruction of the kulaks were one and the same problem.[3] It is more likely that the kulaks presented to the regime a convenient scape-goat for the difficulties it encountered while forcing all peasants into the

1. Stalin, Works, XII, pp. 224-225.

2. Stalin, Leninism, p. 254.

3. This remains the official point of view. One group of Soviet legal authorities claims, for example, that the peculiar nature of the agrarian revolution of 1928-1933 consisted "in the fact that it was carried out from above, at the initiative of the state government, with direct support from below on the part of the masses of millions of peasants fighting against bondage to the kulaks for the free-collective farm life . . . . The peasants expelled the kulaks from their land, impoverished them, took away their cattle and mechanical implements and requested the Soviet Government to arrest and deport them. Mass collectivisation thus signified liquidation of the kulaks." N.D. Kazantsev, A.N. Nikitin, A.P. Pavlov, G.H. Polianskaia, A.A. Ruskol and A.M. Turubiner, Kolkhozoe Pravo, Moscow, 1947, pp. 343-345; cited by W.W. Kulski, The Soviet Regime, Syracuse, New York, 1954, p. 549.

kolkhozes, as well as being a useful excuse for the harsh methods used.

Ever since the Stolypin reforms the process of differentiation between rich and poor peasants had accelerated. The unordered redistribution of the land in 1917-1918 further accentuated the distinctions between rich and poor peasants. Acutely aware of the rural animosity, the regime attempted to neutralise the peasants' political power by carrying the class war into the countryside. The peasants were categorised as rich (kulaks), middle (seredniaks) and poor (bedniaks) according to the amount of land, the number of tools and the stores of grain they owned. The criteria of classification were nowhere defined accurately. Committees of the Village Poor were set up in 1918 by Sovnarkom decree to direct village affairs and to provide "assistance to local food departments in requisitioning surplus grain from kulaks and the rich."[1]

Initially no functional difference was made between the poor and middle peasants, but in the absence of a definition of what constituted a kulak the Committees of the Poor often turned on the middle peasants. Recognising the seredniaks as a vitally productive element, the RKP (b) strongly condemned indiscriminate confiscation at the Party Congress in 1919.

> To confuse the middle peasants with the kulaks and to apply to them to any degree the measures which are directed against the kulaks, means to violate in the most flagrant way not only all of the decrees of the Soviet government and its entire policy, but also all the basic principles of communism, which point to an agreement between the proletariat and the middle

1. Committee of the Village Poor Decree, Meisel and Kozera, pp. 75-76.

> peasantry for the overthrow of the bourgeoisie . . . . The tactics of Soviet officials in the village, as well as of Party statesmen, should be calculated on the basis of a prolonged period of collaboration with the middle peasantry.[1]

At the Fourteenth Party Congress in 1925 the problem of the middle peasant was again examined in the light of the NEP. Although the poor peasant and the hired farm hand were considered the surest supporters of proletarian aims in the villages, the middle peasant was still regarded as "the central figure of agriculture, and had to be transformed into a certain and stable ally of the regime." The Party's goal was to strengthen the bond between the poor and middle peasants "in order to detach the middle peasantry from the kulaks . . . for the purpose of isolating the kulaks."[2]

The problem became intense during the later stages of the NEP, which gave the kulaks high incentives. At the time of the introduction of the Five Year Plan, the kulaks were subjected to extra taxes and occasional seizures of their stocks of grain. In the autumn of 1928 emergency measures against the kulaks were begun. Stalin incited the poor and middle peasants against them, promising the peasantry the security of kolkhozes equipped with machinery by the state and tools and animals confiscated from the kulaks. Rather than submit to the depredations of poor neighbours and state officials, the kulaks reduced the area they seeded, killed their

1. Vsesoiuznaia Kommunisticheskaia Partiia (b) v rezoliutsiakh i resheniakh sezdov, konferentsii i plenumov TsK. 1898-1935, Moscow, 1936, I, pp. 315-316.

2. XIV Sezd Vsesoiuznoi Kommunisticheskoi Partii (b) 18-31 Dekabria 1925 g. Stenograficheskii Otchet, Moscow and Leningrad, 1926, p. 517; cited by Julian Towster, Political Power in the USSR, New York, 1948, p. 41.

animals and broke their tools.

After a year of semi-official harrying, Stalin intensified his policy against the kulaks. Abandoning any attempt merely to restrict the kulaks' sphere of activity or to squeeze them out individually, he launched a new program.

> The Party's present policy in the countryside is not a continuation of the old policy, but a turn away from the old policy of restricting (and ousting) the capitalist elements in the countryside towards a new policy of eliminating the kulaks as a class.[1]

The administrative machinery of the state proved incapable of carrying out this "turn" in policy and finally Red Army and OGPU units were used to suppress peasants who resisted and dissented. Some were deported to the arctic as prisoners, others to the northern forests as lumber workers and still others to the new industrial complexes at Magnitogorsk and Chiliabinsk as workers or to the Donets region as miners.[2] The massive suppression included not only peasants strictly definable as kulaks, but poor and middle peasants who resisted the process of "voluntary" collectivisation as well. In June 1930 Stalin reported that the dekulakisation program was going "full steam ahead."[3] By the end of the Five Year Plan in 1933-1934 he had "succeeded in routing the kulaks as a class, although they have not yet been dealt the final blow."[4] That blow was to come during the Second Five Year Plan, during which the continued application

1. Stalin, Works, XII, p. 189. (Stalin's italics.)

2. Allan Monkhouse, Moscow 1911-1933, London, 1933, passim, gives an eye witness account of these deportations.

3. Stalin, Works, XII, p. 297.

4. Stalin, Leninism, p. 254.

of the measures developed in 1929-1930 led to the complete disappearance of private exploitation of the land.

The impact of industrialisation and collectivisation had a number of profound effects on the population statistics of the USSR and on the composition of Soviet society. Between 1927 and 1939 the population of the USSR increased from 147 millions to 170 millions. This growth was not the result of an increased birth rate - in fact the birth rate had declined 25% between 1927 and 1935 because of "rapid cultural change, urbanisation and extensive resort to abortion clinics"[1] - but of a decrease in the death rate from 26 per 1000 persons in 1926-1927 to 17.8 in 1938. On the basis of these figures it has been estimated that a deficit of some four million people was apparent in the 1938 census, one attributed to "excess deaths in connection with the program for the settlement of the nomads in the Asiatic steppe region, the collectivisation drive and hazards associated with the initial tempo of industrial construction."[2]

The two Five Year Plans also changed the composition of Soviet society. Comparing Russia of 1913 with the USSR of 1937, Vyshinsky noted that the number of workers had risen from 16.7%

1. Frank Lorimer, "Recent Population Trends in the Soviet Union," American Sociological Review, IX (1944), reprinted in Soviet Society (Alex Inkeles and Kent Geiger, eds.), Boston, 1961, p. 14. Abortion was declared illegal except on medical grounds in 1936; see Protection of Motherhood Decree, Meisel and Kozera, pp. 229-230.

2. Lorimer, p. 14.

of the total population to 34.7%; that the wholly new class of collective farmers now comprised 55.5% of the total population, whereas individual peasants and artisans had declined from 65.1% to 5.6%; that the bourgeoisie (landlords, merchants and kulaks) which had now disappeared entirely; and that the rest of the population (students, the army, pensioners, etc.) had risen from 2.3% to 4.2%.[1]

Since the Revolution a new cadre of governmental and economic administrators, experts, executives and managers had come into being. Their number had grown from about two millions in 1926 to about 9.5 millions in 1937.[2] These apparatchiks played an increasingly vital role as the successive Plans called for ever greater expansion and control of the economy. As civil servants, the apparatchiks constituted a major element of the intelligentsia.

The intelligentsia posed a paradoxical problem for the Soviets. By virtue of their technical and administrative skills they were the cadre sine qua non for efficient state and economic management. Yet by the very nature of their work, they could not easily be classified as proletarians. Secondly, for a decade after the Revolution the intelligentsia was composed almost exclusively of persons from bourgeois or worse - noble - backgrounds. (Indeed the greater part of the revolutionary leaders were themselves intellectuals of similar origin.) As well, during the Revolution and

1. Andrei Y. Vyshinsky, The Law of the Soviet State, (translated by Hugh W. Babb), New York, 1951, p. 117.

2. B. Meissner, "Der Wandel im sozialen Gefuege der Sowjetunion," Europa-Archiv, V (1950), pp. 2998 ff.; cited by von Rauch, p. 258.

the civil war the intelligentsia had actively participated in sabotage and counter-revolutionary activities. Slowly graduates from the sovietised universities began to enter the ranks of the intelligentsia,[1] but even these newcomers were not entirely clear of political suspicion, for they had studied under bourgeois teachers. Hence both working class prejudice and political suspicion attached themselves to the intelligentsia as a whole.

That even the working class intellectuals should find themselves in difficulties is not surprising, then or now. The profound modifications and changes of direction taken by official Marxist doctrine in the USSR have never been fully acknowledged or codified. The result was that even conformist intellectuals had to wait for an official reaction to their activities before they knew whether or not they had acted in accordance with the current Party line. This was particularly trying for writers and artists, in that it rendered any creative effort precarious.[2]

By the later 1920s it had become evident to hundreds of thousands of the old technical intelligentsia that any hopes they entertained for a counter-revolution were a fruitless dream. They sought contentment in the practise of their expertise, granting to the regime a tacit support. At the same time, significant numbers

1. Until 1932, 65% of all students had to be from working class families. Once this restriction was removed the children of civil servants flooded into universities, so that by 1938 only 33.9% of all students were of proletarian origin, while 42.9% came from apparatchik families. von Rauch, p. 258.

2. W.W. Rostow, The Dynamics of Soviet Society, London, 1953, p. 218.

of intellectuals of working class origin entered state and industrial offices.

In the light of these changes Stalin began to revise the general attitude toward the intelligentsia. In 1930 he insisted before the Sixteenth Party Congress that distinctions had to be drawn between co-operative and recalcitrant intellectuals. "The malicious wrecking activities of the top stratum of the bourgeois intelligentsia in all branches of industry"[1] had to be stopped; but the lack of experienced technical and business personnel demanded a judicious separation of the sheep from the goats. Stalin advocated "maximum care and consideration for the vast majority of specialists and technicians who have dissociated themselves from the wreckers . . . the genuine scientific workers who are working honestly, hand in hand with the working class."[2] A year later he put emphasis on the creation of a working class intelligentsia and on the need to change "the attitude toward the engineering-technical forces of the old school, to show them more attention and care, to attract them more boldly to work," on the grounds that since the suppression of the capitalist elements of society they had already turned in favour of the regime.[3]

1. Stalin, Works, XII, p. 311. (Stalin's italics.)
2. Ibid., p. 337.
3. Stalin, Problems of Leninism, p. 461.

The restructuring of the economy and the society of the USSR under the Five Year Plans forced Stalin to reconsider the Marxian principle that law follows society and to the conclusion that a new Constitution was needed. Again, as in 1918 and 1923, the alteration of society had preceded the legal expression of the new constitutional modes. And again it was the Communist Party that formally initiated the legal reform. On 1 February 1935 the Central Executive Committee of the CPSU (b) passed a resolution to democratise the electoral system and to modify the Constitution to conform with existing class relationships in the USSR. On the basis of a report made by Molotov, the Seventh Congress of Soviets ordered a constitutional reform, and instructed the TsIK to set up a draft commission which was to work out a new fundamental law on the basis of

> (a) further democratisation of the system of elections and the replacement of a not quite equal vote by equal vote, indirect elections by direct vote, and open ballot by secret ballot.
>
> (b) bringing the social and economic basis of the Constitution into strict correlation with the present state of classes in the U.S.S.R. . . .[1]

The Constitutional commission, headed by Stalin, completed its draft in May 1936. The draft was accepted in essence by the Party and was submitted to the Congress of Soviets. The Presidium of the Congress also accepted the draft and ordered it published so that universal public discussion of it might take place. For the purpose of ratifying the Constitution, the Presidium

1. Decree of the Seventh Congress of Soviets of the U.S.S.R., Meisel and Kozera, p. 206.

also called for an extraordinary session of the Congress which convened on 25 November as the Eighth Congress of Soviets.

The published draft was taken up, as was expected, with prescribed enthusiasm at numerous obligatory meets of workers' and social organisations convened by the Party. The general discussion was given much publicity as being an act of great democracy. It was indeed an unusual practice for the Soviets, although it had been done before with the Family Protection Law of 27 June 1936. The results of the discussion were overwhelming: some two million suggestions for addenda and alterations were made, most of which had little to do with the document itself.[1] They were divided into three groups - those covered by current legislation, those proposing to introduce historical references and declarations, and those pertinent to the wording and content of the Constitution itself. The first two categories were rejected. The Congress debated the third group for six days and finally adopted forty-three amendments, mostly changes in wording.[2] On 5 December 1936, the Eighth Congress of Soviets ratified the Stalin Constitution, which took effect the following day.[3]

1. Dennisov and Kirichenko, p. 94.

2. Anna Louise Strong, The New Soviet Constitution, New York, 1937, pp. 56-64, gives an emotionally sympathetic account of the sessions of the Congress. 42% of the delegates were workers, 40% peasants and 18% intellectuals. Ibid., p. 57.

3. The text of the Constitution is given by Gaidukov, Kotok and Ronin, pp. 345-359. A serviceable translation is given by Meisel and Kozera, pp. 242-266, which is used hereafter. A translation of the present text, including the most recent amendment of 30 October 1959, is given by John N. Hazard, The Soviet System of Government (revised edition), Chicago, 1960, pp. 207-230.

Stalin explained the need for constitutional reform in economic and sociological terms.[1] Since the first Union Constitution the economic structure of the state had changed from the ground up. The means of production had been completely transferred from private to public ownership. The land had been brought under socialist ownership, and the kolkhoz system had been integrated into the national economy.

> As a result of all these changes in the sphere of the national economy of the U.S.S.R., we have a new, Socialist economy which knows neither crisis nor unemployment, which knows neither poverty nor ruin, and which provides our citizens with every opportunity to lead a prosperous and cultured life.[2]

The transformation of society over the same period was no less important. "All exploiting classes have now been eliminated," Stalin claimed, and there remained only the working class, the peasant class and the intelligentsia. In examining the changes which had taken place in these groups, he concluded that the workers no longer constituted a proletariat because the word "proletariat" signified a class of workers bereft of the instruments of production and exploited by a capitalist class. They were, therefore, to be called "the working class" in the future. The great majority of the peasantry now based its work and wealth no longer on individual farming and out-dated machinery, but on the collective labour and the modern mechanised techniques of the kolkhozes. The intelligentsia, now eighty to ninety per cent working class or peasant in origin, was

1. Stalin's defense of the draft Constitution before the Eighth Congress, originally published as O Proekte Konstitutsii Soiuza SSR, Moscow, 1936, is reprinted in extenso by Meisel and Kozera, pp. 231-241.

2. Meisel and Kozera, pp. 231-232.

no longer tied to an exploiting class and found itself perforce "side by side with the workers and peasants, pulling together with them . . . engaged in building the new, classless, Socialist society."[1] Yet Stalin refused to designate the intelligentsia as a class:

> The intelligentsia has never been a class, and can never be a class - it was and remains a stratum . . . . In our day . . . the intelligentsia recruits its members mainly from the ranks of workers and peasants. But no matter where it may recruit its members, and what character it may bear, the intelligentsia is nevertheless a stratum and not a class.[2]

The significance of these social alterations, said Stalin, was that

> the dividing lines between the working class and the peasantry, and between these classes and the intelligentsia, are being obliterated, and that the old class exclusiveness is disappearing. This means that the distance between these social groups is steadily diminishing.[3]

The economic and social revolution that had taken place since 1923 manifested itself in five remarkable innovations in the new Constitution - a statement on the economic and social foundations of the state, the new electoral law, the reconstruction of the highest organs of state power, the first mention of the Communist Party in a Soviet Constitution, and what appeared to be a singularly liberal guarantee of personal rights.

Because of the fluid conditions in 1918 and 1923 it had been impossible to fix in law the nature of the Soviet economic and social system. The permanent changes wrought by the Five Year Plans

1. Meisel and Kozera, p. 233.

2. Ibid.

3. Ibid., p. 238. In the absence of any further analysis of the two terms by Stalin, one is tempted to conclude that he could not overcome the proletarian distinction - and prejudice - between those engaged in the immediate processes of production, and those who plan, administer and direct it.

were now spelled out in the Constitution. The USSR was declared a "socialist state of workers and peasants" (art. 1) of which the economic foundation was

> the socialist system of economy and the socialist ownership of the instruments and means of production, firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of the instruments and means of production, and the elimination of the exploitation of man by man (art. 4).

Economic life was based on socialist property in the form of state, cooperative and kolkhoz property, and it was "determined and directed by the national-economic plan" (arts. 5, 11). The socialist nature of the state was tempered by several concessions to private ownership. The rights of persons to own and inherit savings, homes and articles of domestic and personal use was recognised (art. 10), and along side the socialist form of the economy, which was "the predominant form of the economy," the law permitted "the small private economy of individual peasants and handicraftsmen based on their own labour and precluding the exploitation of the labour of others" (art. 9).[1] Also in the description of the economic foundations of the state were two references to the kolkhozes. The land occupied by the collective farms was secured to them in perpetuity. Stalin had tried to attract the peasants onto the kolkhozes by promising that their tenure of the land would be secure; he was now fulfilling that promise. More important to the farmer himself probably was the grant of a household plot:

1. This provision benefitted the 2.5% of the population (some 4.5 millions) who were still classified as individual peasants and handicraftsmen by the 1939 census. V. Karpinsky, The Social State Structure of the U.S.S.R., Moscow, 1951, p. 38.

> Every household in a collective farm . . . has for its personal use a small plot of household land and, as its personal propoerty, a subsidiary husbandry on the plot, a dwelling house, livestock, poultry and minor agricultural implements . . . (art. 6).

A further concession to the peasantry was embodied in the new electoral law. Irrespective of race, nationality, sex, religion, place of domicile, property status or past activities, all Soviet citizens were granted an equal vote (arts. 135-137). Thus the old weighting of rural and urban voting was done away with. This was a logical ramification of the analysis of the class structure made by Stalin, and possible on the basis of the alleged perfection of the friendly relations between the two classes.[1] The dispensation with regard to past activities enfranchised the few remaining elements of the former exploiting classes and was a mark of the success Stalin felt that the class war had achieved. Secret voting replaced open balloting (art. 140), and the election of all deputies, from the lowest level of rural Soviet to the new Supreme Soviet itself, was made direct, ending the old system whereby the members of one Soviet elected from their own number the members of the next highest body (arts. 134, 139).

Closely connected to the electoral law was the new structure of the highest organs of state power. The former Congress of Soviets and its bicameral Central Executive Committee were melded into one

1. Although in his explanation of the Constitution he had said "I must confess that the draft of the new Constitution does preserve the dictatorship of the working class." Meisel and Kozera, pp. 236-237.

Supreme Soviet, composed of two chambers - the Soviet of the Union and the Soviet of Nationalities (arts. 30, 33, 37, 38). The Soviet of the Union was elected on the basis of one deputy for every 300,000 persons and the Soviet of Nationalities on the basis of twenty-five deputies from each Union Republic, eleven from each Autonomous Republic, five from each Autonomous Region and one from each National Area (art. 35). Laws were adopted if they received a simple majority in each chamber (art. 39); if disagreement arose, it was to be settled by a conciliation commission, failing which the Supreme Soviet was to be dissolved and a new one elected (art. 47). These elaborate provisions can be regarded only as window dressing, for with all political processes under the guidance of the Party there was little likelihood of their ever being used, and indeed they never have. The duplication of the right to exercise state powers by the Congress of Soviets and the Sovnarkom in the two earlier Constitutions was now partially cleared away. The Supreme Soviet was "the highest organ of state power" (art. 30) and given exclusive legislative power (art. 32), while the Council of Ministers (rather than Commissars) was "the highest executive and administrative organ of the state power" and made responsible and accountable to the Supreme Soviet (arts. 64,65). The need to duplicate these powers, originally imposed by the existence of both non-Party and Party opposition groups in the Congress, had disappeared, but by the absence of clear restrictions on either body the Bolshevik doctrine against the separation of powers was vindicated.

By the mid 1930s Stalin was in absolute control of the Party and the Party was in absolute control of policy.

> Here in the Soviet Union, the land of the dictatorship of the proletariat, [he said on an earlier occasion] the fact that not a single important political or organisational question is decided by our Soviet or other mass organisations without directions from the Party must be regarded as the highest expression of the leading role of the Party.[1]

The new Constitution reflected this importance by twice mentioning the Party.[2] Party organisations, among others, were granted the right to nominate candidates for public office (art. 141). Article 126 granted citizens the right to form public organisations, but stipulated that

> the most active and politically conscious citizens in the ranks of the working class and other sections of the working people unite in the Communist Party of the Soviet Union (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organisations of the working people both public and state.

In answering putative critics who opposed these mentions of the Party, Stalin defended the references and delivered an encomium to show why one one, Communist, party could exist in the USSR:

> [The Constitution] preserves unchanged the present leading position of the Communist Party in the U.S.S.R. . . . If the esteemed critics regard this as a flaw in the Draft Constitution, that is only to be regretted. We Bolsheviks regard it as a merit of the Draft Constitution.

1. Stalin, Problems of Leninism, p. 134.

2. Since article 141 also grants the right of nomination to trade unions, cooperatives, youth organisations and cultural societites, it is not correct to assert, as do Vladimir Gsovsky and Kazimierz Grzybowski, Government, Law and Courts in the Soviet Union and Eastern Europe, I, London, 1959, p. 25, that "exclusive control of of the nomination of candidates" was secured to the Communist Party. Kulski's examination of the nomination process (Soviet Regime, pp. 137-139) shows that by virtue of Party members' monopoly on positions of leadership in all organisations, the Party probably does control nominations by non-Party organisations, but that it does so indirectly.

> As to freedom of various political parties, we adhere to somewhat different views. A party is a part of a class, its most advanced part. Several parties, and, consequently, freedom for parties, can exist only in a society in which there are antagonistic classes whose interests are mutually hostile and irreconcilable . . . . But in the U.S.S.R. there are only two classes, workers and peasants, whose interests - far from being mutually hostile - are, on the contrary, friendly. Hence, there is no ground in the U.S.S.R. for the existence of several parties. In the U.S.S.R. there is ground for only one party, the Communist Party . . . which courageously defends the interests of the workers and peasants to the very end . . . .[1]

As Deutscher has pointed out,[2] this argument did not make sense even on Stalin's own terms. He considered both leading parties in the United States and Britain as capitalist parties and not representative of mutually irreconcilable interests; hence a single class could give rise to a two-party system.

Perhaps the most spectacular part of the Constitution was Chapter X, "Fundamental Rights and Duties of Citizens." Certainly it was the most useful for propaganda purposes, both within the USSR as evidence for the official claim that a better life was already beginning, and externally as a sign of the liberalisation and normalisation of the Soviet regime. Citizens were given the right to work, to rest and leisure, to free medical care and maintenance in sickness and old age, and to education. Women were guaranteed equality with men. Racian and national equality were secured by law. Freedom of conscience, assembly and the press were declared. Citizens had the right to demonstrate publicly and to form public associations. Inviolability of person and the home were guaranteed.

1. Meisel and Kozera, p. 237.

2. Deutscher, p. 381, note 3.

On the surface these rights equalled, and in some cases surpassed, the civil liberties of the Western democracies. But even a superficial examination shows that the rights were limited within the Constitution itself. Several of the declarations of the rights were followed by clauses which had the effect of limiting or frustrating the right declared. Thus, work was not only a right (art. 118) but also a duty, and the principle "He who does not work, neither shall he eat" was applied (art. 18). Free medical care and maintenance in old age were secured "by the extensive development of factory and office workers at state expense" (art. 120), presumably leaving the kolkhozes the task of looking after their own aged and infirm. Freedom of conscience and worship were counterbalanced by freedom of religious propaganda, but no mention was made of religious instruction (art. 124). The freedoms of speech, press and assembly were granted "in conformity with the interests of the working people and in order to strengthen the socialist system," the necessary materials and facilities being placed at the disposal of the working people and their organisations (art. 125).[1] Inviolability of the person was secured by the statement, "No person may be placed under arrest except by decision of a court . . .", but the sentence concluded, ". . . or with the sanction of a procurator." (art. 127).

1. An editorial in Pravda, 2 June, 1936, while discussion of the Constitution was in progress, made it clear that these privileges were to be exercised only by supporters of the regime: "He who makes it his task to unsettle the socialist structure, to undermine socialist ownership, who meditates on an attempt on the inviolability of our native country, he is an enemy of the people. He gets not a scrap of paper, he does not set foot over the threshold of the printing press, to realise his base design. He gets no hall, no room, no cover to inject poison by word of mouth." Cited by Jesse D. Clarkson, "The Soviet Union", Handbook of Slavonic Studies, p. 644.

Stalin found many occasions to use these loopholes - especially the last one. As he gathered all state and Party power into his own hands, he unwittingly became a caliph, isolated not only from the people but from the realities of political and economic administration as well. In order to break through the wall of fear and suspicion with which he had surrounded himself, Stalin resorted to the purge technique. "Having power makes [totalitarian leadership] isolated; isolation breeds insecurity; insecurity breeds suspicion and fear; suspicion and fear breed violence."[1] Initiated as a technique for Party discipline, the purges grew apace after the assassination of Kirov in 1934 and spread far beyond the Party to encompass not only open dissidents but potential opposition as well. Secret arrests, trials, deportations and executions dropped a mantle of terror over the Soviet people in the mid-1930s. Press campaigns and rigged public trials further exacerbated public insecurity and apprehension. It was at the height of this terror that the new Constitution was promulgated.

One may only conclude that the profuse catalogue of basic economic and human rights in that document was not intended as an effective legal protection of the Soviet citizen so much as a psychological palliative for the conditions of life. The storms of dekulakisation and collectivisation, the dragooning of labour and finally the purges reduced the Soviet population to a low point of fear and insecurity. Some concession had to be given to them, assuring them of a limited sphere of action free from state intervention. The

1. Zbigniew K. Brzezinski, The Permanent Purge, Cambridge, Massachusetts, 1956, p. 17.

so-called bill of rights was calculated for its psychological effect on the frightened Soviet citizens "to give them the reassuring feeling that even a total, revolutionary and socialist state with all its demand for subjugation of the individual had decided to go 'so far and no farther.'"[1]

There remains one more conclusion to be drawn concerning the motive for the constitutional reform. The replacement of the questionable democracy of the dictatorship of the proletariat by constitutional forms somewhat resembling those of the Western democracies undoubtedly smoothed the course of Soviet foreign policy. The German-Polish rapprochement of 1934 and the Soviet failure to organise an Eastern pact to counter it led Moscow to change its foreign policy towards establishing close connections with the West. Efforts were speeded up in 1935, by which time Hitler's projected policies for Eastern Europe, the growing friendliness of Germany and Poland and especially the increases in Germany's armaments alarmed Soviet politicians and generals. In 1934 the USSR entered the League of Nations and a year later concluded mutual military assistance pacts with France and Czechoslovakia.

The Soviet connection with the Western democratic camp was a shaky one. The revolutionary nature of the regime in general and the subversive activities of the Comintern in particular, cast strong doubts on the reliability and trustworthiness of the USSR as a partner in international agreements. In order to allay some of this suspicion, the Seventh Congress of the Comintern in 1935 abandoned its traditional

1. Reinhart Maurach, Handbuch der Sowjetverfassung, Munich, 1955, p. 36.

policy of advocating revolution abroad. It ordered its foreign adherents to stop the struggle against their bourgeois governments and to cooperate in the formation of popular fronts against fascism.[1] The shift in Comintern policy had the desired effect of convincing many foreign observers that the Bolsheviks had given up their plans for world revolution.[2] That, combined with the constitutional reform, enabled the USSR to gain enough confidence among the Western democracies to persue its external defense policies.

1. Elliot R. Goodman, The Soviet Design for a World State, New York, 1960, pp. 82-83.

2. von Rauch, p. 266.

CONCLUSION

From the foregoing examination of the historical influences on the Soviet Constitutions, it is clear that the word "constitution" itself requires some clarification. Since the French Revolution the word has generally signified in the Western European and North American tradition a formal documentary declaration of the nature and limitations of the powers of state. Such a Constitution bases itself on abstract principles of justice or on "self-evident truths". It defines and balances the powers of state and limits them vis-à-vis the liberties of citizens, whose basic rights are also written into the document. Laws are framed within the scope permitted by the Constitution, which becomes the touchstone for the validity of personal, political and judicial public acts.

In the Soviet Union, the word "constitution" has quite another connotation. The Marxian concept of the nature of law and of constitutional order has already been described. Since it is within the social rather than the legal context that the creative force of society works out the constitutional alterations necessary from time to time, it comes as no surprise that the Soviet Constitutions contain no statements of abstract or axiomatic principle. Nor were they intended to be the ultimate measure of the legality of personal or public acts. The word "constitution" is used in Soviet Russia in its substantive sense, and constitutional documents were intended as descriptions of the real conditions underlying all phenomena of state life at the moment of their composition. In no way did they preclude

state acts designed to alter the conditions of life or the nature and composition of state power from what they were at the moment of their recording. In this sense, the Soviet Constitutions were descriptive, not prescriptive.

This fundamental difference, more than any other, has proved a stumbling block to analysts who have tried to show that the Soviet Constitutions were rough parallels to Western constitutions. For example, one sympathetic observer of the 1923 Constitution attempted to show that that document had the same stability as did the fundamental laws of other European states:

> The question of constituent power occupies the highest place in European public law. The Constitution is the fundamental law of the State and the greatest possible stability was sought for this foundation. It was to be given secure shelter and an effective guarantee against certain brusque and perhaps ephemeral orientations and changes in the political life of the country. The constitution was the law, but the fundamental law, the law of laws, and for that reason it should have as the organ of its creation a greater authority than other laws, expressed either in the formation of an extraordinary organ or in the organisation of a special procedure.[1]

In fact, the 1923 Constitution was not proof against "brusque" changes in the life of the country. Nor was it created by an "extraordinary organ", but by the Congress of Soviets - as were the other two Constitutions. (The Eighth Congress of Soviets, which ratified the Stalin Constitution, was designated as an "extraordinary" Congress and dealt only with the Constitution.) Another analyst of the Soviet constitutional development tried to explain it in terms of an abstract and progressive dynamic. In the first months after the

1. Dragomir Isaakovitch, Le Pouvoir central et le system électoral de la Russie soviétique, Paris, 1927, p. 88.

Revolution Russia remained a unitary state (Einheitsstaat); the Constitution of the RSFSR transformed the Russian state into a league of states (Staatenbund); and the 1923 Constitution founded the Union as a federal state (Bundesstaat).[1] Superficially, of course, this was the case, but the Bolsheviks never had any intention of making the Soviet state anything but a centrally controlled unitary state, a policy which they carried out by gathering all Party and governmental powers into central offices in Moscow. The placement of Party men in the higher offices of the constituent Republics precluded the development of any deviationist policies on that level.

The claim for the uniqueness of the Soviet constitutional development rests on three elements in the History of the USSR. From 1918 until 1936 there was no period of stability. In less than two decades the Soviet Union created three Constitutions, each remarkably different from the other. The Constitution of the RSFSR was drafted in the period of war communism. It was overtly a weapon in the class war. It removed all political power from the hands of the bourgeoisie and invested it mainly in the urban proletariat, discriminating even against the peasantry. Its federal nature was a tactical ploy, a vain attempt to conciliate the national minorities which were dropping away from the former Empire. By 1923 the peripheral national states had been brought back into the Soviet camp; the first Union Constitution took the form of a treaty agreement among equal and sovereign states. But it was also the period

1. Michael Eljaschoff, Die Grundzuege der Sowjetverfassung, Heidelberg, 1925, pp. 22-26.

of the New Economic Policy. Reluctant and temporary economic concessions had to be made to the class enemies of the regime, but the Constitution was careful to avoid giving them any political rights; it preserved the class war provisions of the 1918 Constitution. While it was in force, Stalin launched the most powerful and permanent upheaval that Soviet society had undergone to date. Between 1928 and 1936 he socialised the means of production and the land, and transformed Soviet society. The 1936 Constitution described the achievements of this stormy period.

Secondly, the Revolution was of an unprecedented scope. The prolonged instability of Soviet life was the result of the Party's plan to lead Russia into the modern world as the most "progressive" of all nations. To achieve its goal, the Party subjected all aspects of life to reconstruction. The result was a political coup d'état and a class war, an industrial revolution, the reconstruction of the economy, the rebuilding of society, the forging of a new culture, even the revision of the alphabet and the calendar. The historical speed with which it was all carried out meant that at no time could concepts of normative action be established.

Thirdly, the administration of the state was carried out on the basis of a dogmatic political and economic theory. The process of reshaping Russia was complicated by the ever present need to act, or to appear to act, in the light of that dogma.

Typical of the problems posed by Marxist theory was the question of the state itself. Marx had postulated that the proletarian revolution would be a universal event, breaking out in all

bourgeois states simultaneously. He had not considered the possibility of a single, isolated "socialist" state. Lenin had elaborated Marx's idea of the dictatorship of the proletariat into a dialectical period of undetermined length. Stalin had to face the paradox of a "socialist state". After the elimination of the exploiters as a class in the USSR, a Marxist might well have expected at least the lowest levels of the state machinery to begin withering away. But they did not. Stalin justified the continued existence of the state machinery by elevating the class war from the internal sphere to the international sphere. The victory of socialism was at hand within the USSR, but the capitalist encirclement meant that the state apparatus would have to be maintained. The Party rejected "the most harmful theory of the withering away of the Soviet State in the condition of the capitalist encirclement;" State, army, punitive and intelligence organs had to be maintained for defense.[1]

In a demonstration of dialectical gymnastics Stalin at one and the same time recognised and justified the contradiction:

> We stand for the withering away of the state. At the same time we stand for the strengthening of the dictatorship of the proletariat, which is the mightiest and strongest state power that has ever existed. The highest development of the state power with the object of preparing the conditions for the withering away of the state - such is the Marxist formula. Is this "contradictory"? Yes, it is "contradictory". But this contradiction is bound up with life, and it fully reflects Marx's dialectics.[2]

1. Pravda, 6 October 1953; cited by Kulski, p. 224.

2. Stalin, Works, XII, p. 381.

Moreover the prospects for the withering away of the state in the near future were nil. The strengthening of governmental power to the utmost, he said at another time, was necessary "in order to put to an end the remnants of the dying classes and to organise the defense against the capitalist encirclement which is far from being destroyed yet and will not soon be destroyed."[1]

Until that time comes, the USSR is likely to have a Constitution. Following Stalin's lead and echoing Lenin's State and Revolution, Vyshinsky offered this rationalisation for the continuing existence of Soviet law:

> Law - like the state - will wither away only in the highest phase of communism, with the annihilation of the capitalist encirclement; when all will learn to get along without special rules defining the conduct of people under the threat of punishment and with the aid of constraint; when people are so accustomed to observe the rules of community life that they will fulfill them without constraint of any sort. Until then, however, there is necessity for general control, firm discipline in labour and community life, and complete subordination of all the new society's work to a truly democratic state.[2]

1. Stalin, Problems of Leninism, p. 509.

2. Vyshinsky, p. 52.

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