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The
SOVIET
STATE
and
LAW

*Edited by V. M. Chkhikvadze,
Corresponding Member,
Academy of Sciences of the U.S.S.R.*



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These essays were written by:

V. M. Chkhikvadze, N. P. Farberov, A. P. Kositsyn,
M. A. Krutogolov, B. S. Krylov, V. A. Tumanov, S. L. Zivs

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FOREWORD

For all the attention social thinkers throughout the centuries have given to the state and law, nothing like as much has ever been written on the subject before, and this is an indication of the role the state now has to play in the life of each nation and of all mankind. "The state is ubiquitous and interferes in everything," as one writer has aptly phrased it. Today, the growing role of the state and its further development have a bearing on every major social problem.

Over the last 50 years, in fact, the number of sovereign states on the globe, in purely quantitative terms, has more than doubled: from 57 in 1913 to more than 130 in 1968. This alone is evidence that in the 20th century major social and political transformations are closely connected with the organisation of social life on state lines.

But there is also another side. In 1913, the map of the world was relatively uniform in social terms: there were bourgeois states (with varying feudal relicts) and pre-bourgeois states (some with ingrafts of capitalism). With backward pre-bourgeois states and downtrodden colonies as a background, the developed capitalist states were easily idealised and regarded as virtually the acme of political perfection. Since then the economic, political and ideological role of the state in the developed capitalist countries has been further enhanced by the development of state-monopoly capitalism (which does not mean, by the way, that the character of political power has undergone any basic change).

However, it is the emergence and development of the socialist state that marks the basic, qualitative change in the political organisation of 20th century society, a process

which began in Russia in 1917 with the Great October Socialist Revolution. Today, there are 14 thriving socialist states on the globe, which make up the world socialist system.

Back in the 19th century, Marxism showed that the bourgeois state had historical limits and that a new type of state—the socialist state—would inevitably arise. This has been borne out by the 20th century.

The rise of socialist states and the world socialist system sparked off the second major movement of our age. With the collapse of the colonial system, dozens of once politically dependent countries went forward to develop sovereign national states. They are seeking ways of economic and political development to overcome the legacy of colonialism, a process in which the role of the state is of paramount importance.

How much knowledge is there, on either side, about the state, its bourgeois and socialist types?

Marxism originated and developed as a world outlook and a practical guide to politics inside the bourgeois system, a fact which largely explains why it has always concentrated on the economic, political, legal and other institutions of that system. Even after the victory of socialism, students, notably those of the state and law, continued to devote a great deal of attention to these problems. This is reflected in the system of education. Thus, legal education includes a number of special courses on the state and law of foreign countries, and no Soviet student is graduated as a jurist unless he has a knowledge of the constitutional law of other states, including Britain, France, the United States and India, and also of the fundamentals of their private law.

Nothing like this attitude has developed in the West: for a long time leading bourgeois ideologists and scholars ignored the socialist state and law, just as they had earlier discounted Marxism as a doctrine.

What we mean, of course, is serious and objective study of the socialist state and law and not the propaganda labelling of them, in allegations like "the community of women". Leaving aside the reasons for this attitude, let us point out the results: in capitalist and old colonial countries, the people at large were denied objective information about social-

ist reality, in general, and the political structure of socialist society, in particular.

After a visit to the Soviet Union a few years ago, the Scottish lawyer Lionel Daiches wrote a book which starts out with the frank admission that he had never imagined that the Soviet Union could have a democratic law system. He described a visit to the Moscow City Court in these words: "I sat and listened to all this with astonishment; the dignity of the bench, the manner in which counsel presented their arguments and the invocation of principles of law were so inconsistent with my previous conceptions of the administration of Red justice that I had difficulty in believing I was sitting in a court-room in the heart of Moscow. . . . In the first place, there is no doubt that in the Soviet Union today there is a highly developed legal system which functions through the machinery of properly constituted law courts and adequately qualified practitioners."¹

Of course, it is always a good thing when someone sees the light, but this question arises: how did this trained lawyer acquire such primitive ideas in the first place?

In the last decade, there has been a marked growth of interest in the Soviet Union among broad sections of the population in the West and also in countries emerging from colonial dependence, and it naturally ranges to questions of the state and law. What is the state system of the U.S.S.R.? What are its principal constitutional and legal institutions? How is this country of 100 nations, big and small, governed? What are the main aspects of the latest Soviet legislation? What are the guarantees of socialist legality? That is what people abroad and visitors to this country usually want to know. We hope these essays will help to provide the answers and meet some of this growing interest in the socialist state.

Over the last few years, more books have been published in the West testifying to a desire on the part of their authors to give a more or less objective picture of the Soviet state and law or, at any rate, to discontinue the application of cold war methods to their studies. Courses in Soviet law are now available at many international and national institutions of learning. However, as much activity is being displayed

¹ Lionel Daiches, *Russians at Law*, London, 1960, pp. 136, 174.

by the "traditionalists", who try to force on the public a biased view of the Marxist attitude to the state and law, of the role of law under socialism, and the nature of the Soviet state and law.

These essays have been written by Soviet authors and naturally reflect Soviet views and conceptions: they give the Western reader a first-hand account of the Soviet state and law. The reader will recall that there are now 14 socialist states, and should bear in mind that these essays deal mainly with one socialist state—the Union of Soviet Socialist Republics—and its legal system. But he will also find many propositions which are true for the socialist state in general, and this is quite natural, because all socialist states, while differing in specifics arising from historical development, are basically alike in their essentials.

We also think it was right to confine ourselves to the Soviet state in view of its 50th anniversary which the world has celebrated. In 1967, it was exactly half a century since the October Revolution, an event which has left its mark on subsequent historical development. The Soviet state has had to traverse a tortuous way, both because of external conditions (it was long in a hostile environment and was subjected to armed aggressions), and because it was trying out an absolutely novel economic and political system. What, the reader will ask, are the concrete forms and institutions these 50 years have produced?

The Soviet state can be described in economic, philosophical, historical or other terms. These essays describe it in juridical terms or, to be more precise, in terms of the general theory of the socialist state and law, whose subject is the general laws which govern the development of the state and law and which find expression in every branch of law. This theory, based on the data provided by the juridical sciences of constitutional law, civil law and criminal law, and the history of the state and law, makes a Marxist examination of the more general questions which reveal the essence and the basic features of the socialist state and law.

This book does more than give the sum total of the initial conceptions of the political system under socialism; it makes an effort to show the political system of the world's first socialist state and the working of its institutions. What the authors have specially tried to show is that the 50 years of

the Soviet state are 50 years of the theory of the state and law—developed by Marx and Lenin—in action.

The aims of a work are always important for its assessment. Thus, Harold J. Berman, an American specialising in Soviet law, says in the introduction to his *Justice in the U.S.S.R. An Interpretation of Soviet Law*: "If . . . the avenues of peace are cut off by a new world war then we shall surely have to know Soviet law, since if we win we shall presumably have the task of governing the Soviet survivors, who have been brought up on it; on the other hand, if the Soviets should win we might possibly have to face the not so very pleasant prospect of being brought up on it ourselves"¹

The authors of these essays reject this approach, for it puts any book beyond the pale of science. Theirs is a different aim and it is not to serve war, hot or cold, but to advance mutual understanding. We have seen time and again that many misunderstandings and preconceptions of people abroad spring from a poor knowledge of Soviet society and its political regime. The better the knowledge of the Soviet state and law and the operation of socialist democracy, the less there is of suspicion and prejudice. We hope that this book will help to improve the understanding of Soviet reality and so further peace and peaceful coexistence between nations through mutual respect.

¹ Harold J. Berman, *Justice in the U.S.S.R. An Interpretation of Soviet Law*, Cambridge, Massachusetts, 1963, p. 4.

THE SOCIALIST STATE

1. Marxism on the State

To facilitate an understanding of the Marxist doctrine of the socialist state let us start by taking a short look at some general Marxist propositions on the origins of the state, its essence, mechanism, functions, types and forms.

Origins

Marxism regards the state as an historical category proper only to some periods of social development. The state is a product of society at a definite stage of its development. There have been societies—under the primitive-communal and gentile system—without an inkling of either state or government. Under that system there was no private ownership of the means of production, men being grouped in tribes or great families, within which all were equal, had common interests and were guided by common customs. In these conditions, there was no need for any special administrative machinery. The tribal community was usually run by an elder who was mostly elected by all the members of the tribe, men and women. His was a purely moral authority and depended on his personal qualities: if he was wise, brave and a great hunter, he commanded the respect and loyalty of all the members of his tribe.

It is then a characteristic feature of the tribal form of social organisation that it has no power separate from and superior to the community. As, with the growth of the productive forces, the division of labour and the spread of exchange, private property came to supplant communal property, the old community of interests disappeared. Private property divided men and allowed them to exploit each other, and this produced class contradictions. That was the

start of the struggle between the have-nots and the haves who tended to accumulate wealth.

In order to maintain its commanding positions in this struggle, the economically stronger class of exploiters set up a special machinery—the state—to safeguard the order from which it stood to gain.

Power and the force of authority gave way to authority and the force of power; there emerged an apparatus of public power which was no longer immediately identical with the population, but was separate from and superior to it. It gained in strength as class contradictions were aggravated. Consequently, the state sprang from irreconcilable class contradictions. "The state arises where, when and in so far as class antagonisms objectively cannot be reconciled"¹, and operates as a force of the economically dominant class, which has control of society's basic wealth.

There are other theories of the origin of the state which take no account either of economic development or the class struggle. The most popular of these is the theory of violence, which holds that the state originated from conquest, specifically, the subjugation of agricultural tribes by warlike cattle-breeding nomads, who set up the state to rule the vanquished. Actually, however, the state has never had its origins in conquest.

The founders of Marxism (notably Frederick Engels, in his *Origin of the Family, Private Property and the State*) gave facts to show that with different peoples the state originates in different economic and social conditions and external situations. But in no case is the state a force imposed on society from outside. In concrete historical conditions, conquest has merely helped state power to originate after the necessary conditions had been prepared by internal social development. Then, it is said, there are tribal migrations and imitation, as when the state originates in one place (presumably, ancient Egypt) and is then copied by the rest of the world. But there is little history to bear this out.

Another popular explanation is psychological: the state, it is said, arises because it is a part of man's mental make-up to rule and be ruled. Some of those who subscribe to this doctrine are inclined to modernise the old patriarchal theory

¹ Lenin, *Collected Works*, Vol. 25, p. 387.

of the origin of the state, which holds that the state is nothing but a family that has outgrown its proportions (Aristotle, Filmer). They insist that the state arises under the influence of the "father figure" in man's mentality. Some recent Western writers have tried to combine the psychology and the violence theories: the state is an accidental development not subject to any general laws and is determined by various combinations of two factors, namely, violence and special psychological "magic" elements, such as the instinct to rule and be ruled.

All these theories, for all their superficial distinctions, are alike in denying that the state arose as an organisation for the forcible suppression of one class by another, and that this was due to the contradictions which develop in society with the emergence of private property.

Marxism-Leninism, while not denying the importance of associated factors (such as conquest and psychological elements, in some cases), holds that the state has its origins in the emergence of private property and the division of society into antagonistic classes, a fact which makes it impossible for society to exist without political power that rises above society and is an instrument of the economically dominant class.

Essence

The Marxist doctrine starts from the fact that the essence of the state in a class society and the nature of its relations with society are determined by that society's economic and political system.

For thousands of years the state has been a machine for class domination, which is to say that in a society with opposed classes, the state is essentially a *dictatorship of the dominant class and is its political arm*. Through the state the ruling class exercises its power and coercion in respect of other classes and sections of the population, and bends them to its will in an organised manner.

The state is an instrument of political power, but in a class society this power is also exercised through a number of other organisations which are closely allied but not integrated with it, such as political parties, economic associations, alliances and societies and the Church. That is why a distinction should be made between the concept of "state" and the "political structure of society", the latter being much

broader than the former, for it includes all the links and the entire machinery through which political power is exercised in society. It is clear, therefore, that the state is to the political system as a part is to the whole. But the political system of a class society is inconceivable without the state, for being a part of the political system, the state is the principal instrument of political power. It has *sovereignty*, that is, the freedom which is expressed in its right to decide its internal and external affairs as it sees fit, without in any way infringing the rights of other states or the generally accepted rules of international law. But the sovereignty of the state is obviously a political and juridical expression of the plenary powers of the class which has gained dominion over society and whose will the state expresses through its organs. Other specific features of the state determined by its social nature are: (a) it is an organisation of the whole ruling class (and not of any section of it, as a political party is); and (b) its decrees (those of its organs) are binding on the entire population.

The state has at its disposal a definite territory and a definite population over which its power and activity extend, which means that state power always operates within the bounds of a strictly defined territory, and men are said to belong to this or that state mainly on the strength of its territorial boundaries.

The size of territory and population has an influence on the strength of a state and, in some cases, on its system as well. Consequently, territory and population are conditions for the existence of the state, and are its essential marks.

But where the necessary economic and consequent class conditions are lacking, territory and population do not alone lead to the establishment of a state. Territory and population are categories which had been there for some time before the state arose at a definite stage of human development, and will remain after classes disappear and the state with them. Consequently, the essence of the state is not determined by territory and population.

The primary and principal mark of the state is that it is an organ of political power in a class society, and an instrument for the administration of society by and in the interests of the ruling class which wields specific means of coercion (armed detachments of men, prisons, etc.).

To exercise its administration, the state has need of money, and this it obtains mostly through the establishment of mandatory gratuitous contributions by citizens to the fisc, such as taxes and other levies, with the members of the ruling class, whose interests the state safeguards, being allowed various fiscal and other privileges. Another mark of the state is this fiscal system for the maintenance of a special political power which rises above society.

Finally, there is the division of the population and the arrangement of the apparatus of political power on the territorial principle, which allows the ruling class to extend the practical activity of its state institutions and its influence to all citizens or subjects resident in the country.

Mechanism

To fulfil its social purpose, the state must be a system of official institutions, organs, instruments or organisations of the ruling class (or classes) wielding the political power. This system of organs is the machinery of government, the state machine. To keep it running, there is need for a special category of men whose only—or main—job is to administer. Lenin said that “whenever there was a state there existed in every society a group of persons, who commanded, who dominated and who in order to maintain their power possessed an apparatus”.¹

That is the machinery through which the ruling class runs society and suppresses the resistance of its class opponents. The state machine is the straightforward embodiment of the state, and differs from all the other elements of society’s political structure in that it exercises the rule of the dominant class directly and immediately. This means that only state organs are empowered to perform acts constituting the monopoly of the state (such as the adoption of laws).

The state machine is vested with coercive power and has the ways and means of compelling performance of its mandates. To that end it has at its disposal the instruments of direct coercion, arms, in the full sense of the word, all the means of science and technology, and organisational achievements to exercise its coercion and use force against its class opponents.

¹ Lenin, *Collected Works*, Vol. 29, p. 478.

This machine includes such organs as the army, the police (militia), the intelligence services, the courts and the Procurator's Office, which are direct vehicles of the dictatorship—above all, of the coercive side of dictatorship—of the ruling class. Lenin used to say that “standing army and police are the chief instruments of state power”.¹ These are the instruments designed above all to safeguard the interests of the ruling class against its internal class opponents and external enemies.

The other part of the state machine consists of the system of state organs, central and local, general and specialised, including the chief of state (an individual or collective), parliament (the legislature), government (the central executive and administrative agency), ministries, departments and other administrative agencies, and local organs of power and self-administration. These organs are political; they are the embodiment of the state power of the ruling class and the vehicles of its leadership.

The chief of state, parliament and government exercise supreme power, which extends to the whole territory and population of the state. They are usually in the public eye, because they are the focal points of a struggle which involves the sway of public opinion. It is here, in these bodies, that the principles on which all other component parts of the state machine operate are worked out.

The scope of authority vested in each state organ and the order in which these are exercised are either laid down constitutionally, determined by current legislation or regulated by tradition.

Diplomacy, which operates at home and abroad, mainly on the territory of other states, has a place apart within the state machine. The diplomatic apparatus is designed to assure the ruling class of its interests outside the country, to organise collaboration with other states through negotiations, representation, etc.

Information and propaganda agencies, registry offices, etc., are also components of the state machine. These are ancillary to the political and other state agencies, and differ from country to country in size and sphere and scope of activity. In most countries, these agencies are mostly of

¹ Lenin, *Collected Works*, Vol. 25, p. 389.

secondary importance, but they too have a significant part to play in helping the ruling class maintain, consolidate and build up the regime it favours.

Functions

The essence of the state is expressed in its functions, that is, the main directions of its activity, so the purpose of the state is given concrete expression in its main functions.

A distinction should be made between the functions of the state and of its several organs. The functions of the state are not taken to mean the sum total of functions of its various organs, but only the main directions in the activity of the state which constitute the basis for the activity of the entire state machine and of each of its individual organs. In any analysis of the functions of any one organ or aggregate of organs of the state, the point is to clarify the role and place of the organ or organs in question within the state machine as a whole, and its or their purpose as a specific part of that machine.

Because functions show essence, states which are different in essence have substantially different functions. That is why the functions of the state cannot be viewed apart from the concrete historical situation in which each type of state—and its modifications—operate. But the functions of the state in general can be classified as internal and external.

Internal functions show its role in the life of a given society, and external functions, its role in relations with other states. These functions are closely bound up, because the line a state takes vis-à-vis other states depends on its activity and conditions at home. In other words, foreign policy is a continuation of domestic policy.

The function of suppressing their class adversaries is an internal function of all states with antagonistic classes, and is the best expression of the dictatorship—the political power—of the ruling class.

Furthermore, each state variously exercises some functions in the economy and culture. The state, it will be recalled, depends on the economic system of society. Every state, past or present, is a component part of the superstructure rising above the economic basis of society, which determines the nature and aims of the state.

Because the state is a part of the political superstructure it plays an important part in the life of society and in partic-

ular has a reciprocating effect on economic development, though the possibilities open to each state differ. However, Marxism-Leninism takes the view that the state plays an active ancillary role in respect of the basis; how great a role depends on the economic system. Throughout its history, the state has always interfered in economic activity and culture, even if in varying degree, and in our day the trend is much more pronounced: the state has been moving into the economy, culture, education and science. In the economy and culture, the state exercises its functions in the interests of the ruling class, though it stands to reason that if it is to operate smoothly, every state must perform certain social functions, such as security against armed attack from abroad and criminal assault by murderers, thieves, etc., at home. The state sees to the running of transport and communications, combats epidemics and provides protection against natural disasters. In performing these and other functions, which are important to the whole of society, every state in one way or another discharges socially useful business.

But Marxism, which takes an historical view, emphasises that the state, which springs from the division of society into antagonistic classes, usurps (seizes and turns into a monopoly) various social functions and ultimately exercises them in the interests of the ruling class itself, to the extent that class finds this necessary and advantageous.

Only the socialist revolution brings about a state which exercises all its functions in the interests of the working people and society's progressive development.

The external function of any state is its activity arising from the need to safeguard its territory against attacks by other states and to ensure the conduct of its policy in international affairs.

There is much history to show that, in exercising their external function, many pre-socialist-type states strive to extend their territory at the expense of other nations, expand the sphere of influence of the ruling classes, enslave weaker peoples, mount aggressive wars, conduct colonial policies, etc. By contrast, the socialist state, which engages in constructive activity in the interests of the whole people, has its foreign policy based on a consistent struggle for peace, for the peaceful coexistence of states with different social,

economic and political systems, and strict observance of the fundamental principles of international law.

Type and Form of State. Marxist-Leninist theory has put forward the concept of *historical* type of state, which shows whose will the given state expresses. In short, when states are studied by historical type they are classified in accordance with society's social and economic and class system. An analysis of the origins and development of states throughout the world over the centuries has revealed these historical types of states: slave-owning, feudal, capitalist and socialist. Consequently, there is a definite type of state for each type of socio-economic formation.

All the diverse forms of states in the slave epoch had this in common, that they were all based on the slave-holding private property in the means of production, and the consequent exploitation of slave labour by the slave-owners. That is what made all the states in the slave-owning epoch essentially identical, for each inevitably represented the dictatorship—the political power—of the slave-owning class.

Under feudalism, feudal private property in the means of production and the relations of feudal exploitation constituted the material foundation of all states in that epoch. That is why, for all the diversity of forms of state under feudalism, all the states of that epoch may be classed as one historical type, because each of them was a dictatorship of the feudal class over the serfs.

The triumph of the capitalist mode of production inevitably brought to life a new type of state—the bourgeois state—which had a new class content. Whatever their form, diverse states of this type represent the political power—dictatorship—of the bourgeois class, which helps to consolidate the capitalist property in the means of production and relations of capitalist exploitation of the working people.

The emergence and development of the socialist system have led to important changes in the essential features of the state. It brought about the new—socialist—type of state, which has a different socio-economic foundation and a new political and class substance.

Contemporary Western writers frequently classify states as “free” and “totalitarian”, lumping together under the latter head socialist states and fascist states, such as nazi Germany, fascist Italy, etc. This classification is as wrong as it

is malicious. The whole point of classifying states according to type is to determine to which socio-economic system a given state belongs, and which class wields the political power in its society. In this context, it will be easily seen (and there are well-known historical facts to back this up) that it was the capitalist economy and the political rule of the bourgeois classes that bred Italian fascism, Hitler's nazism and Japanese fascist militarism. It is therefore unscientific, besides being politically biased, to bunch up these and the socialist states under the same head.

States also differ in form of government and structure. They differ in form of government depending on whether their supreme organs of power are individual or collective, hereditary or elective, and on relations between them. States are traditionally divided into monarchies and republics. The monarchy is a form of government in which the chief of state, the monarch, reigns for life and occupies a throne by right of consanguinity or hereditary succession, and is not subject to the law.

Modern monarchies are known as either limited or constitutional, in contrast to absolute monarchies (usually feudal) under which the monarch (who does the will of the ruling class) wields unlimited and undivided power. Under a constitutional monarchy, the sovereign's powers of legislation and control over the government are limited by constitution and parliament.

A republic has elective supreme organs of power and, at least, a collective legislature, with the chief of state usually being a president who is elected for the term, or some other organ with powers similar to those of the president. Modern bourgeois republics are either parliamentary or presidential.

In parliamentary republics, juridical supremacy is vested in parliament to which the government is responsible and which resigns in the event of a no-confidence vote.

In presidential republics, the president exercises executive power independently of parliament and forms the government himself. In the United States and some Latin American republics, the president is concurrently the head of government. In such cases, the government is not even formally responsible to parliament. In some such countries, the presidential republic is merely a cover-up for the president's personal dictatorship.

Some states are a mixture of various forms of government, such as the institutions of a presidential republic and those of a parliamentary republic (e.g. the Fifth Republic in France). Thus, the forms of government may be highly diverse, and this has been true for class society in every epoch, whether slave-owning, feudal or capitalist. In other words, the ruling class may resort to diverse forms of government within the framework of one socio-economic formation, while the state retains the same class content.

Thus, in ancient Rome there were monarchies and republics under the continued dictatorship of one and the same class. In Egypt, the slave-owning state was an oriental despotism; in Athens, a democracy; and in Rome, first an aristocratic republic and then an empire. Bourgeois states also appear as a variety of monarchies and republics. Marx wrote in his *Critique of the Gotha Programme* that different states in different countries, while having common essentials, are distinguished by a motley variety of form. But for all their diversity, they are in essence alike, for they are all dictatorships of the ruling class.

The diverse forms of government depend above all on the peculiarities of the economic system, the balance of class forces and the various groupings within the ruling classes, and also national traditions and the level of popular political awareness.

While any of the exploiting types of state may take the form of either monarchy or republic, the socialist state can be only a republic. The republican form of government in a socialist state is not identical and should not be confused with a republican form of government in a bourgeois state.

Essence always shows through in form, and form is a derivative of essence. The socialist republic is distinct from the bourgeois republic—to say nothing of republics under other historical types of state—above all because it is genuinely democratic, and the truth of this is borne out by the existing socialist republics, namely, the Republic of Soviets and the democratic People's Republics. They are an embodiment of the power of the working classes and a repository of real popular power.

The question of form of state does not boil down to form of government, and great importance attaches to the methods

by which the ruling class governs society, that is, the political regime, a term used to denote the sum total of methods of domination practised by the class in power. Hence, the concepts of parliamentary regime, democratic regime, colonial regime, fascist regime, etc.

Thus, it would be quite inadequate to describe Italy under the fascist dictatorship as a constitutional monarchy, even though this form of government was never formally abolished throughout its fascist period. It was the political regime established by Mussolini and his fascist party which showed just how reactionary that kind of fascist state was. This goes for other countries as well: wherever a fascist regime is established, it is not the form of government as a whole, but the political regime that is crucial. That is why such a state is called fascist, for it is a dictatorship of the most reactionary and aggressive elements, who ban progressive organisations, wipe out democratic freedoms and do away with representative institutions and the rule of law.

Form of state also includes the internal division of the state into several parts, their legal status, the relation of their organs with each other and with the central authority—all of which is sometimes known as state structure.

Accordingly, states are divided into unitary and federal, or confederal. Unitary states are divided only into administrative and territorial units, such as regions, provinces, counties or states, whereas federal or confederal states are associations of two or more states, of which federation is the most common form.

A unitary state has only one system of supreme organs of power, and a federal state, two, namely, the federal organs and the organs of each of its constituents. There are usually two federal chambers or houses, one representing the federation as a whole, and the other, its members. A federal state has a federal constitution alongside the constitutions of its members; federal armed forces; a federal budget; and a federal citizenship alongside the citizenship of the constituent states.

In contrast to bourgeois federations, socialist federations (U.S.S.R., Yugoslavia) are based on voluntary association and the equality of member states which retain the right of secession (the socialist federation is dealt with at length in the next chapter).

In contrast to federation, confederation is a partial union of states with limited common aims which do not call for the establishment of supreme organs of power common to all the associated states. Confederations are usually set up for reasons of foreign policy and defence, the members retaining independence in all other spheres.

Historically, confederation is the earlier form, and as a rule precedes federation (thus, the United States and Switzerland were initially confederations but developed into federations, as their parts coalesced).

**Will the State Always
Be There!**

This question now arises: will the state always be there, or will it be superseded by some other form of social organisation? Marxist doctrine does not regard the state as everlasting. The state, having sprung from the division of society into classes, will wither away as classes disappear. Just as the rise of the state and law was inevitable at a definite stage of society's historical development, so too will their disappearance be inevitable as classes and class distinctions are obliterated and society matures for self-administration.

The classics of Marxism believed that the society which organises production on new lines—free and equal association of producers—will consign the state machine to its proper place, namely, the museum of antiquities, alongside the distaff and the bronze axe.

Of course, it is hard, perhaps impossible, to describe at this time how society will be organised in the future, but the general tendency of social development is pretty clear. Incidentally, those who deny that the state will eventually wither away—and they are numerous—have no real answer about its future. Others insist that mankind is moving towards "supranational" and even "world government". But 20th century experience indicates that the law governing the development of the state is carrying mankind towards the socialist state, which will ultimately lead to human communities without any state.

Let us now look at the socialist state—historically the last type of state—and the working people's experience in building it.

2. Rise of the Socialist State

The founders of Marxism made a deep and all-round analysis of the economic laws of capitalism and gave scientific proof that it would inevitably be supplanted by another social system known as socialism. The objective economic basis for the transition from capitalism to socialism is created by the conflict which develops at a definite stage of capitalism between the vastly expanded productive forces and the obsolete relations of production which fetter them because they rest on the capitalist property in the implements and means of production. All the contradictions of capitalist society are generated by this conflict. If it is to be overcome, the old capitalist relations of production must go and new, socialist relations of production be established, as the groundwork for the socialist system.

In addition to discovering this law-governed development of society, Marxism also identified the leading social force which is destined to carry out history's greatest social transformation—the construction of the new, socialist society. It is the working class. Whatever the forces involved in the transformation of society, it is the working class that has the decisive part to play.

Role of Working Class Marx and Engels realised that by its very status in production and society the working class has a stake in the future and not in the past. Its labour is the chief source of the material values which assure society of its vital necessities. Because of its working and living conditions, the working class has become the most conscious and organised of all the oppressed classes. With the remarkable insight of genius, Marx and Engels saw the revolutionary potential of the working class at a time when it was still a small section of the population even in the most developed countries. They gave scientific proof that in the course of historical development, the working class would grow and come to play an ever more important part in social affairs. A hundred years ago, very few men understood what is now pretty obvious to millions.

The Marxist conclusion concerning the role of the working class in world history as the architect of socialism was a major scientific discovery which opened up a realistic way

of emancipating all the oppressed and exploited. For centuries before that the best minds and even social movements probed for a force that could lead mankind to freedom, abundance and happiness. Some pinned their hopes entirely on the charity of sage and enlightened monarchs; others looked to "heroes" to lead the oppressed "mob"; still others expected a return to the patriarchal peasant community and the medieval guilds and corporations. There were some who urged men to take up the axe and the bomb and stage acts of terrorism against persons in authority, for they believed emancipation would be ushered in by plots and the assassination of kings. All these were doomed to failure, because they defied the laws of social development. What is more, they led to unwarranted sacrifice or suggested to the working people that they could do no better than wait.

Mankind's hope for a better life ceased to be utopian only with the emergence of Marxism, which unveiled the secrets of social development and discovered that the working class was the mighty force capable of emancipating the toiling man and realising his dream of a fairer society.

Socialist Revolution

History posed this other major question: how was the working class to realise its historic mission? How was it to go about building the new world? Once again Marxism gave a clear-cut and scientific answer. Because the capitalists would rely on political power to maintain their economic domination, it was the task of the working class to rally all the toiling sections of the people and take over the political power. This meant mounting a socialist revolution to usher in a new historical period, that of transition from capitalism to socialism.

Marxism-Leninism provided the theoretical proof—and experience has fully backed it up—that the socialist revolution may assume diverse forms which largely depend on the general conditions of the epoch, and, what is most important, the concrete situation in each country, the gravity of its revolutionary situation, the balance of class forces and the state of organisation of the working class and of its antagonists. The socialist revolution is not custom-made. Nor will it conform to a given standard. Communists reject the absurd bourgeois invention that they favour the export of revolution. The socialist revolution cannot be exported,

because it is a product of internal development in each country, and can be carried out only by the people of that country when they realise that they want to change the existing system.¹ The export of revolution is alien to the Marxist view of historical development. In 1918, Lenin said that only madmen or provocateurs would insist that a revolution could be started in a country by foreign order or compact.²

On the other hand, Communists are strongly opposed to the imperialist export of counter-revolution and intervention in the affairs of any nation rising to revolution. They declare their readiness to beat back the imperialist aggressors in their attempts to export counter-revolution to hamper any nation from exercising its legitimate right to change its social system.

The revolutionary forces in a country where the socialist revolution is gathering strength must inevitably decide on the working class's way to state power. Marxism has demonstrated, and experience confirmed, that it may be either peaceful or non-peaceful, depending on the concrete historical conditions in each country, the resistance of the exploiting classes and the international balance of forces. Lenin wrote: "Marx did not commit himself, or the future leaders of the socialist revolution, to matters of form, to ways and means of bringing about the revolution. He understood perfectly well that a vast number of new problems would arise, that the whole situation would change in the course of the revolution, and that the situation would change *radically* and *often* in the course of revolution."³

¹ The assertion that "revolution can be exported" was brilliantly exploded by Romain Rolland, who in August 1918 wrote to a German colleague: "I am a sworn enemy of *every brand of imperialism* and, consequently, also of yours, German imperialism, which is *more repulsive* than any other. . . . But I believe that it is not my people, but your *own* that must liberate you from *your* imperialism, and if they are incapable of doing so, it means that they are not yet ripe for freedom. Freedom cannot be imported in wagons, like the Bourbons."

² See Lenin, *Collected Works*, Vol. 27, p. 480. Lenin emphasised these words of Engels: "Victorious proletariat can force no blessings of any kind upon any foreign nation without undermining its own victory by so doing" (Marx and Engels, *Selected Correspondence*, Moscow, 1955, p. 423).

³ Lenin, *Collected Works*, Vol. 27, p. 343.

For decades, assiduous opponents of socialism have been distorting the true Marxist-Leninist stand on the ways and means of the socialist revolution. They have flooded the world with myths about the inescapable "calamities" and hardships entailed in the transition to the new social system. They have represented the Communists as habitual plotters, putschists and advocates of violence, who must have an armed uprising and a civil war to seize power. But what has the Marxist doctrine of revolution to do with these slanderous inventions?

Communists have never made a secret of their aims. They have always openly held that there is need for a revolutionary transformation of capitalist society into a socialist society. They have openly declared that the main task of a socialist revolution is to wrest political power from the bourgeoisie and hand it to the working class and its allies. But because the exploiters never freely give up their power and always hang on to their establishment and the privileges that go with it, the socialist revolution takes the form of a political overthrow in acute and tenacious class struggle.

For a long time, history provided scant opportunities in most countries for a peaceful socialist revolution, and with the reactionary imperialist bourgeoisie stepping up militarisation and building up its military, political and bureaucratic machine, the non-peaceful way remained the most likely one. It was natural, therefore, that the international communist and working-class movement looked to armed uprising as the surest way of socialist revolution.

Bourgeois ideologists lie when they say that armed uprising by the working class inevitably leads to bloodshed and great loss of life. The experience of the October Revolution shows that there need be no bloodshed in an armed uprising. In the storming of the Winter Palace, which culminated in the overthrow of the bourgeois Provisional Government in Russia and the transfer of power to the working class, five sailors and one soldier were killed and a few men wounded.¹ Nor was there much bloodshed during the take-over in the other towns of Russia. It is true

¹ See *Istoriya Velikoi Oktyabrskoi Sotsialisticheskoi Revolyutsii (History of the Great October Socialist Revolution)*, Moscow, Academy of Sciences of the U.S.S.R. Publishing House, 1962, p. 16.

that in Moscow and a few other places there was bitter fighting, but in 73 towns out of 91, the Soviets took over peacefully and at once started on their socialist changes.

It is not the working class, but the bourgeoisie that forces the socialist revolution to go the way of armed uprising. The working class, because of its aims, prefers the humane way. The most progressive and democratic class of our day, it strives to unravel social knots with a minimum of social pain. The peaceful socialist revolution best accords with the working class's interests and world view, for it makes possible radical social change at the lowest cost in terms of human life and productive forces.

Marxism-Leninism starts from the assumption that, given the right historical conditions, the peaceful way is not only possible but is in fact the best. Lenin repeatedly stressed that the working class would naturally prefer to take over peacefully. He did believe that the peaceful way was "extremely rare and difficult, because revolution is the sharpest exacerbation of the sharpest class contradictions".¹ But there was the more reason for the working class to jump at the chance, even if the odds were a hundred to one.

That is precisely what Lenin himself did. Having analysed the concrete situation and the balance of class forces in Russia in April 1917, he proposed that use should at once be made of the prospect of a peaceful development of the socialist revolution. This idea was accepted by the whole Party as the best way out in the circumstances. It was only in response to violence—the fusillade of the July 1917 workers' and soldiers' demonstration, carried out by the tsarist generals on orders from the bourgeoisie—that the armed-uprising slogan was substituted for that of peaceful revolution. But when the situation changed, and it became apparent once again, in September 1917, that there was a chance of a peaceful take-over, Lenin again insisted that the opportunity should be seized.

"By seizing full power," Lenin wrote, "the Soviets could still today—and this is probably their last chance—ensure the peaceful development of the revolution, peaceful elections of deputies by the people, and a peaceful struggle of parties inside the Soviets; they could test the programmes

¹ Lenin, *Collected Works*, Vol. 26, pp. 36-37.

of the various parties in practice and power could pass peacefully from one party to another."¹ The full blame for the fact that the chance was missed fell on the Socialist-Revolutionaries and the Mensheviks, who preferred to make a deal with the reactionary bourgeoisie and oppose the Bolsheviks in the Soviets.

It is clear, therefore, that the Communists are not to blame for the fact that the socialist revolution in Russia failed to develop the peaceful way. So far as the Bolsheviks were concerned, it could have gone forward without an armed uprising, to say nothing of civil war. But bourgeois historians ignore the facts and blame the Communists for the sanguinary Civil War in Russia, which was in fact forced on the working class by the bourgeoisie and the landowners.

It is an established fact that the October 1917 Revolution in Russia did not involve much bloodshed, although it did take the form of an armed uprising. From the very early days of the Soviet power, the Communist Party, far from issuing calls to violence and civil war, came out with a broad plan for peaceful socialist construction, and invited everyone to co-operate. The working class took an incredibly humane and magnanimous attitude to the overthrown exploiters; in fact, some generals who took part in the counter-revolutionary putsch, like General Krasnov, were released from detention in 1917 on their "word of honour". However, the bourgeoisie and the landowners had no intention of collaborating with the revolution, and joined in a united front with foreign imperialists to fight the young Soviet state. That was the origin of the Civil War: the people had to take up arms to safeguard their gains; the armed uprising of the bourgeoisie was crushed, and the foreign interventionists and domestic reactionaries were routed.

So it was not the working class or the working people but the overthrown exploiting classes of Russia, who were in league with foreign reactionaries, that are to blame for that long and fierce fight.

After the Second World War, conditions in the East European countries, now known as the People's Democra-

¹ Lenin, *Collected Works*, Vol. 26, p. 68.

cies, were quite different. As they were being liberated from the fascist occupation, their democratic forces, rallied by the Communist and Workers' Parties, built up a clear superiority, so that the attempts here and there on the part of hostile elements to start a civil war and call in foreign imperialist troops, were pretty hopeless, and this made socialist revolution in these countries possible without armed uprising or civil war, through a gradual weakening of the political and economic positions of the bourgeoisie, revolutionary change over a period of years, and steady development and consolidation of the democratic people's state power.

Some foreign writers say that it was the world war that made socialist revolution possible in the countries now making up the world socialist system. What they mean is that socialist revolution is altogether impossible without war and that it is a product of war.¹

This is an elementary specimen of *post hoc ergo propter hoc* thinking. The socialist revolution no more depends on world war than it does on civil war.

It is part of the record that although the two imperialist world wars ended in a number of countries falling away from the world capitalist system, these revolutions were not sparked off by the wars but by the irreconcilable contradictions of capitalism. What is more, the wars themselves were the product of causes arising from the overriding antagonism of the capitalist system, and in this context they were a manifestation of the morbid processes inside capitalism, which are also the causes of revolutionary crises. As the general crisis of capitalism deepens, its crippling contradictions are aggravated, producing revolutionary situations here and there even in time of peace.

The working class and its parties are the most resolute opponents of war and militarism, and the most consistent champions of peace. The working class pins none of its hopes for ultimate victory on war. It is not the supreme aim of the working class to bring down capitalism at any price; it is to build socialism and communism, and this can best be done in peace, without war and its inevitable devastation.

¹ The American professor Robert Daniels, in *The Nature of Communism*, a book published in 1962, says: "In retrospect we can see that communist success has depended heavily on the strategic utilisation of a certain kind of situation—world war and post-war chaos" (p. 168).

The possibilities for peaceful socialist revolution have never been greater. In some developed capitalist countries, the working class, led by its vanguard, has the possibility of uniting the majority of the nation—through a national front or other forms of accord and co-operation between various parties and mass organisations—securing a peaceful transfer of the basic means of production into the hands of the people and winning state power without armed uprising or civil war. This is made even more real today by the recurrent failures of the Right-wing bourgeois parties and their governments, which express the interests of monopoly capital. Because the main sections of the nation want an end to the financial oppression by the monopolies, all opposition democratic movements may be channeled into one mighty anti-monopoly torrent. The struggle against the monopolies is the forge which shapes the alliance of the working class and all the working people. The working class rallies the peasantry, its chief ally, for the struggle against feudal survivals and monopoly domination. Broad sections of white-collar workers, and many intellectuals, whom capitalism tends to reduce to proletarians, come to realise the need for social change, and join with the working class.

In these conditions, if the working class relies on the majority of the nation, and rebuffs the opportunists who will always collaborate with the capitalists and landowners, it can defeat the reactionary and anti-popular forces and win a stable majority in parliament, transforming that instrument of bourgeois class interests into a servant of the working people, and starting a mass campaign outside parliament to overcome the resistance of the reactionary forces and create the necessary conditions for the peaceful development of the socialist revolution. This, of course, will call for something more than the usual electoral combinations, the battle of votes or the free play of forces and debates in parliament.

Marxists-Leninists hold that the parliamentary struggle can ensure a peaceful transition to socialism only if it rests on a massive revolutionary movement of workers, peasants and urban middle classes and is aimed against big monopoly capital and the reactionaries, and is designed for deep-going social reform, peace and socialism. In those

conditions, the broad struggle outside parliament not only provides the backing for the measures taken by the majority inside but is the basic and most important condition for assuring parliament of a truly revolutionary role.

But as socialism gains strength, the working class develops and the positions of capitalism are eroded, the transition from capitalism to socialism in some countries may prove to be even easier. The founders of Marxism-Leninism believed that the bourgeoisie may find that it pays to sell out its basic means of production, and that the working class may buy them.

The way of the socialist revolution from capitalism to socialism depends on the historical conditions in each country. There is no doubt that where the imperialist bourgeoisie has a strong military and police establishment, the working class and the revolutionary forces will come up against fierce resistance, and this will make inevitable the overthrow of the bourgeois dictatorship in armed class struggle.

Lenin said, and history confirmed, that the choice of path for the socialist revolution and the intensity of the class struggle in each country do not depend only, or so much, on the working class and the revolutionary forces, as on the resistance put up by the reactionary top section of the exploiting classes in their fight against the bulk of the nation. It all hinges on whether the exploiting class itself decides to use force. The success of the struggle of the working class depends on how well it and its Party have mastered *every form* of struggle—peaceful and non-peaceful, parliamentary and non-parliamentary—and how well they are prepared for the most rapid switch from one form of struggle to another.

But regardless of the form of transition from capitalism to socialism, the revolution must be a socialist one. Marxists-Leninists reject the inventions of modern opportunists and revisionists, who insist that alongside revolutionary transformation there is an evolutionary process in which "capitalism is being gradually transformed into socialism". This rehash of old unscientific theories is now being presented as a discovery, but it happens to run against the grain of life. The fact is that no sort of evolution in capitalist society, however marked, will of itself lead to socialism, for this can be attained only through socialist revolution

which remains a revolution, regardless of whether it is peaceful or non-peaceful, because it decides the issue of power, which the working class must wrest from the reactionary bourgeoisie. "The passing of state power from one class to another," Lenin pointed out, "is the first, the principal, the basic sign of a *revolution*, both in the strictly scientific and in the practical political meaning of that term."¹ Whether peaceful or non-peaceful, the socialist revolution always starts with the seizure of political power and brings about socialist change through the workings of a special machine, namely, the socialist state, which is set up in the course of the revolution. To establish this truth, which now appears to be self-evident, Marx and Engels spent long years in stubborn struggle against all kinds of anarchist theories which held that the working class had no need for a state of its own. Such were the theories of Stirner, Proudhon, Bakunin and other ideologists of anarchism, who envisaged the "total abolition of the state", the "explosion of the state" or its dissolution in utopian self-administering associations, which were autonomous and isolated from each other.

It was Lenin who put paid to all these anarchist theories of the state, when he proved that anarchist ideas were incompatible with scientific socialism. He wrote: "The theory of the class struggle, applied by Marx to the question of the state and the socialist revolution, leads as a matter of course to the recognition of the *political rule* of the proletariat... The proletariat needs state power, a centralised organisation of force, an organisation of violence, both to crush the resistance of the exploited and to *lead* the enormous mass of the population—the peasants, the petty bourgeoisie, and semi-proletarians—in the work of organising a socialist economy."²

Lenin's resolute struggle over principle undermined the influence of the anarchists, and their theories of "exploding" the state now have virtually no adherents in the working-class movement. This is largely due to the socialist transformations first started by the Great October Socialist Revolution in Russia and later by the victorious socialist

¹ Lenin, *Collected Works*, Vol. 24, p. 44.

² *Ibid.*, Vol. 25, p. 404.

revolutions in other countries. The experience gained by the world revolutionary movement serves to confirm the Marxist-Leninist proposition that if socialism is to be built a socialist state must be established as the chief instrument in the transformation of society. This can only be done by substituting a new state machine for the old. This is not to say that *every one* of the old state institutions or officials must go. The idea is that there must be a change in the nucleus of state power, the main elements of the army and police machine and the top echelons of the civil service, all of which have coalesced with the monopolies.

**Old State
Machine Supplanted**

Every revolution turns on the question of state power, and the socialist revolution is no exception. "The question of power cannot be evaded or brushed aside," Lenin wrote, "because it is the key question determining *everything* in a revolution's development, and in its foreign and domestic policies."¹

All previous revolutions never went beyond the switch of power from one group of exploiters to another, which left state power essentially exploiting, and its machinery intact. Whenever the bourgeoisie took over, it did not wreck the old state machine but merely improved it, adapting it to its own purposes and its economic and political order.

In a socialist revolution power is not just relayed from one class to another. There is a clean sweep of the exploiters and the installation of the working classes in power. The socialist revolution has no use for the old, bourgeois state machine, which is geared to the oppression of the working people. It must dismantle the old machine and build a new one in its place to fit the requirements of a society building socialism.

It was Marx, summing up the experience of the French revolution of 1848-49 in his *Eighteenth Brumaire of Louis Bonaparte*, who first said that the old state machine must go.

Lenin believed this to be the essence of the Marxist doctrine of the state. His thorough study of the works of Marx and Engels and the revolutionary experience since their day enabled him to elaborate on their idea, work out

¹ Lenin, *Collected Works*, Vol. 25, p. 366.

the ways and means of scrapping the exploiting state machine, and produce a clear-cut plan for the revolutionary transformation of the state from top to bottom.

In Russia, the socialist revolution at once called a popular assembly which took over all state power. It was the Second All-Russia Congress of Soviets, which legislated out the old state system and legislated in the new one. That was the decisive step in the dismantling of the bourgeois state machine and the erection of the new one.

In place of the broken down military machine, the victorious people set up the Workers' and Peasants' Red Army; the bourgeois courts were displaced by the People's Courts, in which the working people themselves sat. The Soviet power disbanded the police and the gendarmerie, the oppressive arm of the old state, and set up a people's militia to maintain revolutionary public order and provide protection for the working people's interests. A socialist administration was substituted for the bureaucratic civil service. All the powers of government were vested in the popularly elected Soviets of Workers', Soldiers' and Peasants' Deputies. This marked the end of the organs of oppression, and the establishment of organs operating on new principles in safeguarding the working people's interests.

Although the old state machine was being pulled down in a non-peaceful revolution, which had been started by an armed uprising, the Soviets took great care to avoid any wanton destruction.

Before the revolution ever got under way, Lenin was saying that there should be a differentiated approach to the several parts of the old state machine. The victorious people must destroy the instruments of oppression, like the army and the general staff, the police, the gendarmerie, the courts and the Procurator's Office, all of which were structured and operated on principles the people have no use for. But they must retain the state syndicates, the banks, the postal and telegraph services, the transport and public utility boards, etc., which run industry, keep records, accounts and statistics, and perform other administrative functions.

Lenin emphasised the role of the banks as an excellent apparatus and a part of the bourgeois state machine which the people should take over in working order, taking care

to destroy nothing but only to cut off the threads linking it with the bourgeoisie. He also said the people should take over from state-monopoly capitalism its machinery for accounting and regulating economic activity, and use it in their own interests.

Lenin's ideas of breaking up the old state machine were applied during the Great October Socialist Revolution. The Soviets introduced workers' control, set up new state organs for running the economy, and turned the banking system into an instrument of socialist accounting and control of production. Soviet commissars were appointed to all private banks to exercise control over their operations under the guidance of the People's Commissariat for Finance.

The Soviet state also made wide use of the old production associations and the various regulatory agencies run by monopoly capitalism. Some of these were fully integrated with the new system of economic organs, others served as a basis for new associations of nationalised enterprises, such as the associations of mining, metallurgical, chemical enterprises and plants and textile mills located in the Urals and the south of the country.

The socialist revolution in Russia showed that the dismantling of the old state machine does not necessarily entail the destruction of all its parts. Marxists do not see the process as being one of destruction only, but as a way of moving forward to the new state, which means carrying along all the positive elements developed at the earlier stages of the state and law.

This proposition, which applies even in a non-peaceful socialist revolution, is of especial importance in a peaceful revolution. What is more, a peaceful socialist revolution is hardly conceivable without continuity, preservation and use of some of the most important elements of the old state machine.

This is borne out by the socialist transformations in the People's Democracies, where the revolution was relatively peaceful. In almost all these countries there was no instant break-up of the old state machine, which the revolutionary forces continued to use for a long time, adapting many of its parts to the tasks of the socialist revolution. The old state machine was not supplanted overnight, but was transformed and renewed step by step, through a change in the

class content of the traditional forms of bourgeois democracy, and a gradual development of the socialist state.

At the current stage of the world revolutionary process, with prospects for a peaceful transition to socialism opening up before a number of capitalist countries, there is even less reason to pull down the whole of the old state machine. With a majority in parliament, the working class could turn this vital part of the bourgeois state system into an instrument of its will, not destroying it but stripping it of everything that prevents parliament under capitalism from being a truly representative and popular institution.

Of course, even when the socialist revolution goes this way, it must destroy all the patently oppressive, aggressive-militarist elements of the state machine which are specifically designed for social coercion, such as the secret police and the gendarmerie, the military-political and economic intelligence agencies, the outfits for sabotage and espionage abroad, and the military-diplomatic service catering for aggressive military-political blocs and the economic enslavement of weaker countries.

But there is no doubt at all that there will be something specific in each country in the break-up of the old machine and the erection of the new in the course of revolutionary change, depending on such factors as the level of development of state-monopoly capitalism, under which various state agencies are set up to manage the economy, promote technical progress, etc., which, like communications, public health, etc., cannot be placed on a par with the police or the secret service.

Another factor (largely arising from the former) is that the bourgeois state machine enormously inflated now employs a larger body of officials, many of them in the middle and lower grades, whose social condition is much more akin to that of the workers than to that of the senior civil servants of company executives. This democratic section of the civil service will naturally be employed by the new state.

There are also the traditions developed over the centuries, the mental cast of the nation and its attitude to various state institutions. But whatever the interplay of these factors, it is the primary task of the socialist revolution to

create a new state machine, making use of any parts of the old it may find useful.

That is the essential part in setting up the socialist state, the chief instrument wielded by the working people as they transform social relations on socialist lines.

Diversity of Form

That the socialist state can assume a variety of forms is a major tenet of Marxism-Leninism, which explodes the charge that the Communists must standardise political forms. No form of socialist state can be imposed on any society: it arises as the immediate outcome of the people's struggle for emancipation in each country and bears the mark of the historical conditions in which that struggle is carried on. That is why all new socialist states, while being alike in their essentials, assume different political forms in different countries.

This is a law Marxism did not discover all at once. Marx saw the need for the dictatorship of the proletariat and realised that the way to it lay through the socialist revolution and the destruction of the bourgeois state machine, but he expected the mass revolutionary movement to provide the answers as to the concrete forms the organisation of the working class would take when it came to power.

The first came from the Paris Commune on March 18, 1871. Despite its failures and short-lived existence, it showed that the working class took a creative approach to the state. It did away with the bureaucratic machine in whose stead it installed elective officials who were responsible to the people and who could be recalled by them at any time. The Commune disbanded the old army and the police, the chief instruments of the political power of the ruling classes, and in their stead set up a national guard consisting of all citizens capable of bearing arms. The Commune abolished the bourgeois parliament and set up a body which for the first time had executive as well as legislative powers. Marx said it was not a parliamentary talking shop but a working corporation. The revolutionary experience of the Paris workers suggested to Marx and Engels that a socialist republic on the lines of the Paris Commune was the best political form of socialist state. They also believed that the socialist state could assume other forms, but that these would all be of the Paris Commune type. As one

example, Engels spoke of the democratic republic as a specific form of socialist state adapted to the implementation of the revolutionary tasks of the working class, closely allied with the people and assuring the working people of political domination.

Lenin analysed social development through history and drew on the revolutionary experience in Russia and Europe to prove that the forms of state power supplanting the bourgeois state could be highly diverse, but that they would all be in essence socialist. "All nations," he wrote, "will arrive at socialism—this is inevitable, but all will do so in not exactly the same way, each will contribute something of its own to some form of democracy, to some variety of the dictatorship of the proletariat, to the varying rate of socialist transformations in the different aspects of social life."¹

Lenin subsequently gave a sound substantiation of the factors on which the political forms of the socialist state depend, and showed that the greatest importance attached to the revolutionary initiative of the masses and the conscious activity of the working class which takes account of the national specifics of each country and of the experience of the international working-class movement. However, the crucial factors were not subjective desires but the balance of class forces in the revolution and the acuteness of their clash. The broader the alliance between the working class and the peasantry and other democratic forces—the broader the social base of the revolution—the more democratic the forms and methods of the proletarian dictatorship.

The Republic of Soviets of Workers', Soldiers' and Peasants' Deputies was the state form of the dictatorship of the proletariat in Russia; it sprang from the demands of the working-class struggle in Russia and was created by the masses. The first Soviets made their appearance in the Russian revolution of 1905, but they were dispersed by the tsarist government only to re-emerge in the revolution of February 1917.

Lenin made a great contribution to revolutionary theory by discovering the Soviets as a new political form of the dictatorship of the proletariat. He said that in Russian

¹ Lenin. *Collected Works*, Vol. 23, pp. 69-70.

conditions they were the best form of the socialist state in the period of transition from capitalism to socialism.

The Republic of Soviets brought out most fully the specifics of the socialist state, as a new type of state, but the concrete historical conditions of the construction of socialism in the U.S.S.R. also brought out the specifics of the Soviet form of dictatorship of the proletariat.

The working class of Russia met with the fiercest resistance from the overthrown classes, and so had to fight them in ways which are not necessarily a feature of socialist state activity. "We," Lenin wrote, "had to exercise the dictatorship of the proletariat in its harshest form."¹

This also explains why the Soviets had to curtail democracy in some ways, like denying electoral rights to the exploiters (landowners, capitalists and kulaks) and the most vicious agents of the old regime (gendarmes, policemen and secret-service men). The victorious working class was forced to respond in that way to counter-revolutionary action by the working people's enemies. In other words, the bourgeoisie and the remnants of the exploiting classes got themselves into a position in which the Soviet state was forced to deny them participation in forming the organs of power.

Let us note, however, that they were a tiny minority, the exploiters, whereas the absolute majority of the population enjoyed all democratic rights. As socialism was consolidated, the proportion of those deprived of electoral rights was reduced. Lenin wrote in 1919: "Even now the disfranchised persons in Russia constitute barely two or three per cent of the population."²

The class nature of the elections was enhanced by the fact that the Soviets in town and country were not elected on the territorial but the production principle, that is, at the plants and factories, in the army units and the villages, which ensured the election of workers, peasants and working intellectuals who sided with them. That is why, the Soviets of Workers', Peasants' and Red Army (Soldiers') Deputies—as their name indicates—were a form of social state organisation on avowed class lines.

Lenin insisted that this curtailment of electoral rights

¹ Lenin, *Collected Works*, Vol. 28, p. 207.

² *Ibid.*, Vol. 29, p. 125.

was not a general but a specifically national feature of the dictatorship. A study of the conditions in which the Russian revolution took place and the specific way it went forward will show why electoral rights had to be curtailed. It would be a mistake, Lenin said, to insist that all or most proletarian revolutions of the future would necessarily curtail the electoral rights of the bourgeoisie. The situation might, of course, demand such a step, but "it is not *absolutely necessary* for the exercise of the dictatorship, it is not an *indispensable* characteristic of the logical concept 'dictatorship', it does not enter as an *indispensable* condition in the historical and class concept 'dictatorship'".¹

Because Russia was largely a peasant country, the proportions of representations in the Soviets were different for the two classes: the working class, a minority, was given some political advantages to enable it to exercise guidance of the peasant masses and other non-proletarian sections of the working people.²

The concrete conditions of the class struggle also explain why the Soviet form of the dictatorship of the proletariat is a one-party system, which is not a necessary feature of the socialist state either.

In the early days after the October Revolution, members of other parties were elected to the Soviets and to congresses of Soviets, and at one time the Socialist-Revolutionaries were even in the Government. But these parties refused to collaborate with the Communists and went over to the counter-revolutionary camp; this cost them the support of the masses, and they had to leave the stage of history, leaving the Communists as the only political party. This state of affairs was definitely not achieved through the use of force against the other parties.

The People's Democracy is another form of socialist state produced by the international revolutionary movement. After the Second World War it was established in a number of countries in Central and South-East Europe and Asia. The People's Democracy is essentially no different from

¹ Lenin, *Collected Works*, Vol. 28, p. 256.

² The 1918 Constitution of the R.S.F.S.R. set the quota for all-Russia congresses of Soviets at 1 deputy for 25,000 inhabitants for urban Soviets, and 1 deputy for 125,000 inhabitants for gubernia (regional) Soviets.

the Soviet form of democracy, but has some specifics because the revolution develops in the face of a weakened imperialism, with the balance of world forces tilted in favour of socialism, and because each country has its own historical and national conditions.

The People's Democracy was a new form of socialist state established under an arrangement of world forces which differed from the one under which the Soviets were established. In the course of the war of liberation against fascism and militarism, a united front of anti-fascist, democratic forces under the leadership of the working class and its Party was formed in the countries now known as the People's Democracies. It included sections of the peasantry, a considerable section of the petty and middle bourgeoisie and the intelligentsia. Popular fronts develop in the working people's struggle for power and remain during the construction of socialism; they are a novel form of alliance between the working class, the peasantry, the intelligentsia and the petty-bourgeois sections, which is led by the working class.

Because the dictatorship of the proletariat had a broader social base, the People's Democracy has a multiparty system, whereas in Russia not only the bourgeois and land-owner but also the petty-bourgeois parties were opposed to the socialist revolution. In the People's Democracies many of them supported the transition to social change, accepting the leadership of the Marxist-Leninist Party and actively collaborating with it in socialist construction. There is a multiparty system, for instance, in Poland, Bulgaria and Czechoslovakia.

Under the democratic people's form of dictatorship of the proletariat there has not been, as a rule, any abridgement of electoral rights by social origin. Where it has been practised, as in the Rumanian People's Republic, it applied to a handful of traitors, criminals, collaborators and other disloyal elements. But as the socialist state was consolidated even these insignificant abridgements of electoral rights were lifted.

The People's Democracy also differs in government and administrative structure. Its state machine is built up through peaceful and gradual change, as the most reactionary elements of the old machine (the army, the police,

etc.) are removed, with the rest of it recast for the needs of socialist construction. In this process, some countries retain a modified form of traditional parliamentary representation, like the National Assembly in Czechoslovakia and the Sejm in Poland. Besides, each People's Democracy has some specifics in its system of state organs, electoral system, forms of direct participation by the working people in production management, etc. The Democratic Republic of Vietnam, the Czechoslovak Socialist Republic and the Socialist Federative Republic of Yugoslavia have presidents, who are not independent of their higher representative institutions but do their will and are responsible to them. In the Polish People's Republic, the German Democratic Republic and the Hungarian People's Republic each constituency sends several deputies to the organs of state power. In the Democratic Republic of Vietnam the electoral system gives the large towns and industrial centres greater representation in the National Assembly to strengthen the governing role of the working class. The forms in which the working people take direct part in production management are highly specific (e.g. factory plant councils in Hungary, workers' self-management conferences in Poland, economic councils in Czechoslovakia, and workers' councils in Yugoslavia).

The experience gained in the Soviet Union and the People's Democracies serves to confirm that the socialist state may assume diverse forms, while remaining essentially the same, a fact that warrants the assumption that new forms of state may eventually emerge. It may well be that in countries with long traditions of parliamentary democracy, the socialist type of parliamentary republic may become a form of dictatorship of the proletariat with various national modifications. These may affect not only the scale and pace of initial socialist transformation, methods of expropriating the bourgeoisie and solutions for the land problem, but also the role of parliamentary institutions, formation of new organs of power and administration, participation of non-proletarian parties in socialist construction, etc.

With imperialism no longer having a preponderance in the international arena, any future socialist state can expect to function in more democratic forms and with the use of

milder and more flexible methods than the U.S.S.R. and even the People's Democracies could afford. In this context, there is great interest in what Lenin said to the Communists of the Transcaucasus in 1921. He compared the conditions in which the dictatorship of the proletariat was established in the Russian Federation with those in which the Republics of the Transcaucasus had just emerged, and said: "We fought to make the first breach in the wall of world capitalism. The breach has been made. We have maintained our positions in a fierce and superhuman war against the Whites, the Socialist-Revolutionaries and the Mensheviks, who were supported by the Entente countries, their blockade and military assistance.

"You, Comrade Communists of the Caucasus, have no need to force a breach. You must take advantage of the favourable international situation in 1921, and learn to build the new with greater caution and more method. In 1921, Europe and the world are not what they were in 1917 and 1918."¹

Let us note the two factors connected by Lenin with the forms of socialist state and the methods of its operation: no civil war and a more favourable international situation. He believed that these two factors would enable the proletariat to exercise its dictatorship in other forms.

"You will need to practise more moderation and caution, and show more readiness to make concessions to the petty bourgeoisie, the intelligentsia, and particularly the peasantry....

"What the Republics of the Caucasus can and must do, as distinct from the R.S.F.S.R., is to effect a slower, more cautious and more systematic transition to socialism."²

Especial importance attaches to Lenin's behests now that these two favourable factors are much more pronounced. The Communist and Workers' Parties in the capitalist countries are guided by them in putting forward their programme for the establishment of a socialist state through the wide use of parliament and other traditional democratic institutions. The programmes of some Communist Parties

¹ Lenin, *Collected Works*, Vol. 32, pp. 317-18.

² *Ibid.*, p. 317.

state specifically that in their conditions the parliamentary republic may well be the best form of socialist state.

The sweep of national liberation revolutions across Asia, Africa and Latin America and the real prospect of their growing into socialist revolutions may produce new political forms of socialist state. Lenin said that "the subsequent revolutions in Oriental countries, which possess much vaster populations and a much vaster diversity of social conditions, will undoubtedly display even greater distinctions than the Russian revolution".¹

National democracy may well be a form of socialist state for many countries emerging from colonial dependence, which have taken the non-capitalist way of development and which are already implementing socialist transformations.

The idea of setting up a state assuring the emergent countries of the possibility of rapid social progress was put forward by the 1960 Meeting of Communist and Workers' Parties in a Statement saying that national democracies are states which:

a) consistently safeguard their political and economic independence, opposing imperialism and its military blocs, and military bases on their territory;

b) fight against all new forms of colonialism and the intrusion of *imperialist capital*;

c) repudiate dictatorial and despotic methods of government;

d) assure the people of broad democratic rights and freedoms (freedom of speech, press, assembly, manifestation, formation of political parties and mass organisations, the possibility of working for land reform and implementation of other democratic and social demands, and a say in shaping the policy of the state).

National democracy is a social coalition whose political basis is a bloc of all the progressive and patriotic forces fighting for full national independence, broad democracy, and completion of the democratic, anti-imperialist and anti-feudal revolution.

Of course, national democracy is not a socialist state, but only a transitional form of state reflecting the specific tran-

¹ Lenin, *Collected Works*, Vol. 33, p. 480.

sition of the national democratic revolution to a higher stage, that of socialist change, but because the national democratic state secures the non-capitalist way of development it may eventually grow over into a socialist type of state.

3. The Essence of the Socialist State

Marxism, you will recall, regards the state as a class political institution, and we should naturally view the socialist state in this light if we are to discover its social essence and its part in the history of human development.

The socialist revolution sets itself the task of transforming the old society, and is followed by a rapid succession of radical changes in all key spheres of social life. There is everywhere a transition from the principles of social life produced by the bourgeois system to socialist and then to communist social principles. In all of this the socialist state has a most important part to play.

The period of transition from capitalism to socialism is the first great stage through which society passes in its development after the revolution has triumphed. In economic terms, the essence of this transitional period is the revolutionary liquidation of capitalist property in the implements and means of production and the capitalist system of economy based on it, and the establishment and consolidation of socialist property and the socialist system of economy. Other tasks are to overcome the multistructured economy, transform small-commodity production on socialist lines and create the material and technical basis of socialism.

**Dictatorship
of Proletariat: Historical
Necessity**

A political transition period corresponds to the period of revolutionary economic change, and it is marked by a sharp class struggle between the proletariat, which has taken political power, and the bourgeoisie, which has been ousted but is still fighting back. The proletariat conducts this class struggle in alliance with the peasantry and other democratic sections of the population, educating them in a socialist spirit and helping them to get rid of petty-bourgeois traits. In these conditions, the socialist state,

whichever way it is established, and whatever the forms it assumes, can be nothing but a revolutionary dictatorship of the proletariat.

The idea of the dictatorship of the proletariat was put forward by Marx, who had made a profound summing-up of experience in the class struggle. It was aimed both against popular utopian and reformist illusions, that the bourgeois state and bourgeois democracy could be used to eliminate capitalism and exploitation, and against the ultra-revolutionary views of the anarchists, who said the new society could be built without state or government.

Marx's best service to mankind was his discovery of the great law governing social development, under which any political, religious, philosophical or other type of struggle is actually nothing but a more or less clear-cut expression of the struggle of classes, and this in turn is determined by their economic condition and the degree of development of their mode of production. Marx developed his doctrine of the class struggle to a point where the dictatorship of the proletariat is a recognised historical necessity.

Marx proved the correctness of this in his early works, although the term itself—dictatorship of the proletariat—was still to be coined. The enemies of communism have tried hard to prove that it does not flow from the essence of his views, and that it was only a slip of the tongue, a term first used accidentally only in 1875 in the *Critique of the Gotha Programme*.

In our own day, the enemies of communism have made similar attempts, but the trick has become too transparent. A close study of the early works written jointly by Marx and Engels shows them giving a theoretical substantiation of the dictatorship of the proletariat, an idea they subsequently elaborated into a harmonious and integrated doctrine.

They say that *dictatorship of the proletariat* is the political and state power of the working class in the period of transition from capitalism to socialism. They gave theoretical proof, subsequently borne out in practice, that the proletariat's power being the broadest kind of democracy for the working people is an instrument of the proletariat's political domination over the bourgeoisie whose resistance needs to be suppressed. It is called the dictatorship of the

proletariat, because its central element is the proletariat's leadership of the whole mass of working people, and an alliance between the working class and the peasantry and other sections of the labouring people. Lenin wrote:

"If we translate the Latin, scientific, historico-philosophical term 'dictatorship of the proletariat' into simpler language it means just the following: only a definite class, namely, the urban workers and the factory, industrial workers in general, is able to lead the whole mass of the working and exploited people in the struggle to throw off the yoke of capital, in actually carrying it out, in the struggle to maintain and consolidate the victory, in the work of creating the new, socialist social system and in the entire struggle for the complete abolition of classes."¹

Consequently, dictatorship of the proletariat, a scientific concept, has nothing in common with the conventional, even if very popular, view of dictatorship, as unlimited power wielded by a dictator or a group of persons who have usurped power and are holding on to it by violent terroristic means. From the Marxist standpoint, any state resting on a society with antagonistic classes is a dictatorship of the economically dominant class. That is not to say that the dictatorship is necessarily exercised by dictatorial methods. However, all criticism of Marxism is frequently based on the identification of these two quite distinct meanings of the term dictatorship.

The Marxist expression "a state of bourgeois dictatorship" merely means "a state in which power belongs to the bourgeoisie" (although power may be exercised either democratically or by violent, dictatorial means or a combination of the two). Similarly, the expression "a state of proletarian dictatorship" can be adequately rephrased as "a state in which power belongs to the working class".

The idea that the dictatorship of the proletariat is historically necessary for moving from capitalism to socialism was put forward more than a hundred years ago and has been attacked in every imaginable way. In fact, you might say that, clear and simple though they are, no two other words have drawn so much absurd abuse, lies and malicious invention. What is more, these attacks by the ene-

¹ Lenin, *Collected Works*, Vol. 29, p. 420.

mies of socialism have grown in ferocity as life furnished more and more evidence that the Marxist doctrine of the dictatorship of the proletariat was correct and that it showed the working people a true and reliable way to emancipation from the crushing rule of capital, exploitation, unemployment and poverty.

These attacks have become especially fierce and subtle in the recent period, when it became abundantly clear that the dictatorship of the proletariat had played a great transforming and organising role in the construction of the new life in freedom, and when the international working class and its socialist system became central to the contemporary epoch and are increasingly instrumental in determining the course of social development in the interests of peace, democracy and socialism. All the forces, ranging from Catholic professors to disguised agents of the bourgeoisie in the the working-class movement—reformists, revisionists and other vulgarisers of scientific communism—have joined in the crusade against the dictatorship of the proletariat doctrine.

Among the false arguments in their arsenal, special accent has been recently laid on the assertion that in the light of historical social development the dictatorship of the proletariat is "illegal". The enemies of Marxism have tried to prove that the dictatorship of the proletariat has no place in history at all, and that wherever it has been established it is the result of pure chance ably used by the Communists. The American bourgeois professor, John Shelton Curtiss, says that the dictatorship of the proletariat won out in Russia in October 1917 only because of the numerous mistakes, miscalculations and general bungling by the Provisional Government.¹

This theory of bungling is also propounded by bourgeois historians Michael Florinsky, Frederick Schuman, and W. Chamberlain, who say that the Provisional Government's fatal error was its failure to conclude peace and give land to the peasants. But for that the dictatorship of the proletariat would never have been established. The West German historian von Rauch insisted that the estab-

¹ See John Shelton Curtiss, *The Russian Revolutions of 1917*, Princeton, New Jersey, New York, Toronto, London, 1957, pp. 70-71.

lishment of the socialist state in Russia was an aberration from the "rules of civilisation", and the result of "street anarchy" which the Communists organised to destroy democracy.¹

It is not only the bourgeoisie and its ideologists that have been fighting the Marxist-Leninist idea of the historical necessity of proletarian dictatorship. Many of those who pay lip-service to socialism have also been actively fighting it, and the attitude of the Right-wing Social-Democrats and social-reformists is especially revealing. They say that the dictatorship of the proletariat is not an obligatory general principle, because within the framework of the Western—bourgeois—democracy, socialism can be established without any class struggle. That the transition to socialism in all countries has occurred through the dictatorship of the proletariat, they say, is the result of specific, accidental and, in fact, unique circumstances.

This is not the first such attempt on the part of the enemies of Marxism. Back in 1918, Lenin exposed the theoretical groundlessness of this false concept and proved that the establishment of the proletarian dictatorship was a natural development of the class struggle, a necessary and inevitable step in the socialist revolution.

Lenin refuted the reformist and anarchist distortions and safeguarded the Marxist doctrine of the dictatorship of the proletariat. But on the strength of the experience gained by the international and Russian working-class movement he went on to develop it to a higher stage. Elaborating on the propositions of Marx and Engels, he proved that they had not invented the idea of the dictatorship of the proletariat, for it was a product of definite objective conditions which made it historically necessary and inevitable. He wrote: "Forward development, i.e., development towards communism, proceeds through the dictatorship of the proletariat, and cannot do otherwise, for the *resistance* of the capitalist exploiters cannot be *broken* by anyone else or in any other way."²

¹ For an argued critique of these inventions see E. N. Gorodetsky, *Rozhdeniye sovietskogo gosudarstva* (*Birth of the Soviet State*), Moscow, 1965, pp. 21-23.

² Lenin, *Collected Works*, Vol. 25, p. 461.

Consequently, the first objective condition for the establishment of the dictatorship of the proletariat is the existence in society of exploiting classes which resist the socialist transformations effected by the working class.

There is much history to show that all revolutions have had to overcome the resistance of reactionary classes, and this is even more inevitable in a socialist revolution, which is the most profound social transformation, resulting in a total abolition of private property and exploitation of man by man. That is why wherever socialist transformations are carried out the exploiters will inevitably try to block them in an effort to restore and preserve the old order. That is why, too, the working class and its allies are left with no alternative but to suppress the resistance of the exploiting classes, that is, to exercise their dictatorship over these classes.

The objective conditions in any country in revolutionary transition from capitalism to socialism after the overthrow of the bourgeois power are shaped in such a way that the working class cannot achieve its main task—construction of a new society—without setting up its own state system, which functions as the dictatorship of the proletariat.

In fact, the basic distinction between the socialist revolution and all other revolutions is that the conquest of power by the working class is not the end, but the beginning of the revolution. Bourgeois revolutions, for instance, started out with ready-made forms of the capitalist structure which had taken shape in the entrails of feudal society. Accordingly, their task was to bring political power into line with the existing capitalist economy. This was achieved through a simple seizure of power by the economically dominant class, that is, the bourgeoisie. There, we might say, was the end of every bourgeois revolution.

The proletarian revolution begins without any ready-made forms of the socialist economy, so that the transfer of state power into the hands of the working class is its very first step. To bring the state and the new political superstructure into a line with the economic basis there is need to abolish the old relations of production and create new, socialist relations of production.

History shows that the task of creating the socialist mode of production is the most difficult and complex one, and requires a special transitional period for its solution.

One of the great problems which the working class confronts in every country lies in the multistructural economy and the consequent diversity of society's class structure. In the first period of the revolution there are normally three structures—the socialist, the petty commodity and the private capitalist—with their corresponding classes: the working class, the peasantry and the bourgeoisie. The latter's political domination has been overthrown, but it has not disappeared altogether. Such an arrangement of economic and class forces, with various national distinctions, is characteristic for every country starting on the transition from capitalism to socialism. In Russia, the tasks of the transition period were complicated by the existence of five economic structures. In addition to the three main ones, there was the patriarchal, peasant economy, which was almost entirely on a subsistence level, that is, with production for personal consumption. The fifth, state capitalism, was mainly in the form of concessions which the proletarian state granted to foreign capitalists on special terms.

The main features of the economy, class relations and, consequently, the character of the new state system and the basic principles underlying its policy in the transition period are determined by the struggle between socialism, which has been born but is still economically weak, and capitalism, which has been overthrown, but which is still strong and which has its roots in the petty-commodity economy. The socialisation of this scattered and fragmented petty-commodity economy is the most difficult task of the socialist revolution and is, in fact, more difficult in many respects than dispossessing the exploiting classes. These difficulties spring not only from the fact that petty-commodity production as such is the least susceptible to direct state regulation. The main thing is that the class of small proprietors, above all the peasantry, is the chief ally of the working class, and so the proletarian state cannot deal with it by means of expropriation and suppression. On the contrary, the state stands to gain from stable economic and political ties between the working class and the peasantry and other democratic sections of the people. The working class uses dictatorial methods against the bourgeoisie and its henchmen, when the situation calls for them, but it never uses the same methods against the peasantry

and its other democratic allies. The working class guides them towards socialism by persuasion, example and extensive organisational effort. Lenin described the diversity of methods used by the new state power as follows:

“Only the proletariat may dominate. But this is applied in one way to the small peasant, in another to the middle peasant, in another to the landowner, and in yet another to the petty bourgeois.”¹

Consequently, the other factor exerting an influence on the character of state power in the transition period is the existence of non-proletarian classes and sections of the working people, like peasants, handicraftsmen, artisans and traders. These have a twofold social nature: on the one hand, they are toilers like the working class, and on the other, proprietors with bonds in petty-commodity production, which makes them liable to vacillation like all petty-bourgeois elements. There lies the source of their peculiar resistance to the new system. Lenin emphasised that in contrast to the bourgeoisie whose resistance is deliberate, this section of the working people, dulled by petty-bourgeois habits and traditions, mostly resist the new development quite unconsciously.

“What is needed to enable the proletariat to *lead* the peasants and the petty-bourgeois groups in general is the dictatorship of the proletariat, the rule of one class, its strength of organisation and discipline, its centralised power based on all the achievements of the culture, science and technology of capitalism, its proletarian affinity to the mentality of every working man, its prestige with the disunited, less developed working people in the countryside or in petty industry, who are less firm in politics.”²

You will recall that the dictatorship of the proletariat is a historical necessity for all countries taking the socialist path because of the various resistance of the exploiters and the consequent class struggle which does not disappear all at once with the triumph of the socialist revolution and the establishment of the working-class power. What is more, the class struggle in the transition period sometimes assumes very acute forms and becomes a life-and-death issue.

¹ Lenin, *Collected Works*, Vol. 28, p. 214.

² *Ibid.*, Vol. 29, p. 389.

It should be borne in mind that the pitch and form of class struggle is different in each country as it passes from capitalism to socialism, but no country can escape the class struggle. The establishment of the dictatorship of the proletariat does not mark the end but a continuation of the class struggle which is henceforth conducted in other forms.

In a summary of his pamphlet, *The Dictatorship of the Proletariat*, Lenin listed five new forms of class struggle conducted by the proletariat wielding political power:

First, suppression of the exploiters' resistance, a form of class struggle which may become especially severe because of bourgeois plots, mutinies and sabotage.

Second, civil war, which, because of the bourgeoisie's international ties, may be coupled with foreign intervention.

Third, "neutralisation" of the petty bourgeoisie, notably the peasantry, to prevent its swinging towards the bourgeoisie.

Fourth, utilisation of the bourgeoisie and bourgeois specialists, including not only suppression of resistance, or "neutralisation", but "setting them to work, compelling them to serve the proletariat".

Fifth, inculcation of a new discipline, and development of the communist attitude to work.¹

Historical experience has shown that there is no need for every country to have all these forms of class struggle in its transition from capitalism to socialism. Where the internal and international conditions of transition are more favourable than in Russia, it is possible to avoid civil war and foreign intervention. Peaceful forms of class struggle are brought to the fore, such as "utilisation" of bourgeois specialists to help organise socialist production, and even re-education of the national bourgeoisie. But there again, the main aspect of the class struggle is the question, who wins out: socialism or capitalism? The transfer of power into the hands of the working class and consolidation of the socialist state system means that the question is being decided in the political sphere. Relying on its state power, the working class conducts its struggle in the economic and cultural spheres to bring about a complete liquidation of the exploiting classes and secure the triumph of socialism. Thus, the dictatorship

¹ See Lenin, *Collected Works*, Vol. 30, pp. 96-98.

of the proletariat, a necessary consequence of the class struggle, is at the same time its most important instrument.

Anti-communists have tried to distort the essence of the proletarian dictatorship by insisting that after the victory of the socialist revolution in Russia and a number of other countries, the proletariat remained in a minority, which made the socialist state a dictatorship of that minority over the majority. This is a false line of reasoning because the dictatorship of the proletariat is a special form of alliance between the working class and the peasantry and other sections of the working people, whom it guides and helps in their voluntary transition to socialism.

The socialist state works to consolidate and consequently implement this alliance, acting as its political organisation.

Thus, state power is in the hands of the classes which were left out of the political life under all earlier state systems. It is in the hands of those who constitute the most important productive force. The proletariat acts as a guide in the utilisation of the objective laws governing social development in the interests of society as a whole, because it has no desire to retain governing positions in society for selfish ends, but wants to lead a creative drive to build socialism and communism, and works to achieve its aim in close alliance with all the working people with whom it has common tasks and aspirations and a common stake in the victory of socialism and communism. State power becomes a lever for the revolutionary transformation of society in the interests of the working people.

In virtue of this, the dictatorship of the proletariat, even where the working class does not constitute a majority of the population, is state power expressive of the interests of all the working people, that is, of the overwhelming majority of the population, and this is what makes it so profoundly democratic.

Role of Coercion

Like any class dictatorship, the dictatorship of the proletariat is connected with coercion, that is, the suppression of one class by another. Bourgeois ideologists do not admit that their state is a class dictatorship, but Communists say that in some conditions state coercion is necessary and inevitable. So their enemies declare the proletarian state to be anti-democratic and totalitarian, a regime maintained by

violence, arbitrary acts and lawlessness, and insist that this flows from the very essence of the Marxist-Leninist doctrine.

That is a distortion of Marxism-Leninism and a deliberate attempt to obscure the essence of the socialist state system. Communists are consistent supporters of the dictatorship of the proletariat, but they are also the most resolute champions of democratic ideals.

"Violence is ... alien to our ideals," Lenin wrote. "The entire trend of development is towards abolition of coercive domination of one part of society over another."¹

Communist strategy and tactics, including those in state construction, strictly conform to the materialist doctrine that economic relations are the mainspring of social development. But communist doctrine also gives a clear-cut definition of the role coercion has to play in changing the forms of social life because, in effect, no new social system is established without coercion.

A look at history will show that when the bourgeoisie establishes its power it not only readily resorts to the use of armed force against its opponents, but proclaims the right of the people to exercise coercion in their fight for a new social order. The Declaration of Independence of 1776, a key document of the American bourgeois revolution, says that it is not only the right but the duty of the people to alter or to abolish the old form of government when it runs counter to their interests.²

The French bourgeois revolution of 1789 was a success and had a tremendous influence on the advance of the revolutionary process in many other countries mainly because it carried out deep-going anti-feudal changes, without stopping at the use of force to put down the old feudal classes, and guillotined King Louis XVI, the chief feudal lord. The Communists never censured the bourgeoisie for using force against the feudals and the landed reactionaries, because in that period it was progressive and revolutionary.

But this has nothing to do with the bourgeoisie's use of force against the majority of the working people, once it

¹ Lenin, *Collected Works*, Vol. 23, p. 69.

² See *Konstitutsii burzhuaznykh stran (Constitutions of Bourgeois Countries)*, Vol. 1, Moscow, 1935, p. 16.

is in power, to preserve obsolete social relations and a reactionary form of government. It is natural, therefore, for the people to refuse to submit to the force used by the imperialist bourgeoisie and to fight it, and for the Communists fully to support them and, in fact, act as their vanguard. The working class and its allies must themselves make revolutionary use of force to overcome and do away with the reactionary coercion of the bourgeoisie. Lenin repeatedly warned against the utopian illusions that capitalism would collapse and socialism be instituted on a world scale through the automatic operation of economic factors and peaceful evolution, without a long and fierce class struggle and a series of the most acute clashes between the revolutionary and the counter-revolutionary forces.

That, however, is not the result of evil intent on the part of the Communists and revolutionary forces, but of the resistance put up by the bourgeoisie in an effort to preserve its economic and political domination through the use of armed force. The revolutionary forces have no alternative but to respond with violence, a legitimate and historically justified course. Strictly speaking, it is not even compulsion, but action necessary to clear the way for pressing social transformation. After all, no one will accuse the midwife or obstetrician of using force when they assist in the birth of a child even with the use of surgical means. Similarly, the revolutionary forces do not use violence when they assist in the birth of a new society in the natural historical process. On the contrary, violence is used by those who stand up for the old system and try to suppress the socialist and the national liberation movement.

The fact that the proletarian power uses revolutionary compulsion only against the exploiters—an insignificant minority—lends a special character to its function of suppression. In an exploiting state, this function of suppression has been and remains the principal one, but it is never such in a socialist state, for it is always a measure the state is forced to apply in response to violent attempts on the part of the bourgeoisie to restore the capitalist order. The measure of revolutionary compulsion, and the period in which it is exercised, are historically determined by the degree of bourgeois resistance to socialist transformations.

The bourgeoisie will go to any lengths in fighting the victorious proletariat, staging plots and mutinies, organising sabotage and provocations, assassinating revolutionary leaders, spreading slander and corrupting the hesitant and the vacillating. With the support of international imperialism, the Russian bourgeoisie started a civil war in the country. The counter-revolutionaries were willing to let foreign imperialists have vast tracts of Russia's territory; they were prepared to dismember Russia and turn her into a colony, provided they could wrest power from the hands of the working people and restore the old order. International imperialism could not reconcile itself to the existence of a proletarian power in Russia, which was exercising a tremendous revolutionary influence on the working people in the capitalist countries. Fourteen imperialist states mounted an armed attack on the young socialist Republic. Two counter-revolutionary forces—the foreign interventionists and the bourgeois-landowner whiteguards of Russia—pooled their forces in the fight against the power of the workers and peasants. For three years they shed blood in the Soviet Republic, wrecking its industry, destroying its towns and villages and trying to starve its people into submission through a blockade.

In these conditions the Communist Party and the Soviet Government rallied the working people and roused them to a just revolutionary war against the foreign invaders and the internal counter-revolutionaries. It took superhuman effort and entailed inhuman suffering and countless losses in life and property to win out in that fierce struggle and secure the existence of the socialist state.

The socialist state had to be exceptionally firm and resolute, and to respond with revolutionary suppression to the use of violence by the overthrown exploiting classes. This was entirely a forced measure. At first, the proletariat of the Soviet Republic was known to have treated its class adversaries with extraordinary leniency, liberalism and patience. The Soviet Government did not even close down the bourgeois newspapers, and there was no question at all of instituting a reign of terror. It was only after the exploiting classes mounted an extensive campaign against the socialist state that it had to start on their systematic suppression, including the use of extraordinary measures. But

whenever the situation allowed, the Soviet Government returned to other forms of suppressing the resistance of the exploiting classes. Thus, capital punishment was abolished immediately after the victory over Denikin, and before the Civil War was quite over.

Consequently, the charges of terrorism should not be levelled at the working class, but at the bourgeoisie, which forced the dictatorship of the proletariat to use force against it.

That has been admitted by many fair-minded observers. H. G. Wells, for instance, was not a Communist, but after his visit to Russia in 1920, he wrote: "It was not communism that plunged this huge, creaking, bankrupt empire into six years of exhausting war. It was European imperialism. Nor is it communism that has pestered this suffering and perhaps dying Russia with a series of subsidised raids, invasions, and insurrections, and inflicted upon it an atrocious blockade. The vindictive French creditor, the journalistic British oaf, are far more responsible for these deathbed miseries than any Communist."¹ That is quite true. It was not the working class but the reactionaries who were to blame for subsequent violence.

The historical experience of the Soviet Republic, as of other countries, has shown that in every case the overthrown classes resisted the power of the workers and peasants. The reactionary forces have never left the political arena before exhausting all their possibilities of restoring their "lost paradise".

Here are a few examples from the past. When the Paris workers took power on March 18, 1871, one officer was killed and one general was wounded. It was a bloodless revolution. But when the Paris Commune was put down by the counter-revolutionaries, 30,000 Communards were killed. The bourgeoisie has been acting with even greater savagery in the struggle to preserve its power and privileges in the 20th century. You will recall that only a handful of people were killed during the October Revolution in Petrograd in 1917, but the Civil War, started by the counter-revolutionaries, led to unprecedented losses among the working people. When the counter-revolutionaries sup-

¹ H. G. Wells, *Russia in the Shadows*, London, pp. 27-28.

pressed the revolution in little Finland in 1918, they shot and imprisoned more than 20,000 people.

What does all this suggest? Even after the working class has won power it is confronted with resistance, frequently of the fiercest kind, by the reactionary bourgeoisie and its henchmen. That is why the Communists believe that a resolute power, prepared to use force when impelled to do so by the resistance of its class antagonists, is inevitable and necessary in the transition to socialism. They believe that this is the only kind of power that can help the revolution to safeguard its gains and the people's interests.

But what proved inevitable in Russia, where the overthrown classes did not lose hope of a restoration until the very end, is not at all a general rule for the development of the dictatorship of the proletariat. Lenin repeatedly said that wherever the bourgeoisie did not put up such fierce resistance, the tasks of the proletarian dictatorship would be easier, "it will be able to operate without the violence, without the bloodshed that was forced upon us by the Kerenskys and the imperialists".¹

This is borne out by the historical experience of the socialist countries of Europe, and they offer an example showing that the dictatorship of the proletariat may be instituted in very much milder forms, for there the working class succeeded in avoiding civil war and did not have to resort to extraordinary methods in putting down the bourgeoisie.

The present epoch opens up fresh possibilities for instituting the dictatorship of the proletariat in much milder and more democratic forms, but whatever they are, the dictatorship of the proletariat will not work without the use of organised compulsion against resisting exploiting classes. Replying to spokesmen of the propertied classes in 1917, who accused the Communists of wishing to rob and destroy them, Lenin said: "We shall not take your 'last shirt' from you, but shall see that you are provided with good clothes and good food, on condition that you do the job you are fit for and used to."² The dictatorship of the proletariat merely cuts short and puts down the resistance of

¹ Lenin, *Collected Works*, Vol. 29, p. 271.

² *Ibid.*, Vol. 24, p. 363.

the bourgeoisie and holds out to it the possibility of applying its knowledge and skills in building a new society.

Construction and Democratic Development

Although revolutionary compulsion is a necessary aspect of the socialist essence of proletarian dictatorship, it is neither the cardinal, nor the basic one. Marxism-Leninism has furnished convincing proof, fully borne out by history, that the essence of the proletarian dictatorship is not violence or destruction, but creative activity to transform the economy and the entire socio-political structure on socialist lines.

The proletariat does not do it alone, but recruits masses of working people for the task, stimulating their initiative and class consciousness. This makes the dictatorship of the proletariat the fullest and broadest democracy, a democracy for the vast majority of the population, for all working people. That is why it is a political system which, according to Lenin, gives "the maximum of democracy for the workers and peasants, at the same time, it marks a break with *bourgeois* democracy and the rise of a *new*, epoch-making *type* of democracy, namely, proletarian democracy, or the dictatorship of the proletariat".¹

This does not imply either abolition or negation by the socialist state of traditional democratic institutions, rights and freedoms.

Socialist democracy does not start from scratch, but takes over all the progressive and truly democratic achievements of the people in their long struggle for emancipation against the exploiting classes. Classical democratic institutions, like freedom of the individual and freedom of conscience, sovereignty of the people, equality of rights and duties, elective state bodies and officials, parliament as the elected representative of the nation's interests, constitution, referendum, etc., are among the greatest achievements of human civilisation.

Socialist democracy, which emerges in the form of proletarian democracy, or dictatorship of the proletariat, and whose ultimate goal is the construction of communism, does not reject these accomplishments but on the contrary, tries to make them work to the fullest extent, to improve

¹ Lenin, *Collected Works*, Vol. 33, p. 54.

them and to back them up with real guarantees. Socialist democracy fills many of the old institutions with a new content and develops novel forms which are a higher type of democracy. Socialist democracy is characterised both by political freedoms—freedom of speech, press, assembly and manifestation, the right to elect and be elected—and social rights—the right to work and rest and to receive free education and medical treatment, material security in old age and illness or disability.

Socialist democracy goes beyond the mere proclamation of broad rights and freedoms, and guarantees their real exercise by providing the relevant material possibilities.

Furthermore, under socialist democracy citizens enjoy equal rights, regardless of race, nationality, or sex, in every sphere of government, the economy and culture.

Socialist democracy means real freedom for the individual, and its supreme manifestation is freedom from exploitation and economic crises, unemployment and insecurity. These freedoms are the basis of all the others, for they provide security and create real conditions for the development of the full man. That is true social justice.

Finally, socialist democracy means that the working people are broadly involved in government. Through the Soviets—organs of state power, trade unions and other mass organisations, the working people take an active part in running society and the state, in deciding on matters of economic and cultural construction.

Socialist Democracy of the Whole People

Once socialism has triumphed, the elements of democracy of the whole people, which had been intrinsic to the socialist state from the outset, begin to prevail and entirely to determine its essence. All temporary restrictions on democracy arising from the class struggle in the transition period are lifted. Proletarian democracy, a democracy for the working class and its allies, becomes socialist democracy for the whole people.

This transformation does not result from subjective wishes, although they too have a part to play. The working class has never regarded its restrictions on democracy as an end in itself, for it has never set itself the task of perpetuating its power, a fact which sets it apart from all other

classes in power in the past. Their's has mainly been a history of struggle to perpetuate their rule. The working class is the only class in history to declare that it needs political power solely for the transition from capitalism to socialism, for the purpose of eliminating class antagonisms once and for all, transforming all social relations from top to bottom and creating conditions making superfluous any political domination of one group of men by another.

That is why the social and economic changes going forward in connection with the triumph of socialism are crucial for the further development of socialist democracy. In the Soviet Union, the multistructural economy, which is typical for the transition period, was done away with by the mid-1930s. In 1937, 99.6 per cent of basic production facilities was socialist property. The socialist sector accounted for 99.8 per cent of gross industrial output, 98.5 per cent of agricultural output (including the small personal farms of the peasants), 100 per cent of retail trade (including public catering) and 99.1 per cent of the national income.¹ The Soviet Union was transformed into a mighty socialist power with a highly developed industry and mechanised agriculture.

All of this meant that the proletarian dictatorship had solved its most difficult task: it had built a socialist economy. It also marked the end of the economic transition from

Class Make-up of Population in U.S.S.R.
(per cent)

	1913	1928	1937
Industrial and office workers	17.0	17.6	45.7
Kolkhoz peasants and handicraftsmen in co-operatives	—	2.9	48.8
Peasants and handicraftsmen not in co-operatives	66.7	74.9	5.5
Landowners, big and petty urban bourgeoisie, traders and kulaks . .	16.3	4.6	—

¹ See *Dostizheniya sovietskoi vlasti za sorok let v tsyfrakh* (Soviet Achievements Over 40 Years in Figures), Moscow, 1957, p. 9.

capitalism to socialism, the completion of the revolutionary change of the former into the latter, as Marx put it.

With the victory of socialism there were equally remarkable changes in the political sphere, the main one being the radical change in the class structure of Soviet society.

The above table shows that by the end of the transition period, the class composition of Soviet society had undergone a complete change not only in comparison with 1913, but even with 1928. For the first time in history, here was a society without any classes or groups living on the labour of others; master-and-servant relations had been abolished, and with them the exploitation of man by man.

The solution of this main task of the political transition period resulted in a fundamental change in the relationship of classes in the exercise of state power, which is known to be the very essence of politics. With the elimination of the exploiting classes, no social group in the Soviet society has a stake in restoring capitalism. Consequently, there is no one against whom restrictions on democracy, class coercion and dictatorial power need to be exercised. Accordingly, the socialist state was completely divested of its functions of suppressing the resistance of the exploiting classes, and this meant the withering away of a key element of the proletarian dictatorship without which there can be no dictatorship in the real sense of the word.

"The indispensable characteristic, the necessary condition of dictatorship," Lenin wrote, "is the *forcible* suppression of the exploiters as a class. . . ."¹

The victory of socialism brought about substantial changes in the political relations between the working class and the peasantry, its main ally. Marxism-Leninism holds the transition period and the dictatorship of the proletariat to be necessary not only because of the existence of exploiting classes, but also of non-proletarian working sections and classes—the peasantry, the urban handicraftsmen, etc.—who remain after the victory of the revolution. The proletariat had need of state power to remould their petty-bourgeois nature and draw them into the system of socialist relations of production. The solution of this task called for

¹ Lenin, *Collected Works*, Vol. 28, p. 256.

some time in which the creative and organising aspects of the proletarian dictatorship were displayed in full. With the triumph of socialism, the Soviet peasantry became a socialist class and a vehicle of socialist relations of production, something only the working class had been in the transition period.

Having developed into a socialist class, the Soviet peasantry became socially uniform and now acts as a single whole, without falling apart, as it did in the past, into different socio-economic groups: the poor, the middle and the rich. This made superfluous one of the main methods of the proletarian dictatorship which was the differentiated approach to the several sections of the peasantry and the various aspects of the peasant mentality. Defining the tasks of socialist transformation in the countryside, Lenin wrote: "The proletariat, after having defeated the bourgeoisie, must unswervingly conduct its policy towards the peasantry along the following fundamental lines. The proletariat must separate, demarcate the working peasant from the peasant owner, the peasant worker from the peasant huckster, the peasant who labours from the peasant who profiteers."¹ There is the essence of the proletarian dictatorship's political line in respect of the peasantry in the period of socialist change. Once socialism has triumphed completely and the peasantry has been transformed into a socially uniform socialist class, these methods of proletarian dictatorship are no longer required and disappear entirely.

One of the main results of the solution of the tasks in the political transition period was a stop to the class struggle in Soviet society. The reason is obvious. The class struggle implies class antagonisms and clashes, and opposed class positions and interests—elements which exist in the transition from capitalism to socialism and which are a nutrient medium for acute class struggle. They disappear with the triumph of socialism, and the total and undivided domination of socialist property in the implements and means of production rules out any possibility of their re-emergence. The peasantry is no longer of a twofold character and has become a socialist class. Although the distinctions between the working class and the peasantry are still to be over-

¹ Lenin, *Collected Works*, Vol. 30, p. 113.

come, in socialist society there can be no struggle—and there is no struggle—between them. The intelligentsia has also become socialist, having fully accepted the working-class ideology and attitudes. There can be no class struggle, and there is in fact no class struggle, where classes and sections constituting the society of triumphant socialism are bonded together in an indestructible socio-political and ideological unity with common aims and interests. Once this is so, there is no longer any need for the dictatorship of the proletariat, which Lenin defined as the class struggle of the proletariat in new forms.¹

Thus, with the completion of the transition period and the country's entry into the socialist stage, there is a radical change in society's economic basis and social structure. There are naturally corresponding and inevitable changes also in its political superstructure.

These changes necessarily lead towards a further unfolding and improvement of socialist democracy and its transformation into a democracy for all citizens without exception. Once socialism has triumphed, there are no longer any objective grounds for restrictions on democracy, there are no longer any social sections or individuals with legal ability who are prevented from taking part in the administration of the socialist state. "Victorious socialism," Lenin wrote, "must necessarily establish a full democracy. . . ."²

The 1936 Constitution of the U.S.S.R., which is a legislative record of the victory of socialism, in fact, marked the further unfolding of the key principles of democracy for all, a further growth of popular participation in government and an extension of the democratic rights and liberties of Soviet citizens.

The Constitution lifted all earlier class restrictions in elections to the organs of state power and introduced universal, equal and direct suffrage by secret ballot. It vested in the working people not only the plenary powers of state authority but also the right of disposal of the entire social wealth. This can happen only under socialism, for the socialist ownership of the means of production creates real

¹ See Lenin, *Collected Works*, Vol. 30, p. 95.

² *Ibid.*, Vol. 22, p. 143.

conditions for implementing full and universal democracy and make it an objective necessity, because the administration of socialist property is inconceivable without the participation of the people who have a vital stake in steady economic development and the consequent rise in living standards.

Socialism holds out equal political rights and democratic liberties to all citizens, and this is ensured by the fact that in socialist society all men are equal in the eyes of the law and in status vis-à-vis the means of production, and accordingly have an equal right to take a proprietary interest in working out decisions affecting the whole society.

As democracy is further developed—a possibility ensured by the victory of socialism and the elimination of class antagonisms—there is a marked change in the character of the socialist state which ceases to be an instrument of class domination and is transformed into an organ expressive of the will and interests not only of the working class, but also of the peasantry and the working intelligentsia. For the first time in history, the state ceases to be an instrument for the suppression of one class by another, something it had always been down the ages.

In view of this novel development of the state, Marxist thinkers were faced with the very complex question of defining its type, considering that the main element which had given rise to it and which had always determined its essence, was no longer there. What, then, are the functions, tasks and character of the socialist state in the society of victorious socialism? The answer came from the Programme of the Communist Party of the Soviet Union adopted in 1961. It furnished good evidence to show that where socialism has fully triumphed, and where proletarian dictatorship has fulfilled its tasks and has ceased to be a necessity, the socialist state is inevitably transformed into an organ expressive of the interests and will of all the classes and sections of society, that is, of the entire people. Hence, the term “a state of the whole people”, which the C.P.S.U. Programme applied to the state of triumphant socialism and which best conveys the essence of the socialist state system at this stage of its development.

**Guiding Role
of the Working Class**

For the entire period of communist construction, the working class continues to be the guide of Soviet society, because it is the most solid and organised class and is society's leading force.

These are the qualities of the working class, specifically because of its status within the system of socialist production. The working class is connected with large-scale production and progressive facilities and equipment, which are owned by the whole people, and of which industry, the basis of the Soviet economy, is the nucleus. It is, therefore, the decisive force in Soviet society's economic development. All the interests of the working class are bound up solely with the development of social production, because it receives its share of the national income only through its work in social production and from social funds, and has fewer connections than other sections of society with the individualistic, private-property relicts of the past.

The guiding role of the working class is evident in every sphere of the country's social and political life. It is manifest in its leading role in developing the key branches of socialist production, producing communist forms of labour, carrying forward technical progress and improvements in production, supplying the peasants on the collective farms with machinery, training specialists, and also helping to raise cultural and living standards in the countryside to the urban level. It is obviously the decisive force behind social progress. Finally, the guiding role of the working class is evident in its active participation in various forms of self-administration, the endeavour to establish communist rules of community living, and the spread of many other remarkable measures which originate within the working class. That is, in particular, one of the reasons why workers—as the most active men and women—are most frequently elected to the representative bodies. This makes the working class the decisive force also in the sphere of politics and ideology.

But in the period of the full-scale construction of communism, there is no need for constitutional guarantees to assure the working class of its guiding role, and it has the same rights as the collective-farm peasantry and the intel-

ligentsia, which means that it has more duties but no extra economic, political, constitutional or other privileges.

The working class exercises its guiding role through the force of example, by setting a model of discipline, organisation, activity and class consciousness, and by showing a greater capacity than other sections of the working people to introduce new communist principles and maintain the flow of positive experience, that is, the political and ideological means designed to accelerate social progress during the full-scale construction of communism.

The guiding role of the working class in fulfilling the plans of communist construction and activity in every sphere of social and political life are an expression of its great political prestige in society and its fraternal alliance with all the working people. It will have fulfilled its role of social guide with the construction of communism, when there are no classes at all.

All-Round Development of Socialist Democracy

The all-round development and improvement of democracy is the main direction in which society's political organisation develops during the full-scale construction of communism, and this is due to the objective uniformities underlying the process. The great and complex tasks of communist construction—utmost development of productive forces, the raising of living standards, and the education of citizens in conscious communist discipline—cannot be fulfilled without the active participation of the working people themselves, without involving broad sections of the population, and groups and collectives of working people, and subsequently of the entire population, in government. In its original sense, democracy is, after all, nothing but active participation by broad masses of people in government, implementation of its tasks, and control over the organs of power. The development of democracy is, accordingly, the means which help, on the one hand, to achieve great successes in production and, on the other, to create conditions for the gradual introduction of communist self-administration which is to supplant the present political organisation of society.

In the next chapter we shall deal in detail with the system of measures now being implemented in the U.S.S.R. to develop socialist democracy in every possible way.

4. Functions of the Socialist State

The important thing in describing any state and its essence, you will recall, is to bring out the basic directions of its activity, and the tasks and purposes which it sets itself and tries to achieve. In other words, the important thing is to bring out the basic functions of that state.

Marxist theory singles out several basic functions of the socialist state, the principal one being its economic function, the function of organising and directing social production and distribution. It is also known as the function of economic organisation.

Economic- Organisation Function

For a long period of social development, the concept of government had been mainly connected with the activity of the state in the sphere of political relations, for the state had always been a predominantly political organisation, with compulsion and fiscal policy its main spheres. That is why it hardly ever interfered in economic activity, and when it did, it came up against overt or covert resistance from the propertied classes. Moreover, the ideologists of the triumphant bourgeoisie even raised non-interference by the state in economic affairs into a principle, for they propounded unrestricted freedom of competition. Engels said, for instance, that free competition would not tolerate any restrictions or state controls, for everything coming from the state was irksome, it flourished when the state kept out and let men exploit each other to their heart's content.

That was the basis of the entire system of industrial capitalism, with its nominal equality of the parties, freedom of contractual relations mediating the anarchy of the market, and freedom for the economically strong to compete with and exploit the economically weak.

It is true that the situation has been changing, especially as monopoly capitalism develops into state-monopoly capitalism. There is direct state interference in capitalist reproduction and diverse regulation and étatisation, that is, institution of control over whole branches of the economy.

This is a natural evolution in the role of the bourgeois state, because of the need to ensure expanded reproduction at the present stage of capitalist development. State inter-

ference in the economy is one of the principal means of extracting monopoly superprofits through more intense exploitation of the working class and plunder of economically undeveloped countries. This interference by the state in the economic life of the capitalist countries today assumes the most diverse forms, however their content is not the result of any plan, but usually develops spontaneously and empirically. It takes the form both of direct government control of enterprises, banks, branches of industry and transport, and the establishment of mixed corporations with the participation of private monopoly capital. The state also interferes in economic affairs through financing, the granting of subsidies and the awarding of contracts to the monopolies. It is now also engaged in implementing measures to establish direct regulation and control over the economy through what is known as "programming".

This state interference in economic affairs is currently on the increase, but it hardly modifies the social character of the bourgeois state, whose economic influence is exercised in the interests of monopoly capital and whose purpose is to safeguard private property and the exploitation of man by man.

The socialist state has a very different role to play. Being from the outset the main instrument in transforming the economy and the entire system of social relations, it cannot confine itself to simple "interference" in economic affairs. It is designed for active economic change and the planning and administration of the national economy. Its task is to exert an influence on the entire process of expanded reproduction for socialist ends. Economic construction becomes the main direction in the activity of the state and the main sphere of the state interest. That is why the socialist state develops a function which no other state has ever had, namely, that of economic organisation. Accordingly, it sets up the machinery to plan and direct the national economy, something which is inconceivable under any other system.

Economic organisation is the chief function of the socialist state and is characteristic of its very essence as the organiser of socialist and communist construction.

Why is it that the state assumes functions it has never had? Would it not be better, for instance, to nationalise capitalist enterprises and hand them over entirely to collec-

tives of producers? The answer to these questions lies in the objective economic laws governing the rise and working of socialism as the first phase of communist society.

Under socialism the state has a leading role to play in organising economic relations mainly because of the character of modern production which comes to be highly socialised even under capitalism. Small and medium enterprises may prevail numerically, but they are never the determining element of a capitalist economy, least of all at its state-monopoly stage which, because of the vast socialisation of production, is the most complete material preparation of socialism, as Lenin put it.

This material and technical basis can be directed only through the centralised and balanced use of objective economic laws, and any kind of planning, especially planning on a nation-wide scale, implies the existence of a comprehensive organ consciously directing and organising the activity of all the socialised enterprises and establishments in the interests of all the working people. But during the transition from capitalism to socialism, as at the socialist stage itself, the state alone is capable of organising economic administration, planning and control on a nation-wide scale, a complex and manifold function.

Another reason why the state alone is capable of doing this is the marked class distinctions remaining in the transition period between the participants in production. You will recall that the exploiting classes are still there, and it is state power alone that can help the working class to paralyse and suppress them in their fight against the new economic relations. There is an essential distinction even between the immediate interests of the working classes and social groups, and this, too, tends to create certain obstacles in the establishment and extension of the new economic relations. In these conditions, the state alone can help to rally society's progressive forces around the working class and to organise them throughout the country for socialist construction.

Then, of course, the socialist economy must be guided by the state because the basic means of production are owned by the whole people. The proletariat nationalises the key branches of the economy but does not hand them over into the ownership of separate collectives of workers. Nor does

it vest ownership of them in the working class as a whole, but at once converts them into the property of the whole people, which is the basis of the new economic relations and of all socialist transformations. This does not belong to any one class or social group but to the entire people, and goes to meet national needs as a whole. That is why this property of the whole people necessarily assumes the form of state socialist property. It is a distinctive coalescence of property and state power, whose main task is to maintain and develop socialist relations of production, and to use state property in the interests of the whole of society and of the entire people.

Under socialism, the state directs the development of all socialist production but the content of this direction, that is to say, its function of economic organisation, depends on whether production is based on state property or on co-operative and collective-farm property. Both of these are forms of socialist property, but under the former the implements and means of production are owned by the state, and under the latter, by individual collective farms and other co-operatives. In the former sector, the state acts simultaneously as the repository of sovereign political power and as the owner of the implements and means of production. It not only organises the management of production and determines the rate and the direction of its development, but through its organs and economic personnel (executives, engineers, etc.) also directly runs production. In the latter, the state exercises general guidance only, with direct management in the hands of the co-operative enterprises and collective farms themselves. But the two sectors are parts of the same planned socialist economy and they are closely integrated through the state's function of economic organisation.

One of its highly important tasks in the U.S.S.R. today is organising the management of production in the state sector, which embraces more than 90 per cent of all the means of production. This is a difficult one because the scale of production is so vast, the economic ties highly intricate and the pace of scientific and technical progress so rapid. There is also the need to combine centralised planning with local administrative and industrial initiative (which is of especial importance in view of the country's great size). As

the Soviet state developed, its system of industrial management naturally changed with the quest for new and better forms. There was need to avoid both excessive centralisation, which tended to hamper initiative in the lower echelons, and decentralisation, which tended to defeat the ends of technical progress, nation-wide development of key industries, and establishment of rational production ties between enterprises in various economic areas. Soviet industry is now managed on the sector principle, whose characteristic feature is a combination of centralised guidance in the key branches of industry, exercised by the Ministries and other central bodies, on the one hand, and broad economic initiative and wider powers for the enterprises, on the other.

Soviet economic successes are largely due to the state's function of economic organisation being directly linked up with production democracy, that is, the broadest involvement of workers, collective farmers and all working people in the solution of key production problems. In contrast to the traditional bourgeois-liberal concept of democracy, which confines it to the political sphere, socialism extends the sphere of democracy, taking it into the sphere of production at the grass roots.

This production democracy has its practical expression in the broad powers vested in the collectives of industrial and office workers and their mass organisations in the solution of key problems before their enterprises. Regulations for the Socialist State Production Enterprise, now in force in the Soviet Union, emphasise that mass organisations and collectives of workers broadly participate in discussing and implementing measures to ensure fulfilment of state plans, develop and improve production activity and the working and living conditions of the men and women the enterprise employs. There are standing production conferences whose task is to involve industrial and office workers in deciding on production matters at enterprises and in large shops. In addition, management and trade union committees regularly call production-technical and economic conferences and meetings of leading workers to discuss various aspects of technical progress and economic advancement at their enterprise and to work out measures to eliminate shortcomings in the activity of the enterprise as a whole or its units. Meetings of workers at the plant dis-

cuss reports by executives on draft production plans, fulfilment of plans, draft collective agreements and their implementation, various aspects of production, and everyday and cultural services. Management reports to these meetings on measures taken to implement decisions earlier adopted by such meetings.

Production democracy is not confined to individual enterprises, but is reflected in the entire organisation of economic management, of which more in another chapter. It is also broadly practised in the sector based on co-operative and collective-farm property (general meetings of co-operative members, elective executive bodies, etc.).

We have been discussing the economic-organisation function of the socialist state in the sphere of production. But it also plays an important economic-organisation role in the distribution of the social product. It distributes the social product in such a way as, first, to ensure the highest rate of socialist reproduction, and second, to give maximum satisfaction to the material and cultural requirements of citizens (to the extent the level of development allows). Under socialism, requirements are satisfied in accordance with the principle, "From each according to his ability, to each according to his work", and the state acts as a regulator of the measure of labour and the rate of consumption. We shall deal with this matter in greater detail in a chapter on socialist law.

Cultural and Educational Function

The economic-organisation function of the socialist state is closely bound up with its activity in developing culture and education, and this is known as its cultural and educational function. From the outset, this has been one of the main directions in the activity of the socialist state, and the reason is not hard to see. The socialist transformation of society is not confined to change in the economic sphere, and necessarily includes deep changes in man's thinking, which add up to what is known as the cultural revolution. It is essentially the vast effort by the state to create a new, socialist culture and to place within reach of all working people the achievements of science, engineering and art, raising the people's educational and cultural standard well above the old level.

The necessity of carrying out the cultural revolution is

one of the main tasks confronting the proletarian state in the socialist transformation of society in any country, moving from capitalism to socialism, for even in a country, highly civilised by bourgeois standards, culture is never within the reach of all the working people. A small section, usually consisting of exploiters and belonging to the ruling classes, enjoys a monopoly of its achievements and engages in mental activity. Under capitalism, the working classes are allowed the minimum of knowledge necessary for participation in modern production, and so it is the task of the socialist state to democratise culture, transform it from the business of the few to the sphere of all, placing all the treasures of science, culture and art at the service of socialism. This endeavour is not merely grand; it is exceptionally difficult.

The cultural revolution was carried through by a tremendous effort on the part of the Soviet state, carrying a virtually illiterate country to the peaks of science, technology and culture, and raising its own remarkable intellectuals from the midst of the people. With the victory of socialism, the cultural and educational activity of the Soviet state, far from diminishing, markedly increased. The state takes care of public education, setting itself the task of carrying the treasures of science and culture into the very midst of the people. Under socialism, men develop a vital urge for knowledge. Out of a population of 230 million, more than 70 million persons, or almost 1 in 3, are enrolled in the various types of schools.

Today, the socialist state has projected ways of further extending education and raising the people's cultural and technical level.

In communist education, the activity of the socialist state is closely interwoven with that of the Communist Party and all mass organisations, but the decisive role belongs to the state, in whose hands the necessary material means are mainly concentrated. More than one-third of the budget expenditure goes into social and cultural measures. The concrete aim of the cultural and educational function is to bring up politically conscious and educated men and women, active citizens with a broad outlook and a high level of culture, harmoniously combining spiritual wealth, moral purity and physical perfection.

Protection of Public Order It is the task of the socialist state to provide stringent and consistent safeguards for the socialist system against any criminal infringements and other offences. It is the task of socialist society to eradicate all violations of public order and to eliminate crime and all its causes. The socialist state has an important part to play in implementing this task.

How real is this task? In the Soviet Union, socialism has done away with the basic causes of crime: exploitation of the masses, poverty and privation. This created real, objective conditions for the eradication of crime, because nothing in the make-up of socialism, its economic basis or social structure can act as a source of crime. The crime rate in the U.S.S.R. has been steadily declining.

However, it would be an oversimplification to assume that the mere substitution of socialism for capitalism will automatically end crime. It will not disappear by itself, and the Soviet people, no utopians, are well aware of this. It would be naive to deny that some people will commit offences. We should bear in mind that consciousness and, therefore, the behaviour of men in society, is heavily influenced by ingrained habits and traditions, which shape under private property. These traditions and habits are highly resilient and linger on long after their social soil has gone. The tap roots of crime in the U.S.S.R. are such survivals of the past as money-grubbing, greed, careless work, parasitism, idleness, drunkenness and disrespect for the law. These survivals are deeply hostile to socialism but are ingrained in the minds of men and are the cause which, given the wrong conditions, may impel unsteady persons to commit crimes.

Apart from these main causes, some cases of moral instability are due to shortcomings in educational work: in some families and schools, children are badly brought up and educational work, especially among young people, is neglected. Many children have been orphaned by the war and have not received either maternal or paternal care. Temporary economic difficulties may provide a soil for offences: there is still a housing problem, there are shortcomings in the organisation of production at some enterprises, the marketing network does not always function on a high level and fails to satisfy the demand for consumer goods, etc. All these shortcomings, under a definite concur-

rence of circumstances, may serve to revive the private property mentality and other anti-social urges among individuals and lead to crime.

Hence, the main and crucial task in combating crime is to remove its causes and the conditions which tend to promote crime. It is, in short, to prevent crime. Here is a classic case of prevention being better than cure.

The prevention of crime is an integral part of the activity of special state bodies whose task is to safeguard legality and public order. These are the courts, the Procurator's Office and the organs of preliminary inquiry. The law enjoins these bodies to expose the causes and conditions promoting the commission of crimes, and to take steps to eliminate them (Art. 21 of the Code of Criminal Procedure of the R.S.F.S.R.). One of the main tasks in their work is to prevent the commission of crimes by people whose behaviour warrants the assumption of such a possibility; it is their task, too, to prevent a possible relapse into crime by persons who have served their sentence or who have been released conditionally before the expiry of their sentence, and also persons placed in the care of collectives, parents, and others for the purpose of their reform. It is their task to prevent or cut short prepared crimes, and to eliminate the concrete causes and conditions which facilitate or make the commission of crimes objectively possible. To achieve these aims, the law provides for a wide range of organisational and procedural measures.

Among these are riders in which the court draws attention to the circumstances which promoted the commission of crime. In its riders, the court may, for example, bind the manager of the factory to take steps to eliminate faulty accounting and storage of finished products in warehouses. Thus, a case involving a specified crime, say, embezzlement, gives ground for general conclusions and preventive measures.

But no state organ, however mobile and ramified its machinery, is alone able to discover all the committed and prepared crimes in time and to take effective measures to stop or prevent them. But where state organs collaborate with the public and mass organisations, success in this important endeavour is ensured in most cases. In the recent period, there has been a development of many old and new forms of public participation in the maintenance of

public order, and prevention and eradication of crime and other offences against socialist law. Of this, more in detail in a subsequent chapter.

External Functions of the Socialist State

The socialist state also exercises highly important external functions: defence of the country against external attack; struggle for peaceful coexistence between countries with different social systems; and mutual assistance and fraternal co-operation with other socialist countries.

Its function of defence, far from being connected with any aggressive acts or designs to extend its territory at the expense of other nations, is deeply alien to any form of aggression. This function is designed to ensure the country's security against attack by aggressors and struggle against them.

In the early years of the Soviet state, while the country was still fighting off foreign intervention, the Soviet Government considered the question of the state emblem. The first project, depicting a sword, was sharply opposed by Lenin, who said: "Why a sword? We are not in need of conquest. We repudiate any policy of aggrandisement, we are not attacking, we are fighting off our internal and external enemies; our war is a defensive one, and the sword is not our emblem at all." Accordingly, the country's emblem depicted the hammer and sickle, a symbol of peaceful creative endeavour.

Soviet historical experience shows that defence against external attack is a necessary function. The Soviet Republic has had to go through an intervention, a civil war, and an economic blockade, it has had to contend with all manner of conspiracies, and with nazi Germany's treacherous attack. For almost two decades, the Soviet people had to concentrate their forces on warding off invasions by imperialist powers and rehabilitating their war-ravaged economy.

The function of defence has from the outset been indissolubly connected with another of the Soviet state's external functions, that of ensuring peaceful coexistence between countries with different social systems and the struggle for world peace. One of the very first Soviet acts—the Decree on Peace—stated as an explicit principle that the socialist state repudiated any wars of aggrandisement and violation

of other nation's sovereign rights, and regarded imperialist wars as a grave crime against humanity, being convinced that every nation should be entirely free to decide on its form of government.

The Decree formulated the basic principles of the foreign policy of the peace-loving socialist state and gave expression to Lenin's idea of peaceful coexistence. Since then, all the socialist countries have been working consistently to implement these principles.

The Soviet state has been conducting a tireless and persistent struggle for peace; it has been working for general and complete disarmament and for peaceful coexistence between states with different social systems. But some countries have engaged in the propaganda of war and an intensive build-up of their armed forces, with military operations now and again breaking out in various parts of the globe. This makes necessary the retention of the function of defence, by nature a function of the state, because it implies the existence of an army, punitive organs and an intelligence service, which are all organs of the state. From the standpoint of domestic conditions, the state of the whole people could very well disband its army, navy and air force, but the threat of a military attack against the Soviet Union and other socialist countries makes it necessary to maintain and strengthen the armed forces.

Now that the world socialist system is there, each socialist state also exercises the function of fraternal co-operation and mutual assistance with other socialist countries, a process which has produced international relations of a new type. It is based on the mutual assistance and common interest of all the socialist countries in developing their system, and harmonising their interests with those of the system as a whole. This is in character likewise a function of the state which is bound to grow because the socialist countries, making successful use of the possibilities latent in the socialist system, will reach the phase of communism more or less simultaneously within the limits of the same historical epoch.

In fulfilling its internationalist tasks, the socialist state also gives assistance to states emerging from colonial dependence and support to peoples fighting for national independence and all forces of progress.

5. The Socialist State and Society's Political Organisation

Components of Society's Political Organisation

In dealing with some of the general propositions concerning the state we said that while the state was the most important it was not the only element in the political organisation of society. What then are the parts that go to make up the political organisation of socialist society?

In the most general terms, it may be said to be a system of mass organisations—state and non-state (mass)—uniting various sections of the working population. It includes the state, the Party, the trade unions, co-operatives, young people's leagues and other mass organisations of working people.

Consequently, the state and its machinery, while being the main, are not the only element in the political organisation of socialist society. Alongside the state forms expressive of the interests and will of the working people, the socialist revolution at once produces public bodies through which millions of people are involved in government. Accordingly, mass organisations are an integral part of society's political system. What is more, it is inconceivable without these working people's organisations or their participation in the solution of its tasks.

But the state and its bodies are, of course, the central element of socialist society's political system, and the representative organs of state power are foremost among them. These constitute the political basis of the socialist state system, and are a direct and immediate embodiment of popular sovereignty. In the U.S.S.R., they are called Soviets, which are massive and representative organisations of the working people and which have the features of both state and mass organisation. In other socialist countries, they are central and local representative organs, called national or people's assemblies and local people's or national councils or committees.

The representative organs of state power constitute the backbone of the state machinery. All administrative, economic, military, cultural and other state bodies spring from the representative organs of state power and are subordinate to them. All measures to create and strengthen the sys-

tem of socialist government and build socialism go through these representative organs of state power. Through them the working class exercises its guidance of the peasantry and other sections of the working people.

Central and local organs of state administration are an important element of the state machinery. They exercise executive and administrative functions and are in every way subordinate and accountable to the representative organs of state power. Within the system of socialist government there are organs which you will not find under any other system, such as organs for planning and directing the national economy, which are necessary for bringing about socialist changes. Then there are the bodies directing cultural construction and the socialist education of the working people.

The task of suppressing resistance on the part of overthrown exploiting classes or their remnants, the punishment and reformation of anti-social elements among the working people themselves, creates the need for relevant administrative machinery, the courts, the army, the militia (police) and security organs within the system of socialist government.

The aggregate of all these state bodies constitutes a complex mechanism, in which each organ exercising its proper functions is connected with others and operates on the basis of common organisational principles. The state machinery is the main component part of the socialist state system.

Foremost among the working people's mass organisations within the political system of society are the trade unions with their ramifications in the centre and in the localities in the form of production, cultural, educational and other bodies. The trade unions are a non-Party and non-state organisation. They are mass organisations of industrial and office workers of all occupations and professions who are free to become members, regardless of race, nationality, sex or creed. The name "mass" organisation speaks for itself, and virtually all industrial and office workers are members of trade unions. That is why, although the trade unions are not state organisations, they are used by the working class as a most important lever in exercising its guiding role.

Lenin said the trade unions are a school in which masses of people learn the art of government.

Various types of co-operatives have an important part to play within society's political organisation. They are, above all, agricultural co-operatives uniting peasants on the production principle, which is collective farming. In the period of socialist construction, co-operatives are especially important as the main channel through which peasants and petty producers in general are carried into the main stream of socialist transformations. They are an instrument for strengthening and developing the alliance between the working class and the peasantry, and extending the social base of the socialist state.

The state machinery, the trade unions and the co-operative are closely bound up with the young people's mass organisation known as Komsomol, the Young Communist League. It is a non-state and non-Party organisation which is close to the Party and helps it to educate young people in the spirit of communism. Lenin put a great value on Komsomol activity, when he said:

"The Young Communist League must be a shock force, helping in every job and displaying initiative and enterprise."¹

Under the socialist system, there are numerous other mass organisations and associations of the working people, such as scientific, technical and educational societies, women's societies, sport clubs, defence clubs and unions of workers in literature and the arts. They differ in legal status, form of organisation and mode of activity, but all variously take part in political affairs and help to solve the tasks facing the state.

The Party Within the Political System

The Communist Party, which is the highest form of class political organisation, is the directing and guiding force within society's political system. Its role is immeasurably enhanced after the victory of the socialist revolution, when it becomes the ruling Party and shoulders the responsibility for the activity of all the component parts of society's political system. Life has shown

¹ Lenin, *Collected Works*, Vol. 31, p. 297.

that without Communist Party leadership this system will simply not work well.

The Communist Party unites the activity of all mass organisations of working people without exception, that is, both state and mass organisations. Communists are the governing nucleus of all these organisations which connect the Party with broad masses of the working people. The Party's policies and leadership are an expression of the unity of all these elements and component parts of the state socialist system. The Party helps to overcome purely local and departmental tendencies which may arise among individual workers and even organisations. It centralises the direction of all these organisations on the scale of the whole state, guiding their activity towards a single goal—the construction of socialism and communism.

On the basis of Marxist-Leninist theory and the study of concrete conditions, the Party works out a political line common to all spheres of socialist construction: economic, administrative, military, national, cultural and educational and foreign policy. The Party also exercises centralised direction in its implementation, allowing individual units and localities a maximum of initiative in their work to fulfill projected plans and tasks. Party guidance rules out any superimposed clichés or mandatory uniformity in approach to the solution of the tasks facing the socialist state.

The Communist Party's guidance of society's political system is an earnest of its internal unity and co-ordinated activity by all its units and components. In guiding the activity of state and mass organisations towards a single goal, the Party does not substitute for them, but does its utmost to stimulate their initiative and enhance their role in the country's political, economic and cultural affairs. The principles underlying the relationship between the Communist Party and the state machinery, as the key element within the socialist state system, were given a clear-cut formulation by the Eighth Congress of the R.C.P.(B.) in 1919, when it said: "There must be no confusion between the functions of Party collectives and the functions of state organs, the Soviets. . . . The Party must carry its decisions through the Soviet organs within the framework of the *Soviet Constitution*. The Party tries to direct the activity of the Soviets, but does not substitute for them."

This principle is basic also in determining the character of Party guidance in all the other elements of the political system of society.

The Leninist principles of Party guidance have also been borne out by the historical experience of other socialist countries, most of which usually had two working-class parties when their socialist state system took shape. But as the interests of socialist construction and unity of will in directing the state and society demanded the establishment of united parties on the basis of Marxism-Leninism, the Communist and Social-Democratic parties of Czechoslovakia, Poland, Bulgaria, Rumania and other People's Democracies set up united Communist or Workers' Parties in the early transition period.

The existence of other political parties within society's political system in other countries lends certain specific features to the Communist Party's guiding role. But on the whole, it is exercised under the same principle which Lenin worked out for the Soviet form of socialist state system.

Life has provided good evidence that Communist Parties always exercise their guiding role within the framework of their country's Constitution, above all by nominating for key posts in state organs and mass organisations their best members, who are loyal and dedicated to the cause of the working class. This the Communist Parties have succeeded in doing with relative ease, because they enjoy the working people's undivided trust and support. The Communist Parties direct and check up on all the work of the organs of state power and administration, correct any shortcomings in their activity and help state organs to mobilise the working people for the active fulfillment of the tasks of socialist construction.

In exercising over-all guidance of all the elements of society's political system, the Communist Parties do not as a rule issue any directives to state organs and mass organisations, but they secure implementation of their policy through their members working in these bodies. With that end in view, Party groups are set up in all state organs and mass organisations, and in some People's Democracies, clubs and groups which are subordinate to their Party com-

mittees and are guided by the decisions of Party organs in all their activity.

The Communist Party's leadership is also expressed in the fact that the Party examines and issues general political guide-lines on all major aspects of the country's economic, political and cultural life, defence and foreign policy, and all the basic aspects of the activity of state bodies and mass organisations. Lenin gave a vivid picture of the Party's political guidance when he compared it with the art of the conductor, who gets the orchestra to produce just the right sound and tone but never tries to play all the instruments himself.

The Communist Party's leading position within society's political system allows it to direct all its activity under a single scheme, ensuring unity of will, cementing the system and transforming it into an invincible force.

The political system of society which first took shape in the Soviet Union has proved its viability by ensuring the successful construction of socialism, and the revolutionary practice of other socialist countries has confirmed that the structuring of society on these lines is a general law governing transition to socialism. However, the historical and national specifics in the development of the socialist revolution in the People's Democracies brought about the emergence of new elements within the socialist state system, like the popular front.

Socialist revolution in other countries may bring even more diversity into society's political organisation. It should be borne in mind that in the course of its long class struggle for democracy the working-class movement has developed rich political traditions and has, in capitalist conditions, created a complex and ramified system of mass organisations, such as parties, trade unions, mutual aid societies, all kinds of co-operatives and clubs, young people's, students' and women's organisations, cultural and educational unions and associations, etc. It is quite possible, especially in the event of a peaceful revolution, that these organisations and institutions will at once become component parts of society's political system. The same applies to the prospective formation of society's political system in countries emerging from colonialism, which may produce the most unexpected combinations of elements.

Towards Communist Self-Administration

When considering the historical prospect of the withering away of the state, it should be borne in mind that this applies only to the socialist state which has fulfilled its purpose. Marxism regards the withering away of the state as a long process in which the socialist state system develops and grows into communist public self-administration, a process covering a whole historical epoch when the necessary conditions for the withering away of the state are created.

What are these conditions? For one thing, the productive forces must be developed to a level ensuring an abundance of all goods to meet fully and steadily the requirements of the full man. At the same time, the members of society must attain a high level of political awareness and culture, and the principles of communist ethics must become part and parcel of everyday life, making compulsion by the state and regulation by the law altogether superfluous. Then, too, every trace of class divisions and class distinction must disappear to divest relations within society of their political character. Finally, it is important that popular power should attain a level under which all members of society take part in the management of social production and public affairs, doing away with career civil servants and professional government-office holders.

Consequently, the withering away of the state is connected with the development of the material and technical basis of communism, success in the communist education of men, advances in culture, science, education and government, culminating in the construction of a developed communist society where men enjoy full social equality and run their own affairs. The state may remain for some time even under communism if there is continued danger of a military attack from outside. The agencies working to ensure peaceful coexistence and international economic and cultural co-operation will also be kept going.

The total withering away of the state requires the creation of internal conditions—a developed communist society—and external conditions—triumph and consolidation of socialism on a world scale.

What kind of forms will communist self-administration assume? The answer must necessarily be given in the most general terms, for the details will be worked out by the men

who live under it. *Communism is a highly organised society*, without classes or social, economic, cultural or living distinctions between town and country; the rural population will rise to the urban level in productive forces and character of labour, relations of production and living standards. With the triumph of communism, mental and physical labour will be organically integrated. The intelligentsia will cease to be a special section of the population, while those engaged in physical labour will match brain workers in cultural and technical levels.

Under communism, men will have equal social status in respect of the means of production; they will enjoy equal conditions of work and distribution, and will take an active part in the administration of social affairs. Because of the identity of social and personal interests, relations between the individual and society will be fully harmonised.

But that is not to say that the establishment of communist self-administration will lead to anarchy in the absence of all authority, making for confusion and throwing social life into disarray. That there will be no state or state power under communism does not at all mean that there will be no authority of any kind.

Power and authority will remain under communism, but instead of being political they will be akin to those of an orchestra conductor. No society—and this goes for communist as well—is conceivable without definite forms of social control and a firmly established order in the functioning of the highly intricate social organism.

First, there will no longer be any special group of men for whom government is a career (that is, there will be no special state machinery), and second, the state will no longer have to exercise compulsion over the members of society.

When Marx, Engels and Lenin spoke of the withering away of the state they meant the disappearance under communism of state agencies whose special task is to exercise compulsion. Under communism such agencies will naturally disappear. But self-administration will take the form of a ramified system of mass organisations and collectives embracing the entire population which will run its own affairs. At the same time, these mass organs of public self-administration will have to constitute a well-gearred system

with their own central units. Under full-scale communism, the national economy, based on new technology and large-scale production, can be operated only as a planned and balanced system, which obviously requires some bodies to direct its development on the scale of society as a whole. This also applies to some other spheres of social life.

Communism, the higher phase of the new mode of production, will also mark a higher stage in planning the economy and production activity of every kind. An indication of this is the fact that the planning principle acquires ever greater importance as socialist society moves on to communism. The all-round development of democratic principles of administration goes hand in hand with the strengthening and improvement of the centralised direction of the national economy. There is growing interconnection between various branches of the economy and economic areas; power grids are amalgamated; automation, electronics and atomic energy require vast centralised investments, standardisation of mechanisms, etc. All this makes national-economic planning ever more important, a tendency which is sure to become much more pronounced as time goes on.

The all-round development of planning in communist society, under which all production units and all self-administered associations will be organically integrated in a balanced economy, will determine the type of bodies required, although their structure, forms and methods will be different from those of our own.

Thus, the administration of affairs in a communist society of fully developed men and women will be exercised by a special public mechanism, a system of public self-administration, not political in character, but commanding great moral authority among all members of society.

**SOVIET FEDERALISM
AND NATION-STATES
IN THE U.S.S.R.**

**1. Marxism-Leninism on the Right of
Nations to Self-Determination**

Marxism-Leninism has worked out consistently democratic principles for the establishment of nation-states. These include repudiation of any form of coercion in respect of other nationalities, the equality and sovereignty of peoples in shaping their own life, the recognition that if a national federation is to be sound, it must be voluntary and based on fraternal co-operation. These principles have been given explicit and consistent expression in the principal Marxist slogan and demand on the national question: the right of nations to self-determination, including secession and formation of independent states.

Marxism regards this right as a right to political independence, that is, the right of nations to decide for themselves how they are to exist as states. This means that each nation has the right to secede and set up its own state, and also the right to remain autonomous within the framework of a single state or to enter into federal relations with other nations.

That is the expression of the sovereignty of nations. In other words, the right to self-determination consists both in the right to secede and the right not to secede, that is, to make a choice between the two.

It is up to the nations themselves to decide which form of self-determination they want—complete secession, autonomy or federation—depending on the concrete historical situation and the political, economic and cultural conditions.

Even before the October Revolution, Lenin explained that the consistent implementation of the right of nations to self-determination, including secession, far from dividing

the multinational centralised state, will serve as a basis for a democratic association of peoples. "We want *free* unification and that is why we must recognise the right to secede."¹

This revolutionary programme for solving the national question was of especial importance to the multinational Russian state, in which tsarism conducted a policy of fierce national oppression, Russification and suppression of and discrimination against the various national minorities.

Experience in building the world's first multinational socialist state—the Union of Soviet Socialist Republics—has shown that where nations have the right to self-determination, including secession, they will freely associate.

The peoples of Russia used the right to self-determination to set up a federated multinational state, a union based on freedom and equality, principles which have helped to do away with the old strife and hatred and to institute friendship and fraternal co-operation.

The Union, with its socialist system, equality and freedom, enabled the once oppressed and disinherited peoples at various stages of historical development—from the patriarchal tribal system to capitalism—to overcome their economic and cultural backwardness and to flourish.

Today, the Union of Soviet Socialist Republics is a state with more than 110 big and small nations, all of whom have a different past and dissimilar economic and cultural features, language, customs and traditions. But they do have one thing in common: they have all won and used the right to self-determination, and enjoy equality in every sphere of government, economic, social, political and cultural life. On the strength of the right of nations to self-determination many of them, even the very small ones, have set up their own national state or state entity.

At present, there are 35 nation-states within the U.S.S.R.—15 Union and 20 Autonomous Republics—and 18 national state entities—8 Autonomous Regions and 10 National Areas.

Let us take a closer look at how the Soviet state established the equality and sovereignty of nations, how the Soviet federation originated and developed and how the Soviet nation-states took shape.

¹ Lenin, *Collected Works*, Vol. 26, p. 176.

2. Origin and Development of the Soviet Federation

Equality and Sovereignty of Peoples From the outset, the Soviets did away with the division of nations into rulers and ruled, firmly repudiating every form of coercion for national reasons, and proclaimed the equality and sovereignty of the liberated peoples of tsarist Russia.

The Soviets recognised the right of all peoples to independence, free national development and self-determination.

The Soviet Government's first act—To Workers, Soldiers and Peasants—adopted by the Second All-Russia Congress of Soviets on November 7, 1917, declared that the Soviets would "guarantee all the nations inhabiting Russia the genuine right to self-determination". On November 15, 1917, the Soviet Government issued its Declaration of the Rights of the Peoples of Russia, an act of constitutional importance which gave legislative form to the basic principles of Soviet national policy: equality and sovereignty of the peoples of Russia; the right of the peoples of Russia to free self-determination, even to the point of separation and the formation of an independent state; abolition of national and national-religious privileges and disabilities; free development of national minorities and ethnic groups inhabiting the territory of Russia.

The Declaration said that an open and honest policy of national self-determination must lead to complete mutual trust and a sound and voluntary union of nations. The basic provisions of the Declaration were subsequently written into the Soviet constitutions.

The Declaration was followed by a number of other Soviet Government acts aimed at implementing the principle of national self-determination, including the Decree of December 31, 1917, recognising the independence of Finland, which seceded and set up an independent state, and the Decree on the free self-determination of "Turkish Armenia" on January 11, 1918. Recognition was also given to the state independence of Poland, which had once been a part of Russia, and had then seceded.

A number of other acts recognising the independence of republics emerging on the territory of tsarist Russia

(Ukraine, Byelorussia, the Transcaucasian and other republics) was issued by the Soviet Government to help them exercise their right to self-determination and set up independent states by creating the necessary conditions.

The first republic to emerge on the territory of the Russian empire was the Russian Soviet Federative Socialist Republic (R.S.F.S.R.) and it was followed by the Ukraine, Byelorussia, Azerbaijan, Armenia, Georgia and other independent Soviet republics and the autonomous states of various smaller peoples (Tatar, Bashkir, Yakut, Karel, Udmurt, etc.). These and other peoples exercised their right to self-determination by developing various forms of nation-states.

Co-operation Before 1922

From the outset the working people of various nationalities, while developing their own Soviet nation-states, established relations with the Russian people and the other free peoples, joining forces with them, and pooling their resources to organise their joint defence and to carry on their economic and cultural construction. The Soviet Republics signed treaties merging their armed forces, pooling their economic resources, integrating the key branches of the administration and developing all-round co-operation. They formed a military and political alliance during the Civil War and the foreign intervention. As early as 1919, they integrated their armed forces and set up a unified command, and centralised direction of the key branches of government, such as the economy, transport and finance.

This alliance was subsequently consolidated and formalised in treaties which became the legal basis for state relations between the Soviet Republics. Thus, in December 1920, the Ukrainian and the Russian Soviet Republics concluded a treaty on military and economic union. In January 1921, a similar treaty was concluded between the Russian Republic and Byelorussia, on the latter's initiative.

As the interventionists were driven out from various parts of the tsarist empire and the Soviets were consolidated, the newly established Soviet Republics entered into close contact with the Russian Republic. It was this union with the Russian Republic—the largest and most advanced economically and culturally—that was their guarantee of independence. A message sent by the Military-Revolutionary Committee of the Azerbaijan Independent Soviet Republic

to Soviet Russia said that Azerbaijan was unable to stand up alone in face of the combined attack by external and internal counter-revolutionaries and asked the Russian Republic to set up a fraternal union. The treaty on their military and economic union was concluded between the Russian Federation and Azerbaijan in September 1920, and in 1921 similar treaties were concluded between Russia and Soviet Georgia, and Russia and Soviet Armenia.

In 1922, Azerbaijan, Georgia and Armenia merged into the Transcaucasian Soviet Federative Socialist Republic, a union made necessary by the need to overcome the economic ruin and national strife which the Soviets inherited from the tsarist and foreign oppressors.

With the Civil War won and the interventionists expelled from the country, there arose the need to revive the economy and develop the productive forces and so the Republics supplemented their military alliance with an economic union, a new form of state co-operation based on treaties covering specific economic spheres, such as finance, transport, trade, food supply and communications. In pursuance of these treaties, the key branches of administration were merged, but the Soviet Republics exercised their state power independently, retaining their sovereign rights, in some cases maintaining their own diplomatic relations and concluding treaties and agreements with other countries. However, they co-ordinated their acts in the sphere of external relations. In 1922, for example, the Republics empowered the R.S.F.S.R. to represent them at the Genoa economic conference and to conclude and sign international treaties on their behalf. This was the virtual diplomatic integration of the Soviet Republics. The internal economic conditions, and their need for joint defence and joint action in diplomatic and trade relations with the capitalist countries subsequently made it necessary for them to have closer unification on the government level.

Movement to Set Up Union In 1922, there was a massive popular movement throughout the Soviet Republics in favour of a federation, and this was reflected in the decisions adopted by the congresses of Soviets in the Republics. On December 10, 1922, the Congress of Soviets of the Transcaucasus urged the need to call a common Congress of

Soviets of all the Soviet Republics to set up a federal state. It adopted a decision on its own entry into a Union of Soviet Socialist Republics. Similar decisions were adopted by other Soviet Republics. Their congresses of Soviets voiced the will of their peoples, recognising the urge and need to set up a union, and going on record in favour of its immediate realisation. A resolution of the Fourth Congress of the Byelorussian Republic of December 16, 1922, said, for example, that there was an urgent need to formalise the Union of the Soviet Socialist Republics, which was actually in existence.

The First All-Union Congress of Soviets met in Moscow on December 30, 1922. It examined and adopted the Declaration and the Treaty establishing the U.S.S.R., and elected the Central Executive Committee of the Union of Soviet Socialist Republics, its highest organ of power in the intervals between all-Union congresses of Soviets.

The Declaration gave three main reasons for setting up the federal state:

1. Instability of the international situation, danger of fresh attacks and the consequent need to ensure external security and to set up a united front of the Soviet Republics in face of the capitalist encirclement.

2. Need for the most rapid rehabilitation of the national economy ruined by the imperialist and civil wars and development of the Republic's productive forces.

3. The internationalist character of the Soviets, which steadily developed the idea of union, working to induce the nations to establish friendly relations in one socialist family.

The Treaty establishing the U.S.S.R. emphasised the voluntary character of the union, the complete equality and sovereignty of the Union Republics and the right of each freely to withdraw from the U.S.S.R. These principles were developed by Lenin, who said: "We regard ourselves the equals of the Ukrainian Soviet Socialist Republic and other Republics, and join them in constituting a new union, a new federation..."¹

In this way, the truly popular and democratic character of the Soviets inevitably led all the Soviet peoples

¹ *Lenin Miscellany XXXVI*, p. 497.

to establish a federal (Union) state, the Union of Soviet Socialist Republics.

Composition of the Union In 1922, the U.S.S.R. consisted of four Union Republics: the Russian Federative Republic, the Ukrainian Republic, the Byelorussian Republic and the Transcaucasian Federative Republic (consisting at the time of three Soviet Republics—Azerbaijan, Armenia and Georgia). The Soviet Union was subsequently enlarged: through the free expression of will by the peoples it was joined by other Soviet Republics which made their appearance, while some Autonomous Republics were transformed into Union Republics.

In 1924, the Uzbek, the Turkmen and the Tajik nations in Central Asia were unified and this created the conditions for their establishment of nation-states. In February 1925, the Uzbek and Turkmen Union Soviet Socialist Republics were set up and freely joined the U.S.S.R. The Tajik Union Republic (previously an autonomous part of the Uzbek Republic) was formed in 1929 and also joined the U.S.S.R. in 1931. In 1936, the Transcaucasian Federation, having played its part in strengthening fraternal relations between its member nations and in developing the economy of the area, was abolished and its constituent Republics—Georgia, Armenia and Azerbaijan—entered the Soviet Union as Union Republics. At about the same time, Union Republic status was attained by the Kazakh and the Kirghiz Republics, which had earlier been parts of the R.S.F.S.R. In 1940, the Moldavian Republic, established with Bessarabia's re-entry into the Soviet state and the reunification of the Moldavian nation, joined the U.S.S.R. That same year, the Lithuanian, Latvian and Estonian Republics were admitted into the Union after the re-establishment of the Soviets.

Today, the Soviet Union is a federation of the following 15 Union Soviet Socialist Republics:

- The Russian Soviet Federative Socialist Republic,
- The Ukrainian Soviet Socialist Republic,
- The Byelorussian Soviet Socialist Republic,
- The Uzbek Soviet Socialist Republic,
- The Kazakh Soviet Socialist Republic,
- The Georgian Soviet Socialist Republic,
- The Azerbaijan Soviet Socialist Republic,
- The Lithuanian Soviet Socialist Republic,

The Moldavian Soviet Socialist Republic,
The Latvian Soviet Socialist Republic,
The Kirghiz Soviet Socialist Republic,
The Tajik Soviet Socialist Republic,
The Armenian Soviet Socialist Republic,
The Turkmen Soviet Socialist Republic,
The Estonian Soviet Socialist Republic.

**Federation
on National Principle**

A most important feature of the U.S.S.R. is that it is not just a federation of states, but of nation-states.

Each Union Republic is a nation-state. On entry into the Union, each Union Republic has a population with a national majority giving its name to the Republic. According to the all-Union population census of 1959, Russians made up 83.3 per cent of the population of the R.S.F.S.R.; Ukrainians, 76.8 per cent of the Ukraine's population; Byelorussians, 81.1 per cent of Byelorussia's population; Uzbeks, 62.2 per cent of Uzbekistan's population; Georgians, 64.3 per cent of Georgia's population; Estonians, 74.6 per cent of Estonia's population, etc.¹

These percentages have been changing because of the population movement, as in the case of Kazakhstan, which has 29.6 per cent Kazakhs and 43.1 per cent Russians. This is due to the transfer to Kazakhstan of many industrial plants from the central areas of the U.S.S.R. and the starting of new construction and the ploughing up of virgin and fallow lands. In Kirghizia, the Kirghiz constitute 40.5 per cent of the population and Russians, 30.2 per cent. In the last ten years, a great number of Ukrainians have moved to the R.S.F.S.R., notably Siberia, where hydroelectric power plants and major industrial enterprises are being set up.

Consequently, the U.S.S.R. is a socialist federation organised on the national principle, which means that its nations are sovereign and are free to develop their own way, it being the task of the federation to help organise all-round fraternal co-operation between the peoples.

¹ *Itogi Usesoyuznoi perepisi naseleniya 1959 goda SSSR (The All-Union Population Census of 1959, U.S.S.R.)* (Summaries), Moscow, 1962, pp. 202, 206-08.

The Russian Federation (the R.S.F.S.R.), a Union Republic within the U.S.S.R., is also organised on the national principle.

It took shape as a federation of autonomous state entities (Autonomous Republics, Autonomous Districts and Autonomous Regions), in which the Russians who have no separate nation-state, constitute a majority. The Russian Federation is a state, a great family of Russians, Tatars, Bashkirs, Buryats, Kabardinians, Komi, Mari, Mordovians, Karelians, Chuvashes, Ossetians, Udmurts, Yakuts and many other nationalities.

The national principle underlying the Soviet federation is reflected in the structure of the highest organ of the U.S.S.R., its Supreme Soviet, which consists of two chambers: the Soviet of the Union and the Soviet of Nationalities. The latter gives representation to the specific interests of dozens of nationalities, big and small, throughout the U.S.S.R., which spring from the specifics of their economy, culture, customs and traditions.

Through its deputies in the Soviet of Nationalities, the Soviet peoples within the Union Republics, Autonomous Republics, Autonomous Regions and National Areas give expression to their specific wants, propose the promulgation of laws, participate in deciding all-Union affairs, and inform the highest organ of their needs and requirements. In virtue of this, the Supreme Soviet of the U.S.S.R. can itself give expression through enactments and other acts to the true will and interests of all the nations and nationalities of the Soviet Union.

**Free Association
and Equality**

Each Union Republic is freely united with the other constituent Republics in the Union and is an equal member of the federation. These principles are given legislative form in the Constitution of the U.S.S.R.

Freedom of the federation means that the Republics are associated on the strength of the treaty they concluded to set up the U.S.S.R., which was the result of a free expression of their people's will and which left their national state intact. The point is that the Union can be truly strong only when federation is completely free. The equality of its members means that all the constituent Republics enjoy equal rights, regardless of population or territory. In prac-

tice this means, for instance, that the R.S.F.S.R., with 17 million square kilometres and more than 117 million people, and the Armenian Republic, with a territory of 30,000 square kilometres and 1.7 million people, are equal Union Republics and enjoy the same rights within the Union.

All Republics take equal part in constituting Union organs and in their activity. Each Republic has equal representation—32 deputies—in the Soviet of Nationalities and its own representatives in the Presidium of the Supreme Soviet of the U.S.S.R., the Council of Ministers of the U.S.S.R. and the Supreme Court of the U.S.S.R. This is highly important in co-ordinating the activity of the corresponding bodies of the Union and the Union Republics, in giving expression to the specific interests of each Republic in the activity and decisions of the all-Union bodies.

That is a vivid expression of Soviet socialist democracy in the sphere of national relations and of equality and fraternal co-operation between nations.

3. The U.S.S.R. and the Union Republics

Although the Union Republics are federated in the Union, they and the U.S.S.R. are equally sovereign states. They have federal organs of state power and state administration, and have common armed forces, citizenship, budget and monetary and credit systems. The powers of the Union, as a sovereign state, are established by the Constitution of the U.S.S.R., and relate to spheres of state activity which, in the interests of the Union and of the individual Republics, need to be conducted on the scale of the whole country, while safeguarding the interests of each Union Republic.

The Constitution of the U.S.S.R. refers to the jurisdiction of the Union a number of powers in the sphere of external relations, including representation of the U.S.S.R., conclusion, ratification and abrogation of treaties of the U.S.S.R. with other states, and establishment of general procedures governing the Union Republics' relations with foreign states. The Union decides questions of war and peace, and

the Constitution of the U.S.S.R. lays down that the Presidium of the Supreme Soviet of the U.S.S.R. may proclaim the state of war only in the event of a military attack on the U.S.S.R. or when the need arises to fulfil international treaty obligations concerning mutual defence against aggression.

Also within the jurisdiction of the U.S.S.R. is the organisation of the country's defences, direction of all the Armed Forces of the U.S.S.R. and the establishment of the guiding principles underlying the organisation of military formations of the Union Republics; the Union also safeguards the security of the state and conducts foreign trade on the basis of a state monopoly.

The Constitution of the U.S.S.R. defines the jurisdiction of the Union in economic affairs, such as framing the Union's economic plans, approving the consolidated State Budget of the U.S.S.R., and of the report on its implementation, organising a uniform system of economic statistics and establishing taxes and revenues going into the Union, Republican and local budgets. The Union exercises the administration of banks, industrial and agricultural establishments and enterprises and commercial enterprises under Union jurisdiction, and general direction of industry and construction under Union Republican jurisdiction; it exercises direction of the monetary and credit system and the organisation of state insurance. Among its powers are the contracting and granting loans, and definition of the basic principles of land tenure, and use of mineral resources, forests and waters.

The Constitution of the U.S.S.R. refers to Union jurisdiction the establishment of basic principles for education and public health.

In order to ensure a certain uniformity within the system of Soviet legislation, the Constitution of the U.S.S.R. refers to Union jurisdiction the establishment of the fundamentals of legislation on labour, the judicial system and court procedure, the fundamentals of civil and criminal legislation, and the fundamentals of legislation on marriage and the family. These are legislative principles for the entire federation which make it possible to take account of local specifics.

It is also within the jurisdiction of the Union to legis-

late on Union citizenship and the rights of aliens and to promulgate all-Union acts of amnesty.

The higher Union organs establish the Constitution of the U.S.S.R., exercise control over the observance of the Constitution of the U.S.S.R. and ensure conformity of the constitutions of the Union Republics with the Constitution of the U.S.S.R. It is also within the Union's jurisdiction to approve of any changes in the boundaries between the Union Republics and the formation of new Autonomous Republics and Autonomous Regions within the Union Republics.

The U.S.S.R. exercises its powers through the higher organs of power and organs of state administration of the U.S.S.R. Their legal acts are binding throughout the territory of the U.S.S.R.

**Sovereignty of the U.S.S.R.
in Relations
with Union Republics**

In relations with the Union Republics the sovereignty of the U.S.S.R. is manifested in the fact that the constitutions of the Union Republics, which take account of specific local features, must be in conformity with the Constitution of the U.S.S.R.; that in the event of divergence between a Union Republic law and a Union law, the Union law prevails; that the Presidium of the U.S.S.R. Supreme Soviet has the power to annul the acts of the Council of Ministers of Union Republics; that a general procedure is laid down for the external relations of the Union Republics and the guiding principles underlying military organisation in the Union Republics; that fundamentals are laid down for some branches of legislation; that the Council of Ministers of the U.S.S.R. has the power to suspend the acts of the Council of Ministers of Union Republics, and that the Ministries and departments of Union Republics are subordinate to the corresponding Ministries and departments of the U.S.S.R.

**Sovereignty
of the Union Republics**

The Republics constituting the Union are also sovereign. The Soviet federal state knows none of the disputes which arise in other federations over whether sovereignty resides in the federation or its subjects. These disputes spring from the contradictory interests of the various groups of ruling classes, some of whom are stronger and want to dominate the federation as a whole. They insist, therefore, that sovereignty resides in the federation

and not in its members, while the weaker groups wishing to retain their independence of the stronger ones claim that sovereignty is vested in the subjects and not in the federation itself.

Such conflicting situations are impossible in the U.S.S.R., where the common aims and interests of the working people of all nationalities make the U.S.S.R. a harmonious federal union of Republics.

In the Soviet Union, all Republics stand to gain from a strengthening of a federal state, which itself benefits from the steady development of the Republics. That is why the sovereignty of the Union does not clash with the sovereignty of the Republics. Moreover, the sovereignty of the Union is inconceivable without the sovereignty of the Union Republics, and vice versa. The Union Republics pool their effort in ensuring the sovereignty of each Union Republic against armed incursions on their territory and other forms of aggression, and against direct or indirect attempts at interference in their domestic affairs.

The Union Republics exercise their state power independently in all matters, with the exception of those voluntarily referred to the jurisdiction of the Soviet federal state, which leaves them free to exercise their state power in all economic, social, political and cultural affairs. The Constitution of the U.S.S.R. holds out guarantees for the sovereignty of the Union Republics.

Each Union Republic has its own Constitution which is adopted by its highest legislative organ (Supreme Soviet), and which is naturally based on the Constitution of the U.S.S.R. That is an expression of the unity of the Soviet federal state and of the U.S.S.R.'s social and economic system. At the same time, the Constitution of each Union Republic is a reflection of its historical, national, economic, traditional and other features.

The Constitution of each Union Republic gives legislative form to its social and state system and the principles underlying the organisation and activity of its state organs, their jurisdiction, the fundamental rights and duties of citizens and the electoral system. It also fixes the legal status of the Republic as a state which is a constituent and a subject of the Union.

Many of the provisions of these constitutions are identical,

because the Union Republics have a common economic system—social ownership of the means of production—and a common political system, and are inspired by the same ideals of communist construction. But some sections of these constitutions are different. For instance, the constitutions of the Uzbek, Tajik and Turkmen Republics declare that the representative organs of these Republics—the Soviets of Working People's Deputies—originated and were consolidated through the overthrow both of the power of capitalists and landowners (which is also characteristic of other Republics) and the feudal lords and local kulaks, and also as a result of the unification of the once dispersed peoples of these Republics in a single national state of workers and peasants. This serves to emphasise the characteristic features of their history.

National specifics are also reflected in the rules of the constitutions, defining administrative and territorial divisions.

Thus, in contrast to other Union Republics, the R.S.F.S.R. has large administrative units called territories, which usually include autonomous or administrative regions.

Some Union Republics, such as the R.S.F.S.R., the Ukraine, Byelorussia, Uzbekistan and Kazakhstan, also have regional divisions, whereas other Republics are divided into districts.

Representation in the organs of state power depends on the size of population. The Supreme Soviet of the R.S.F.S.R. has one deputy per 150,000 population; that of the Ukraine, one per 100,000; Byelorussia, 20,000, and Kirghizia, Tajikistan, Armenia and Turkmenia, 5,000.

The constitutions of some Union Republics provide additional guarantees of equal rights for men and women as a means of combating survivals of the past. Thus, under the constitutions of the Uzbek, Kazakh, Tajik, Turkmen and Kirghiz Republics it is a punishable offence to resist the emancipation of women by, say, marrying off minors, preventing women from going to school or finding employment in agriculture or industry, or from taking government office and participating in social and political affairs.

Each Union Republic is free to secede, which is the touchstone of voluntary association. This right is not limited

in any way whatsoever, and can be neither revoked nor amended by the federal authority.

However, the fact that since the establishment of the U.S.S.R. none of the Union Republics has expressed a desire to withdraw from the Union testifies to the monolithic nature of the Soviet federal state in which there are no centrifugal forces: the Soviet Republics are bonded together by a common federal plan, directing their economic and cultural development in a spirit of friendly mutual assistance. The Union Republics pool their natural and economic resources for their most rational use in developing the national economy and raising living standards. That is why it is virtually impossible to imagine any Union Republic actually declaring its intention of withdrawing from the Soviet Union.

Territorial supremacy provides further evidence of the sovereignty of each Republic. According to the Constitution of the U.S.S.R., the territory of a Union Republic may not be altered without its consent. Because life in all the Soviet Republics rests on a common socialist basis and they are all members of one family with common vital interests, they are able to settle any territorial issues without any difficulty, solely on the strength of economic and cultural considerations. The law enacted in 1955 by the Supreme Soviet of the Kazakh Republic transferring a part of the Hungry Steppe and Bostandik District to the Uzbek Republic, which gravitated to the latter, is a striking example of the fraternal relations between the Soviet nations in settling territorial issues.

All the peoples of the U.S.S.R. enjoy equal rights of possession and disposal of the material and spiritual goods created by their joint labour and creative energy, regardless of the national territory on which they live and work. That is why the transfer of the Crimea from the R.S.F.S.R. to the Ukraine in 1954 did not in any way affect the interests either of the Russians or of the Ukrainians. The Crimea remains in the possession of the Soviet multinational state and continues to be an all-Union health resort.

Each Union Republic may grant Republican citizenship, and thereby U.S.S.R. citizenship as well, because every citizen of a Union Republic is a citizen of the U.S.S.R.

An important indicator of the independence of Union Republics is their right to have their own armed forces and to enter into relations with foreign states, conclude agreements and exchange diplomatic and consular representatives with them. Thus, the Ukraine and Byelorussia are members of the United Nations and took an active part in framing the U.N. Charter; in 1947 at the Paris Peace Conference they signed the peace treaties with Italy, Finland, Hungary, Rumania and Bulgaria. At the Second General Assembly the Ukraine was elected to the Security Council. She is also a member of the U.N. Commission on Human Rights. Byelorussia has also been a member of the U.N. Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, etc.

The Ukrainian Republic attended a number of international conferences (the 1948 Danube Conference, the 1954 Conference on the protection of cultural values in the event of armed conflicts; the 1958 conferences on the international marine law, etc.). The Ukraine is party to 67 international treaties, agreements and conventions. In addition, she is a member of the World Meteorological Organisation. Both Republics, the Ukraine and Byelorussia, are members of the International Labour Organisation, the Universal Postal Union, UNESCO, the International Atomic Energy Agency, the U.N. Economic Commission for Europe and other international bodies.

Delegates from the Uzbek Union Republic attended the Afro-Asian Solidarity Conference in Cairo, sittings of the Interparliamentary Union and the Writers' Conference in Delhi. The Union Republics have been taking an ever more active part in international affairs.

As a subject of the federation, the Union Republic has the right to demand the convocation of the U.S.S.R. Supreme Soviet in extraordinary session and the staging of Union-wide referendums; it has the right to appoint its representatives to Union bodies and to have a permanent representation on the U.S.S.R. Council of Ministers.

As a sovereign state, each Union Republic has its own higher state organs, which are freely formed by its population on the basis of its Constitution and its laws, which determine the composition, structure and jurisdiction of these bodies.

The Supreme Soviet of the Union Republic enacts laws which are binding on its territory. In the event of a divergence between the law of a Union Republic and a law of the Union, the Union law prevails. Each Union Republic has its own emblem, flag and capital. Some Union Republics have their own anthems.

The state organs of the Union Republic exercise the jurisdiction of Republic as laid down by its Constitution.

You will recall that each Union Republic has jurisdiction in the sphere of external relations and defence. The Republics have broad economic, fiscal and budgetary powers (approval of the national economic plan and the budget of the Republic, administration of the banks and industrial, agricultural and commercial enterprises of Union Republican and Republican importance, administration of housing and public utilities, local transport and communications, etc.). Many social and cultural matters (public education, public health, social security, etc.) also fall within the jurisdiction of the Union Republic. They administer their Autonomous Republics, Regions and National Areas and decide matters of administrative and territorial division and many others arising in legislation, administration and justice.

As the Soviet Union develops, the rights and powers of the Union Republics are not reduced but increased.

In the last few years, further measures were taken to extend the rights and powers of the Union Republics. In particular, matters of territorial division have been referred to their exclusive jurisdiction, making it possible to take a fuller account of local conditions (the economy, composition of the population, geographical conditions, etc.). The Union Republics now also legislate on their judicial system and the issue of civil and criminal codes, and the codes of civil and criminal procedure, all of which likewise helps to take fuller account of local conditions.

The economic powers of the Union Republics were considerably extended with the transfer to their immediate jurisdiction of thousands of major industrial enterprises. The budgetary powers of the Union Republics have been considerably extended. Since 1956, the revenues and expenditures of the Union Republics are entered as lump sums in the Union Budget, adopted by the Supreme Soviet of the U.S.S.R., without distribution among the local budgets and

only with an indication of the main head. It is up to the Union Republic itself to decide whether an item is to go into the Republican or local budget. But that does not signify total administrative decentralisation, for in the U.S.S.R., centralised planning and guidance are coupled with decentralised day-to-day administration.

Economic and Cultural Development

The Soviet federation has enabled the once backward peoples to develop their economy and culture at an accelerated pace. This was achieved in the most diverse ways; more intensive construction of industrial enterprises in Russia's old borderlands; additional appropriations for public health and education; assistance through technical and cultural personnel, etc. In other words, the economic and financial assistance made available to the lagging Republics was an expression of the socialist essence of the federation's national policy. Its main premise is that economic equality is the basis of equality in all other spheres. That is why the rate of development has been especially high in the once backward Republics. Thus, from 1913 to 1963, the country's gross industrial output went up 52-fold: that of the Kazakh Republic, 78-fold; Moldavia, 73-fold; Kirghizia, 82-fold and Armenia, 89-fold.

Each Republic shows evidence of the co-operation and fraternal assistance between the Soviet peoples and their remarkable successes in economic and cultural development. In Kazakhstan, for instance, hundreds of factories and plants, run on the most modern lines, were built in a very short time, and it now matches Italy in industrial output per head. The Karaganda Basin is an important coal centre developed in Soviet times. The Republic now generates four times more electric power than the whole of Russia before the revolution. In the last few years, 20 million hectares of virgin and fallow lands in the Republic were put to the plough, making it one of the main granaries of the Union. Before the revolution, Kazakhstan had no colleges or research institutions. It now has an Academy of Sciences, a Kazakh Branch of the U.S.S.R. Academy of Agricultural Sciences, a number of other scientific institutions, a state university and more than 20 institutions of higher learning.

The other Republics have also scored remarkable cultural successes. Before the revolution, the peoples of Central Asia

were almost totally illiterate. Today, illiteracy has been wiped out. The Central Asian Republics have three times as many college students per 10,000 population as France, Italy and West Germany.

The economic development plans of the U.S.S.R. provide for further all-round economic and cultural advance in the Union Republics and for faster development of the productive forces in the Central Asian Republics than in the Soviet Union as a whole.

4. Soviet Autonomy

Apart from the nationalities constituting the majority of the population in some Union Republics, there are compact ethnic groups differing from the former in their economic development, culture, customs and traditions. They enjoy autonomy, which means independent exercise of state power and broad self-government through the establishment of local organs of power, the courts, administration, schools, and socio-political and educational institutions, with the use of their native language in every sphere.

Consequently, Soviet autonomy is organisation of nations on state lines for the exercise of self-administration and sovereignty. Soviet autonomy assures the nationalities of free development.

It assumes a diversity of forms which make it possible to take account of the different conditions of national development, enabling peoples with different economic and cultural levels to set up their own nation-states. Thus, there is the nation-state with legislative autonomy (Autonomous Republic) and the national territorial entities with administrative autonomy (Autonomous Region and National Area). Legislative autonomy extends to legislation and administration and administrative autonomy, to administration only.

But Soviet autonomy is flexible and allows transition from one form to another. Thus, 11 of the 16 of the Autonomous Republics now within the R.S.F.S.R. were once Autonomous Regions.¹ Soviet autonomy is flexible also because it is closely bound up with the federation which has enabled

¹ Kabardinian-Balkar, Kalmyk, Karelian, Komi, Mari, Mordovian, North Ossetian, Udmurt, Checheno-Ingush, Chuvash and Tuva.

some Autonomous Republics to become Union Republics through the free expression of the sovereign will of their peoples. Six of the present 15 Union Republics emerged as a result of the development of Soviet autonomy: four were once Autonomous Republics,¹ and two were set up through the reorganisation of the Turkestan Autonomous Republic and its division into nation-states.²

Kirghizia, set up as a state only in Soviet times, developed from an Autonomous Region into a Union Republic.

Because Soviet autonomy is flexible and is closely bound up with federation, it helps the nations to solve any matters of state by the exercise of their sovereign will.

Autonomous Republic

The Autonomous Republic is a national Soviet socialist state which is a part of a Union Republic. It has its own Constitution which is adopted by its Supreme Soviet and is written in full conformity with the Constitution of the Union Republic and the Constitution of the U.S.S.R., but takes account of specific local features. The territory of the Autonomous Republic may not be altered without its consent. The Autonomous Republic has its own supreme organs of state power and organs of state administration, which exercise its jurisdiction, and its own Supreme Court. The Autonomous Republic has, within the limits of its jurisdiction, the power to enact laws in full conformity with the laws of the U.S.S.R. and of the Union Republic. These laws are binding over the entire territory of the Autonomous Republic.

The Autonomous Republic has its own citizenship, and every citizen of an Autonomous Republic is a citizen of the respective Union Republic and of the U.S.S.R.

Every Autonomous Republic has eleven deputies in the Soviet of Nationalities of the Supreme Soviet of the U.S.S.R., and a number of deputies in the Supreme Soviet of the Union Republic corresponding to the size of its population; it has a Deputy Chairman of the Presidium of the Supreme Soviet of the Union Republic.

There are now 20 Autonomous Republics in the U.S.S.R., including 16 in the R.S.F.S.R.: Bashkirian, Buryat, Daghستان, Kabardinian-Balkar, Kalmyk, Karelian, Komi, Mari,

¹ Tajikistan, Kirghizia, Kazakhstan and Moldavia.

² Uzbekistan and Turkmenia.

Mordovian, North Ossetian, Tatar, Tuva, Udmurt, Checheno-Ingush, Chuvash and Yakut; two are in the Georgian Republic: Abkhazia and Ajaria; one is in Azerbaijan—Nakhichevan; and one in Uzbekistan—Kara-Kalpakia.

Since the revolution, the Autonomous Republics have developed their economy and culture very fast. Thus, the Kara-Kalpak Autonomous Republic used to be one of the most backward colonial borderlands of tsarist Russia. Its people were on the verge of extinction and did not know the art of writing. Today, theirs is a Republic with a highly mechanised agriculture, and a burgeoning industry and culture. Before the revolution, Kara-Kalpakia had virtually no industry at all; today it has many plants producing structural materials, foodstuffs, meat, dairy products and garments. The small impoverished farms have been supplanted by highly mechanised, large-scale collective and state farms. Before the October Revolution, only 0.2 per cent of the population could read and write, and there were only four schools with four teachers and 174 pupils. Today, Kara-Kalpakia has 605 schools attended by 128,000 children. This small Autonomous Republic now has twice as many students per 10,000 population as France and Italy, and 20 times more than Iran. Other Autonomous Republics have scored similar economic and cultural successes.

Within the Soviet socialist state, the right of nations to self-determination assumes the form not only of independent nation-states, but also of Autonomous Regions or Autonomous Areas, which are not states.

Autonomous Regions The Autonomous Region is a national territorial region within a Union Republic which is inhabited by a distinct nationality with its own way of life. The region enjoys domestic self-government and has its own national organs of state power and state administration: the Regional Soviet of Working People's Deputies and its Executive Committee, with its departments and administrations. The powers of the Autonomous Region are stated in the Statute, which takes account of its national specifics.

The Autonomous Region establishes its own district divisions, which are subject to approval by the Union Republic. Each Autonomous Region has five deputies in the Soviet of Nationalities of the U.S.S.R. Supreme Soviet, and a number

of deputies in the Supreme Soviet of the Union Republic corresponding to the size of its population.

At present, there are 8 Autonomous Regions in the U.S.S.R., among them five in the R.S.F.S.R. (Adygei, Gorny Altai, Jewish, Karachai-Cherkess and Khakass Autonomous Regions); one in the Georgian Republic—the South Ossetian Autonomous Region; one in Azerbaijan—the Nagorny Karabakh Autonomous Region; and one in Tajikistan—the Gorny Badakhshan Autonomous Region.

The Autonomous Regions have also flourished economically and culturally, and a good example is the Nagorny Karabakh Autonomous Region. Before the revolution, it had only small handicraft shops, today, it has dozens of industrial enterprises and several electric power stations. Its peasants once used nothing but wooden ploughs; today, its collective and state farms have more than 1,400 tractors and 224 grain-harvesting combines. Before the revolution, 90 per cent of the population was illiterate. Today, there are 210 general educational schools, attended by more than 30,000 children, many schools for young workers and farmers and several specialised secondary schools.

The National Area is another form of state organisation on national lines within a region or territory which is inhabited by a distinct nationality with its own way of life. Some National Areas are inhabited by two or more nationalities.

National Area

The National Area gives a small nationality the opportunity to exercise administrative self-government in domestic affairs. The National Area exercises its powers through its own local national organs of state power and administration: the Area Soviet of Working People's Deputies with its Executive Committee. The powers of the National Area are stated in an Statute. Each National Area has one deputy in the Soviet of Nationalities of the Supreme Soviet of the U.S.S.R. and a number of deputies in the Supreme Soviet of the Union Republic corresponding to the size of its population.

There are now ten National Areas in the U.S.S.R., and they are all situated in the north of the R.S.F.S.R.: Acha (Buryat), Komi-Permyak, Koryak, Chukotka, Nenets, Taimyr, Evenk, Ust-Ordynsk (Buryat), Hanty-Mansi and Yamalo-Nenets.

The small and once nomadic peoples of the north, such as the Evenks, Chukcha and Eskimos, have been helped by the Soviets to settle down, learn to read and write and develop a high culture. They now have a modern industry, notably mining, and electric power and radio communications are used extensively.

National village Soviets or national districts may be formed to ensure the rights and free development of national minorities inhabiting a village, a group of villages or a district. Such national entities are to be found in some Republics, notably, the Uzbek Union Republic, whose Constitution contains mention of its national districts. Local organs of power and administration in the national village Soviets and districts use the local language, are staffed with local personnel and work to satisfy local cultural and other needs, that is, all that is required to ensure the national equality and free development of the national minorities and ethnic groups. That is another manifestation of the consistent Soviet policy of national self-determination and equality.

* * *

The Soviet Union has developed and gained in strength as a multinational state, a free union of equal peoples by consistently implementing the right of nations to self-determination. This has served as a basis for the establishment of a system consisting of various forms of national statehood: Union Republic, Autonomous Republic, Autonomous Region and National Area. Each of these forms goes to ensure the sovereignty and equality of nations and enables each to choose the form of nation-state organisation which best accords with its specific features and best serves its interests.

Today, the life of all the peoples in the U.S.S.R. is based on a common socialist system which gives equal satisfaction to their material and spiritual requirements. They are all united by vital common interests in one family, and communism is their common goal. They live in friendship, giving each other fraternal assistance, extending their exchanges and drawing ever closer together, all of which helps further

to develop each Soviet nation. The exchange of material and spiritual values between the nations is becoming ever more intensive.

All the questions arising from national relations in the course of communist construction in the Soviet Union are settled in the light of proletarian internationalism and the undeviating pursuit of the Leninist national policy.

Chapter Three

HOW THE SOVIET STATE IS ADMINISTERED

We come now to the organisation of the Soviet state today and shall describe which organs exercise power and how, and to what extent citizens take part in this, that is, how democracy works in this country.

Among the principal forms of activity of the Soviet state are the exercise of state power (supreme and local), the exercise of state administration, the exercise of control over the activity of the state apparatus, the administration of justice and the exercise of Procurator's supervision over the observance of legality.

In accordance with these forms there is a system of state organs, including the organs of state power, the organs of state administration, the organs of people's control, the organs of the court and the Procurator's Office. These organs constitute a single system, a fact which flows from the unity of their class essence and singleness of purpose. All together they make up a mechanism of the Soviet state apparatus, co-ordinating its work and interacting with each other.

The smooth functioning of the system of state organs naturally implies a strict demarcation of jurisdiction and sphere of practical activity between the separate organs of state power, the executive and administrative organs, the organs of people's control, the organs of the court and the Procurator's Office. It does not imply any separation or opposition of powers, but a clear-cut demarcation of their jurisdiction within a single system.

1. Soviets of Working People's Deputies—the Foundation

The Soviets of Working People's Deputies, which are representative organs of state power, have a special place within the system of Soviet state organs. Article 3 of the Constitution of the U.S.S.R. says: "All power in the U.S.S.R. is vested in the working people of town and country as represented by the Soviets of Working People's Deputies."

In conformity with the Constitution, Soviets are the foundation of the socialist state system, wielding the power to direct economic and social processes. They embody the unity of political and economic guidance, and it is their task to administer the entire stock of state socialist property, to dispose of the land, its mineral wealth, waters, forests, factories and mines, transport and communications, large state-organised agricultural enterprises, municipal enterprises and the bulk of the dwelling houses in the cities and industrial localities. They have the necessary means to exercise an active influence on how collective farms, co-operatives and other associations of working people use the economic assets at their disposal.

Shortly after the revolution Lenin said: "The Soviets would have to become bodies regulating all production in Russia."¹ As socialist economy developed, this proposition was applied to an ever fuller extent and is now the basis of administration of the economy of the U.S.S.R.

The Soviets approve economic plans and state and local budgets, which determine the development of various branches of the economy. They examine reports on the fulfilment of these key acts of the Soviet state and decide on other important economic questions. In organising the fulfilment of plans, the Soviets seek and set in motion the reserves latent in the socialist economy, ensuring high rates of technical progress and effective use of the latest scientific achievements. Their main aim is to build the material and technical basis of communism as soon as possible, to increase the social wealth, to raise the people's material and cultural standards and increase the country's defence capability.

The political and economic activity of the organs of power

¹ Lenin, *Collected Works*, Vol. 26, p. 366.

is closely bound up with guidance in cultural affairs. They have at their disposal a system of schools, clubs, houses of culture, theatres, cinemas and other educational and cultural institutions, and a great number of higher and secondary schools and scientific and research centres. The Soviets plan the development of these institutions and determine their budget appropriations. Together with Party and mass organisations, they strive to help all working people in socialist society to acquire a scientific outlook and ultimately to develop the full man, a blend of spiritual wealth, moral purity and physical perfection.

It is the task of all Soviets from top to bottom to take an active part in economic organisation and cultural and educational work. Of course, each of their units has its own writ, but it would be wrong to assume that it is the Supreme Soviets that deal mainly with political and economic affairs, while the local Soviets confine themselves to cultural and everyday matters. The local Soviets are not municipal councils like those we find in the capitalist countries, with their minor and purely local problems. The Soviets are organs of power in the socialist state and are links of a single system of representative institutions vested with full powers. Accordingly, the Communist Party is working to enhance their role in economic guidance.

In exercising their role, the Soviets have to perform a great volume of work arising from the direction of social affairs. The most important business is decided at the sessions of the Soviets, which are generally meetings of deputies called at regular intervals. Their standing commissions and deputies organise the implementation of the decisions adopted. Of course, the vast amount of work involved in economic and social administration cannot all be done by the Soviets alone, and so there is a ramified system of state organs variously participating in economic, social, cultural, administrative and political affairs. All these organs, directly or indirectly, depend on the Soviets, from which they obtain all their powers. Thus, the Soviets are the one and only foundation of the entire state system, from top to bottom.

There is no division of power in the Soviet Union as there is under the classical system of the bourgeois parliamentary government. The Soviets are representative organs vested with full power and exercising legislative, executive and

administrative functions. They have broad possibilities for exercising an influence on the activity of the executive apparatus, and directly participating in its activity. The blend of legislative, executive and organisational functions in the activity of the Soviets should be seen in motion. The ever greater integration of the two is a law governing the development of representative organs of power and is one of the most important ways of improving Soviet democracy.

Evidence of the full power residing in the Soviets, which constitute the political foundation of the U.S.S.R., is that all the other organs of the Soviet state are set up (elected, appointed or formed) by the Soviets of Working People's Deputies,¹ and are all accountable and responsible to the Soviets.

The higher and local organs of state power set up their executive and administrative organs, that is, the organs of state administration, which are accountable and responsible to these organs of state power. The organs set up by the Soviets operate on the basis and in pursuance of the laws and the decisions adopted by the Soviets and superior state organs.

In addition, higher and local organs of state power elect their respective judicial bodies: the Supreme Court of the U.S.S.R. and the Supreme Courts of the Union and Autonomous Republics, and territory, regional and area courts, that is, all the courts except the People's Courts which are elected directly by the citizens. In the administration of justice, the courts are guided by the laws enacted by the higher organs of state power: the Supreme Soviet of the U.S.S.R. and the Supreme Soviets of the Union and Autonomous Republics.

The Supreme Soviet of the U.S.S.R. appoints the Procurator-General of the U.S.S.R. who heads the entire system of organs of the Procurator's Office, which exercise supervision over the precise observance of the laws enacted by the higher organs of state power.

Finally, the Soviets and other mass organisations set up people's control committees.

The Soviets, as representative popular bodies, exercise full state power, and this is a manifestation of the Soviet

¹ District (city) People's Courts, which are elected directly by the citizens of the area, are an exception.

people's sovereignty, genuine popular rule and socialist democracy.

Acts issued by the Soviets are binding on all persons in office, state institutions and citizens. The Soviets of Working People's Deputies—from the Supreme Soviet of the U.S.S.R. down to the rural Soviets—have the necessary means of ensuring fulfilment of their decisions. Of course, the deputies carrying on the work of organisation in the midst of the people resort to inducement and education and rely heavily on the strength of personal example, but where the need arises, the Soviets may, either directly or through specially authorised agencies, apply various measures of state compulsion. They have the right to remove persons holding office in the organs they set up before the expiry of their term, whenever these fail to cope with their duties or act in a way incompatible with the dignity of their office. In addition, commissions of the Soviets verifying the work of various establishments and organisations may recommend that individuals be subjected to administrative responsibility. The Soviets and their organs may decide to submit various cases involving offences to the Procurator's Office and the courts.

Consequently, the Soviets have all the powers for directing economic, social, cultural and administrative and political affairs; they themselves constitute the principal organs of the state, which are accountable to them, they are the ultimate source of the powers of all state organs; they issue acts which are binding on all persons in office, state institutions and citizens.

The Soviets of Working People's Deputies are elective organs of state power and are the foundation of the entire state system, and one of their characteristic features is that they are organs of self-administration and are broadly representative institutions, for they are elected directly by the people and are made up of their best representatives. In their activity they are guided by the mandates of their electors, are accountable to the people and operate under their control. The deputies of the Soviets take direct part in communist construction, combining their duties as deputies, which means practical participation in government, with their production activity.

At the same time, the Soviets are the most massive and

authoritative public organisation, because they unite on state lines the whole population— all the working people of town and country—and all nationalities. Consequently, the Soviets in a sense combine the state and the public principle.

The Soviets are popular organs of power, whose democratic nature is evident from the basic principle underlying their structure and activity, namely, decisive participation of the masses, publicity, collective leadership, democratic centralism, equality of nationalities and socialist legality.¹

Lenin said: "It is important for us to draw literally all working people into the government of the country. It is a task of tremendous difficulty. But socialism cannot be implemented by a minority, by the Party. It can be implemented only by tens of millions when they have learned to do it themselves."² The Soviets proved to be the organisation best suited to the task of teaching the masses the art of government and carrying on socialist production on the scale of the whole country. The Soviets have justified themselves at every stage of Soviet development. Today, they continue to be a school of government for millions. They help to organise and develop the people's creative energy as they advance towards their great goal. It is quite natural, therefore, that the Soviets and their deputies should have an even greater part to play during the full-scale construction of communism, when initiative and the creative approach are at a premium.

System of Soviets

The Soviets at the centre and in the localities make up a single democratic system, consisting of:

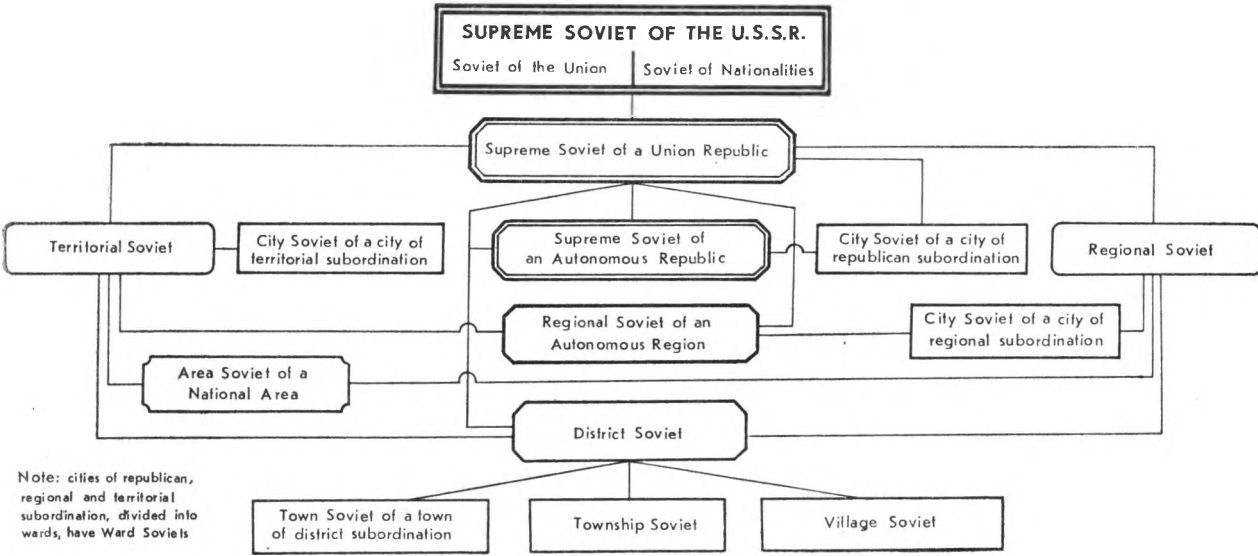
Supreme Soviet of the U.S.S.R.,
Supreme Soviets of the Union Republics,
Supreme Soviets of the Autonomous Republics,
Local Soviets (see Table I).

Within the system of Soviets there are higher and local organs of state power. The higher organs of state power of the U.S.S.R., the Union Republics and the Autonomous Republics are: the Supreme Soviet of the U.S.S.R. which is the Soviet Parliament; the Supreme Soviets of the Union and Autonomous Republics, the Presidium of the Supreme

¹ These questions are dealt with in detail on p. 183.

² Lenin, *Collected Works*, Vol. 27, p. 135.

THE SYSTEM OF SOVIETS OF WORKING PEOPLE'S DEPUTIES



Soviet of the U.S.S.R., which is the collegial head of the Soviet state, the Presidium of the Supreme Soviets of the Union and Autonomous Republics.

The Soviets of Working People's Deputies of territories, regions, Autonomous Regions, areas, districts, cities, villages and townships are the local organs of state power. The higher and the local organs of state power are different links within the single system of the organs of state power.

More than 2 million deputies are elected to the Soviets of the Working People's Deputies.

There has been a steady growth in the number of local deputies: 1,549,777 in 1957; 1,822,049 in 1961; 2,010,540 in 1965 and 2,045,419 in 1967. This helps the Soviets to extend their ties with various sectors of state, production and social life, and adds vigour to the activity of the standing commissions and other organs of the Soviets.

Table II

Number of Soviets and Deputies

Name of Soviet	Number of Soviets in the U.S.S.R.	Total number of deputies
Supreme Soviet of the U.S.S.R. ¹	1	1,548
Supreme Soviets of Union Republics . .	15	5,830
Supreme Soviets of Autonomous Republics ²	20	2,925
Local Soviets of Working People's Deputies ³	48,770	2,045,419
including:		
territory, regional, area	129	25,747
district	2,858	223,220
urban	1,868	238,250
urban district	416	86,642
rural	40,174	1,287,826
township	3,325	183,734
Total	48,806	2,055,722

¹ 1966 election.

² 1967 election.

³ 1967 election.

The full-scale construction of communism is marked by a further development of socialist democracy and diversification of its forms which help to draw more and more people into government and the administration of social affairs. The main direction in which socialist state activity develops is an all-round unfolding and improvement of socialist democracy, involvement of ever broader masses of working people in the administration of state, economic and cultural affairs, improvement of the work of the state apparatus and the enhancement of popular control over its activity. The Soviets of Working People's Deputies, which embrace the whole people and embody their unity, have an important part to play in this, for they are best adapted to involving the masses in government and the administration of social affairs.

**Supreme Soviet
of the U.S.S.R.**

The Supreme Soviet of the U.S.S.R., the highest organ of state power in the U.S.S.R., which is elected for a term of four years, has a special role within the system of Soviets. Its prerogatives are extensive and comprehensive. The Supreme Soviet of the U.S.S.R. is the immediate repository of popular and state sovereignty, and expresses the will of the entire Soviet people. It stands at the head of the whole system of organs of state power, and all the other bodies are subordinate to it.

The activity of the Soviet Parliament ranges over all the principal questions of domestic and foreign policy. It approves the consolidated State Budget of the U.S.S.R., and the economic development plans; decides on admission of new Republics into the U.S.S.R.; adopts the Constitution of the U.S.S.R. and exercises control over its observance, ensuring conformity of the constitutions of the Union Republics with the Constitution of the U.S.S.R.; approves changes in boundaries between Union Republics and the formation of new Autonomous Republics and Autonomous Regions within the Union Republics, etc.

The Supreme Soviet decides questions of war and peace.

At a joint sitting of the two chambers, the deputies elect the Presidium of the Supreme Soviet of the U.S.S.R. The Supreme Soviet of the U.S.S.R. forms the Government of the U.S.S.R., the Council of Ministers of the U.S.S.R. It also elects the Supreme Court of the U.S.S.R. and appoints the Procurator-General of the Soviet Union, who heads

the system of organs of Procurator's supervision (see Table III).

All these state bodies and organs are subject to the control of the Supreme Soviet and may be dissolved by it. Art. 48 of the Constitution states that the Presidium of the Supreme Soviet is accountable to the Supreme Soviet of the U.S.S.R. for all its activities. There is a similar provision concerning the Government. Art. 65 says: "The Council of Ministers of the U.S.S.R. is responsible and accountable to the Supreme Soviet of the U.S.S.R., or in the intervals between sessions of the Supreme Soviet, to the Presidium of the Supreme Soviet of the U.S.S.R."

The statute on Procurator's supervision in the U.S.S.R., adopted on the basis of the Constitution, also says that these organs are accountable to the Supreme Soviet of the U.S.S.R.

Let us note that there is a tendency towards an extension of the influence of the Supreme Soviet which heads the entire system of Soviet representative bodies.

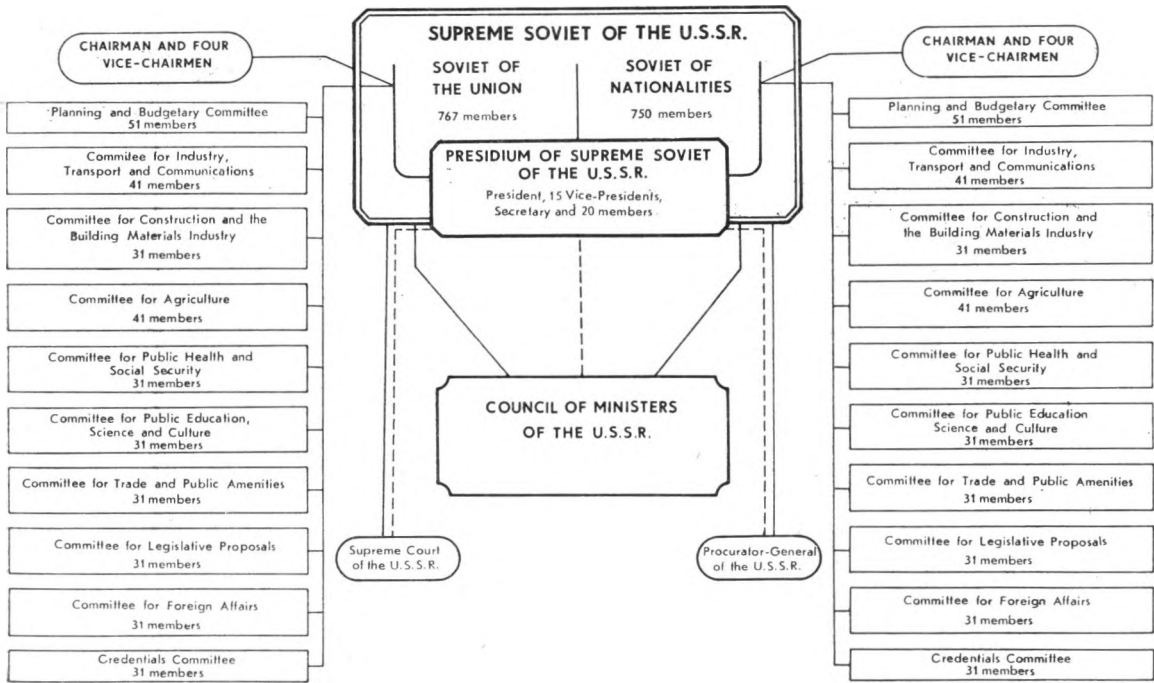
The Supreme Soviet is vested with unlimited powers of control over the activity of any state body, ranging from the government to local bodies. It appoints commissions of inquiry and auditing on any matter, and may summon Ministers to attend their sittings. All institutions and persons in office must comply with the demands of these commissions and put at their disposal all the records they may require.

The Government of the U.S.S.R. or a Minister of the U.S.S.R. to whom a question of a member of the Supreme Soviet of the U.S.S.R. is addressed must give a verbal or written reply in the respective chamber within a period not exceeding three days (Art. 71 of the Constitution).

Deputies of the Supreme Soviet of the U.S.S.R. are not career politicians, a characteristic distinction between the Soviet Parliament and bourgeois parliaments. Most Soviet deputies work and live in their electoral districts, representing the Supreme Soviet on the spot, and together with the most active electors exercise day-to-day control over the activity of various state bodies.

For the purpose of further improving the work of the Soviets and enhancing their control over the executive organs of the U.S.S.R., deputies are released from their professional duties at regular intervals to enable them to take part in the work of the commissions.

SUPREME SOVIET OF THE U.S.S.R. AND THE BODIES IT ELECTS, FORMS OR APPOINTS



Whereas the Supreme Soviet has ways and means of exercising control and influence over any other organ in the country, neither the Government nor any other body can exercise influence over the Supreme Soviet.

The Government of the U.S.S.R. cannot, for instance, raise a question of confidence in the Supreme Soviet to secure the passage of a bill it sponsors. As a rule members of the Government are also deputies and as such are personally subject to direct control both by their electors and the Supreme Soviet.

Nor does the U.S.S.R. have any extra-parliamentary organ to exercise control over the correct election of deputies, such as a Constitutional Council or an Electoral Court. The chambers of the Soviet Parliament—the Soviet of the Union and the Soviet of Nationalities—elect Credentials Committees to verify the credentials of deputies and the correctness of their election to the chamber. Upon the report of their Credentials Committee, the chambers decide by vote on the validity of a deputy's credentials.

Thus, while controlling all the other organs of power in the U.S.S.R., the Supreme Soviet is itself subject to the control of and is accountable to the electors alone, for the people are sovereign; the Soviet Constitution provides for the possibility of dissolution of the Supreme Soviet.

But the important guarantee of its supremacy within the system of state organs is that the Soviet Constitution does not vest the right of its dissolution either in the Government or in any collegial body which exercises the functions of the head of state.

Under Art. 47 of the Constitution of the U.S.S.R., in the event of disagreement between the two chambers, and because neither of these equal bodies has a final say, the Supreme Soviet is dissolved,¹ with the jurisdiction of the Presidium of the U.S.S.R. being strictly limited: it dissolves parliament and appoints a new election. The Presidium of the Supreme Soviet is limited by the constitutional provision that it can neither refuse to dissolve the Supreme Soviet nor initiate such a move.

Consequently, this power of the Presidium of the Supreme Soviet of the U.S.S.R., like all its other powers relating to

¹ For details see pp. 130-31.

the activity of the Soviet Parliament (convocation of sessions, appointment of election date, etc.) is established only to provide organisational assistance to the supreme representative body.

However, the relationships between the Supreme Soviet and its Presidium and the Government are not confined to the appointment of and control over the latter. After all, the Supreme Soviet is the immediate repository of popular and state sovereignty, and as such is vested with full state power and heads the entire system of organs of the U.S.S.R. That this is so is testified by the distribution of jurisdiction between the Supreme Soviet and its Presidium and the Council of Ministers of the U.S.S.R.

As has been said, Soviet law does not accept the doctrine of the separation of powers. At the same time, the system of Soviet state organs is based on a strict demarcation of jurisdiction and an allocation of practical work between the various authorities within the single system of state organs.

Accordingly, the jurisdiction of the organs of the U.S.S.R.—the Supreme Soviet, its Presidium and the Government—is defined in the Soviet Constitution: Art. 31, in particular, says that the Supreme Soviet of the U.S.S.R. exercises all rights vested in the Union of Soviet Socialist Republics, in so far as they do not come within the jurisdiction of organs of the U.S.S.R. that are accountable to the Supreme Soviet of the U.S.S.R., that is, the Presidium of the Supreme Soviet of the U.S.S.R., the Council of Ministers of the U.S.S.R. and the Ministries of the U.S.S.R.

There is, consequently, a demarcation of the sphere of activity of the Supreme Soviet, including only the most important and general matters of state, which the Presidium of the Supreme Soviet and the Government are not competent to decide.

This demarcation of jurisdiction and sphere of activity of the Soviet Parliament, the organ which acts as the state, and of the Government means that no other body may invade the sphere of activity reserved for the Supreme Soviet of the U.S.S.R. But Soviet jurists give an extensive interpretation of Art. 31 of the Constitution of the U.S.S.R. On the strength of the fact that parliament is the only repository of the Soviet people's sovereignty and the supreme organ of state power which receives its powers directly from the electoral

body, it may take over the jurisdiction of the organ subordinate to it, thus invading the sphere of activity of the organ which plays the part of the collegial head of state or government.

The following precedent may be cited as example. According to Art. 49 of the Constitution, ratification of the international treaties of the U.S.S.R. is a prerogative of the Presidium of the Supreme Soviet of the U.S.S.R., which does so on the recommendation of the respective commissions of both chambers of parliament. Desirous of attaching special importance to an international treaty on one occasion—it was the Anglo-Soviet Treaty of Alliance—the Supreme Soviet of the U.S.S.R. arrogated this prerogative and ratified the treaty itself.

Since the 20th Congress of the C.P.S.U., there has been a clear tendency in extending the sphere of activity of the supreme representative body which now takes cognisance of all matters earlier decided by decree of the Presidium of the Supreme Soviet or decisions of the Government. Thus, since 1957, the Soviet Parliament has annually examined and approved the annual economic plans which had earlier been within the jurisdiction of the Council of Ministers (the Supreme Soviet only approving the five-year plans). Until 1958, the occupational and technical training of personnel in the Soviet Union was carried out under decrees issued by the Presidium of the Supreme Soviet. In 1958, these matters were decided by the Supreme Soviet of the U.S.S.R., when it adopted the law on strengthening ties between school and life and further developing public education in the U.S.S.R. For 20 years working hours in the U.S.S.R. had been regulated by the Presidium of the Supreme Soviet. Since 1960, the introduction of shorter hours for industrial and office workers has been governed by the law of May 7, 1960, on the completion of transition in 1960 of all industrial and office workers to the seven and six-hour working day. Fiscal matters are also being decided in this way (Law on the Abolition of Taxes on the Wages of Industrial and Office Workers, May 7, 1960). There is now statutory regulation of various other matters earlier decided by the Presidium of the Supreme Soviet of the U.S.S.R. or the Government.

Thus, the most important and stable social relations are

being increasingly regulated directly by the country's supreme representative organ.

The Supreme Soviet of the U.S.S.R. is vested with the exclusive power of adopting the Constitution and enacting laws. No other body—neither the Presidium of the Supreme Soviet of the U.S.S.R. nor the Government—have any similar power. The Supreme Soviet may not delegate its legislative power to any other body, for however a short period; no body, including the Government, may request it to do so. The Government of the U.S.S.R.—the Council of Ministers—is not empowered to adopt acts having the force of law, or to rescind laws adopted by the Supreme Soviet in any sphere whatsoever.

A law or any other act adopted by the Soviet Parliament is final. It is signed by the Chairman and the Secretary of the Presidium of the Supreme Soviet of the U.S.S.R. and is promulgated in 15 languages, that is, the languages of all the Union Republics. The organ exercising the functions of the head of state may not demand its re-examination. There is no Constitutional Council or any other extra-parliamentary organ in the U.S.S.R.

Acts of the Supreme Soviet are the most important source of Soviet law, and among them, statutes are the principal and definitive expression of the will of the state. According to the Soviet concept, statutes are normative acts issued by the Supreme Soviet. Because statutes are enacted only by the supreme representative organ of state power, which is a direct representative of the Soviet people's will and interests, it is the fullest and most direct expression of the people's sovereignty.

But the Supreme Soviet is not only a legislative body. It is the highest organ of state power in the country, which issues other acts concerning matters on which it deems necessary to express an opinion. Some of its acts are not of a normative character, but this does not detract from their importance. Thus, the Supreme Soviet issues decisions to formalise the election of its Presidium, the Supreme Court, the appointment of the Government, and the Procurator-General and to ratify international treaties. It also issues decrees on foreign policy matters. In examining various other matters, the Supreme Soviet also issues other acts, such as statements, appeals, declarations, etc. The adoption by the

Soviet Parliament of these various acts is a reflection of its extensive and diversified activity in guiding the nation.

The Soviet Parliament meets in session twice a year to discuss and adopt bills and decide on the most important matters of Soviet domestic and foreign policy. After each session, deputies return to their place of residence all over the vast country and work among the masses to organize performance of the laws adopted by the Supreme Soviet. They address meetings of electors to explain the nature of the statutes and give a lead in various mass social initiatives.

In the last few years, the Supreme Soviet has considerably extended its legislative activity and supreme guidance of the state which usually takes the form of decisions. Here is a table showing number of statutes and other enactments adopted by the Supreme Soviet.

Table IV

	Statutes	Decisions and other enactments
First Supreme Soviet	38	59
Second Supreme Soviet	14	46
Third Supreme Soviet	13	28
Fourth Supreme Soviet	57	68
Fifth Supreme Soviet	79	58

Bicameral Structure

The Supreme Soviet of the U.S.S.R. consists of two chambers: The Soviet of the Union and the Soviet of Nationalities. It is bicameral because the Soviet state is multinational, and this fact is reflected in the content and character of activity of the country's organ of supreme state power.

One of the chambers—Soviet of the Union—is a body which expresses the common interests of all the working people in the U.S.S.R., regardless of national origin. The other—Soviet of Nationalities—is a body which expresses the specific national interests of the peoples of the U.S.S.R. and their states.

The bicameral structure of the Supreme Soviet is, there-

fore, a natural expression of socialist democracy, the social and political unity of Soviet society and the equality and fraternal friendship of all the peoples inhabiting the U.S.S.R. It differs from bicameral bourgeois parliaments chiefly in that no bourgeois parliament has a chamber whose task is to give expression to the specific interests of the various nationalities inhabiting a country. Another fundamental distinction is that the chambers of the Supreme Soviet of the U.S.S.R. are equal, whereas those constituting bourgeois parliaments are usually known as the upper and lower houses or chambers, such as the Senate and the House of Representatives of the U.S. Congress, the House of Lords and the House of Commons of the British Parliament, the Senate and the National Assembly of the French Parliament, etc.

The legal equality of the two chambers of the Supreme Soviet is evident from the identical democratic principles on which they are formed and the complete equality of powers vested in the Soviet of the Union and the Soviet of Nationalities.

The Soviet of the Union is elected by the citizens of the U.S.S.R. voting by electoral districts on the basis of one deputy for 300,000 of the population. But if the Soviet of Nationalities were similarly elected, the bigger nations—such as the Russians and the Ukrainians—would preponderate, while the relatively smaller peoples, like the Estonians or Moldavians, would have only a handful of seats. To ensure the real, which means above all, political, equality of the peoples, the Soviet of Nationalities is elected by the citizens of the U.S.S.R. voting by Union Republics, Autonomous Republics, Autonomous Regions and National Areas on the basis of 32 deputies from each Union Republic, 11 deputies from each Autonomous Republic, 5 deputies from each Autonomous Region, and one deputy from each National Area. All national entities in each category have an equal number of seats, regardless of population size.

In contrast with, say, France or West Germany, the deputies of both chambers of the U.S.S.R. Supreme Soviet are elected on the basis of universal, equal and direct suffrage by secret ballot which is the same all over the country. The equality between the Soviet of the Union and the Soviet of Nationalities is also evident from the fact that both cham-

bers are elected at the same time and for an equal term of four years.

The Constitution of the U.S.S.R. establishes that the Soviet of the Union and the Soviet of Nationalities have equal power to initiate legislation. Neither of the chambers has the power of veto, so that there is no shuttling of bills between the two chambers. Neither of the chambers can impose its will on the other whether directly or indirectly. A law is considered adopted if passed by both chambers of the Supreme Soviet of the U.S.S.R. by a simple majority vote in each.

The equality of the two chambers is also seen from the fact that they participate, on an equal footing, in forming the central organs of the U.S.S.R. and have the same powers of control over their activity.

Article 47 of the Constitution of the U.S.S.R. lays down the rule that in the event of disagreement between the Soviet of the Union and the Soviet of Nationalities, the question is referred for settlement to a conciliation commission formed by the chambers on a parity basis. If the conciliation commission fails to reach an agreement or if its decision fails to satisfy either of the chambers the question is referred back to the two chambers. Failing agreement by the two chambers, the Presidium of the Supreme Soviet of the U.S.S.R. dissolves the Supreme Soviet and orders a new election. This is one guarantee of the real equality of the two chambers.

Another important guarantee of equality of the chambers is that similar procedures are followed by both. They meet separately and at the same time to discuss and adopt bills. Whenever bills are discussed at joint sittings of the two chambers, the voting takes place separately in each chamber (a fact which nullifies the slight numerical preponderance of the Soviet of the Union).

At the same time, the Soviet of Nationalities has a special body, the Economic Commission, which consists of two representatives from each Republic and whose task is to take full account of the specific economic and cultural interests of the Soviet national Republics.

The joint sittings of the two chambers are presided over alternately by the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities, and not by the

chairman of one of the chambers only, as is the case, say, in France. The experience gained by the Supreme Soviet of the U.S.S.R. shows that the two chambers are united by a spirit of creative co-operation in working out the principal bills and decisions on basic domestic and foreign policy matters.

**Presidium
of the Supreme Soviet
of the U.S.S.R.**

The plenitude of state power in the U.S.S.R., as we have seen, resides in one body, the Supreme Soviet of the U.S.S.R. The principles underlying the organisation and activity of the organs of the Soviet state rule out the formation of a supreme organ of state power independent of the Supreme Soviet of the U.S.S.R., or of an organ vested with similar powers.

The Presidium of the Supreme Soviet of the U.S.S.R., which is a body accountable to parliament, is designated by the Constitution of the U.S.S.R. as one of the higher organs of state power in the country. This is due to the composition of the Presidium—it is elected solely from among the deputies of the Supreme Soviet—and to its jurisdiction.

The collegial character of the Presidium is explained by the nature of the Soviet system and the principle of collegial decisions on state matters, which underlies the state system. The Presidium is a repository of supreme state power in matters defined by the Constitution of the U.S.S.R. and is the collegial head of state.

The procedures governing its formation and composition show the democratic essence of the Presidium. The Presidium of each Supreme Soviet of the U.S.S.R. is elected at a joint sitting of the two chambers and consists of 33 members: Chairman, 15 Deputy Chairmen (one from each Union Republic), a Secretary and 16 members. The Deputy Chairmen are, as a rule, Chairmen of the Presidiums of the Supreme Soviets of the Union Republics.

Foreigners sometimes call the Chairman of the Presidium of the Supreme Soviet—an office now held by N. V. Podgorny—the President of the Soviet Union, but this is not correct, because there is no individual President in the U.S.S.R. The Chairman of the Presidium of the Supreme Soviet of the U.S.S.R. has no special powers making him superior to the Presidium. He calls the sittings of the Presidium, presides over them, receives the letters of credence and recall of foreign diplomatic representatives, awards

Orders and medals on behalf of the Presidium and, together with the Secretary, appends his signature to the statutes enacted by the Supreme Soviet of the U.S.S.R. and the decrees issued by its Presidium. In all these instances, any of the Deputy Chairmen may act in his stead, and this often happens in practice. For instance, in the absence of the Chairman, foreign ambassadors may present their letters of credence to a Deputy Chairman.

The Presidium of the Supreme Soviet of the U.S.S.R. is accountable to the Supreme Soviet in all its activities. The Supreme Soviet is free to change the composition of the Presidium at any time. It is also empowered to check on the work of the Presidium, demand reports from it and rescind its enactments. The Presidium of the Supreme Soviet of the U.S.S.R. regularly holds discussions of questions referred to its jurisdiction and adopts collegial decisions on them.

On the strength of the position held by the Presidium of the Supreme Soviet of the U.S.S.R. within the system of higher organs of state power, the Constitution (Arts. 47, 49, 52, 53, 54, 55, 56 and 65) defines its jurisdiction which may be reduced to three main heads.

a) Powers in the sphere of organisation and activity of the Supreme Soviet:

The Presidium of the Supreme Soviet of the U.S.S.R. convokes the Supreme Soviet for its regular and extraordinary sessions and dissolves the Supreme Soviet in the cases provided for by Art. 47 of the Constitution of the U.S.S.R. Upon the expiry of its powers, or in the event the Supreme Soviet of the U.S.S.R. is dissolved before the due date, it appoints new elections not later than two months from the day of expiry of the powers, or the dissolution of the Supreme Soviet, and convokes the newly elected Supreme Soviet not later than three months after the election.

b) Powers in the sphere of defence and foreign relations:

The Presidium of the Supreme Soviet of the U.S.S.R. ratifies and denounces international treaties, appoints and recalls ambassadors of the U.S.S.R., awards higher diplomatic ranks and receives the letters of credence and recall of foreign ambassadors.

It appoints and removes the high command of the armed forces and makes appointments to senior military ranks (marshal, admiral of the fleet).

In the intervals between the sessions of parliament, the Presidium declares a state of war, in the event of a military attack on the U.S.S.R., or when it is necessary to meet international obligations concerning mutual defence against aggression; proclaims total or partial mobilisation and martial law in the interests of the defence of the U.S.S.R. or maintenance of public order and the security of the state.

c) Powers relating to other functions of the Presidium of the Supreme Soviet of the U.S.S.R.:

The Presidium interprets the laws of the U.S.S.R., conducts nation-wide polls (referendums) on its own initiative, or on the demand of one of the Union Republics. It annuls decisions and orders of the Council of Ministers of the U.S.S.R. and the Councils of Ministers of the Union Republics, whenever they do not conform with the law. In the intervals between sessions of the Supreme Soviet of the U.S.S.R., the Presidium releases and appoints Ministers of the U.S.S.R., with subsequent confirmation by the Supreme Soviet of the U.S.S.R.

Finally, the Presidium institutes decorations (Orders and medals) and awards them, institutes titles of honour and special titles of the U.S.S.R. and confers them. It exercises the right of pardon, it admits to citizenship and gives permission for withdrawal from citizenship of the U.S.S.R. and in exceptional cases deprives individuals of Soviet citizenship.

Local Soviets of Working People's Deputies

The role of the Soviets of Working People's Deputies is enhanced in the course of communist construction. This important law governing the improvement of socialist democracy is determined by the very nature of the Soviet constitutional and social system. The Soviet state is a system which develops in the course of communist construction, gradually growing into communist public self-administration, a process directly connected with the activation and greater role of the Soviets, the trade unions, co-operatives and other mass organisations.

The local Soviets of Working People's Deputies, that is, the Soviets of regions, cities, districts, villages and townships, which are the most massive units of the Soviet representative system, have a special part to play in this process. There are more than 47,000 local Soviets, with over 2 mil-

lion deputies and 23 million activists, who are in the forefront of the struggle for the construction of communist society in the U.S.S.R.

Enhancement of the role of the local Soviets means that these organs of power are ever more efficient in their handling of local economic and cultural affairs and in improving services for the population. The powers of the Soviets in all these affairs constitute the real basis of the activity of their deputies and the volunteer organisations connected with them. It is in the exercise by the Soviets of their organisational, economic, cultural and educational functions that the deputies extend their activity, that the social principles of state administration are consolidated and that ever broader masses of working people are drawn into government and the administration of social affairs.

In 1955 and subsequent years, some matters previously falling within the jurisdiction of Republican and Union organs were handed over to the local Soviets. They were given additional possibilities in planning and financing the local economy and guiding cultural and everyday affairs. But at one time this process was all but halted, and in 1962, following the reorganisation of Soviet bodies on the so-called production principle, the role of the Soviets, especially in the districts and villages, was diminished.

The reintegration of Soviet bodies in 1964 opened up before the Soviets broad possibilities for a radical improvement of their activity. The decisions of the October and November 1964 Plenary Meetings of the C.P.S.U. Central Committee were designed to secure strict observance of the principles of Soviet democracy and Leninist rules in Party and government activity. The idea was to further strengthen and develop the principles of democratic centralism and enhance the role of the local Soviets in the solution of economic and cultural tasks.

Constant active and decisive participation by the masses in all the work of the Soviets is the most important Leninist principle governing the activity of representative bodies.

The Soviets are accumulators of massive initiative and energy and the collective experience and knowledge of millions, and are connected with their electors who take part in the activity of the Soviets in the most diverse forms. These ties are being strengthened. Ever broader sections of

the population are being involved in the work of the local organs of state power. Volunteer activists are now prominent in virtually every sector of economic and cultural life.

Working people take part in the activity of the Soviets by filling the posts of deputy chairmen of Executive Committees of village, township, district and city Soviets, making up departments of Executive Committees, constituting groups of inspectors and instructors, setting up advisory councils under departments and administration of the Soviets and numerous volunteer mass organisations. None of these posts carry any wages or salaries.¹ This is an important characteristic of the Soviets as state and mass organisations and testifies to the consolidation and extension of the social basis of the Soviets.

In recent years, the Soviets have been dealing with more matters once the province of their executive organs and have been exercising more active control over the performance of decisions. Standing commissions have become larger. Some local Soviets have referred many administrative questions to their commissions. There has been a spread of territorial groups of deputies and councils of deputies consisting of deputies from different Soviets on the given territory, to enable them to take part in organising the work of implementing the adopted decisions and plans. All of this helps the organs of power to fulfil their duties more efficiently and take fuller account of deputies' collective experience and knowledge.

Special importance has been attached in the recent period to the activity of local Soviets of Working People's Deputies, which are elected for a term of two years and which operate at the grass roots level. The Soviet is aware of developments on its territory, takes part in the complex planning of the economy and culture, sees to the successful fulfilment of plans, ensures the effective use of natural and manpower resources, and controls the fulfilment of obligations under the state budget by all enterprises and economic organisations. Each Soviet, being a part of the single system of state power, operates in the local and national interests. As an organ of state power, its duty is to see that state interests are observed in the work of all enterprises and

¹ For details see p. 172.

organisations on its territory and to safeguard the rights and legitimate interests of citizens. That is one of the most important demonstrations of democratic centralism and it is reflected in the Constitution of the U.S.S.R.

Local organs of state power administer the state economy and cultural affairs and establish the local budget. They are engaged in the direct administration of enterprises under their jurisdiction, housing construction, local transport and communications and highway construction. Local Soviets administer public education, public health, social security, trade, cultural and educational establishments, collective farms and co-operative organisations.

The Soviets are collegial bodies, and the principle of collective leadership is manifested in their structure and activity. The name itself—Soviet—a Russian word meaning council, is known all over the world. It means a body of men come together to deliberate and adopt decisions. Collective discussion of the key questions through a free exchange of opinion, businesslike criticism and self-criticism from positions of principle are a guarantee against the adoption of one-sided, ill-considered decisions and an earnest that mass knowledge and experience are taken into account.

The principle of collective leadership requires that collegial discussion and decisions on various questions should be supplemented with personal responsibility for the execution of all assignments. This requirement, which applies above all to the executive machinery of the Soviets, is also of considerable importance for the representative bodies. The Soviets set up commissions each of which operates in a specified economic, social, cultural, administrative or political sector. Each member of the commission is assigned a section for which he is personally responsible. In accordance with the law, deputies report to the electors on the work of the Soviet as whole and on their activity in the representative organ of power. All this helps the collegial body to co-ordinate its purposeful activity.

The Soviets meet on public session, and the Executive Committees give advance notice of the agenda of each session, for the working people are free to attend the examination of any business. The decisions adopted by the Soviets are made public through the press and other mass media. Deputies and officials of the executive organs of the Soviets

attend meetings of electors to inform them about the work of their Soviet and explain the projected measures. All this helps to strengthen the ties between the organs of power and the people and creates the best conditions for their active participation in government. The Programme of the C.P.S.U. says that everything should be done to publicise the work of the Soviets.

Let us note, by the way, that the local Soviets are not circumscribed in their activities as are the municipal bodies in some capitalist countries. They are free to discuss questions outside their writ, including policies, and submit their proposals to the higher representative body.

2. Soviet Electoral System

The elections through the electors constitute all the organs of power and are designed to give expression to the will of the people. In the U.S.S.R., they are a form of direct participation by citizens in the administration of the state, and are held on the basis of universal, equal and direct suffrage by secret ballot.

But these or almost similar principles are proclaimed in any bourgeois country. What then is the difference?

Who Votes?

In the U.S.S.R., the guarantee of universal suffrage is that all citizens attaining the age of 18 years have the right to vote. Every elector is eligible for election to the local Soviet, every citizen who has reached the age of 21 is eligible for election to the Republican parliament, and every citizen who has reached the age of 23 is eligible for election to the Supreme Soviet.

The Soviet electoral system makes no distinction between men and women, or between Russians, Ukrainians, Uzbeks or any other nationality, and they all have the same rights. Social origin, property status, educational level, past activities and creed are ignored. Citizens serving in the Armed Forces of the U.S.S.R. have the right to elect and be elected on equal terms with other citizens.

There are no residential qualifications, like those in the United States or France, so that citizens permanently resident in a given locality, or those arriving on the day of the election enjoy equal rights in the election.

The electoral rights of Soviet citizens are not restricted by any qualification or reservation. There is now no longer any penalty in Soviet law entailing deprivation of electoral rights after the serving of a sentence, but persons serving sentences for their crimes naturally take no part in elections.

The Constitution and the electoral laws of the Soviet Republics provide for all the necessary conditions to assure each citizen of the opportunity to take part in the election. With that end in view, elections are held on Sundays. The polling is open for 16 hours, from 6 a.m. to 10 p.m. which gives every elector an opportunity to exercise his electoral right at the time he finds most convenient.

Polling stations are set up in such a way as to be within a short distance of all the electors, which is why there are polling stations even in small places which are at some distance from each other. Polling stations are also set up at the camps of animal breeders in the Republics of Central Asia or the Caucasus and reindeer breeders in the Far North, at wintering places, airports, in long-distance passenger trains and on board ships which may be at sea on election day. Separate polling stations are set up in hospitals, sanatoriums and homes for disabled persons.

That is how universal suffrage is implemented in the Soviet Union in practice. Soviet citizens make active use of their rights, and the number of those taking part in elections to the Soviets has been growing steadily: from less than 37 million of citizens in 1917 to just over 90 million in 1937, about 140 million in 1962 and 145 million in 1966. The turnout has also been growing: 50,8 per cent in 1926; 63,5 per cent in 1929; 72,1 per cent in 1931; and 85 per cent in 1934. From 1939 on, the figure has run at more than 99 per cent. This means that virtually the whole of the country's adult population now takes part in electing the organs of state power in the U.S.S.R.

Equal Electoral Rights

The equality of electoral rights is the second principle of the Soviet electoral system. It guarantees each citizen one vote and participation in elections at every level on an equal footing. Workers, collective farmers, intellectuals, government Ministers and office workers, executives and housewives, marshals and soldiers have the same right to elect and be elected to the Soviets. This equality is also ensured by all votes

being equally "weighted". After all, the Soviet of the Union of the U.S.S.R. Supreme Soviet is elected by equal electoral districts of 300,000 inhabitants each, a figure which is written into the Constitution and which the Government may not change, so as to give one region a greater number of seats than another.

There is, therefore, no possibility of rearranging the electoral districts to create more favourable conditions for the election of deputies the ruling circles may favour, as is often the case in capitalist countries. In France, for example, the deputy from Lausère or Ariège is elected by a different number of electors than the deputy from the Seine. In the U.S.S.R., a deputy from Moscow and a deputy from Penza represent the same number of electors, which means that the vote of an elector in Moscow is as weighty as that of an elector in Penza or any other city.

**Personal, Secret
and Direct Ballot**

The Soviet Constitution established direct elections to all organs of power, including both chambers of the Supreme Soviet. Each Soviet elector votes for his candidate in person and not through a college of electors, which allows him to decide to whom to entrust the safeguarding of his personal and state interests in the organs of power.

Each elector votes secretly and in person, dropping his ballot paper into a ballot box. In the U.S.S.R. there is no voting by proxy, by mail, etc., as is the practice in some Western countries.

**Nomination
of Candidates**

According to the Constitution, the right to nominate candidates is vested in mass organisations, working people's societies and general meetings of industrial and office workers and collective farmers. This means that the broadest masses take part in nominating the candidates and in discussing them.

Each organisation, nominating a candidate registered with the district electoral commission, and each Soviet citizen have the right of campaigning without hindrance for their candidates at meetings, in the press and in other ways. To ensure this, the state places at the disposal of the working people and their organisations all the necessary facilities free of charge. It never happens in the U.S.S.R. that some

candidates have the privileged use of mass media, while others have not.

Persons who have not studied Soviet reality often ask why there is only one candidate in every electoral district? To answer this question, we must take a closer look at how candidates are nominated.

Soviet law does not limit the number of candidates in an electoral district or in the country as a whole. Various mass organisations and working people's societies nominate one or several candidates for each seat.

But Party, Komsomol, trade union and other working people's organisations do not participate in the election as rivals but in a single bloc. After the nomination of candidates at various working people's meetings, district conferences of representatives of general meetings are held to nominate a common candidate for all the mass organisations in the district. The men and women who attend these district conferences are nominated at electoral meetings in the organisations where the candidates are nominated and at meetings where the candidates are discussed. Thus, all candidates and the organisations nominating them are represented at the district conferences. The conference votes on the best candidate and recommends the entry of his name on the ballot paper. In some cases candidates withdraw in favour of others, and this is fresh evidence of the profound moral and political unity of the Soviet people who are never moved by a spirit of rivalry at the elections. The system under which candidates are nominated and thoroughly discussed usually results in the electors voting for the candidates of the communist and non-Party bloc.

It is extremely rare for a candidate not to be returned, but in some cases electors do rectify nomination errors.

This system does not result in all the deputies being members of the Communist Party, as ill-informed people say. About 25 per cent of the deputies in the Soviet Parliament and 53.8 per cent in the local Soviets are not Communists.

In the Soviet Union, the people not only vote for the candidates they nominate but organise and conduct the elections themselves. During the March 1967 elections, for instance, there were 2,257,300 electoral commissions with 8,965,366 members (of whom, incidentally, more than 68.3 per cent were non-Party people).

Composition of Elective Bodies

The right of recall¹ is an important guarantee that all deputies in the U.S.S.R. strictly abide by the people's will, but under the Soviet Constitution each deputy is also bound to report to his electors on his own work and that of his Soviet. This provision does not remain on paper. At meetings with their electors, deputies are criticised and hear proposals and mandates, which then become the basis of their activity. Subsequently, the Programme of the C.P.S.U. says: "The principle of electivity and accountability to representative bodies and to the electorate will be gradually extended to all the leading officials of state organs."²

However, the composition of Soviet elective bodies is the chief guarantee that deputies serve the people. They are the part of the people, but their most active and leading part. Of the deputies elected in June 1966 to the Seventh Supreme Soviet of the U.S.S.R., 55.1 per cent are or started out as workers and peasants. In the Soviet of Nationalities, the figure is 52.9 per cent. In both chambers of the Supreme Soviet, 44-45 per cent of the deputies are workers and collective farmers actually engaged in production. Women make up 27 per cent of the deputies. Of the 2,045,419 deputies elected in the March 1967 elections to the local Soviets of Working People's Deputies, 42.8 per cent were women; 29.6 per cent workers; and 31.3 per cent collective farmers; 49.4 per cent had not been deputies of the earlier Soviets.

The deputies of the Supreme Soviet of the U.S.S.R. belong to 55 nationalities, and those of all Soviets, to more than 100 nationalities inhabiting the Soviet Union; 48.8 per cent of the deputies to the Supreme Soviet of the U.S.S.R. have a higher education and 16.6 per cent, a secondary education. These figures may not be characteristic, because naturally the best men and women are elected to parliament. But what is the state of affairs in the local Soviets, the most massive bodies? In the years of socialist construction the cultural level and class consciousness of the people has grown steadily, their organisation and living standards have im-

¹ See p. 143.

² *The Road to Communism*, p. 551.

proved. Alongside this and on that basis, ever greater possibilities were opened to the people for taking part in government and the work of the organs of power. Compare the composition of village and city Soviets elected in 1927 and 1965.

In 1927, most members of village Soviets were uneducated and 12.7 per cent, illiterate. An overwhelming majority of the deputies of city Soviets—71.4 per cent—had a primary education, 15.4 per cent, a secondary, and only 3.8 per cent a higher education; 8 per cent could only read, and 1.3 per cent could neither read nor write.

Among those elected in 1967 to village Soviets, 10.6 per cent had a higher, 64.0 per cent a secondary and incomplete secondary, and 25.4 per cent a primary education. Of the deputies of the city Soviets, 7.1 per cent had a primary, 64.8 per cent a secondary and incomplete secondary and 28.1 per cent a higher education. Consequently, there was an increase in the number of deputies with secondary and higher education.

One of the chief advantages of Soviet democracy is that it does not turn deputies into career politicians, first, because the Soviets work in such a way that their deputies do not have to abandon their day-to-day work in production and, second, there is a regular change of deputies.

Right of Recall

The right of recall is a special feature of the Soviet electoral system. When the electors are dissatisfied with their deputy, they have the right to recall him at any time and elect another deputy. The right of recall, proclaimed in Art. 142 of the Constitution, is given concrete meaning and practical possibility by the law on the procedure governing the recall of a deputy to the Supreme Soviet of the U.S.S.R. of October 30, 1959, and the corresponding laws of the Union Republics. The preamble to the law says: "The right of recall, being one of the principal features of the socialist democracy established in the Soviet state as a result of the Great October Socialist Revolution, is an expression of the working people's sovereignty and guarantees the deputy's real responsibility to his electors."¹

¹ *Vedomosti Verkhovnogo Sovieta SSSR, (Gazette of the Supreme Soviet of the U.S.S.R.) 1959, No. 4, Article 222.*

The grounds for recall are, first, the deputy's failure to do his duty and live up to the trust placed in him by his electors and, second, acts on the part of the deputy incompatible with the dignity of his office.

The right to initiate the question of recall is enjoyed by a wide range of social organisations and working people's meetings which are the same bodies which have the right to nominate candidates in elections.

The question of recalling a deputy is decided by the electors themselves at electoral district meetings, which are called by mass organisations at enterprises, establishments, collective farms and in military units, and also in residential districts. The decision to recall a deputy is adopted by a show of hands, with each mass organisation and citizen having the right freely to campaign for or against recall.

Public discussion of the question of recall at meetings of mass organisations and working people's general meetings at enterprises, establishments and organisations is not only public censure of the person at fault, but is also a warning to others.

District commissions, consisting of representatives of mass organisations and working people's general meetings are set up to supervise observance of the statutory procedures governing the voting on the recall of a deputy and to determine the results of the vote in the corresponding electoral districts.

Thus, from the initiation of the question of recall and to the establishment of the results of the vote, the discussion and decision of these matters proceed with the immediate participation of the electors, working people's collectives and mass organisations.

The law, while providing for a simple and accessible procedure for recalling a deputy, lays down safeguards to prevent the unwarranted stripping of deputies of their powers. One of these binds mass organisations to inform the deputy of the grounds on which the question of his recall has been raised, and also provides for the deputy's right to lay before mass organisations or working people's meetings verbal or written explanations of the circumstances cited as grounds for raising the question of his recall.

The law lays emphasis on supervision over the observance of all the statutory recall procedures, which is exercised by the Presidium of the Supreme Soviet of the U.S.S.R.

These statutory recall provisions do not remain a dead letter, for they are used by electors as a powerful instrument of control over deputies and are applied whenever deputies tend to ignore their duties.

Thus, for instance, ten deputies who failed to live up to the trust placed in them by electors or who committed acts incompatible with the dignity of their office were recalled from the Fifth and the Sixth Supreme Soviets of the U.S.S.R. There were also cases of recall from other Soviets. But, let us note, these are rather rare, because Soviet deputies, as a rule, justify the trust placed in them.

3. Organs of State Administration

The following system of organs of Soviet state administration is now in operation for the direct administration and management of economic, political, social and cultural affairs in the Union, the Union Republics and the Autonomous Republics:

I. Central organs of state administration of the U.S.S.R., the Union Republics and the Autonomous Republics:

a) executive and administrative organs of state power in the U.S.S.R., the Union Republics and the Autonomous Republics: Council of Ministers of the U.S.S.R., Council of Ministers of the Union and the Autonomous Republics;

b) central sectoral organs of state administration: Ministries and Departments of the U.S.S.R., the Union Republics and the Autonomous Republics;

c) state committees of the Council of Ministers of the U.S.S.R. and the Union Republics regulating, co-ordinating and planning the activity of the state in the exercise of specified functions.

II. Local organs of Soviet state administration: executive and administrative organs of the local Soviets of Working People's Deputies (Executive Committees), local sectoral organs of state administration on the spot, departments and administrations of executive committees; certain other local organs of ministries and departments not subordinate to local Soviets.

III. Organs of direct management of economic enterprises and social and cultural establishments: their executive boards.

Each unit within the system of organs of state administration is vested with specified jurisdiction within whose limits it is free to operate on its own. Each unit carries out the tasks set before it, being guided by the laws and the enactments of higher organs of state administration.

The central and local organs of economic administration constitute a single and harmonious system of executive organs of the Soviets. The arrangement is easily understood if we bear in mind the Soviet Union's vast expanses, the diversity and size of its population, the scale and structure of its economy, the requirements for its most rapid development, the state of the means of transport and communication and a variety of other objective factors.

With the change of concrete historical conditions, there occurs a corresponding change within the system of executive organs of the Soviets. The Communist Party invariably rectifies any shortcomings in the organisation of administration and brings the executive system into correspondence with the growing demands of social development.

**Council of Ministers
of the U.S.S.R.**

The Council of Ministers of the U.S.S.R.—the Government—is formed by the Supreme Soviet of the U.S.S.R. The formation of the Government is an item on the agenda of the first session of each Supreme Soviet of the U.S.S.R. At a joint sitting of the chambers—the Soviet of the Union and the Soviet of Nationalities—the parliament accepts a statement by the Chairman of the Council of Ministers of the U.S.S.R. on the Government's resignation, gives an assessment of its activity and forms a new Government of the U.S.S.R.

The Council of Ministers of the U.S.S.R. is a collegial organ and consists of the Chairman of the Council of Ministers, First Vice-Chairmen of the Council of Ministers, Vice-Chairmen of the Council of Ministers, Ministers, Chairmen of State Committees of the Council of Ministers, the Chairman of the Committee of People's Control, the heads of some central administrations and the heads of government of the Union Republics, which are *ex officio* members of the Government of the U.S.S.R.

The Government is responsible and accountable to parliament and, in the intervals between sessions, to the Presidium of the Supreme Soviet of the U.S.S.R. The Govern-

ment of the U.S.S.R., the highest executive and administrative organ of state power, has more powers than any other organ of state administration.

The Council of Ministers of the U.S.S.R. co-ordinates and directs the work of all-Union and Union Republican Ministries of the U.S.S.R., State Committees of the Council of Ministers of the U.S.S.R., and all the other institutions under its jurisdiction. It sets up State Committees of the U.S.S.R., and when necessary, special committees and central administrations under the Council of Ministers of the U.S.S.R. for economic, cultural and defence affairs.

The Government adopts measures to carry out the economic plan and the state budget and to strengthen the credit and monetary system. It also takes steps to maintain public order, protect the interests of the state and safeguard the right of citizens. It exercises the over-all guidance in the sphere of relations with foreign states, fixes the annual contingents of citizens to be called up for military service and directs the general organisation of the country's armed forces.

The Council of Ministers of the U.S.S.R. has the power of legislative initiative. The range of its powers in every sphere of economy, culture and defence enables it to administer and guide the country's development for the successful solution of the tasks of communist construction.

The Government directs the national economy and heads the whole system of management in industry, construction and agriculture. The Directives of the 23rd Congress of the C.P.S.U. for the current five-year plan say that centralised planning guidance of the economy must be concentrated above all on improving the basic economic proportions, improving the distribution of production and the complex development of economic areas; ensuring high rates of production and supply of the key products; conducting a single state policy in the sphere of technical progress, capital investments, wage rates, prices and profit, finance and credit; economic control over the effective use of production funds and labour, material and natural resources.

The Soviet Government also seeks the best ways and means and the system of direction, with an eye to existing conditions and the scale of operations involved. It is an objective necessity to improve the organisational forms of

management in the national economy on the basis of the Leninist principle of democratic centralism and the timely elimination of obsolescent forms of management because of the requirements arising from the development of the productive forces and socialist relations of production.

Thus, the management of industry on the territorial principle (through territorial organs—economic councils), which was introduced in 1957, had a positive part to play before it became obsolescent and dragged out the solution of the great tasks facing the Soviet economy.

In order to develop industry successfully there is need to ensure co-ordination of guidance in production, technology, economics and scientific research in each separate branch, since under the socialist economic system only the sectoral principle of management can ensure the necessary concentration and centralisation of management in industry.

In view of this, the C.P.S.U. Central Committee, the Supreme Soviet of the U.S.S.R. and the Council of Ministers of the U.S.S.R. put through an important management reform in September and October 1965. Its essence is that industries are run on the sectoral principle through ministries, a principle in line with Soviet industry's objective tendency of development, namely, the growth of distinctions between the separate sectors of production with their various specifics.

Sectoral management makes it possible to secure better co-ordination of technical and economic direction, and a more rational distribution and use of labour—workers and specialists—and a swifter and more effective application to production of the latest achievements in science and technology. At the same time, the sectoral system of management in industry introduced in October 1965 does not mark any automatic return to the old system, which was in operation before the economic councils were set up. The system of sectoral management is based on a new principle of planning and assessment of economic activity of enterprises: development of centralised management and extension of operational initiative open to enterprises. The new ministries operate in conditions where enterprises have the much broader powers, while the economic incentives in production have been increased. Centralised planning guidance is combined with local economic initiative.

As a result of the reform, the administration of the various sectors of the economy and the direction of state activity is exercised by the Government through ministries and state committees.

The new system of management in industry through the all-Union, Union Republican and Republican ministries and also the administrations and economic associations is in accord with the principles underlying the federal structure of the U.S.S.R. It allows centralised direction to go hand in hand with broader initiatives for the Union Republics, the local bodies and enterprises.

Simultaneously with the introduction of sectoral management in industry, the C.P.S.U. Central Committee and the Council of Ministers of the U.S.S.R. adopted a decision granting the Union Republics fresh powers in planning, capital construction, finance, labour and wages. The governments of the Union Republics now have the power to take decisions on a number of important matters connected with the use of capital investments and construction. They scrutinise the draft plans submitted by the ministries and departments of the U.S.S.R. for the enterprises, targets for the projecting of new and reconstruction and enlargement of existing enterprises on the territory of the Republics, and also the projects for the development and distribution of production. Thus, the consistent application of the principle of democratic centralism in economic management further enhances the role of Republican and local organs in deciding on matters of economic and cultural construction in the Soviet Union.

Ministries

Ministries are central sectoral organs of Soviet state administration exercising direct executive and administrative functions in specified sectors under the guidance of the Councils of Ministers of the U.S.S.R., the Union and the Autonomous Republics.

There are two types of Ministries of the U.S.S.R.: all-Union and Union Republican. All-Union Ministries (such as the Ministry of Railways, the Ministry of the Defence Industry, the Ministry of the Merchant Marine, the Ministry of Foreign Trade, etc.) head integrated centralised systems of organs of state administration, without any corresponding Ministries being set up in the Union and Autono-

mous Republics. All-Union Ministries are set up to direct sectors where a greater degree of state-wide centralisation is required.

Thus in October 1965, a group of all-Union Ministries was set up for the branches of machine-building, an industry especially in need of co-ordinated technical guidance on the scale of the whole country to standardise and unify products, assemblies and parts and to bring them up to the highest world standards in science and technology. These tasks can be solved only through the centralised direction of machine-building enterprises.

Union Republican Ministries of the U.S.S.R. are set up for branches of state administration falling within the joint jurisdiction of the U.S.S.R. and the Union Republics (such as the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Communications, the Ministry of Agriculture, the Ministry of Higher and Secondary Specialised Education, the Ministry of Trade, etc.).

Union Republican Ministries of the U.S.S.R. usually direct their branches of state administration through corresponding Ministries in the Union Republics, exercising direct administration only over a limited number of institutions and enterprises (the major ones, of special importance to the state) in accordance with a list approved by the Presidium of the Supreme Soviet of the U.S.S.R.

The Ministries are vested with full powers in the guidance of branches of production and are fully responsible for their development. They carry out planning, direct production, and decide on matters of technical policy, material and technical supplies, financing and labour and wage rates. Research institutes in these branches are subordinate to them.

Each Ministry is headed by a Minister who is appointed and removed, at the instance of the Government, by parliament and, in the intervals between sessions of the Supreme Soviet, by its Presidium. Ministers are members of the Government and are personally responsible for the operation of their ministries to the Council of Ministers and also to the Supreme Soviet and its Presidium. The Minister is empowered to take decisions on all matters in the activity of the Ministry he heads. He issues personal orders and instructions and checks up on their execution within the

limits of his competence, on the basis and in pursuance of the existing laws and decrees, decisions and orders of the Council of Ministers and also the enactments of superior Ministries of the same name (for Union Republican Ministries).

**State Committees
of the U.S.S.R.**

State Committees of the Council of Ministers of the U.S.S.R. are central organs of state administration of the U.S.S.R. exercising state-wide planning, co-ordination and regulation of the activity of Ministries and departments on various special matters or sectors of the economy. There are now State Committees dealing with planning, construction, material and technical supplies, labour and wages, science and technology, vocational training, procurements, external economic ties and forestry.¹

The tasks of regulating, administrating and co-ordinating various aspects of economic and cultural construction have acquired especial importance in the recent period in view of the enhancement of the sectoral principle in the administration of the economy and the further extension of the powers of Republican and local bodies. Centralised planning administration goes hand in hand with the co-ordination and dovetailing of plans drawn up locally, and ensures the dissemination of scientific and technical achievements and progressive experience.

Chairmen of the State Committees of the Council of Ministers of the U.S.S.R. are members of the Government of the U.S.S.R. Like Ministries, all State Committees are immediately subordinate to the Council of Ministers of the U.S.S.R.

Among the State Committees, the State Planning Committee of the Council of Ministers of the U.S.S.R. (Gosplan) has the most important role to play, for it is responsible for the working out of the principal directions and problems in the country's economic development, the drawing up of scientifically grounded economic plans and verifying their implementation. It is Gosplan's task to ensure the correct economic proportions and links, enhance the efficiency of social production, find resources for accelerated economic

¹ In March 1966, there were 9 state committees of the Council of Ministers of the U.S.S.R., and 4 central departments of similar status.

growth and the boosting of living standards. Of especial importance in its activity is the elaboration of national-economic balances, notably the national income balance and its end-use components, the labour resources balance and their use in the country as a whole and in the various areas, the balance of the population's cash incomes and expenditures, the financial resources balance and the principal material balances.

Gosplan is a Union Republican body operating in close touch with the Gosplans of the Republics, which elaborate draft plans for economic development in every branch of industry of Union Republican and Republican subordination in their Republics. Planning bodies in the Republics also submit proposals for the draft production plans of enterprises of all-Union subordination which are situated on their territory.

A Prices Committee, which works out proposals for the main directions in the policy of wholesale pricing, operates under the Gosplan of the U.S.S.R.

The main directions of technological progress in the Soviet Union are determined by the State Committee of the Council of Ministers of the U.S.S.R. for Science and Technology together with the Academy of Sciences of the U.S.S.R. It organises the elaboration of intersectoral scientific and technical problems and exercises control over the application of scientific and technical achievements in the national economy.

Other State Committees of the Council of Ministers of the U.S.S.R. operate in the areas listed above.

The group of bodies with legal status similar to that of State Committees of the Council of Ministers of the U.S.S.R., also includes the State Security Committee under the Council of Ministers of the U.S.S.R.; the Central Statistical Board under the Council of Ministers of the U.S.S.R.; the Administrative Board of the State Bank of the U.S.S.R.; and the All-Union Board of the Council of Ministers of the U.S.S.R. for the Supply of Farm Machinery, Fuel and Fertilisers. These state bodies resemble State Committees of the Council of Ministers of the U.S.S.R. in mode of formation, tasks, subordination, etc., and their heads are members of the Government of the U.S.S.R.

Departments

Special departments are administrative organs set up under the Government of the U.S.S.R.

to deal with various economic, cultural and defence questions, and under the Councils of Ministers of the Republics to deal with economic and cultural affairs.

At present, the Councils of Ministers have the following types of special departments: committees, directing specified spheres of culture (such as the State Committees for Radio Broadcasting and Television, Cinematography, the Press, and Lenin Prizes) and technology (inventions and discoveries, standards and measures, etc.); central administrations (archives, water conservancy and weather services); and commissions (juridical, mineral reserves). There is also a Council for Religious Affairs; the Foreign Tourism Board; the State Arbitration Board, and TASS.

The heads of departments are appointed by the Council of Ministers of the U.S.S.R., but are not members of the Government.

Local Organs of State Administration

Among the local organs of state administration are the executive and administrative organs of

local Soviets of the Working People's Deputies.

The Executive Committees of local Soviets are collegial organs of state administration elected by the local Soviets at their sessions. They consist of a chairman, deputy chairmen, a secretary and members.

The Executive Committees of local Soviets organise the fulfilment of economic plans on their territory and control their execution. They direct economic and cultural affairs on their territory, help to introduce progressive techniques into every sector of the economy, promote the development of socialist emulation and help to strengthen administrative and labour discipline. They direct the organs of administration subordinate to the Soviet and co-ordinate the activity of all the links of the apparatus.

The Executive Committees of local Soviets of Working People's Deputies are empowered to adopt decisions on matters within their jurisdiction and to issue orders which are binding on the territory on which their subordinate organs operate.

The structure of local executive bodies enables them to

exercise an influence on every branch of the local economy, culture and everyday life.

The Executive Committee is an organ of general jurisdiction in contrast to its departments and administration which are organs of special jurisdiction, for each is in charge of a specified sector of local economic, cultural or administrative-political activity, and each has its own range of business.

The executive machinery in the various echelons of the local Soviets has its own specific features, depending on the size of territory under its jurisdiction, the scale and direction of the economy, the size of population and certain other factors.

The territory and regional Soviets have the most ramified system of executive organs. They usually have a planning commission and administrations for agriculture, food industry, local and fuel industry, services, trade, highway building and repair, supply and disposal, culture, cinema, and maintenance of public order; and departments for finance, public utilities, public education, public health, social security, construction and architecture, capital construction, resettlement and organised recruitment of labour, instruction and organisation, general affairs and archives.

The Executive Committees of city Soviets normally have a planning commission, departments for finance, public health, public education, militia (sometimes administration of militia or administration for public order), culture (sometimes administration for culture), social security and public utilities. Some Executive Committees of city Soviets have a general department, a department (or group) for instruction and organisation, a department (sometimes, administration) for trade.

In cities with extensively developed public utilities, administrations are set up for public utilities and urban renewal, housing, water works and sewerage, fuel and power, urban transit, services, construction and architecture, etc.

In cities with regional divisions, some branches of the economy and culture are administered directly by the departments and administrations of the Executive Committees of the city Soviet, while others are simultaneously subordinate to the district administrative organs.

The Executive Committees of district Soviets operating in rural localities normally have a planning commission and administrations for general affairs, finance, public education, culture, public health (in some places, these functions are exercised by the chief physician of the main district hospital), social security, militia, public utilities, construction and highway repair, (sometimes only a highway engineer), and also a registry office. Some districts have on the staff of the Executive Committee a trade department and also an architect, a civil engineer and an instructor (inspector) for complaints.

4. Organs of People's Control

In the course of communist construction the organs of state administration tend to change in form, and new types of bodies are set up to meet the demands of life, a good example being people's control.

Control in this country is part of government and the administration of social affairs. It is natural, therefore, that there is a network of diverse organs of control with massive popular participation.

At the end of 1965, the system of control then in operation was reorganised and people's control bodies were established. The law of December 9, 1965, transformed Party and state control organs into organs of people's control "with the aim of involving broad masses of working people in verification and control and to enhance the people's role in the work of control bodies".¹ It laid down that the organs of people's control are the Committee of People's Control of the U.S.S.R., the Committees of People's Control of the Union Republics, the Committees of People's Control of the Autonomous Republics, and the Committees of People's Control of territories, regions, autonomous regions, districts, cities and city districts, and also people's control groups and posts under village and township Soviets of the Working People's Deputies, at enterprises, on

¹ *Vedomosti prezidiuma Verkhovnogo Sovieta SSSR* (Gazette of the Supreme Soviet of the U.S.S.R.), No. 49, Art. 718, December 15, 1965.

the collective farms, at establishments and mass organisations and in military units.

This marked the establishment of a control system with massive participation by the working people. It operates alongside other types of control by the Soviets, the Procurator's Office, the departmental control bodies, the control by mass organisations and individual citizens.

The transformation of the control system is a highly important step in the further improvement of the Soviet control system, which is closely and immediately connected with economic construction.

The experience gained by the organs of Party and state control in the three years from 1962 on shows they had done a great deal of work and had helped the Communist Party and the Soviet Government to improve the functioning of the Soviet economy and the state and economic apparatus, in drawing the people into the administration of all social affairs and in involving broad masses of Communists and non-Party people into control activity.

New tasks were brought forward by life, and because the extension of the social role of control would be another important step in the all-round development of socialist democracy, it was deemed proper to carry out a further improvement of the existing system of control.

What do we mean by saying that the system of Party and state control has been transformed into the system of people's control? In the Soviet Union, people's control is an effective instrument of involving broad masses of the working people into the administration of state affairs. After all, the all-round extension of people's control over the activity of the organs of power and administration and the enhancement of their efficiency are a concrete way of involving citizens in government.

Lenin used to say that in the socialist state the system of control has the following aim; to take the whole mass of working people through participation in workers' and peasants' inspection.

This is provided for by the Programme of the C.P.S.U., which also requires the establishment of a system of people's control in which state control is combined with public inspection in the localities.

The Soviet system of control is a democratic and truly

popular system. In the Soviet state, all powers, including the power of control, are vested in the people as the sole masters of their country.

The working people's control extends above all to the most fundamental sphere of economic life, the sphere of production and distribution, and the functioning of the state apparatus. That is one of the advantages which socialism holds out to the working people.

The Soviet state has a stake in social control, and the greater the number of people involved in control—and, consequently, in government—the better the Soviet state system operates.

The organs of control in the U.S.S.R. operate under the Party's guidance and are also a sort of school in which Soviet people learn to act as masters of their country and develop a high sense of responsibility for the affairs of their state.

The organs of people's control operate under an ordinance approved by the Council of Ministers of the U.S.S.R., and work under the guidance of the Communist Party and the Soviet Government, which give day-to-day assistance and all-round support to their initiatives, because they regard these bodies as their immediate assistants in the struggle for the common cause.

What are the rights and duties of the people's control bodies? The main task is to help the Party and the state in systematically verifying the execution of the Party's and the Government's directives, further improving the guidance of communist construction, boosting the socialist economy, securing observance of state discipline and socialist legality. People's control bodies give active support, encouragement and help in developing everything that is new and progressive in the life of Soviet society. It is their duty to remove any defects they uncover, to seek to improve the general state of affairs and to wage an implacable struggle against red-tape, fraudulent reports and mismanagement.

People's control bodies consist of Party workers, representatives of trade union and Komsomol bodies, journalists and reporters, leading workers, collective farmers and office workers. Alongside staff officials, there are volunteer non-staff officers in departments and on standing and *ad hoc* social commissions. On the recommendation of state, Party

and mass organisations, volunteer inspectors and controllers widely participate in the work of the people's control bodies.

People's control is massive control, with more than 260,000 groups and 500,000 posts involving 4,300,000 men and women.

These groups and posts operate under day-to-day and immediate direction from Party organisations and territorial people's control committees, whose orders and assignments they carry out and report back on their activity. It is their duty to do everything to help Party organisations and people's control bodies in exercising control over the fulfilment of plans and production target by enterprises, building sites, collective and state farms, and raising labour productivity, cutting production costs and improving the quality of goods.

Members of groups and posts are elected for a term of two years by general meeting at enterprises, building sites, collective and state farms, establishments, schools and colleges and house management committees.

They report periodically on their work and the results of their check-ups to Party, trade union, Komsomol and working people's meetings.

The men and women—Communists and non-Party people—who are nominated as controllers must have moral standing and command prestige among their fellow workers, taking a firm stand on principle in face of shortcomings.

Practice has helped to work out the ways and means for use by people's control groups and posts, including check-ups, "raids", mass verifications, auditing of documents, etc. All these forms are applied by decision of the groups themselves, and on assignment from Party organisations and of people's control committees. The main thing is to achieve practical results, swiftly eliminating defects and preventing shortcomings.

A task is regarded as done not when a shortcoming is reported or recorded, but when it is rectified. To do this, the controllers are not vested with any administrative powers, but submit proposals to management, Party, trade union, Komsomol organisations and people's control committees, to make improvements, remove shortcomings and bring the guilty person to book. Executives are duty bound immediately to examine the questions raised before them

by the controllers and to adopt relevant decisions. In the event the manager of the plant or a state farm rejects the recommendations of a group or a post, the latter have the right to bring the matter up with their Party organisation or people's control committee.

The emphasis is on control of economic operations, although social and cultural matters are not neglected either. In application to the national economy, control is exercised both from the standpoint of legality and appropriateness (and in this it differs from the control exercised, say, by the Procurator's Office). From this standpoint, a check-up is made on the correct use of material and financial resources, appointment of personnel, setting of rates, introduction of new technology, etc.

We find that people's control is truly massive, and this is ensured both by the composition of the committees, in which staff groups work with volunteers, and by the involvement of broad sections of the working people through the groups and posts and also by the character and forms of activity of its organs.

The character of the new control bodies does not fit in with conventional ideas about special organs of state administration. They have a place apart within the system of Soviet administration and are an example of transition to an organisation combining public and government principles, indicating one of the ways towards communist public self-administration.

People's control in the Soviet Union shows that there is no rigid demarcation line between the functions of the Government and the activity of the people, and that it is a line which is being gradually obliterated as the country moves on to communism.

The forms and methods of state activity in the U.S.S.R. are developing ever closer to those of social activity, and the system of socialist democracy itself now constitutes an integrated ensemble of state and mass organisations, administrative bodies and mass self-administration bodies. This unity reflects the Leninist definition of the socialist state as a "semi-state", in which "semi" is not a defect of the state system, but one of its tremendous advantages.

5. Basic Principles of Organisation and Activity of Soviet State Organs

Soviet state organs serve the interests of the people and are connected with them by a thousand bonds, for they regard service of the people as the whole point of their activity. It is the task of the organs of the Soviet state to strengthen and develop socialist relations of production, multiply and rally the masses and lay the foundations of a communist society. These tasks determine the main principles underlying their organisation and activity, namely:

massive participation in government;
democratic centralism;
Communist Party leadership;
equality of nationalities;
socialist legality;
socialist planning and accounting.

Massive Participation in Government

This is a most important principle of socialist democracy which helps to strengthen the Soviet state. It reinforces the people's trust in the Government and gives fresh meaning to an old formula, making the Soviet Government a real government "of the people, for the people and by the people". This most important principle is examined in a special section.¹

Democratic Centralism

Democratic centralism is the next principle underlying the organisation of state organs. As the name suggests, it is a combination of two elements, democracy and centralism. It is democratic because all state organs are elective, responsible and accountable to the people, and removable, because the people have the right to recall those they elect. Administrative organs are accountable to the organs of power. It is centralised because higher organs direct and control the activity of the lower ones, and because the decisions adopted by higher organs are binding for the lower ones.

Democratic centralism is the main organisational principle of the Soviet system. Accordingly, the Soviets of larg-

¹ See Section 6 of the present chapter.

er territorial units direct the activity of the Soviets of constituent territorial administrative units, and their decisions are binding on the latter. The higher Soviets have the power to rescind the decisions of the lower ones.

This is a special type of centralism which is basically different from bureaucratic centralism in the capitalist countries. It is organically combined with the democratic principles underlying the Soviet state system (electivity of all Soviets, their accountability to their electors, the right of recall of deputies by electors, etc.) and would strictly be unworkable without it. Direction is centralised along the main lines. But "centralism, understood in a truly democratic sense, presupposes the possibility, created for the first time in history, of a full and unhampered development not only of specific local features, but also of local inventiveness, local initiative, of diverse ways, methods and means of progress to the common goal".¹

The local Soviets have broad powers. They organise the execution of directives affecting the interests of the whole country, issued by the central bodies, while independently deciding on matters connected with the direction of local economic and cultural affairs and satisfaction of the needs and requirements of the local population.

Thus, the whole system of Soviets, from top to bottom, operates as a single flexible and living organism, ensuring real and efficient participation by the people in government. The Communist Party is tireless in its efforts to improve and develop democratic centralism and to enhance the influence of local organs of power in economic and cultural affairs. The Programme of the C.P.S.U. says: "The rights of the local Soviets . . . (local self-government) will be extended. Local Soviets will make final decisions on all questions of local significance."²

In accordance with principles of democratic centralism, each state organ has specified rights and duties. It is independent within the limits of its competence and is free to criticise the activity of the higher organ, but operates under its direction and control. The principle of democratic

¹ Lenin, *Collected Works*, Vol. 27, p. 208.

² *The Road to Communism*, p. 550.

centralism makes for co-ordination in the activity of all state organs, higher and local, and also enables the higher organs to direct the lower ones within the single system.

For the local organs of state administration, the principle of democratic centralism is expressed in their dual subordination, which means that they are subordinate vertically (to the higher organ of administration) and horizontally (to the organ electing them). This dual subordination ensures centralised administration on the scale of the whole country, while operational activity is decentralised, with strict discipline, initiative, all-round concern for local specifics and complete harmony of local and state interests.

Executive and administrative organs of territory, regional, city, district, township and village Soviets operate under dual subordination. According to the Constitution, the Executive Committee, for instance, operates on the strength of decisions taken by its own Soviets and higher state organs. The Executive Committee's decisions may be rescinded both by the local Soviet and by the Executive Committee of the higher Soviet. The Executive Committee is above all an organ of the local Soviet and implements its will, so that the work of the Executive Committee is in direct continuation of the Soviet's activity.

On the other hand, the latter's prerogatives do not imply that higher state organs tend to restrict the activity of subordinate bodies, because both the Soviet in question and the higher Executive Committee ultimately have the same aim and are guided by the same law.

The reader may well ask: "What is the guarantee that this or that Executive Committee does not arrogate to itself more powers than it is allowed, or that it does not substitute for the representative organ of power—the Soviet and its deputies?"

The guarantees are provided by Soviet legislation. First of all, the Soviet itself forms its Executive Committee and may re-elect it or make any changes in its numerical or personnel composition at any time. Furthermore, only the Soviet is empowered to approve the budget and economic development plan, something the Executive Committee cannot do on its own. As a rule, only the Soviet adopts decisions providing for administrative sanctions and only it rescinds the decisions of the lower Soviet. There are

many other similar guarantees. In short, the Soviet is the power, and the Executive Committee is subordinate to it.

Like the Executive Committees, almost all their departments and administrations are in dual subordination. The work of these sectoral bodies is directed, on the one hand, by their Executive Committee and the Soviet and, on the other hand, by the higher organs of sectoral administration.

As for vertical subordination, a great deal depends on the sphere of the economy or culture involved and on the extent to which it requires centralised direction. Accordingly, a department or administration is given more or less power in respect of the enterprises, institutions or organisations within its jurisdiction. But in any case, direction must not lead to petty tutelage. The subordinate organ must be given room for initiative and sufficient independence in settling matters of local importance.

Why is that so? The more democratic the planning and the direction, the more it meets the spirit of the Soviets and the greater the success in making use of local possibilities, which means achieving the highest results at the lowest cost.

That was the reason, for instance, why dual subordination was established for some bodies which until then had been outside the influence of the local Soviets, namely, territory and regional administrations for the maintenance of public order, the city and district departments of the militia, the department for the organised recruitment of labour, construction and highway repair, etc.

Communist Party's Guidance

The Communist Party's guidance determines how the organs of the Soviet state operate.

Article 126 of the Constitution of the U.S.S.R. says that the most active and politically conscious citizens unite in the Communist Party, which is the vanguard of the Soviet people in their struggle to consolidate and develop the socialist system and is "the leading core of all organisations of the working people, both government and non-government". The Communist Party is the leading and guiding force in the Soviet socialist state, ensuring the smooth functioning of all social organisations, and uniting the Soviet people's

energy and creative endeavour for the construction of communism.

The essence of the Party's leadership is that it is political and not administrative. The Communist Party lays down the general political line, indicates the goal and works out the way of attaining it, uniting the efforts of the organs of state power, the organs of state administration and mass organisations. The Party's directions are at the basis of plans for the country's economic, constitutional and cultural development and are of vital importance for the whole country.

The congresses of the Communist Party and the plenary meetings of its Central Committee examine the basic aspects of communist construction. Party decisions on these matters have great organising force. They give a scientific generalisation of the experience gained by millions of people in the construction of the new life and formulate the programme of activity for all organs of the Soviet state at each stage of its development. Thus, the Programme of the Party adopted by the 22nd Congress of the C.P.S.U. is a programme for the construction of communism in the Soviet Union, and is a reflection of the common tasks facing the Party, the state, society and the people.

The Communist Party's guidance of the organs of power, the Soviets, is expressed in the fact that the Party tries, through the Soviets of Working People's Deputies, to get the best men and women from the people to fill the offices in the state apparatus. During elections to the Soviets of Working People's Deputies, the Communist Party campaigns in a single bloc with non-Party people and makes a point of getting the best men, both Communists and non-Communists, who are most closely in touch with life and the people, nominated as candidates for deputies.

C.P.S.U. congresses and congresses of the Communist Parties of the Union Republics and Party conferences in the territories, regions, districts and cities discuss various aspects of activity of the Soviets, throw light on shortcomings and map out measures to remove them and determine the tasks of the Soviets in the new conditions.

In the recent period, important measures aimed at strengthening and improving the activity of the Soviets from top to bottom have been taken at the initiative of the

Communist Party. As a result, the role of the Soviets has been enhanced, the activity of the masses stimulated, and their participation in the democratic administration of the state and all its organisational-economic operations extended. Party leadership helps the Soviets to act as organisers of the masses.

But the Communist Party's leadership of the Soviets does not mean that the Party is identical with the Government. The Party's leading role in the state and government *per se* are not one and the same thing. The Communist Party directs the Soviets but does not substitute for them. The Rules of the C.P.S.U. state explicitly that Party committees should direct the Soviets through the Party groups within them, but should not allow any confusion between the functions of the Party and those of other bodies, or the introduction of superfluous duplication.

The Communist Party is the leading core of all mass and state organisations of the working people, and exercises its leadership of society and the state through these bodies which embrace the entire Soviet people: the Soviets of Working People's Deputies in town and country, with their numerous ramifications in the localities in the form of administrative, economic, cultural and other state bodies; the trade unions with their ramifications in the forms of productive, cultural, educational and other organisations; all manner of co-operative societies; young people's leagues, etc.

Equality of Nations

Every sphere of life in socialist society provides evidence that the equality of all peoples, regardless of racial or national origin, is a principle which is fully implemented.

The Leninist national policy, which the Communist Party conducts, is embodied in the Soviet state, whose every organ is guided by the principle of equality of nations. This is expressed in the concern shown for the interests of every nation and in the involvement of broad masses of people of all nationalities without exception in the exercise of state power and in ensuring and safeguarding the rights and interests of the national minorities.

The principle of equality of nations, as practised in the Soviet state, is seen in the fact that all citizens of the U.S.S.R., regardless of nationality or racial origin, have the right to take part on an equal footing in forming the organs

of power, to hold government office and engage in state activity, and in so doing to exercise legislative, executive and judicial authority.

The organs of the Union and the Autonomous Republics, Autonomous Regions and National Areas consist predominantly of the local men and women who have a knowledge of the local language, customs and national traditions. In these organs and other institutions the records are kept and business is transacted in the native language of the local population. In the localities highly skilled personnel have been trained for the state apparatus, and every possibility has been created for the immediate participation by the native population in state administration. The fact that account is taken of specific local interests, customs, traditions, language, culture and the economy in the exercise of legislative, executive and administrative authority makes it possible to give the fullest satisfaction to the requirements of the nations of the U.S.S.R.¹

One of the main tasks in the sphere of national relations is the further all-round development of the economy and culture of all the Soviet nations, and continued efforts aimed at the flourishing of all the Soviet Republics.

Socialist Legality

Socialist legality is one of the principal conditions for strengthening and developing the Soviet state and a means of communist construction in the U.S.S.R. Socialist legality, as a principle underlying the organisation and activity of the organs of the state, means the precise and unconditional observance and fulfilment by all these bodies of statutes and other normative acts in ensuring their fulfilment, in guaranteeing and safeguarding the legitimate rights and interests of citizens.²

The principle of socialist legality is of special importance in Soviet state administration, which is aimed at practical implementation of the tasks and functions of the Soviet state in various spheres of economic and cultural construction. Soviet state administration is creative and organisational activity safeguarding the rights and interests of

¹ For details see Chapter Two.

² For details on socialist legality and protection of the rights of citizens see Chapter Five.

citizens, and educating them in the spirit of socialist law. This is a form of state activity, within whose framework the organs of the state, obeying the commands of the law, frequently lay down new legal rules. Enactments by the organs of state administration must always be in full conformity with the requirements of socialist legality.

Each organ and official in Soviet state administration is duty bound to see that socialist legality is observed in the work of the apparatus subordinate to them and prevent any infringement of the rights of citizens. Whenever socialist legality is infringed, duly authorised organs of the state and persons in the office are empowered to apply specified legal sanctions ensuring the observance of these rules.

An important method of ensuring legality in the organisation and activity of state organs is control and verification of performance, in the exercise of which broad masses of people play an active part.¹

Socialist Planning

Planning is a form of the organisational activity of the socialist state and is a permanently operating principle in the administration and management of national economy.

Leninist ideas of socialist planning of the national economy are the basis for current plans and for the entire system of state planning, and the principle of economic planning is itself a constitutional one (Art. 11 of the Constitution of the U.S.S.R.).

The principle of socialist planning in Soviet state administration is an effective means of making the organs of administration and the enterprises and institutions subordinate to them much more efficient. The organisational activity of the organs of state administration is based on the plan and is simultaneously aimed at its fulfilment. The organisational planning of the organs of administration rests on the approved plans for economic and cultural development and the concrete tasks of communist construction they envisage.

State economic planning is based on consistently democratic principles, which means that while the basic tasks and targets of the plan are set in a centralised manner, the detailed elaboration of the plan, which allows for due consideration of the necessary possibilities, specifics and most

¹ See above, p. 155 et al.

rational ways of meeting the plan targets, starts at the bottom—at the enterprises and in the economic organisations. In the recent period, the Communist Party and the Soviet Government have launched important measures designed to do away with excessive centralisation in state planning and to develop broad local initiative.

Accounting and Statistics

The data provided by accounting and statistics are a most important means for the control and verification of plan fulfilment, and without them planning itself is inconceivable. In the Soviet Union accounting and statistics are carried on by an integrated specialised system of organs of state administration, headed by the Central Statistical Board under the Council of Ministers of the U.S.S.R., which is a Union Republican body exercising centralised direction of accounting and statistics throughout the country.

The main tasks of the Central Statistical Board of the U.S.S.R. are: collection, verification, processing and timely submission to the Council of Ministers of the U.S.S.R. of scientifically grounded statistical data characterising the fulfilment of state plans, proportions between various branches of the economy, growth of the socialist economy and culture, rise of living standards, application of new technology and techniques, nation-wide distribution of productive forces, etc.

Such in brief are the main principles underlying the organisation and activity of Soviet state, which are a specific manifestation of the Soviet people's sovereignty.

It is not enough, however, to proclaim democratic principles or even to frame them in solemn documents. A necessary condition for their implementation is the continuous improvement of the entire state apparatus.

Soviet State Apparatus

Following the elimination of the personality cult and its effects in the Soviet Union, favourable conditions have been created for the full implementation of Leninist ideas on the consistent democratisation of the state apparatus and its improvement, with the ultimate aim of turning it into a social organ of communist self-administration functioning without salaried officials.

As the Soviet Union moves on to communism, new elements make their appearance in every sphere of social life, including state administration. You will recall that some functions exercised by administrative organs were transferred to mass organisations. Some, mainly the lower units of Soviet executive bodies, are increasingly being run on a volunteer basis. The Programme of the C.P.S.U. says: "An effort should be made to ensure that the salaried government staffs are reduced, that ever larger sections of the people learn to take part in administration and that work on government staffs eventually cease to constitute a profession."¹

From year to year, the state apparatus is being streamlined and relies increasingly on the masses, improving the forms and methods of its work and extending its ties with the people.

Measures implemented in the last few years to reduce staffs and simplify the state machinery were made possible by the broad involvement of the working people in the activity of Soviet institutions. Volunteer public workers substitute for abolished staff sections of the state apparatus. Massive participation in the administration of social affairs is an inexhaustible and indispensable source for the reduction of staffs and a basis for perfecting the activity of state apparatus.

Representatives of the public take part in discussing the principal measures planned by the departments and administrations of Executive Committees, help in their practical implementation, and control the activity of enterprises and institutions.

At the same time, the institution of non-staff workers is becoming a common one in various units of the Soviet state apparatus. All organs of administration rely on non-salaried instructors, inspectors and controllers.

Volunteer workers of Executive Committees are a novel development in the Soviet administrative apparatus but it is safe to say that the future is with them.

We are proud of this resolute intrusion of the public and individual citizens into the Soviet administrative machinery, but we should bear in mind the need to maintain a correct balance between the public and the professional ele-

¹ *The Road to Communism*, p. 551.

ment in the state apparatus. The Soviet Union is still at the start of its historic way towards communist public self-administration and no matter how strong the elements of this future, the professional staff element still has a great part to play in the Soviet state apparatus.

It would, therefore, be wrong to draw the conclusion that the professional apparatus is already beginning to decline in importance. In present conditions, the role of the executive apparatus is still very great and continues to grow for the time being. A great deal still depends on it in the practical organisation of communist construction, which is why the Communist Party has set the task of improving this highly important instrument of state power and wants public control over its activity intensified.

We should also note that the methods used by the state apparatus are being substantially changed and will continue to change as time goes on. Coercion, never its principal method, is now being whittled down, with ever greater importance attaching to the organisational activity of the masses, the correct selection of workers, verification of actual performance of assignments and decisions by governing bodies.

At the same time, these developments of socialist democracy imply greater responsibility on the part of each worker, greater individual discipline and efficiency and broader control by the masses over the activity of the state apparatus. Democracy and organisation, democracy and self-discipline are inseparable. The higher the level of socialist democracy, the more conscious is the discipline of its citizens and the fewer the occasions on which the state and its agencies have to resort to compulsion. But it remains in the arsenal of the socialist state as an antidote to violations of law and the rules of socialist society, as a safeguard of the rights, freedoms and duties of Soviet citizens, for the sake of developing socialist democracy.

**Renewal
of Leadership**

The task of involving all citizens in government is being and will be implemented in the U.S.S.R. also through the systematic renewal of the composition of leading bodies, the consistent exercise of the principle of electivity and accountability by leading officials and the gradual extension of this principle to the whole

leadership. There is now a gradual extension of popular representation in the Soviets and further development of democratic principles in state administration. These measures help to improve the work of the Soviets and increase the flow of fresh forces to enable millions of working people to learn the art of government. Thus, at every election one-third of the deputies to the Soviets has to be renewed. In practice, this figure has been topped: in the March 1966 election to the Supreme Soviet of the U.S.S.R., more than one-half the deputies were elected for the first time. For the Soviet of the Union, the figure was almost 70 per cent, with 534 out of 791 deputies elected for the first time, and for the Soviet of Nationalities, over 70 per cent with 473 deputies out of 652 elected for the first time. In the elections to the local Soviets in March 1965, 56.7 per cent of the deputies were new.

The principle of electivity and accountability to representative organs and electors is gradually being extended to all leading officials of state organs. An important development in this respect is the current practice of systematically renewing the composition of leading organs of the Soviets: election to them for not more than 3 terms, and renewal of one-third of their composition at each election. Only in exceptional cases, when there is a consensus that the personal qualities of a worker make his further presence in the leading body useful and necessary, may he be re-elected. His re-election is deemed effective only if he receives at least three-fourths of the votes.

The measures taken for the systematic renewal of all elective organs (state and mass) make it possible to attract additional millions of citizens to participation in the affairs of society and the state, enabling them to take a direct part in the work of the governing bodies.

The strict observance of the principle of regular accountability of the Soviets and their deputies to their electors, the exercise by the electors of the right to recall deputies who have failed to live up to their trust, and regular accounting by executive organs to the Soviets, the spread of criticism and self-criticism in the work of the elective organs, the enhancement of control by the people over their activity—all that is of tremendous importance in the further improvement of the activity of Soviet state organs.

6. Direct Democracy and Participation of Mass Organisations in Government

The constant and ever-growing participation of citizens in the administration of the state is the basic law governing the development of the socialist state in its advance towards communism. A specific feature of the current stage of its development is that all the conditions have now been created for the practical realisation of Lenin's ideas about involving the entire people in decision-making on social and state affairs.

In projecting the development of Soviet democracy, Lenin used to stress that its aim is to draw all the working people into the practical administration of the Soviet state.¹ The 22nd Congress of the C.P.S.U. set this aim as a real and practical task, when it said in the Programme: "All-round extension and perfection of socialist democracy, active participation of all citizens in the administration of the state, in the management of economic and cultural development, improvement of the government apparatus, and increased control over its activity by the people constitute the main direction in which socialist statehood develops in the period of the building of communism."²

These words summarise the extensive experience gained by the Soviet state and socialist democracy. Consequently, the task now is to improve the existing and to find new ways and means of drawing the people in the administration of the state and society.

The practical approach to this question by the 22nd Congress of the C.P.S.U. and its specification of the means of implementing this line have been prepared by the whole economic and political development of Soviet society and the state.

The 22nd Congress of the C.P.S.U. not only set the task of attracting all citizens into administration and gave a theoretical substantiation of it, but also mapped out the principal ways of solving the problem. These are:

¹ See Lenin, *Collected Works*, Vol. 27, p. 273.

² *The Road to Communism*, p. 548.

(1) creation of increasingly better material and cultural conditions of life for every working man and woman;

(2) improvement of the forms of popular representation and democratic principles of the Soviet electoral system;

(3) extension of the practice of nation-wide debates of major questions of communist construction and laws of the Soviet state;

(4) all-round extension of the forms of people's control over the activity of the organs of power and administration, and the enhancement of its effectiveness;

(5) systematic renewal of leading bodies with ever more consistent implementation of the principle of electivity and accountability of leading workers in the state apparatus and mass organisations, and the gradual extension of this principle to all leading officials in state and mass organisations and cultural establishments.

There is good reason why the C.P.S.U. has given priority to the further boosting of material and cultural standards, which, after all, create the best conditions for the most creative activity by citizens for the benefit of society. Popular government in the Soviet Union rests on a sound material basis, the socialist system of the economy and the socialist ownership of the means of production. The Soviet people own all the resources of the U.S.S.R. which is why the people are both the source and the holder of state power. This also determines their decisive participation in the administration of the state.

The second most important way of involving the masses in administration is to improve the forms of popular representation and the Soviet electoral system. The task is further to improve organisational work by all organs of power in the country—the Soviets of the Working People's Deputies ranging from village Soviets to parliament—in improving the existing and finding new forms for their activity on the basis of the people's ever broader involvement in the direct administration of the state.

The main repositories of the people's state power, the Soviets, are the fullest embodiment of the principle of self-administration, which is subsequently to supplant state administration.

The Soviets and their deputies have long since earned for themselves the reputation of organisers of the most impor-

tant undertakings. But life develops at such a rapid pace and the plans for communist construction are on such a grand scale, that the tasks of further improving the work of the Soviets have acquired exceptional importance.

One of the main ways of developing popular participation in the Soviets is to enhance the role of deputies in the practical work of the representative organs of power and to integrate their legislative and executive functions ever closer together on that basis.

The deputies are a force personifying the unity of state and public principles. Being members of collegial organs of state power, they are, at the same time, direct representatives of society, of which they are an integral part. They perform their duties in the Soviets gratuitously, mainly after working hours. Consequently, the more active they are in guiding the various sectors of communist construction, the more social elements are accumulated in this leadership.

The role of deputies of the Soviets in social affairs has markedly increased in the recent period as a result of the extension of the powers of the Soviets. But the strength of the Soviets lies in the fact that they rely not only on their members, but above all on the broadest groups of activists.

Activists in the Soviets The Soviets have been extending the range of people actively involved in government, a great role in this being played by the 300,000 standing commissions in the local and Supreme Soviets of the Union Republics, where millions of activists work together with more than 1,640,000 deputies. They tackle an ever greater number of questions falling within the competence of the administrations and departments of the executive organs.

Thus, there are 156,097 standing commissions with 864,832 deputies working in the Soviets of the Russian Federation. The most valuable aspect of their work is that many of them not only raise questions before the Executive Committees, but examine them at their own sittings and see that effective results are achieved. In Byelorussia the Soviets of Working People's Deputies have 12,593 standing commissions, with 66,087 deputies and tens of thousands of activists.

In the U.S.S.R. there are no career deputies. In order to improve the work of the Soviets and enhance control over their executive bodies, the Programme of the C.P.S.U. sug-

gests the practice of releasing deputies from their official duties for work on the commissions. The standing commissions are a traditional form for attracting electors to the immediate solution of problems in economic and cultural construction, observance of socialist legality and the communist education of men and women. But it has long ceased to be the only form. In the recent period, new forms of mass participation in the work of the Soviets have arisen and are being established, such as departments of Executive Committees of the Soviets set up on a voluntary basis, that is, consisting of persons who receive no wages or salaries in the Soviets,¹ the institution of non-staff instructors of the Soviets, standing production, technical and other special councils under the Executive Committees. Their work is supplemental to that of the executive organs of the Soviets and helps their departments and administrations. In some cases, public-minded citizens undertake to fulfil some functions earlier exercised by state organs. This is visual evidence of the Soviet people's growing political consciousness and the transfer of some functions of state power to the diverse forms of public initiative by the working people, which is now being successfully exercised.

In the U.S.S.R., therefore, there is now a development both of the old and well-tried forms of mass participation in government and of new ones. These forms might be said to probe the practical ways of developing the socialist state system into communist public self-administration, as decreed by historical conditions.

As has been said, the 22nd Congress of the C.P.S.U. took the Leninist course in drawing all citizens, without exception, into the administration of social affairs. At present, it is a programme for the future. But how far away is the future?

Already millions carry on the work of government: over two million men and women are elected to the Soviets of every level (from the village Soviet to the Supreme Soviet)²; and more than five million are taking part in production con-

¹ There are more than 6,000 such departments in the R.S.F.S.R. alone.

² Let us note that only in the first Soviet decade one in twelve citizens was elected to the Executive Committees of local Soviets or delegates of congresses.

Table V

Mass Organisations in the R.S.F.S.R. in 1964

	Number	Members
Block and House Committees	170,346	919,722
Parent-and-Teacher Committees at Schools, Children's Institutions and House Committees	172,388	1,138,507
Councils at Medical Establishments . .	10,600	127,451
Councils at Clubs, Libraries and Read- ing-Rooms	64,549	454,524
Councils for the Promotion of Cultural and Everyday Affairs	7,174	99,537
Women's Councils	32,607	297,904
Volunteer Fire Brigades	38,072	707,269
Volunteer Patrols for the Maintenance of Public Order	85,182	3,351,078
Comrades' Courts	112,372	693,434
Commissions for Safeguarding Socialist Property	3,391	25,688
Production and Technical, and Techni- cal and Economic Councils at Enter- prises, State Farms and Collective Farms	12,201	164,030
Team Councils at Collective Farms . .	16,554	95,947
Shop and Catering Commissions	107,402	368,282
Councils of Elders	1,151	13,487
Sanitary Teams and Posts	90,811	485,423
Commissions for the Award of Pensions at Enterprises and Establishments . .	2,498	16,535
Other Organisations	29,583	571,075
Total	956,881	9,579,893

ferences. The active section of the population grouped around the Soviets is ten times greater than the number of deputies and now runs to more than 23 million.

There are now a great many mass organisations of working people grouped around the Soviets, such as block and neighbourhood committees, volunteer people's patrols, comrades' courts, parent-and-teacher committees at schools, women's councils, deputy groups, sanitary teams, councils for assistance to departments of executive committees, commissions of public control over the operation of commercial enterprises and catering establishments, etc. Through mass organisations and standing commissions, the Soviets of Working People's Deputies attract millions of people to active participation in their work. (See Table V.)

Every republic, town and district of this vast country offers innumerable examples of active citizen participation in government.

In the Ukrainian Republic, more than 700,000 citizens work actively in the standing commissions, and 3 million take part in 200,000 (block and neighbourhood committees, parent-and-teacher committees, women's councils, volunteer patrols, sanitary commissions, etc.).

Every adult citizen in the Soviet Union takes part in one mass organisation or other, and these are like so many streams flowing into the great tide of social development in every sphere of life.

This practice has become routine in the Soviet Union, but it is there that the new social forms and communist methods of social administration and citizen participation in government are taking root.

Above we examined only the forms in which citizens take part in administration and how they constitute the organs of power, electing millions of deputies to the Soviets. But the Soviet people also elect people's judges and people's assessors whose task is to administer socialist justice.

Nation-Wide Debates

The third important way of drawing the entire people into government is nation-wide debates on the major questions of communist construction and the most important bills.

After all, the further improvement of diverse forms of direct democracy takes society closer and closer to that stage of historical development when all will take part in

decision-making on social and state affairs. It is now a firmly established tradition for the Soviet people to take part in nation-wide debates on the major questions of communist construction and the most important bills. In the recent period, broad masses of working people have taken active part in discussing such questions at their meetings and in the press, and these were subsequently given legislative forms. There were the questions of improving pensions for working people, strengthening the ties between school and production, and further developing the system of public education, etc. There has also been discussion of many enactments designed to strengthen constitutional legality and law and order, and provide safeguards for the rights of citizens and the interests of the state.

The working people take an active part in elaborating economic plans. Even such a purely specialist sphere as planning, which it would appear only competent state bodies could tackle, is being increasingly subjected to public "intrusion", and it is a highly fruitful process. During the discussion of long-range national economic plans, as in the examination of current production targets, the working people make correctives which rule out any projecteering and also allow much fuller use of the country's vast reserves.

The nation-wide debates on important bills and other state enactments ensure active participation by broad masses of people in Soviet law-making, and the most explicit expression in laws and other legal acts of the people's interests and their active role in implementing them. These debates serve to confirm the fact that actually millions of Soviet people take part in solving the basic problems of the state. The people's wisdom and experience help the Communist Party and the Soviet Government to take the correct decisions. On the other hand, these debates promote the growth of massive political awareness and labour activity and strengthens the people's sense of being master in social and state affairs, developing a relentless attitude to shortcomings and complacency.

Some of the numerous proposals brought up during the debates are later considered in the adoption of the relevant laws. Other proposals put forward during the nation-wide discussion are taken into account during the drafting of state

acts, while still others are referred to ministries, central departments and local organs of power for the adoption of measures, or consideration in practical work. Thus, diverse methods are used to implement the proposals brought up during the nation-wide debates, which are an embodiment of Lenin's important precept that practice—the experience of the masses—should be taken as the starting-point in framing laws to give correct expression of what the people have come to realise, thereby ensuring that the law conforms to the objective conditions and requirements of social development and orients this development in the required direction.

Such debates on bills and other decisions, central and local, are becoming a system which includes referendums on the most important bills.

The combination of nation-wide debates and referendums is a further elaboration of the principle of popular sovereignty, which is one of the basic principles of the Soviet constitutional system. It is still another embryo of communist public self-administration.

In recent years, there has been broad development of various conferences, meetings of active workers in industry, construction and agriculture, held in the centre and in the localities, to discuss important aspects of communist construction. These meetings are attended by the most active workers in their respective fields and are of great importance for their development. At the same time, they help to attract leading workers in town and country to the solution of affairs of state and to extend the democracy of the socialist state. Enactments by the state power (laws, decrees, decisions, etc.) published after such conferences frequently contain the recommendations and proposals submitted at these conferences.

This helps to translate into life Lenin's precept that as the country advances towards communism, all the affairs of society should be conducted by the working people directly, for they have a deep interest in developing the productive forces, steadily boosting the economy, culture and living standards. This activity is a good course in socialist state administration and communist construction.

The shoots of communist public self-administration are, therefore, in evidence everywhere. As nation-wide social-

ist democracy develops, there are signs that the socialist state system is gradually growing into communist public self-administration, a long and deep-going process which will take an entire historical epoch.

Those are some of the forms of massive participation in state administration. They have been given special development now that the Soviet state has emerged from the stage of the dictatorship of the proletariat and that the political organisation of the whole people, which has come in its wake, is growing and gaining in strength.

The socialist state is strong because it has a broad social base and because the masses directly participate in the affairs of the state. In short, it is strong because it is democratic. Our state, Lenin used to say, "is strong when the people are politically conscious. It is strong when the people know everything, can form an opinion of everything and do everything consciously."¹ It is understandable, therefore, that as the state of the dictatorship of the proletariat grows into a political organisation of the whole people, the strength of the socialist state is multiplied, because it is measured less and less in terms of activity by its punitive organs and ability to use compulsion, but increasingly in terms of massive activity and the use of methods of persuasion and education in the spirit of conscious communist self-discipline.

It should, of course, be borne in mind that at the present stage the powers of the state vested in its representative organs are also being used, but it is no longer a question of extending these powers, but of correctly applying the means of state coercion, which are used only when the necessity actually arises. The main direction is to strengthen the measures of social influence and effect a corresponding reduction in disciplinary administrative measures.

This tendency makes the Soviets increasingly akin to mass associations of working people and is one of those factors which help to strengthen co-operation and interaction between the organs of power and the trade unions, Kom-somol organisations and co-operative societies. These organisations may be seen to co-ordinate their efforts, take joint decisions, establish control and verification of performance

¹ Lenin, *Collected Works*, Vol. 26, p. 256.

and conduct organisational work among the masses in such spheres as are connected with the management of the economy and cultural construction, the maintenance of law and order and the education of the Soviet people, all of which has a positive effect on the practical results of the activity of the Soviets and other associations of the working people.

Mass Organisations

Activity in non-state mass organisations is a most important form of drawing the working people into government.

The Soviet Union's entry upon full-scale communist construction implies a further strengthening of public self-administration, and an enhancement of the role and importance of the working people's mass organisations, such as trade unions, Komsomol organisations, co-operative societies, professional unions, and scientific, defence, sport and other societies. All these are part of Soviet society's political organisation and under the leadership of the Communist Party take part in deciding on the most important affairs of state. Mass, co-operative and other organisations of working people are a tremendous force. Suffice it to say that they unite virtually the whole of the adult population in the Soviet Union.

Together with the extension of the role of the social element (citizens and mass organisations) in the work of state organs, as we have shown, there is now another line of development in Soviet democracy, namely, the increasing role of mass organisations in every sphere of Soviet life. Both these lines lead to the same goal: the most extensive popular initiatives in the construction of communism. There is a definite interconnection between the two: the greater the tasks, the greater the popular effort required. And conversely, the broader the scope of popular initiative, the faster the rate of development.

For Soviet people, the Communist Party, which is a model of social organisation, is a real school in the administration of social affairs. The Komsomol and the trade unions are a school of communism where people learn to take the national view of state affairs and act as master; they constitute an extensive network of mass organisations of working people, who act on their own initiative.

The socialist state and society have the same aims, and this gives rise to common interests, with the state doing its

utmost to develop massive initiatives, and society, to strengthen the state and steadily enhance its role in communist construction and international relations.

Today, relations between the Soviet state and the public are closer than ever before, with state and social functions so interlaced as here and there to be almost indistinguishable.

Take the management of the economy. Is that a function of the state or of the people? Of course, it is a function of the state, but it is also a function of the people, for the economy is the main sphere of activity of the Communist Party, the Soviet people's vanguard. Production is the main field of operations for the trade unions as well. Through factory and plant committees, permanent production conferences and other mass bodies, the trade unions exercise an influence on the country's economic life. Suffice it to say that more than 118,000 permanent production conferences, in which about 5 million men and women take part, operate at enterprises, construction sites and state farms. There are more than 144,000 design and technological offices, research institutes, offices and laboratories of work organisation and standards, technical information, economic analysis and diverse other groups operating on a volunteer basis at factories and plants throughout the country. They provide an outlet for the creative activity of more than a million industrial and office workers.

In the last few years, there has been a considerable extension of the rights and duties of mass organisations, and their role in the administration of state affairs has been enhanced. The central organs of mass organisations have the right of legislative initiative. Mass organisations have been vested with a number of functions earlier exercised by state organs. Thus, trade unions now run social insurance. They have greater rights in the management of production, labour safety for industrial and office workers and the administration of physical culture and sport. Sanatoriums and rest homes have also been transferred to the trade unions. There has been a considerable growth in the role of the Komsomol in economic and cultural affairs. Through the Komsomol, Soviet young people have started many remarkable undertakings. Mass organisations exercise important functions in control over the work of enterprises in trade, public catering, public

utilities and everyday services. Mass organisations have also taken over some functions in the maintenance of public order and the administration of justice.

The maintenance of public order has always been something of a government preserve. Under the Soviet system, the maintenance of public order and the combating of offences have become as natural for the working people as these functions are for the state. In the U.S.S.R. there are 159,000 volunteer people's patrols, with more than 6 million members. At enterprises, construction sites, establishments, collective and state farms there are more than 200,000 comrades' courts. The people's patrols and comrades' courts exercise functions which have traditionally belonged to the state. This is a genuinely novel social development.

Many Western readers, brought up in the traditional legal concepts, may regard production conferences or comrades' courts as an intrusion into democracy and a violation of legal rules. It is not easy at all times to imagine how the affairs of a community can be regulated without court and police, criminal code and prison cell. From our standpoint, this "intrusion" marks the transition to a genuinely novel type of social activity by the working man, who is moving on from narrow trade-unionism and the limitations of his trade to multifarious social ties and the broad exercise of his powers and capabilities in organising a new life for millions of fellow men.

The democracy of Soviet society makes it possible to whittle down and do away with the bureaucratic tendency towards uniformity, and the urge to fit everything into the Procrustean bed of the official circular which sets out what may and what may not be done. Democracy breaks through this bureaucratic stopper, which tends to stem democratic progress, and ensures the flow of great tides of human initiative leading to a wealth of communist ties between men and to a life abounding in exciting endeavour.

At the same time, this kind of democracy creates a new moral atmosphere. Dependence on individuals gives way to reliance on the collective, on massive public opinion. The inevitably subjective one-sidedness of the individual gives way to the objectivity and the broader view of the collective. In the new conditions, man is oriented towards the col-

lective, which helps to generate a truly communist fellow feeling for all working people and society.

The transfer of functions from state organs to mass organisations is being carried out, as practice has shown, in three directions: first, there is the full transfer of functions from state organs to mass organisations and the dissolution of the state organs involved (such as the administration of physical culture and sport by the Union of Sports Societies). Second, the partial transfer of some functions from state organs to mass organisations (as in the safety of labour, the settlement of labour disputes, etc., by the trade unions). Third, the joint exercise of some functions by state organs and mass organisations, as those of the militia, whose activities are increasingly combined with those of people's patrols and are gradually acquiring an ever more social character. The courts are developing along a line which tends increasingly to combine their activity with those of the comrades' courts and with ever broader sections of the public drawn into the administration of justice. Direct administrative compulsion is giving way to other forms of influence.

From year to year, ever greater scope is being given to scientific, technical, sport, defence, educational and professional societies and unions. These are democratic organisations of the masses whose activities are based on the initiative of their members, a fact which invests these bodies with many elements and features of the future, making some of them prototypes of similar bodies in the coming communist public self-administration.

Most mass organisations have been in existence since the early Soviet days. Others have made their appearance in recent years, but all are acquiring a fresh importance in the full-scale construction of communism, and not only because they have grown numerically and have acquired more extensive functions and greater scope of activity. The important thing is that mass organisations based on popular initiative not only help the state but are gradually taking over some of its functions. However, the transfer of various functions from state organs to mass organisations (such as trade unions) is not decisive in itself and does not ensure massive activity in administration. After all, the important thing is not which organ performs this or that function, but how. Massive self-

administration starts when every working man and woman—every citizen—is given a say in the decision-making process. That is why the transfer of functions by state organs to mass organisations is accompanied by a change and improvement in the form of their activity and a more effective grass-roots control together with greater activity and initiative on the part of the working people. The Programme of the C.P.S.U. provides for the development of initiative by mass organisations, the reduction of their payroll staffs, a renewal of one-half of their governing organs at each election, etc.

The question now facing the Soviet people is to enhance the importance of mass organisations in the administration of cultural and public health establishments. In the next few years, they are to take over the administration of entertainment enterprises, clubs, libraries and other cultural and educational establishments. There is also to be an extension in the activity of mass organisations, especially people's volunteer patrols and comrades' courts in strengthening public order. The transfer of functions by the state organs to mass organisations has increased their influence in various spheres of social relations, and has brought state organs ever closer to the working people's mass organisations, foreshadowing the time when state interference in social relations will gradually become superfluous and cease altogether.

Thus, the state increasingly relies on mass organisations, which acquire more and more functions and improve the democratic methods of their work as they develop their members' initiative and train them in the habits and skills of mass activity in preparation for communist self-administration.

The enhancement of the role of mass organisations is a law governing the development of socialist society as it grows into communist society, promoting the solution of the tasks of involving citizens in the administration of social affairs.

The enhancement of the role of the Soviets, as mass organisations, and the transfer of functions by some state agencies to mass organisations of working people mean that a start has already been made on the gradual development of the socialist state system into communist public self-

administration. The process will be completed in the distant future, but the immediate future of the Soviet state system is connected with the ever wider involvement of the population in the activity of state organs and the steady enhancement of the public role in government. This is an objective law which is ultimately determined by the basic requirements of economic construction. After all, democracy being subjected to the powerful influence of economic development, itself exercises an influence on socialist production, promoting the attainment of its lofty aim: satisfaction of society's material and cultural requirements. Communist construction cannot succeed without an extension and improvement of democracy.

However, it should be borne in mind that the socialist state system will be there and will develop for a long time to come, until the full triumph of communism. The process in which public principles in the activity of state organs are unfolded cannot be hastily or artificially stepped up. It must be gradual, for it goes hand in hand with the natural course of communist construction and meets society's actual requirements at each stage on the way forward.

Under socialism, the tasks of state construction and the further enhancement of the role of the state system continue to prevail, and must prevail over the withering away of the state.

So long as the need for the centralised direction of society remains, the role of state organs cannot be minimised. That is why the Soviets, which are the hub of the socialist state system, will long continue to operate as the organs of state power, gradually developing both as the most massive organisations of the working people and as true organs of people's self-administration.

The consistent development of the socialist state system will gradually lead, as the Programme of the C.P.S.U. emphasises, to its transformation into communist public self-administration, uniting the Soviets, trade unions, co-operatives and other mass organisations of the working people. This means that the Soviet socialist state system is going forward to that supreme goal, where, as Lenin put it, all members of the society of free working people, will actively and directly participate in running social affairs.

To sum up, the Soviets and mass bodies are organisations whose best features will fuse into communist public self-administration. And it is the Communist Party that brings their efforts together through its political and organisational work, ensuring unity of will and co-ordination of action by all working people who administer their state and have good reason to say: "We are the state!"

SOVIET SOCIALIST LAW

1. The Marxist Concept of Law

General Law is an aggregate of the rules of behaviour which are either laid down by the state in the form of laws or other normative acts or, without being directly established by the state power, are sanctioned by it in one form or another (such as custom). The rules of law are something of an indicator of the behaviour of men, their collectives or organisations. They are mandatory, that is, they are set up for men to observe and fulfil. Whenever the rules of behaviour laid down by law are not observed voluntarily, measures of state influence, including compulsion, are applied. Thus, the rationale of law lies in its influence on human behaviour and on social relations.

The existence of law in society means that a wide circle of social relations, and the most important relations at that, take on the character of legal relations, that is, those whose participants are vehicles of legal rights and duties protected by the state. When we say that law is the aggregate of mandatory rules of behaviour, we do not mean that this aggregate should be taken by itself, without its indissoluble ties with the movement of the diverse juridical relations taking shape in life.

Similarly, one must always consider the close connection existing between the law and the juridical status of persons in society, that is, the rights and duties with which the person is endowed and which he can exercise in the given social conditions. In this context, Marxist theory operates with the concept of subjective law, which is taken to mean the statutory limits within which citizens or their organisations (legal persons) may act.

In a developed state the sphere in which the law operates is quite extensive, embracing above all the sphere of production, distribution and exchange. Law fixes the existing property relations and operates as a regulator of the measure and forms of distribution of labour and its products between the members of society (civil law and labour law); furthermore, the law fixes the forms of administration and the constitutional system, and determines the legal status of citizens and the activity of the state mechanism (constitutional law, administrative law). Finally, the law lays down the measures for combating encroachments on the state system, the existing order of social relations, together with the forms in which this is done (criminal law, procedural law).

Law and the Socio-Economic System

It may well be argued that nothing of what was stated above is novel, and that it has all been said before by many authors who are not Marxists in any sense. That is true, but the point is that these propositions are a reflection of superficial phenomena only, whereas it is the task of science to get at the definitive factors in the content of institutions and branches of law, the influence they exercise on social life, the uniformities in the development of law as one socio-historical formation succeeds another, etc.

Marxism has resolutely broken with the old long prevalent view of law as originating from divine principles or various other *a priori* ideas, and has bound it up with the social and economic system. What did Marx mean when he said that law had no history of its own? Is there anything derogatory in this? Not at all. There are many Marxist writings on the history of law, and within the system of juridical sciences there is an independent discipline known as the history of state and law. What Marx emphasised was that the essence of law and its origins and development cannot be understood if law is taken in isolation from economic and political life. It can be understood only as a product of economic and other social conditions. It is not law that creates society, but the other way round. Property relations do not exist because there are rules of law defining property, but, on the contrary, these rules, in their historical origins and subsequent development, are a reflection of the relations produced by the economic system. The law can never rise above a society's socio-economic system.

The Marxist conclusion that law is determined by the socio-economic system is frequently presented by its adversaries as vulgar economism and as an attempt to derive law directly from the economy only. Marxism, they say, turns law into a simple adjunct of the economy, thereby minimising its role as a spiritual and moral value. That is, of course, not a critique of Marxism, but a caricature of it. The fact that law cannot be explained in isolation from the socio-economic system did not lead Marxism to conclude that it is determined by the economy alone and is nothing but a plaster cast of it. A marked imprint is left on law by various factors like political conditions and the dominant ideology, and in some epochs, by religion, the national mentality, historical traditions, etc. Besides, in laying down new laws in a developed society, the state must reckon with the existing system of law. Marxism has repeatedly drawn attention to the fact that if law were determined by the economy alone and only in a straightforward fashion, we could not explain why laws giving expression to similar economic conditions are frequently different in form. In Britain, developing capitalist relations were served by adapting the common law system, but on the continent they produced new codified legislation (Code civile in France, B.G.B. in Germany, etc.).

Law determines the behaviour of men and regulates their most important relations, thereby exercising a substantial influence on the course of social development as a whole. Once it has arisen, it acquires a relative independence in respect of the socio-economic system, and may either go along with social (including economic) development or run against it, as with feudal law hampering the new capitalist relations. Historically, however, the framework, in which legislation tends to slow down social development and artificially retain survivals of the past, or on the contrary, to skip the necessary stages of development, turns out to be quite limited, because law cannot abolish the objective uniformities.

At any rate, law is never passive in respect of the socio-economic system and always operates as an important factor in consolidating the social relations which have taken shape, in some cases actively promoting the establishment of new relations, whenever the necessary material conditions are there. Law also exercises a palpable influence on the econ-

omy, and the more complex the economic mechanism of a society organised as a state, the stronger is the influence it exerts in many concrete directions.

**Socio-Economic System,
Law and Values**

Some Western authors now recognise that by emphasising the close ties between social conditions—the socio-economic system—on the one hand, and law, on the other, Marxism has helped to strip law of its mystic veil and bring the study of it down to a real sociological level. But they still complain that this Marxist approach allegedly minimises law as a spiritual value. There is something of a contrast between the materialist view of law, as a reflection of the socio-economic system, on the one hand, and the axiological approach to law, as expressive of the definite values and ideals, on the other.

Actually, Marxists have never denied the need to assess law from the standpoint of justice, appropriateness, correspondence to ideals, etc., but for Marxists, values like justice are never *a priori* immutable ideas which are independent of the social system. The fact is that the idea of justice has changed from one epoch to another, and has differed within each epoch itself, depending on class and social section. Aristotle, one of the great minds of antiquity, believed slavery to be a fair and natural state, but this runs counter to the most elementary moral concepts of the present day. Let us bear in mind that the peasant came to see the injustice of the serf system much earlier than his feudal lord. Engels wrote in this context that justice, as a yardstick of natural law, is always an expression in ideological terms of existing social relations, either of their conservative or revolutionary side.¹

It does not follow that justice ceases to be a value, but its real content and role in concrete historical epochs cannot be understood out of the social context and the relations of the epoch in their class view.

Equally, law does not lose its social value for Marxists just because it is determined by the socio-economic system of society. Law, as a value, is opposed to the system of lawlessness and arbitrary acts. Although in concrete historical

¹ See Marx and Engels, *Selected Works*, Vol. 1, Moscow, 1962, p. 623.

conditions law was not always filled with the content which met the needs of social progress, but in a class society it is impossible to do without law in establishing the principles of democracy, equality, respect for personal liberty, etc. Therein lies the value of law and legality.

Marxism takes a consistent stand for investing law with the maximum of justice, humanism and moral principle, and denies the doctrine that law must be nothing but a "minimum of morality".

The materialist interpretation of law, far from preventing its moral and humanistic evaluation, in fact provides the real concrete historical criteria for such an evaluation.

Law and Classes

The first initial principle of the Marxist doctrine of law is that the law operating in a given society is determined by its socio-economic system (the basis, as the Marxist term goes), the second is the historical fact that the origination of law and its development over a long period is connected with class contradictions, socio-economic inequality and the resultant political relations of domination and subjugation.

The earliest written sources of law available to us testify that their rules expressed the interests of the ruling classes and social sections of the period; the law established slavery, the political privileges of the propertied classes, harsh penalties for offences against property and wealth, etc. Ever since society split up into classes, the economically dominant class, relying on its strength and wealth, has held the reins of political power, which it used to lay down rules of behaviour attuned to its interests and binding on one and all. "The individuals who rule in these conditions," Marx and Engels wrote, "besides having to constitute their power in the form of the *State*, have to give their will, which is determined by these definite conditions, a universal expression as the will of the State, as law."¹ In so doing, the law fixed the general and typical interests of the ruling class which, enforcing its will through the law, made it independent of individual arbitrary acts, namely, the individual will which may deviate from the conditions socially necessary for the existence of the class as a whole.

¹ Marx and Engels, *The German Ideology*, Moscow, 1964, p. 357.

In a society where the law does not openly establish the inequality of men the distinctions between the estates, hereditary privileges, etc., its class character is not readily discerned. First, by fixing its interests in the form of law, the ruling class always acts on behalf of society as a whole, and what is more, so long as the class remains progressive, its interests do to some extent express the interests of society as a whole. Second, every ruling class gives expression in the form of law to some of the general rules of behaviour existing in every society as a necessary condition for normal community life. Third, in some cases, other classes manage to wrest various concessions from the ruling classes and these are clothed in legal form.

All these factors frequently camouflage the class character of law and, considering that many rules of law recur at different stages of history, there is obviously good enough reason for the popular mistake of regarding law as some sort of above-class "common will". The illusion was first scientifically dispelled by Marxism, which showed that the law is the will of society's ruling class (or classes) and that the common will can prevail only with the disappearance of antagonistic classes.

Incidentally, evidence of the class character of law comes from its link with compulsion and various types of sanctions. In primitive pre-class society, customs were not regarded as preordained rules of behaviour, whose non-observance carried the threat of coercion. Subsequently, a considerable proportion of the social rules turned out to be connected with compulsion, although the consciousness of individuals and humanity as a whole rose to ever higher stages as civilisation developed. Consequently, it is not at all a question of any intrinsic human properties, but of the character and content of social relations and the social rules corresponding to them. Coercion proved to be necessary because the interests of the ruling minority, as fixed in law, clashed with the interests of the rest of the population.

Let us note, by the way, that in saying that the possibility of using compulsion to command compliance is a characteristic mark of the law, we do not mean that the realisation of legal injunctions is always connected with compulsion. The operative word there is possibility, which does not necessarily become reality on every occasion. In many circumstances, men

carry out legal injunctions freely because they happen to coincide with their own interests, or because they act under the force of habit or momentum. Many abide by these injunctions even when they do not accept them, the threat of coercion being in itself a deterrent which produces toleration of the law. This is sometimes called "eventual coercion".

Law and the State

Marxism also emphasises the very intimate interconnection between the state and law. Just as the state is inconceivable without special administrative machinery, so there has never been a state without its own system of laws and other juridical rules. These laws and rules are a natural and necessary, though not the only, form through which the state exercises its functions. On the other hand, law loses its specific nature unless it is backed up by the state, which ensures its compliance and application. Both state and law have historical origins and spring from the same socio-economic processes: division of labour, emergence of private property and division of society into antagonistic classes. In a given society law can never have a different class essence than that of the state. Depending on the balance of class forces, similar economic and political interests of the ruling class or classes determine the principal functions and organisation of the state, on the one hand, and the content of the law operating in the given society, on the other. Every historical type of state (slave-holding, feudal, bourgeois, and socialist) has its own type of law.

Marxism stresses the connection between law and state, but does not deny that they have some independence in respect of each other. It is possible for some aspects of state and law to develop unevenly, when, for example, legislation lags behind the development of some state functions. The growing role of the state in society is not always paralleled by a corresponding enhancement in the role of law, which sometimes even declines (as under fascist regimes).

Connection with the state is one of the characteristic features which distinguishes law, first, from the rules of behaviour in a classless and stateless society; second, from all other social rules (moral, ethical, etc.) in a class society. Thus, despite the close connection between law and morality (some of whose principles and rules are fixed in law), breaches of morality which are not also breaches of law do

not entail any measures of state influence. Besides, in class society there may be several systems of morality, but there is always one law (as there is always one state power).

Juridical writers sometimes say: *ubi societas, ibi jus*—meaning, there is no society without law. This formula is correct in the sense that no society is conceivable without definite rules governing the behaviour for its members. On the other hand, it is incorrect, because for all practical purposes it dissolves law in the mass of social rules accepted in society (moral, ethical, religious, etc.). It fails to explain why the state selects some social rules for its arsenal, and what this does to the system of rules.

Historical forms of interconnection between state and law tend to change. In the early, but relatively long stages of development, the state mainly sanctioned custom, first, in the form of judicial decisions, and later in the form of law. With time, the laying down of law by the state became pre-eminent, and the dominant form in highly developed societies and countries taking the path of revolutionary transformations.

The primacy of law over the state and vice versa is a problem that does not exist in the Marxist science of law, because it regards them as a dialectical unity. In each concrete society, state and law are a product of the same socio-economic system and political conditions. The state can have no law other than the one conditioned by its system; it can base the law on no principles other than those arising from the system. To that extent the state is not free. At the same time, the activity of the state, depending as it does on concrete historical conditions, the character of state power, the balance of class forces, etc., may and does inevitably lead to substantial changes and transformations in law. Historical development and current practices show that the state goes beyond the framework of the law it lays down and amends it whenever that is demanded by economic and political interests. It is something else again to say that all these changes must not violate legality in state administration (although this has been known to happen). The organs of the state must operate in strict compliance with the law, and where they do not it is a symptom of unhealthy tendencies in society. But this aspect should not be confused with the changes of law flowing from the sovereign character of

state power or with the revolutionary break-up of the old state and law and their substitution by a new social type of state and law.

All this determines the attitude of Marxist theorists to the concept of the "law state", which they believe to be a concept worth analysing when dealing with legality in state administration and the inadmissibility of police methods. It denies this concept when it is used to present law as being prior to the state or when loud talk about the rule of law is used to cover up the growing power of the state bureaucratic machine.

The question of the relationship between state and law is closely bound up with the question of relationship between law and politics. Law may be regarded as the most important instrument of state politics. There is much history to show that every major turn in politics inevitably finds its reflection in law. Even when, as sometimes happens, the rules of law are not themselves modified, there is a change in the approach to the application of the law. However, this connection between law and politics should not be presented as signifying that law is nothing but a mere adjunct of politics, which is as primitive an idea as that law is a mere adjunct of the state. It is not only politics that exert an influence on law, but law itself has an influence on politics. Like the state, politics must reckon with the existing principles and system of law.

Moreover, there are diverse connections between law and politics. They may be implemented within the framework of legality, when every new political task entails the adoption of new laws or application of old laws within whose meaning it falls. Such a connection is socially justified, provided, of course, that the political task is not in itself reactionary. But this connection may be expressed in a form which distorts the letter and spirit of extant laws to suit a new political line, and it is then incompatible with the principle of legality and should consequently be rejected.

Law and Ideology

There are two aspects to the Marxist concept of "law and ideology".

The first is that ideology exercises an influence on law. It stands to reason that since law is created by men, it is an expression of definite ideological motives, or in other words,

the rules of law are laid down by the state authorities in accordance with the ideology of the classes wielding the power.

The second aspect is that law exercises an influence on social and individual consciousness. Just as socio-economic, political and other factors must pass through the consciousness of the law-maker, and take the form of ideological motives to find expression in law, so legal rules do not influence social relations automatically, but by exercising an influence on the consciousness and behaviour of men. In this context, law plays an important ideological, or as it is sometimes called, educational role in society. By making definite ideas, principles and rules of behaviour mandatory for all, encouraging their observance and holding out the prospect of punishment in the event of non-observance, the law promotes the elaboration of definite views, principles, motives of behaviour, etc. Some thinkers even believed law to be the most important factor exercising an influence on man's consciousness. Helvetius, for instance, wrote: "Good or bad education is almost entirely the result of laws." Marxism does not go in for such overstatements, for if Helvetius were right, we should never have any social classes or sections in society disagreeing with the existing system of law. But they are quite common. It is the social being of men, their practical activity and its social conditions that are the basis on which their consciousness develops. Law does, however, have an important task to play.

The ideological role of law tends to increase, especially in epochs of great social change. Legal acts give explicit expression to principles and ideas behind the new social system, thereby becoming mandatory for all. Law becomes an important means of social transformation, demonstrating new models of social relations. A characteristic example in this context is provided by the legislation of the Great French Revolution of 1789 and especially its declaration of the rights of man and citizen.

The role of socialist law in this respect is great. Let us note that the Marxist thesis concerning the ideological—educational—role of law is frequently distorted in Western writings. Because the rules of law are specific in that their execution may be ensured through state coercion, some authors draw the conclusion that Marxism regards the

educational role of law as boiling down to the influence exercised on men's consciousness and mentality by methods of coercion and repression. Naturally, this portrayal of the educational role of law turns out to be incompatible with the rights and freedoms of citizens, so that criminal law becomes the main instrument of education. Undoubtedly, the prospect of juridical sanctions being applied does exercise an educational influence on the less conscious members of society for whom the observance of generally accepted rules of behaviour is yet to become habitual. But that does not at all explain the ideological role of law. When, for instance, Soviet doctrine speaks of the educational role of the socialist law, it implies a broad range of questions constituting the content of the law in force: the principles and rules of behaviour it teaches men; the fact that, being fixed in law, progressive ideas and views acquire especial force, because they operate as the mandatory demands of society; that legal regulation must not merely bind, but mainly convince men that the prescribed behaviour is right, so that the laws themselves must be observed consciously and voluntarily and not under pain of punishment.

The role of law in the life of society is considerable and takes on a special form in social consciousness which is the consciousness of law, that is a system of views and concepts on law, its social purpose and key institutions. Marxist theory devotes great attention to the problem of consciousness of law but it does not in any sense reduce it to the role of the consciousness of law in the application of law. It is the wider problem of studying their comprehension of law and the attitude taken to it by the broadest masses of the population.

Withering Away of Law

Marxists take the thesis that law is a class phenomenon and that it is indissolubly bound up with the state to mean that law is to wither away in the future classless and stateless communist society. Because of its great material abundance this society will be ruled by the principle "from each according to his abilities, to each according to his needs", making superfluous the substantial premise of law on the need to exercise control over the measure of consumption (a point to be dealt with later). In virtue of its social wealth and the very high level of consciousness of its citizens there will be no need either for the authorities to impose any special bans

or sanctions. Human relations will no longer require such legal regulation as protection of one person against another through the courts and measures of state compulsion.

The withering away of law does not mean that there will be no rules of behaviour in society at all. No society is possible without definite rules of community life, and a highly organised society is inconceivable without distinct and generally accepted social rules.

We shall make no effort to give a general picture of these social rules, but there is no doubt at all that among them will be many of the moral rules developed by mankind over the ages, including some of our present legal rules. They are also very likely to include some of the organisation rules worked out in the course of the state regulation of the economy, technical progress, education, etc.

Is there any likelihood of breaches of social rules under communism? Of one thing we may be sure: not on the old scale. However, even such a highly organised society as communism cannot be immune from possible departures from the generally accepted rules of community life, which may result from pathological emotions; there may be breaches of official duty or accidental clashes between men, etc. But the point is not whether these are possible or not, but whether, because of the highly conscious and active attitude of the people around, they will be immediately cut short, without the participation of any special state bodies. Lenin spoke of the need to suppress various excesses under communism as well, and emphasised that this would not require any special machinery of suppression, because the people would do it themselves "as simply and readily as any crowd of civilised people, even in modern society, interferes to put a stop to a scuffle or to prevent a woman from being assaulted."¹ These swift social reactions will spring from a sense of collectivism, and the assurance that any person engaged in suppressing an excess will immediately find public support. A deeply ingrained sense of collectivism, as man's second nature, is a condition for the withering away of the law.

Many Western writers incorrectly assume this to be evidence of Marxist hostility for law. One of them even said

¹ Lenin, *Collected Works*, Vol. 25, p. 464.

that this put law as such in the dock.¹ In other words, the proposition that law is to wither away is regarded as a negative one and implying hostility towards law. But that is tantamount to saying that anyone who holds men to be mortal is a misanthrope. The Marxist proposition about the withering away of law under communism is merely a statement about its future, and should not be taken as an assessment of its past or present role.

In this context, let us recall that Marxism lays emphasis on the withering away of the state, but oddly, those who dub it an enemy of law, do not draw the same conclusion in respect of the state, although it would be sound logic to do so.

Marxism has always stressed the important role of law in the progress of civilisation, because it regards law as an essential element of socio-economic life and society's political organisation. Marxism also emphasises—and history has confirmed—the important role law plays in socialist and communist construction.

2. Socialism and Law

Naturally, Soviet theory also takes the general Marxist approach in examining the role of law in socialist society, that is, it chiefly seeks to find the social factors determining the need of law under socialism. As in any other society, law cannot be a voluntaristic product of a socialist state authority. It is determined by definite social factors the most substantial of which are connected with the character of society's economic system. That is why the chief question is that of the socio-economic causes which make law a necessary and important component of social life under socialism and of its economic role.

The Socialist Economy and Law

The specific thing about a socialist economic system is that it is based on the social ownership of the means of production and is conducted under a single plan. In a society organised on state lines, the plan cannot

¹ K. Stoyanovitch, *Marxisme et Droit*, Paris, 1964, pp. 333-34.

be a purely economic category. The normative data, the instructions to state organs, Union Republics and territorial units it contains, necessarily assume the form of law; they are connected with sovereign state power, the division of competence between the Union and its constituent Republics, central and local organs of power, etc. That is why the integrated state plan is always regarded as the most important law of the socialist state, and is adopted by the Supreme Soviet of the U.S.S.R. (with corresponding Republican laws adopted by the Supreme Soviets of the Union Republics).

The specifications of the plan are then elaborated in concrete detail by the organs of state administration within their competence (ministries, state committees, etc.). These bodies also clothe in legal form the general rules and conditions for the fulfilment of the plan, as applied to its proper sphere, and also the targets assigned to specific performers.

It will be easily seen that the role of law in the implementation of socialist planning differs substantially from that assigned to it by classical liberalism in the 19th century, for whom law was like a set of traffic rules which told you how to get to a place, but not who was to go there, or where, when and what for. Under socialism, law provides the answers to all these questions. It not only gives legislative form to the general principles of organisation and functioning of the socialist system of economy, but appears as a form of planned dynamic development of social economy. Let us add that in the West as well, in view of the increasing state interference in economic affairs, juridical thinking holds that law may operate not only in the role which had been assigned to it by the classical liberal concept.

Under socialism, it is not only planning itself, but also the realisation of planning targets by those for whom they are set, that is the immediate economic activity of thousands upon thousands of enterprises, building sites, plants and other organisations, that is inconceivable without law. In the Soviet Union, the state is the owner of the principal means and implements of production. But to realise social production as an integral process, the state hands over the means of production to the enterprises, plants, building sites and other outfits. In this context, law has an important dual purpose:

First, it defines the status of the state enterprise, its rights, duties and principles of activity.

State property conveyed to state organisations is subject to their operational administration. Within the limits laid down by the law, in accordance with the purposes of their activity, plan targets and the designation of the property, they exercise the right of possession, use and disposal of this property. State enterprises and other state bodies to whom the state has assigned specified property for operational administration act as juridical persons, that is, they are subjects of law. Collective farms and other co-operative organisations and their associations also act as juridical persons. This legal form of organisation and activity of socialist enterprises is a natural consequence of the economic principles underlying their activity, economic independence, economic accounting, material incentives, etc.

Second, relations between enterprises, notably relations of exchange, are also of a juridical character. At the stage of development of the productive forces and social wealth which is characteristic of socialism, the most important economic processes cannot go forward without the use of the commodity-money form.

Accordingly, state enterprises do not simply transfer their products to each other, as they do within their own framework, from one shop to another, but sell them. There is, of course, no free market involved. The enterprises dispose of their products in accordance with the plan of distribution. However, the concrete relationship arising between enterprises under the plan is a legal contractual relation, in which the rights and duties of the parties, as subjects of law, are clearly stated.

This is called an economic contract, and its sphere of operation is quite extensive. It may be said, that the circulation of the social product within the national economy is carried out in the form of contractual obligations fulfilled by enterprises, that is, in a juridical form.

Law plays an equally important part in the distribution of the social product between the members of society on the principle: "From each according to his ability, to each according to his work". The distribution by labour always requires the establishment of a definite proportion between the measure of labour and the rate of remuneration, that is,

a definite rating in the distribution of the social product, and law serves as the method for such rating. There is no need for law to distribute social wealth by need, as the practice will be under communism (from each according to his ability, to each according to his need). But it is necessary for distribution according to the quantity and quality of labour. This was foreshadowed by Marx in his *Critique of the Gotha Programme* and by Lenin in his *State and Revolution*.

Distribution of products by labour implies the application of a single yardstick in deciding on the rate of remuneration received by individuals from society. Where the dominant principle is "he who does not work neither shall he eat", nothing can be got from society by investing capital or by engaging in similar private enterprises methods. Distribution by labour emphasises the general and mandatory character of labour. At the same time, it gives men a material stake in the results of their labour.

One of the most important principles of socialist law is the fixing of material incentives for the worker through distribution according to the quantity and quality of labour.

Distribution by labour naturally implies a duty on the part of society and the state to provide everyone with the opportunity to work in accordance with his skills. That is why, the right to work and the various material guarantees of it are another important principle of socialist law. The right to work is taken in the broad sense of the word, that is, it includes the right to material security in old age (pension) after years of honest effort for the benefit of society; the right to material security in the event of sickness or disablement, etc. Soviet legislation contains a considerable number of juridical guarantees of the right to work, but the most important one is the socio-economic system of socialism itself, for it has put an end to unemployment, the workingman's curse, and to the exploitation of man by man.

The distribution of wealth earmarked for social consumption under socialism also takes place in the commodity-money form. The workingman receives his remuneration according to his work in money (wages) which he then uses to buy the things he needs. Money, as remuneration for labour, requires trade as the form of distribution of the personal consumption fund. This in turn implies strict jurid-

ical regulation, the contractual character of relations and legal guarantees for the legitimate interests of citizens.

The role of law under socialism as a regulator of the measure of labour and the rate of remuneration for labour is most directly expressed in labour law and in collective-farm law; the commodity-money form of distribution of the consumption fund is reflected above all in civil law.

One of the central institutions of civil law is the right in personal property, which in a sense fixes the results of the distribution of social wealth between citizens. The Constitution of the U.S.S.R. emphasises that the law protects the right of citizens to own, as their personal property, income and savings derived from work, a dwelling house, a small personal farm, and household and personal effects.

A word of caution on two erroneous ideas concerning personal property under socialism.

The first and earlier one is that all property, including individual property, has been abolished in the Soviet Union. That is, of course, not so. Soviet citizens have as their personal property a great many things designed for personal consumption, including cars, small dwelling houses, works of art, etc. On the whole, social and personal property under socialism should not be regarded as antithetical, or that with the spread of social property, there is a corresponding diminution of personal property. Quite to the contrary. With the growth of social property and social production based on it, there is a growth in the share of the aggregate social product going into personal consumption and, consequently, of the volume of property in personal ownership. That is why, personal property is said to be a derivative of social property.

The other erroneous idea is that under socialism personal property is identical with private property under capitalism, so that as the former develops it tends to become like the latter. There is a basic distinction between the two. First of all, under capitalism any thing can be the object of private property, including the implements and means of production, whereas under socialism only the objects of personal consumption may be owned by individuals.

But there is more to the distinction than the fact that personal property extends to a smaller range of objects than private property. It is equally important to emphasise that the right in personal property may be exercised only for

the purposes of personal consumption. It may not be used to exploit other men or as a source of unearned income. Every citizen of the U.S.S.R. has the right, for instance, to own a car, a motorboat, etc., as his personal property and use these things for his own needs. But he has not the right to use them to derive income by carrying passengers. A transaction in which a citizen leases his car to an organisation is recognised by the court as invalid, because the possession, use and disposal of an object under the right in personal property imply use to satisfy the owner's personal requirements, but not to derive unearned income; this transaction also implies that the citizen in question turned his car into a source of unearned income, an act in breach of Art. 10 of the Constitution of the U.S.S.R.

Whatever the size of personal property in the possession of a citizen, he must use it only to satisfy his requirements and those of his family, but never to derive unearned income. Marxism has never opposed personal acquisition of the fruits of one's labour, but it has always opposed such acquisition through the exploitation of the labour of others.

On the strength of what has been said, let us point out two main directions in which law exercises an influence on the socialist economic system: first, its important part in the sphere of organised economic operations by the socialist state and the actual activity of socialist enterprises; second, its importance as a regulator of the measure of labour and the rate of remuneration for members of socialist society. There is also a third, namely, the important role of law in providing protection for the socialist economy and its basis, the socialist ownership of the means of production. This principle of socialist law should not be taken in a narrow sense, that is, as immediate protection of socialist property against thieves, embezzlers and other persons trying to benefit from the public good (unfortunately criminal encroachments of this kind still exist in socialist society). Law provides protection for socialist relations of production in a wider sense as well, by preventing the rise of any social relations incompatible with the principles of socialism. Thus, law categorically prohibits any forms of exploitation of man by man, acquisition of the fruits of others' labour, enrichment from sources other than labour, that is, everything which is incompatible with the principle of socialism: "He who does

not work neither shall he eat." Alongside the prevailing socialist system of economy, farmers have small personal farms, handicraftsmen, their own workshops, doctors, their private patients, etc. But these are strictly regulated by law in the sense that they must be based on personal work only; in these activities, the exploitation of the labour of others is impermissible. From the very outset one of the key principles of socialist law has been to keep society freed from the exploitation of man by man.

Analysis of the economic role of law shows how absurd it is to say that socialism and law are incompatible, or that under socialism law is experimental, a political dodge, a concession, etc. The existence of law under socialism is a natural and necessary result of the socio-economic conditions prevailing in society, and the character of the socialist economic system. It is quite wrong to say that socialism tolerates law as a "necessary evil". In fact, socialism regards law as a most important lever in the creative revolutionary transformation of society, including its socio-economic system. Without law, without its deliberate use by the state authority as a creative force in establishing new and transforming old social relations, it is impossible either to establish socialism or go on to transform it into communism, with unequalled material and technical base. Of course, the creative role of socialist law does not imply the disappearance of the general uniformity under which law can never rise above society's economic level. For example, in rating the remuneration for labour, law cannot make it larger than is warranted by the level of social wealth attained. However, provided the objective conditions are there, it operates as a powerful factor in establishing new social relations and relations for which the law-maker consciously strives.

Political Organisation and Law

A description of the role law has to play in the political organisation of Soviet society will essentially be a repetition of what has been said in the foregoing chapters about the essence of political power in the U.S.S.R., its state system and administrative organisation.

In effect, Soviet law above all gives juridical form to the full powers wielded by the working people. The slogan of the socialist revolution, "All Power to the Working People" becomes the main principle, once the political power

is in their hands; it is written into the Constitution and runs through the whole of the socialist legal system. Chapter I describes how with the full victory of socialism the ple- nary powers of the working people developed into the full powers of the entire people.

In the Soviet Union, socialist transformation takes place in a multinational society. In contrast to tsarism, whose national policy was marked by arbitrary rule and violence, the socialist revolution immediately puts the relations between the nation inhabiting the country on a legal basis. Chapter II tells of the national character of the state system and its initial juridical principles, and the sovereignty and equality of nations.

Furthermore, Soviet law determines the order in which the organs of state are formed, their competence, and the principles and procedures governing their activity. Chapter III deals with this aspect and describes the underlying juridical principles (democratic centralism, legality, etc.).

The role of law in the political organisation of society is best seen from the fact that socialist democracy is strengthened and developed.

Soviet theory starts from the intimate connection between democracy and law. There have been legal systems in history which had nothing to do with democracy, but that does not invalidate the thesis that in a politically organised society, democracy is inconceivable without law. It demands explicit legal regulation of the rights and duties of citizens, juridical establishment of democratic principles underlying the organisation and activity of state organs of power and other political bodies. In this context the greater the degree of democracy attained by a society organised on state lines, the greater is the importance attaching to law as a form expressing and fixing the principles of democracy. This is further confirmation of the role played by law under socialism and especially during its transition to communism, the higher phase, when the all-round extension of socialist democracy is the principal direction in the development of the socialist state system.

Whichever aspect of democracy we take (democracy as ensuring the rights and freedoms of citizens; democracy as a form of organisation of state power), its meaning is best conveyed by the etymology of the word itself, which means

"popular power". The democratic nature of every social system is best judged by the extent to which the broadest masses of the population are involved in government and social affairs. The principal idea behind socialist democracy is the maximum, constant and effective participation of the broadest masses of the population in government as a decision-making process. The new society can be erected only with the active participation of millions of working people. But their participation, for its part, requires that members of society should have the broadest rights in the key spheres of social life. One of the most important functions of socialist law is to establish and provide safeguards for the subjective rights and freedoms of Soviet citizens. It implies a legal status for the Soviet citizen assuring him of the possibility of active participation in the most important spheres of social and political life.

More than a century ago, the ideologists of classical liberalism formulated a concept based on the antithesis between society and the state, on the one hand, and the rights of man, on the other. Like the hedgehog his needles, the individual used his rights to protect himself from society. This concept has the same social roots as the well-known principle of "*laissez-faire, laissez-aller*".

Under socialism, a different view is taken of the purpose of democratic rights and freedoms, which are regarded above all as a necessary condition for the individual's active participation in social and government affairs. Real freedom does not consist in man's fencing himself off from society with the aid of his subjective rights, but in these rights serving as a basis for his active participation in government and social affairs, in taking decisions on the future of the nation and his own. A French political scientist says that in place of the classical concept of human rights which set man in opposition to the state, Marxism put forward a concept which makes for their solidarity. Elaborating on the idea he adds that in socialist society the basic human right is the right to build socialism, which is the foundation and guarantee of all the other rights.¹ The author in question does not support this view but he has stated it quite correct-

¹ G. Burdeau, *Traite de science politique*, Vol. VII, Paris, 1957, p. 493.

ly. Indeed, in the new society, man's principal right is that of participating in decisions on all affairs of state, and the right to integrate his interests and efforts with those of the entire people, for only then can all the other human rights be exercised fully and consistently.

That is not to say, that under socialism civic rights cease to be an instrument for the protection of the individual's interests, individual goods, etc. The institution of civic rights and freedoms has a most important role to play in providing protection for the individual's legitimate interests, both in his relations with other citizens and in his relations with state organs and mass organisations.

Thus, socialist theory and practice give considerable extension to the role played by the institution of civic rights and freedoms in the life of society, and these are not at all regarded as some sort of gift from the state to the individual or as a mere "reflex of objective right". They reflect the individual's status in society, in production and in political organisation. Hence, the great attention devoted by Soviet theory to the problem of extent to which civic rights and freedoms depend on social and economic conditions and its insistence that these rights and freedoms should be more than a legal declaration, that is, juridical and social reality. The numerous rights which Soviet law vests in citizens can be classified under several heads.

First of all, emphasis should be laid on the principle of equality for all citizens which permeates not only the institution of rights and freedoms, but the whole of the Soviet legal system. The equality of all members of society, regardless of nationality, sex, creed, education, social status, origin, or any other possible qualification, is a firmly fixed legal principle to which the law makes no exception.

Emphasising universal equality, Soviet law devotes special attention to two aspects of it, namely, the equality of men and women, and the equality of citizens regardless of nationality or race, both being set out in special Articles of the Constitution of the U.S.S.R. (Arts. 122 and 123). There are two reasons why the Constitution makes special mention of the equal rights of men and women: the socio-economic, and politico-juridical bondage of women under the tsarist system, which was brought to an end by the October Revolution; and the rather considerable influence in some

Union Republics (mainly in Asia) of the Moslem religion, with its customs which discriminated against women. The fact that the law emphasises the equality of citizens regardless of nationality or race is due to the multinational character of Soviet society.

The principle of equality is consistently concretised in a number of legal institutions and branches. Thus, civil law gives citizens an equal measure of legal capacity and legal ability, and stresses that these must not be restricted in any way (Art. 12 of the Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics). Labour law fixes the principle of equal pay for equal work, whether done by men or women; family law, their equality in deciding on family matters and the education of children; criminal law contains special rules prescribing penalties for any attempt to discriminate against the individual for reasons of nationality or sex.

Political rights constitute an important group. These include the citizen's freedom, which is fixed in and protected by law, to give expression to his views and convictions, to stand up for them by lawful means, to take part in forming the organs of state power, to work in them, and to exercise control over their activity. To this group also belong freedom of speech, freedom of the press, freedom of assembly and mass meetings, the right to elect and be elected, the right to take part in the activity of the organs of power as a non-staff officer, the right to demand reports from elected deputies, and other similar rights. Most of these have been dealt with in detail above.

Let us note an important point. One of the key political rights of Soviet citizens is that of uniting into mass organisations, such as trade unions, co-operatives, youth leagues, scientific societies, etc. The enhancement of the role of these mass organisations is a characteristic feature in the development of Soviet society's political organisation at the present stage, and is given juridical expression in the extension of their juridical powers and rights. Mass organisations are also vehicles of subjective rights and freedoms, which means that citizens may exercise many of their political rights individually and directly, acting as citizens or through any of the mass organisations of which they are members. It is natural, for instance, that electoral rights

cannot be exercised otherwise than directly and personally, but such rights as freedom of the press and the right to exercise control over the activity of state organs may be exercised by citizens in both ways.

Another group consists of the rights of personal liberty and dignity, that is, rights which assure citizens of safeguards against unlawful intrusion in their personal sphere. Thus, inviolability of domicile means that, under the law, no one may enter the home of a citizen without his consent. Only in special cases, such as the investigation of crime, are official persons in each case authorised to do so by competent judicial and procuratorial bodies. Inviolability of person means that no one may be arrested otherwise than by a decision of the court or a sanction of the Procurator.

This is stated in Art. 127 of the Constitution of the U.S.S.R. and is elaborated in a series of basic provisions in procedural legislation, of which more in the preceding chapter.

Protection of honour and dignity means that a citizen or organisation has the right to demand through the courts a retraction of statements injurious to their honour and dignity, where those circulating such statements fail to prove that they are true. When such statements are not true and are circulated through the press they must be retracted through the press. The procedure governing retraction in other cases is laid down by the court (Art. 7 of the Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics). Other individual rights are secrecy of correspondence, freedom to choose one's domicile, and freedom of conscience. Freedom of conscience means that every citizen has the right to profess any creed or no creed at all, and to conduct religious or anti-religious propaganda. At the same time, Soviet law takes a negative attitude to the activity of some wildly fanatic religious sects which warp the hearts and minds of men, especially children.

There is a special group of social and economic rights whose content is dialectically connected with the use of definite material and cultural goods and benefits. Mention has already been made of the important socio-economic right to work (including the right of material security in old age and in the event of disability). Allied with it is the

right to rest and leisure (legislative limits on working hours, annual vacations with pay, etc.). There are real guarantees for the right to enjoy the protection of health (through medical services for the whole population). A highly important part in the life of Soviet society is played by the right to education, which means the right to free education (Art. 121 of the Constitution of the U.S.S.R.), which includes not only secondary education (compulsory eight-year and ten-year education) but also ample facilities for vocational and technical education (so-called technical schools for persons with eight years of secondary schooling) and higher education. Evening and extra-mural education is broadly developed in the Soviet Union as a method for allowing industrial and office workers to improve their skills and raise the level of their general knowledge, without leaving their jobs. This is connected with legislation on a number of rights and privileges for persons choosing to take such courses (paid holidays for examinations, shorter working hours, etc.).

We have said that the right in personal property is an important socio-economic right, and it is also concretised by a number of other property rights, such as the right of succession. There is no closed system of possible property rights in Soviet law, and the citizen may have the most diverse property rights with the exception of those which clash with the principles of socialist society. Civil rights are protected by law, except when their exercise clashes with the main purpose of these rights in socialist society.

Socio-economic rights have an important part to play in ensuring the material welfare of citizens and satisfying their spiritual interests. They are also an important condition for the active participation of citizens in deciding on affairs of state and society. Thus, the exercise of the right to work makes a citizen a member of a production collective, thereby giving him a say in decision-making of the enterprise and the collective (production democracy). There is also the fact that the exercise of the right to education which helps to increase a citizen's knowledge and broaden his outlook also gives him greater grounding in deciding on important social matters.

Another important group of rights open to Soviet citizens consists of guarantee rights, which do not by themselves

serve to satisfy any material, political or spiritual interests but are designed to ensure protection for other rights and freedoms against violation. Soviet theory has always held that the mere proclamation of rights by law, however important in itself, is not crucial. The important thing is to have guarantees, material guarantees above all. When there is unemployment, it is not enough to proclaim the right to work. A system of economic relations must be set up to ensure that the right to work is real and open to all. Besides the material, social and economic guarantees of rights, an important part is played by political, ideological and juridical guarantees, and the guarantee-rights come under the latter head. These are above all the right to file complaints and take action at law. These rights will be dealt with in detail in the chapter on socialist legality. Let us note here that juridical guarantees of rights do not boil down to guarantee rights, because it is the *ex officio* duty of bodies exercising control over the observance of socialist legality to see to it that rights of citizens are not violated and that violations are immediately cut short.

We have already noted such aspects of the role of law in the political organisation of socialist society as the securing of popular power, of the democratic principles underlying the structure and activity of state organs and mass organisations, and of the rights and freedoms of citizens as the basis for their participation in social decision-making. Let us add that in this sphere, as in the economic sphere, law is necessary as an important instrument for safeguarding the economic and political institutions of socialism against any possible encroachments, for the problem of crime and other offenses has yet to be solved. Moreover, such encroachments may originate outside the country.

New Type of Law

What has been said above shows that until the full triumph of communism, socialist society cannot do without law. Socialism needs a full-scale legal system exercising an influence on the key spheres of social life. But could socialist society simply go on to use the legal system existing in a given country before socialism is established? Marxist theory and historical practice indicate that this is impossible, because socialism finds the old law unacceptable.

There is too great a distinction between the governing

principles and aims of bourgeois law (protection of private property, free enterprise, distribution according to capital, etc.) and those which spring from the socialist system of social relations. That is why, over a shorter period (as in Russia) and over a longer period (as in some European socialist countries) the old law gives way to socialist law, a new type of law.

That is not to say that there is absolutely nothing in common between the old law and the new. They have common rules which are accepted in any civilised society. Socialist law makes use of juridical forms and techniques elaborated in the course of historical development, starting from the Roman law, but there is a decisive qualitative change in socio-economic and class-political fundamentals.

Recent Western, notably American "Sovietology", has been trying to prove that socialism did not introduce any basic changes in Russia's development and that the Soviet Government's domestic and foreign policy are nothing but a continuation of the old tsarist policy, so that through historical continuity the Soviet power itself is closely bound up with the undemocratic administrative system set up by the tsars. The same thing is being said of Soviet law. Take H. Berman's *Justice in the U.S.S.R. An Interpretation of Soviet Law* (1964), which has a section designed to prove that the bulk, if not the whole of Soviet law, is a reproduction of the old legal institutions.

The fact is, however, that the socialist revolution in Russia brought about the swiftest and fullest break with the old law. The early Soviet decree (the Decree on the Courts, No. 1 of November 24, 1917) still allowed the courts to apply the rules of the old law, in so far as they had not been abolished by Soviet decrees and did not clash with the working people's revolutionary ideas of law. A year later, in November 1918, the Statute on the People's Court of the R.S.F.S.R. prohibited any references to the laws of the old governments, chiefly because the old law was so thoroughly undemocratic. The most radical reforms were necessary in every sphere, including property relations (the substitution of social property for private capitalist and landed property), labour relations (banning of exploitation), political relations (transfer of power to the working people), national rela-

tions (establishment of complete equality of the peoples oppressed by tsarism) and even in the sphere of family relations which appeared to be less subject to social upheaval (the abolition of the unequal status of women). Even from the standpoint of juridical forms and legislative techniques the old law left much to be desired. The 1832 code in force was a collection of old laws with slight amendments. The only valid historical parallel is that with the Great French Revolution of 1789 which broke with the old law just as resolutely as the Great October Revolution did in Russia in 1917. In both cases, they inaugurated a new historical type of law, in one case, bourgeois, in the other, socialist.

Western writers often present the abolition of the old law in the course of the October Revolution as a repudiation of law as such. Ground for this misunderstanding was provided by some early Soviet writers who expressed their critical view of bourgeois law by taking a nihilistic attitude to law in general. It will be easily seen, however, that the Soviet Government's policy and practice reinforced the need to set up a new legal system right away in order to consolidate the working people's gains and to promote the development of new socialist relations in society. Quite apart from the early decrees of the young state (on peace, land, nationalisation, etc.) and the 1918 Constitution, which secured the transfer of power to the working class and the peasantry, established the equality of all nations in the country, let us emphasise in this context that two new codes were adopted as early as 1918: a code of family law and a code of labour. The first of these was not designed to destroy the family, as Leonard Shapiro says in his book, *The Communist Party of the U.S.S.R.*, published in New York in 1960, but to put an end to the unequal and humiliating status of woman, in which she was kept by the old legal system. The other code, for the first time in history gave juridical form to the long struggle of the working class for the eight-hour working day, the right to rest and leisure, paid vacations, etc. Today this is a common thing in many countries, but at the time it was a juridical act of great importance and exerted a tremendous influence on the subsequent development of social legislation throughout the world. In 1919, P. I. Stučka, the prominent Soviet jurist

and statesman, said that the time had come for the new proletarian law to be codified, but the Civil War and the intervention prevented the elaboration of a full-scale legal system.

As soon as peace was restored, codification was started on a large scale and by 1923, that is five years after the revolution, there was a full-scale legal system; codes were adopted in all the main branches of law: civil code, criminal code, criminal procedure code, civil procedure code, land code, labour code, code on marriage, the family and guardianship. There is no parallel in modern history of such rapid codification following revolutionary social change. One reason for the success of this effort was the active participation of Lenin, who was a trained lawyer.

In the following decade, as the socialist system was established throughout the national economy, there was especially active development of economic legislation, that is, the institutions and rules governing the legal status of state enterprises (and also of co-operative farms), their relations with each other and with the organs of state administration, and the legal principles of planning. Soviet law first elaborated in detail the whole complex of questions, and this should be emphasised now that there is a great deal of discussion all over the world about the legal status of state enterprises, the legal forms of programming, and other methods of state economic activity.

In the course of juridical development in that period, there was need to overcome ingrained public attitudes (resulting from the centuries of tsarist rule of lawlessness and arbitrary acts), and the suspicion of law, justice and legality.

One of the tasks in the cultural revolution going forward in the country was to develop a new socialist awareness of law and to enhance the prestige and authority of law and legality in social life. Lenin repeatedly emphasised the close interconnection between culture, on the one hand, and law and order, and legality, on the other.

In Chapter One we said that at the first stage of its development, the Soviet Union was a dictatorship of the proletariat, exercising the function of coercion in the presence of antagonistic classes. This was naturally reflected in the laws of the period, which gave constitutional expres-

sion to the will of the overwhelming majority of the population but not to that of the whole people. The will of the relict exploiting classes, far from finding expression in law, in fact operated as an antagonistic factor, and the law contained rules restricting these social sections (such as the curb on electoral rights). The economy of the period of transition from capitalism to socialism consisted of many sectors, with the private capitalist and petty-commodity sectors operating alongside the socialist sector. This was also reflected in law. The 1923 Civil Code of the R.S.F.S.R., for instance, still made mention of private property and contained a number of rules setting limits to it (a fact which was, incidentally, sometimes used to draw the conclusion that the civil code set limits on personal property as well).

The triumph of socialism, which was given its juridical expression in the 1936 Constitution of the U.S.S.R., and the subsequent transformation of the state of the dictatorship of the proletariat into the state of the whole people was also reflected in law. The state of the whole people has its parallel in the law of the whole people.

The 1936 Constitution already provided for the need of a fresh and comprehensive codification of Soviet law in order to bring it into line with the new social conditions. The Second World War and the circumstances of the personality cult retarded this work, but in the last ten years it has gone full speed ahead both on the all-Union scale and in the Union Republics. A considerable number of all-Union legislative enactments have been passed, including the Fundamentals of Legislation of the U.S.S.R. and the Union Republics and, on their basis, the Republican codes in the main branches of law. We shall deal with this system of sources of law later.

Soviet law became the law of the whole people not just because it was newly codified. The fact is that the emergence and strengthening of some features of the juridical system gave ground for the assertion that it has entered a new stage. Let us emphasise at this point that the law of the whole people is not a new type of law, but is merely a stage in the development of socialist law, which made its appearance together with the October Revolution and has since then been consistently developing in accordance with the dynamics of socialist society itself.

This new stage is marked, firstly, by the fact that the law is an expression of all classes and social sections of society, without exception, in the form of the state, and is a reflection of all their essential interests. There is no class or social section in the Soviet Union which is antagonistic in respect of the law or vice versa. The law of the whole people is marked, secondly, by the more democratic character of the law-making process (broad involvement of the public and nation-wide discussion). Thirdly, at this stage, there is a substantial extension of the powers of the subject of law, which is expressed in the wider range of citizens' rights and freedoms, the increase in the powers of various mass organisations, and in the substantial extension of the powers of socialist economic enterprises, which operate as juridical persons. Fourthly, more than ever before in the sphere of legal regulation there is use of inducement, with measures of moral and social influence being broadly substituted for state compulsion.

We have already said that law should be regarded as a unity with other elements of juridical reality, that is, with the movement of diverse concrete legal relations, the development of legal consciousness, etc. In this context, a number of characteristic features making their appearance testify to a new stage in the development of socialist law. There is, for instance, a great advance in the legal consciousness of the broad sections of the population and the growth of legal culture. The legal awareness of the current period is marked by a deep understanding of the role law and legality have to play in Soviet society, and their active support and improvement by all the means open to public opinion. The authority of law and legality is becoming greater than ever before, and this means that the educational role of Soviet law is gaining in importance.

Soviet theory has recognised that Andrei Vyshinsky's interpretation of socialist law was erroneous in that emphasis was made solely on its coercive aspect. It tended to minimise the important ideological educational and organisational role of Soviet law. It was a wrong view to take under the dictatorship of the proletariat, to say nothing of the law of the whole people.

This does not mean however that the law of the whole people has nothing in common with compulsion by the state.

Although in most cases its rules are observed consciously and voluntarily, the level of social development does not permit the state to abandon all possibility of exercising compulsion, something that will become possible only with the triumph of communist relations and that will signify the withering away of law.

3. Sources of Soviet Law

Statutes In conventional terms, the source of any thing is the force which brings it to life. From this standpoint, it is state power that is the source of law, for it is that which turns its will into law. Since this activity of the state power is itself determined by causes of a social order—economic, political and so on—these may likewise, in this connection, be regarded as sources of law. Economic and political conditions of social life, and the state power are a source of law in the material sense.

But source of law, as a concept, has a different and special juridical meaning as well. In juridical terms, source of law is the mode whereby the state power gives mandatory force to a rule of behaviour. In this sense, source of law is a form giving expression to law.

There are three principal sources of law in the juridical sense of the word: 1) statute or any broad normative act, that is, one containing mandatory rules of behaviour and promulgated by an authorised state organ; 2) custom; and 3) judicial or administrative practice. These sources of law may be variously interrelated. In some systems of law custom has been the pre-eminent factor, in others, judicial practice has been the chief source. Modern legal systems are mostly combinations of the sources of law, with statutes and normative acts prevailing. Even in the Anglo-American legal system, judicial practice has lost its old pre-eminence, and legislation (notably, government enactments) have become a most important factor in the shaping of law.

In Soviet law, statute is the principal and dominant source of law, because no other form of the law can correspond to that high state of organisation which has been achieved in socialist society.

Statute best corresponds to the creative role of socialist society in planned economic development. In the U.S.S.R., the plan always takes the form of statute. In the course of its implementation, the state adopts normative acts to direct the whole economic life of society. Custom and precedent appear to be suitable to preserve the past, but not to create, which is the characteristic role of the socialist state and of socialist law.

Normative acts are the leading source of law in the U.S.S.R. for historical reasons as well, for Russia never had a system of precedents. As for custom, the tremendous revolutionary changes in the whole social fabric since 1917 have largely nullified custom relating to the sphere regulated by law.

Of course, since its establishment, many new customs and rules of socialist community life have developed in Soviet society, but they do not serve as sources of law, and are merely taken into account when new laws are made or interpreted in judicial practice.

Soviet justice stipulates that the greatest possible attention should be given to individual features in every single case. Not only in criminal, but also in some civil cases, the court reckons with the property and family status of the parties, and in general looks at all the concrete specifics of the case. By contrast, judicial precedent produces a general tendency to identify two or more distinct cases, obscuring the court's view of the specific features of each, the very features, in fact, that warrant a similar or identical decision. That is also one of the reasons why Soviet law refuses to recognise judicial precedents as binding. Nor are courts bound to regard as mandatory the decisions on concrete cases handed down by the higher judicial organs of the U.S.S.R., even where they have adopted similar decisions on a number of analogous cases. The court must be guided by the law and the normative acts issued on its basis.

According to Art. 9 of the Statute of the Supreme Court of the U.S.S.R. of February 12, 1957, its Plenary Meeting gives the courts directive explanations on applying legislation in the trial of cases. These explanations are given by the Supreme Court as a result of its summing up judicial practices and statistics. It shows the content of the statute

in question, and specifies the purpose which is to be implemented in practice, to ensure its uniform application over the entire territory of the U.S.S.R. Because the interpretation of laws does not establish any new juridical rules, but merely explains the true meaning of the existing rules of law, these explanations by the plenary meeting of the Supreme Court, issued within the framework of the above-mentioned tasks, cannot be regarded as sources of law.

Soviet theory, while denying that judicial practice is a source of law in the juridical sense of the word, does not at all ignore or minimise the substantial rule which it has to play in perfecting socialist law. Because of the character of their activity, the courts have an especially clear view of the effective social influence of law and the strong and weak sides of any legislative enactment or rule. There is no doubt that the experience gained in judicial practice has a substantial influence on the law-maker, thereby helping law to improve and keep in step with the changing social conditions.

The Constitution of the U.S.S.R. differentiates law-making bodies and defines the sphere of their competence, specifying the type of normative act each is authorised to issue. But it also emphasises the unity of the juridical system of the U.S.S.R., because the normative acts of each organ authorised to issue them have their strictly specified place within the over-all system of normative acts of the Soviet state. Let us note especially that the federal character of the state leaves a substantial mark on the system of sources of Soviet law. The broad jurisdiction of the constituent Republics is reflected not only in the context, but also in the forms of the law in force.

The principal source of the Soviet system of law is the statute, that is, a normative act adopted by the higher organ of state power in the established manner, and carrying the highest juridical force. For the whole country, statutes are issued by the Supreme Soviet of the U.S.S.R., for the Union Republics, by their Supreme Soviets, and for the Autonomous Republics, by their Supreme Soviets.

Statutes regulate matters of primary importance but do specify in detail all the questions subject to legal regulation. That is why legal rules are also laid down by the subordinate enactments of the organs of power and organs of

state administration. Like statutes, such enactments are sources of law, and include:

a) normative acts (decrees) issued by standing higher organs of power: the Presidium of the Supreme Soviet of the U.S.S.R. and the Presidiums of the Supreme Soviets of the Union and Autonomous Republics;

b) normative acts (decrees and orders) issued by the Government: the Council of Ministers of the U.S.S.R., the Councils of Ministers of the Union and the Autonomous Republics, and the higher executive and administrative organs of the state power;

c) normative acts (orders and instructions) issued by Ministers and heads of other Central Departments of the U.S.S.R. and the Union and the Autonomous Republics;

d) normative acts (decisions) issued by local organs of power and their executive and administrative organs.

All four groups fall under the head of subordinate enactments.

Of these normative acts, statutes are the principal and definitive form giving expression to the will of the state, for statutes are sovereign, which means that they are issued only by the highest organs of state power (the Supreme Soviet of the U.S.S.R. and the Supreme Soviets of the Union and the Autonomous Republics); in fact, they have a superior juridical force over all other normative acts. Legislation by all other organs of power in the U.S.S.R. is based on statutes, that is, it is subordinate. Enactments by the organs of state administration are also subordinate, for they, too, are issued on the basis and in pursuance of statutes.

The superior—sovereign—juridical force of statutes is evidenced in these facts:

First, statutes are indefeasible, which means that they must be fulfilled unconditionally and that no other organ, with the exception of the Supreme Soviet of the U.S.S.R. itself, can rescind or suspend their operation. By contrast, statutes of the U.S.S.R. may cancel any rule established by the enactments of lower bodies;

Second, all enactments by lower state bodies must be in conformity with statutes of the U.S.S.R., otherwise they are rescinded as unlawful. The Soviet people's constitutional will expressed in statutes of the U.S.S.R. is the criterion for the activity of all other state organs. Their enactments may

be considered an expression of the Soviet people's constitutional will only in so far as they correspond to the statutes of the U.S.S.R. In accordance with the Constitution of the U.S.S.R., all organs of state administration operate on the basis and in pursuance of the statutes in force, and all local organs of state power, within the limits of the powers vested in them by the statutes (Arts. 66, 73, 81, 85, 97, and 98 of the Constitution of the U.S.S.R.).

The sovereignty of statutes is, therefore, an essential expression of the principle of socialist legality.

Enactment of Statutes

Another characteristic feature of statutes is that they are adopted in a specified procedure laid down by the Constitution and in pursuance of it, by the standing orders of the legislative body in question. On the democratic procedures governing the adoption of statutes substantially depends the character of the law operating throughout the country. On the other hand, the procedure governing the adoption of statutes is an important indicator of the level of democracy in a country.

The legislative process consists of four stages:

1) the tabling of the bill (realisation of legislative initiative); 2) debate of the bill; 3) adoption of the statute; 4) promulgation of the statute and its entry into force.

Legislative initiative is taken to mean the right of specified organs and persons in office to table bills for debate by the Supreme Soviet, which for its part is duty bound to examine the bill. In respect of all-Union legislation, legislative initiative is vested in both Chambers of the Supreme Soviet of the U.S.S.R.—the Soviet of the Union and the Soviet of Nationalities—the Presidium of the Supreme Soviet of the U.S.S.R., Deputies of the Supreme Soviet of the U.S.S.R. and their groups, the Council of Ministers of the U.S.S.R., the Supreme Court of the U.S.S.R., and the Union Republics in the person of their Supreme Soviets.

The institution of legislative initiative does not at all mean that no other body or person may table proposals for adopting a new law or amending an old one. On the contrary, constitutional practice shows that the most diverse organs, mass organisations, and even citizens are in a position to propose the promulgation of laws. These proposals are given a preliminary study in organs vested with legisla-

tive initiative and are then tabled in the Supreme Soviet of the U.S.S.R., in the case of all-Union legislation, or for debate by the Supreme Soviet of the Republic, in case of Republican legislation.

Thus, the law On the Defence of Peace, which for the first time in history instituted criminal responsibility for the propaganda of war, was adopted by the Supreme Soviet of the U.S.S.R. on the motion of a number of mass organisations not vested with the right of legislative initiative, in the juridical sense of the word.

Here are some examples of how statutes originate as a result of citizens' applying to legislative bodies. In an article entitled "The Birth of a Statute", carried by the newspaper *Izvestia*, the Chairman of the Presidium of the Supreme Soviet of the Kazakh Republic wrote:

"A letter was received in Alma Ata [the capital of the Kazakh Republic—*Ed.*] from E. K. Bedaryova, a resident of Ust-Kamenogorsk, voicing her resentment over the fact that some fine forests were going to ruin in the floodlands of the Irtysh and the foothills of the Altai.

"Another letter from Dr. N. A. Yashkin of the republican sanitary and epidemiological station, informed us that the factories sited on Lake Balkhash were polluting the air and wasting valuable industrial raw materials.

"The Government and the Presidium of the Supreme Soviet of the Republic gave their attention to these complaints, and with the assistance of activists, our deputies checked on the reports, which were found to be substantially quite true.

"There was a clear need for a conservation enactment. The bill was prepared by deputies of the Supreme Soviet and scientists, specialists, trade union representatives and members of other mass organisations."

That was the origin of the Conservation Act in the Kazakh Republic.

Bills are debated in the Supreme Soviet of the U.S.S.R. either at a joint sitting of both Chambers or in each Chamber separately. The debate usually opens with a report by a representative of the body tabling the bill. On many bills, the Supreme Soviet also hears co-reports by its Standing Commissions. In the course of the debate, deputies state their views on the merits or demerits of the bill before them.

Whenever a bill does not evoke any remarks or amendments, the debate is short, and the Supreme Soviet of the U.S.S.R. goes on to adopt the statute without opening a debate.

Before being debated by the Supreme Soviet, bills are subjected to careful scrutiny by the Commissions for Legislative Proposals of the Soviet of the Union and the Soviet of Nationalities, or by other Standing Commissions of the Supreme Soviet. Large groups of scientists and government experts take part in drawing up the conclusions of the Commission for Legislative Proposals.

A distinction should be made between the debate of a bill by the Supreme Soviet and nation-wide discussion of important bills. In the latter case, the Commissions for Legislative Proposals, for whose consideration the most important bills are submitted, decide to publish them for nation-wide discussion. Within a specified period (usually a few months) the bill is discussed by various organisations, at public meetings, etc. All the remarks made about the bill are summed up by the Commissions for Legislative Proposals and corresponding amendments or addenda are written into the bill, which is then passed on for debate by the Supreme Soviet. These nation-wide discussions are very spirited.

Thus, the draft statute on state pensions was prepared by representatives of various ministries, departments, mass organisations and scientific establishments and was published in the press. People throughout the country took part in discussing it and made more than 12,000 proposals and amendments, many of which were taken into consideration by the Supreme Soviet of the U.S.S.R. when it adopted the statute.

There was broad public discussion of such major enactments as The Fundamentals of Criminal Legislation of the U.S.S.R. and the Union Republics, The Fundamentals of Legislation on the Juridical System of the U.S.S.R. and the Union Republics, The Fundamentals of Criminal Court Procedure of the U.S.S.R. and the Union Republics, and The Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics. In the discussion of the latter alone, more than 2,000 amendments and addenda were submitted. Let us note that legislative bodies are faced with much

meticulous work in taking account of these numerous remarks and suggestions. Many are incorporated in the final text of the statute, others are used in working out other normative acts, and some are sent on to the Departments concerned for reference in their practical activity. The broad public discussion of draft statutes, like the thorough consideration of all the other proposals coming from citizens and mass organisations in the sphere of legislation is another manifestation of the principal trend in socialist democracy of which we have repeatedly here spoken and which is aimed at drawing the broadest possible sections of the population into social and government decision-making.

Bills are adopted by each Chamber voting separately, but, says the Constitution of the U.S.S.R., by more than one-half of the deputies present, for ordinary bills, and by at least two-thirds for constitutional enactments. In Soviet law, there is no promulgation of statutes by the chief of state.

The procedure governing the promulgation of statutes of the U.S.S.R. is laid down by a decree of the Supreme Soviet of June 19, 1958, and approved by a law enacted by the Supreme Soviet of the U.S.S.R. on December 25, 1958. Statutes of the U.S.S.R., like decisions and other enactments of the Supreme Soviet of the U.S.S.R. are subject to publication in *Vedomosti Sovietov deputatov trudyashchikhsya* (Gazette of the Soviets of Working People's Deputies) within seven days of their adoption. The most important of these acts, which must immediately be given broad publicity, are carried by the newspaper *Izvestia Sovietov Deputatov Trudyashchikhsya* (*Izvestia*). Whenever necessary, these enactments are broadcast or transmitted by cable.

The principle that statutes must be made public is a manifestation of the broader principle of socialist constitutional activity, namely, publicity in constitutional affairs, and this is fixed in Art. 40 of the Constitution of the U.S.S.R. In view of the federal character of the Soviet state and the complete equality of its constituent Republics, this article of the Constitution emphasises that laws are published in the languages of all the Union Republics. In practice, laws are published in the capitals of the Union Republics in their official languages simultaneously with the publication of law in Moscow in Russian.

Statutes are signed by the Chairman and the Secretary

of the Presidium of the Supreme Soviet of the U.S.S.R.

In the absence of other provisions, laws enter into force simultaneously throughout the territory of the U.S.S.R. within ten days of their promulgation.

Types of Law

The Constitution is the most important source of Soviet law and the highest type of law. In application to the Soviet juridical system, as a whole, this concept has to be used in the plural, for as you will recall, alongside the all-Union Constitution each of the Union Republics has its own. In addition, each Autonomous Republic also has its own constitution. The constitutions of the Union Republics must conform with the basic principles and provisions of the all-Union Constitution, while the Constitutions of the Autonomous Republics must conform both with the all-Union Constitution and the Constitution of the Union Republic of which the Autonomous Republic is a part.

The 1936 Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, which is now in force, consists of 146 articles divided into 13 chapters and gives juridical form to the main features of the social and state system of the U.S.S.R., lays down the system of higher and local organs of power (legislative, executive, judicial, etc.) and the principles underlying their organisation and activity (including the principles of the electoral system) and defines the range of the citizen's basic rights and duties, and the material, political and juridical guarantees securing the exercise of these rights. Among the key constitutional principles are the sovereignty and plenary powers of the people; the blend of federalism and unitarism based on internationalism; equality and friendship of the peoples of the multinational Soviet state; and the plenary powers of the representative organs elected by the people. A characteristic feature of the Constitution, from the standpoint of legislative technique, is that it is framed in simple, clear and popular terms. It would be wrong to regard the norms laid down by the Constitution simply as general premises for a legal system. While they are such, they are also law which is in actual operation.

Since its promulgation in 1936, the Constitution has undergone some change, something which is absolutely natural in a developing society. The most substantial novels

were connected with changes within the system of management organs in industry and other branches of the economy and also the extension of the powers of the Union Republics. Amendments to the Constitution are adopted by the Supreme Soviet of the U.S.S.R., by a two-thirds majority in each Chamber. On April 25, 1962, the first session of the Sixth Supreme Soviet of the U.S.S.R. adopted a decision setting up a commission to draft a new constitution, the need for which springs from the changes in the Soviet Union's domestic life and its international status which have taken place over more than 25 years. The new Constitution of the U.S.S.R. will reflect the new features of life in Soviet society, the development of socialist democracy, and new forms of massive participation in the administration of the state, and will provide even stronger socio-economic and juridical guarantees for the inalienable democratic rights and freedoms of citizens. The 1936 Constitution of the U.S.S.R. reflected the consolidation of socialism and the completion in the main of the construction of socialist society, while the new Constitution will correspond to the current stage of Soviet development and will reflect the building of communism.

While not being constitutional in the proper sense of the word, great importance attaches to a group of all-Union laws whose promulgation is explicitly provided for by the Constitution of the U.S.S.R. Thus, Art. 14 provides for the adoption of all-Union fundamentals of legislation for the main branches of law, and these constitute the core of the Soviet juridical system. Apart from the fundamentals, the Soviet juridical system has other legislative enactments—in a sense, they can be called organic laws—whose promulgation is explicitly provided for by the Constitution. Such is the Citizenship of the U.S.S.R. Act of August 19, 1938, and the Act of the Procedure Governing the Recall of Deputies of the Supreme Soviet of the U.S.S.R. of October 30, 1959 (laws on the procedures governing the recall of deputies of other Soviets are issued in the Union Republics).

We have already said that the development of the socialist state system during the full-scale construction of communism demands a new codification of Soviet law, and the starting point for it is the adoption of all-Union fundamentals of legislation for the key branches of law.

The following were adopted in 1958: The Fundamentals of Criminal Legislation of the U.S.S.R. and the Union Republics, The Fundamentals of Criminal Court Procedure in the U.S.S.R. and the Union Republics, and The Fundamentals of Legislation on the Judicial System of the U.S.S.R., the Union and Autonomous Republics.

The following were adopted in 1961: The Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics, The Fundamentals of Civil Court Procedure of the U.S.S.R. and the Union Republics. Fundamentals are being drafted for other branches of law.

The importance of the fundamentals of legislation lies in the fact that they formulate and lay down, on an all-Union scale, the basic principles, institutions and concepts for the branches of law in question, principles which are equally binding for all Union Republics. In accordance with the relations between the all-Union Constitution and the constitutions of the Union Republics, which are defined in

Table VI

Union Republic	Adoption	Entry into force	Number of articles	
			CrC	CCrP
R.S.F.S.R.	Oct. 27, 1960	Jan. 1, 1961	269	413
Ukraine	Dec. 28, 1960	Apr. 1, 1961	263	424
Byelorussia	Dec. 29, 1960	Apr. 1, 1961	258	399
Uzbekistan	May 21, 1959	Jan. 1, 1960	257	378
Kazakhstan	July 22, 1959	Jan. 1, 1960	257	387
Georgia	Dec. 30, 1960	Mar. 1, 1961	287	399
Azerbaijan	Dec. 8, 1960	Mar. 1, 1961	264	419
Lithuania	June 26, 1961	Sep. 1, 1961	283	439
Moldavia	Mar. 24, 1961	July 1, 1961	270	369
Latvia	Jan. 6, 1961	Apr. 1, 1961	258	405
Kirghizia	Dec. 29, 1960	May 1, 1961	275	398
Tajikistan	Aug. 17, 1961	Dec. 1, 1961	279	405
Armenia	Mar. 7, 1961	July 1, 1961	277	384
Turkmenia	Dec. 22, 1961	May 1, 1962	299	396
Estonia	Jan. 6, 1961	Apr. 1, 1961	244	356

the Constitution of the U.S.S.R., the fundamentals, as applied to a given branch of law, specify the matters falling within the exclusive competence of the Union, the exclusive competence of the Union Republics, and the joint competence of the all-Union and the Union Republics.

In accordance with the fundamentals, each Union Republic adopts a code for the given branch of law. Following the adoption in 1958 of The Fundamentals of Criminal Legislation of the U.S.S.R. and the Union Republics, and The Fundamentals of Criminal Court Procedure of the U.S.S.R. and the Union Republics, each of the 15 Union Republics adopted corresponding Republican codes. (See Table VII.)

Developments were similar in the sphere of civil legislation and legislation on civil procedure. We give a table of the Republican codes adopted after the adoption of The Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics, and The Fundamentals of Civil Court

Table VII

Union Republic	Adoption	Entry into force	Number of Articles	
			CivC	CCivP
R.S.F.S.R.	June 11, 1964	Oct. 1, 1964	569	438
Ukraine	July 18, 1964	Jan. 1, 1965	572	428
Byelorussia	June 11, 1964	Jan. 1, 1965	562	398
Uzbekistan	Mar. 23, 1963	Jan. 1, 1964	622	469
Kazakhstan	Dec. 28, 1963	July 1, 1964	565	438
Georgia	Dec. 26, 1964	July 1, 1965	578	453
Azerbaijan	Sep. 11, 1964	Mar. 1, 1965	574	461
Lithuania	July 7, 1964	Jan. 1, 1965	610	432
Moldavia	Dec. 26, 1964	July 1, 1965	603	437
Latvia	Dec. 27, 1963	July 1, 1964	592	445
Kirghizia	July 30, 1964	Jan. 1, 1965	582	442
Tajikistan	Dec. 28, 1963	Jan. 1, 1965	565	453
Armenia	June 4, 1964	Jan. 1, 1965	572	432
Turkmenia	Dec. 29, 1963	July 1, 1964	570	444
Estonia	June 12, 1964	Jan. 1, 1965	573	444

Procedure of the U.S.S.R. and the Union Republics in 1961.

Consequently, the codification of a single branch of law in the U.S.S.R. consists in the adoption of 16 independent legislative enactments, namely, the all-Union fundamentals and the 15 Republican codes. Let us note that the Republican code for a given branch of law does not simply reproduce the provisions laid down by the all-Union fundamentals of legislation, although the fundamentals are something of a normative basis. The codes are more extensive than the fundamentals and give a concrete meaning to the provisions in the fundamentals. In addition, the codes include rules on matters referred to the competence of the Republics. Thus, the Civil Code of the R.S.F.S.R., which entered into force on October 1, 1964, contains more than 500 articles, whereas the Fundamentals of Civil Legislation have 129 articles only. The Criminal Code of the R.S.F.S.R. consists of 269 articles, as compared with only 47 in the fundamentals.

In view of the fact that each Union Republic has its own codes, there inevitably arises the practical problem of what may be called the "correlation" of Republican laws. In effect, which law should the court apply if a resident of Moscow buys a piece of property located in Kazakhstan, and if the transaction subsequently gives rise to a dispute. Is it the rules of the Civil Code of the R.S.F.S.R. or those of the Civil Code of the Kazakh Republic that should apply in such a case? Strictly speaking, there is no correlation of laws from the standpoint of their juridical force (that is why the word correlation is used in quotes). The point is which of the laws having equal juridical force is to be applied in the given case. As academic lawyers sometimes say, this is a matter of spatial effect. Because the relevant laws of the various Union Republics differ from each other in some respects, the dispute may be settled in different ways, depending on the law of which Union Republic is applied by the court.

For such cases current Soviet legislation lays down the following rules. Regardless of the venue of the court trying the case, the question of criminal responsibility is decided in accordance with the law operating in the place where the crime was committed. When dealing with relations flowing from the right in property, the court applies the law of the

place where the property is located. In the conclusion of contracts and other transactions, the legal capacity and legal ability of the parties are determined in accordance with the law of the place where the contract or transaction has been concluded; the same law applies to the form of transaction or contract, that is, whether a given contract is to be done in writing or whether a verbal agreement will suffice, and whether or not it has to be certified by a notary public. For obligations arising from the infliction of damage, the law of the place where the dispute is examined applies, and on a prayer by the aggrieved party, the law of the place where the injury was inflicted. In relations of inheritance, the law of the place of the opening of succession applies, which means the last permanent domicile of the decedent who has left an estate (where the last permanent domicile of that person is unknown, the place where that estate is located is deemed to be the place of the opening of succession).

The distinctions between the legislation of the Union Republics (while being connected with various technical and juridical complexities in the practical application of the law) provide excellent opportunities for their exchange of law-making experience. Thus, one Union Republic may borrow legal measures which have proved themselves in another Republic, and the positive experience of one or several Republics is sometimes written into all-Union legislation. For instance, the present procedures governing the operation of people's courts were first introduced in Armenia, Georgia and Estonia in the mid-1950s, and because of their obvious advantages they were incorporated in the all-Union fundamentals in 1958.

Soviet juridical science also brings out a category of ordinary or current legislation, which comprises statutes falling outside the above-mentioned two groups. Of course, the word "ordinary" or "current" does not in any sense minimise the importance of these statutes. Let us recall, in this context, such statutes as were adopted by the Sixth Supreme Soviet of the U.S.S.R. (1962-66), namely, the old-age pensions act and the grants to collective farmers act (which established a system of social security for members of collective farms) of July 15, 1964, the act raising wages for workers in education, public health, municipal

services, housing, trade, public catering and other branches of the national economy providing direct services for the population, whose name speaks for itself.

There is extensive current legislation in the Union Republic as well, for it embraces various aspects of social and cultural life, in accordance with the concrete conditions prevailing in the Republics.

There is a specific group of statutes within the ordinary statutes group which, before becoming statutes, had operated in another juridical form, namely, as decrees of the Presidium of the Supreme Soviet of the U.S.S.R. The need to have the earliest possible regulation of important matters frequently arises in between the sessions of the Supreme Soviet, in which case its organ, the Presidium which it elects, adopts a normative decree. But because the promulgation of statutes is the exclusive prerogative of the Supreme Soviet (Art. 32 of the Constitution), such decrees are subject to approval by the following session of the Supreme Soviet, whereupon they become statutes.

Current legislation must be in complete conformity with constitutional laws and may not conflict with them.

Similarly, republican statutes must be in conformity with all-Union statutes. Art. 20 of the Constitution of the U.S.S.R. declares: "In the event of divergence between a law of a Union Republic and a law of the Union, the Union law shall prevail." The constitutions of some Union Republics contain the rule that in the event of divergence between a law of the Union Republic and a law of its constituent Autonomous Republic, the law of the Union Republic prevails. Thus, the general principle is that the greater juridical force belongs to the statute which gives expression to the will and interests of the greater number of people and the wider circle of nations united in the Soviet multinational state.

**Subordinate
Normative Enactment**

Statutes alone do not suffice to enable the socialist state to direct day-to-day economic affairs and to settle the numerous questions which arise in the country's social, cultural and other spheres of life. Statutes provide guidance on general questions or principles, but do not regulate in detail the concrete matters in the operational administration of the economy or problems arising in the

sphere of local self-administration. Hence, the need for the subordinate normative enactments listed at the head of this section. One of them, the decree, has been dealt with above.

Decisions and orders issued by the Council of Ministers of the U.S.S.R. are important sources of law and have a superior juridical force in respect of the acts of other organs of state administration. Through its decisions and orders, the Council of Ministers co-ordinates and directs the day-to-day activity of these organs in the administration of the country's economic life and cultural affairs. Decisions issued by the Council of Ministers frequently specify a statute in conformity with the direct authority it contains. Joint decisions by the Central Committee of the C.P.S.U. and the Council of Ministers which are issued on pressing social matters have an important part to play in national life. They combine the features of the Party directive and the universally binding enactment issued by the highest organ of state administration. Within the Union Republic, decisions and orders issued by its Council of Ministers play the same part as decisions and orders issued by the Council of Ministers of the U.S.S.R. for the country as a whole.

In directing the various spheres of state activity (such as public health, higher education, finance, etc.) Ministries and State Committees issue orders and instructions, all of which may be sources of law whenever they contain general rule-making prescriptions. But they must all strictly conform with the statutes, decrees, decisions and orders of the Council of Ministers and other higher sources of law. Supervision over the legality of all these acts, that is, their conformity with the higher sources of law, is vested by the Constitution of the U.S.S.R. in the Procurator-General of the U.S.S.R.

Mass organisations, which have a great part to play in Soviet life, now exercise various social functions which had earlier been vested in state organs. In this way, the Soviet state recruits the greatest possible number of people for the administration of affairs of state. Accordingly, acts issued by mass organisations have been gaining in importance within the system of law. These are not applied to acts regulating relations within the organisation (such as trade union rules), but to those laid down by mass organisations by authorisation of the state as binding on all whom they

concern. For instance, by authorisation of the state, Soviet trade unions have extensive powers in interpreting and applying labour legislation, providing labour protection and administering social insurance. Only those rule-making acts issued by mass organisations which are sanctioned by the Soviet state are sources of law. The state alone can invest any act issued by a mass organisation with mandatory juridical force, an act which like any other delegated enactment must be in strict conformity with all higher sources of law.

Rule-making acts issued by local organs of power and administration are also sources of Soviet law. A wide range of matters relating to various aspects of activity in the given region or district falls into the competence of these organs. These questions are regulated by decisions which are adopted either by the Soviet of Working People's Deputies in session or by the Soviet's Executive Committee.

Summing up what has been said about the sources of Soviet law, we find that they aggregate into a complex system which is characterised:

first, by the supremacy of the statute;

second, by the considerable differentiation of sources owing to the specified features of administration over a vast economic system and the federal character of the Soviet state;

third, by strict subordination (hierarchy) in which all the lower sources are subordinate to the higher and must strictly conform with them.

Let us stress that this subordination of sources is not at all a logical scheme like Hans Kelsen's "pure" normativist theory of law. The subordination of the sources of Soviet law reflects the actual relationships between state organs with different competence in the sphere of law-making. Each source of law occupies a place corresponding to that which the organ creating the source holds within the system of state organs.

Legislative Style

The great educational role of Soviet law has already been emphasised. But if it is to play that role, it must be clear and within the reach of every understanding. Apart from the effect of an esoteric style and obscure terminology on the application of laws by the courts and other state bodies,

they are clearly the wrong way to address citizens. Soviet theory and practice rejects the idea that it is quite natural to employ an idiom which most citizens find incomprehensible. Nor can such an approach be justified by the requirements of legislative technique. The law must be stated in clear and simple terms which anyone can understand. The development of juridical techniques and the widespread awareness of law among the people create sufficient objective conditions for such an approach.

Soviet legislation is made clear largely by the fact that it has never made any secret of its social and political orientation and its real purposes.

This is a characteristic of Soviet law in general, and is a distinctive feature of its major legislative enactments, whose aims, motives and social purposes are always explicit. Sometimes, a preamble to the text of a legislative enactment gives a political characteristic of the questions regulated, and states their social significance and the reasons for which the legislative enactment in question was considered necessary.

The laws are written in language plain and clear, as will be easily seen from a reading of any of the latest enactments, such as the fundamentals and the Republican codes. Juridical terminology, which is a necessary working tool, is broadly used but never abused. Every article of the fundamentals and the codes is terse, and wherever necessary is divided into paragraphs. Each article carries a title giving a concise statement of the matter dealt with. Articles often contain definitions of juridical concepts and categories, helping to arrive at a correct interpretation and application of the law and putting it within reach of broader sections of the population.

None of this should be taken to mean that because the Soviet law-maker tries to frame laws in a style that is explicit and concise, he does not face any difficulties or that he always finds adequate solutions for his problems. It implies a general tendency in legislation, for Soviet juridical science plays an important part in interpreting and popularising it.

4. System of Soviet Law

General

Law is more than an aggregate of rules; it is a system, a more or less consistent unity of agreed rules. Whatever the matters regulated by the given legal system, whatever the distinct spheres of social life it deals with, it is a single whole: it is coherent in terms of social nature, starting principles, character of the constitutional will it expresses, etc.

But while law is intrinsically coherent, it is also differentiated. In effect law must deal with various spheres of life, such as family relations, purchase and sale of goods, crime and punishment, etc. A distinction between these spheres must have an effect on the content and methods of their legal regulation. Hence, the division of law into various branches.

The Soviet theory of law does not deny the important role of the law-maker in defining the principles and criteria underlying the structure of the system of law, its assumption is that the differentiation of law, the existence of its various branches, and the correlation of these branches is objectively determined by the character of social relations they regulate. It is the diversity of social relations and the specifics of various spheres of social life that determine the division of the entity of law into its several branches.

Soviet law, a cemented unity socially and politically, is also broadly differentiated. It falls into several branches each of which is an intrinsically co-ordinated aggregate of legal rules relating to the same category of social relations.

Socialist society is dynamic, for its key spheres are in constant and rapid development, which means that the system of Soviet law is not something that is given once and for all. The accumulation of juridical material (new rules, institutions, the complexification of legal regulation) within the framework of a branch of law frequently leads to qualitative change, giving rise to a new branch of law. Sometimes this process takes place where several branches meet.

Great practical significance attaches to a clear structure of the system of law. First, because it predetermines codification, which is carried out in conformity with the division of law into branches. Second, because the several branches of law have different methods of legal regulation,

distinct forms of responsibility, etc. For instance, the sanctions established by criminal law and by administrative law cannot be applied to relations regulated by labour or civil law. The Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics specifically state that family, labour and land relations and relations on collective farms are regulated by the corresponding branches of law, and, consequently, fall outside the sphere of civil legislation. Third, because a clear-cut system of law enables practitioners and citizens to find their bearings in the legislation in force.

In the classical tradition, law is divided into two big groups: public law, which deals with the organisation of a given state and its relations with private persons, and private law, which deals with relations between private persons. Soviet theory and practice do not accept this division not only because of the numerous technical and juridical objections which it gives rise to. The main thing is that historically this division is connected with the antithesis between the public power, on the one hand, and the economic activity of individuals, on the other. Because this activity is based on the private ownership of the means and instruments of production, the antithesis used to be to some extent (but not quite) justified. Under the socialist system of economy, which is based on the social ownership of the means and instruments of production, the antithesis becomes meaningless, and the division of law into public and private loses its social and economic significance and consequently its *raison d'être*.

The system of law should not be confused with the system of legal science, which takes shape on the basis of the system of law as a result of scientific and practical activity of academic jurists and practitioners making a study of different branches of law, the history of their development, the realisation of law in social life, and the distinction between legal rules in the U.S.S.R. and in other states.

Independent legal sciences and corresponding academic disciplines or subjects may arise without a corresponding independent branch of law, as happens when the tasks of scientific research and the importance of a sphere of legal knowledge demand that specified legal matter should be separated for the needs of juridical education and the prac-

tical activity of juridical organs and establishments. That is why the branches of Soviet legal science are more differentiated than the branches of Soviet law, so that the system of juridical sciences is considerably more extensive and ramified than the system of law.

Each branch of juridical science (such as the science of civil law, the science of criminal law, etc.) is in itself inevitably broader than the corresponding branch of law, because every science not only analyses the law in operation and its practical application, but also looks at other questions, like comparative legal studies, the history of the given branch of law, sociological studies of ideas about law among everyday citizens, etc.

The relationship between the juridical sciences is also somewhat different from those between the branches of law. In effect, the branches of law are always clearly distinct from each other, a fact which springs from practical requirements. It would be wrong to apply the rules of one branch of law to relations regulated by another. There is a different approach in science, where one and the same sphere of social relations is frequently studied by different sciences from different angles, and this gives the whole of juridical science a richer content. Let us also bear in mind that matters which are least elaborated and which, in consequence, are of a special interest to science, usually lie somewhere at the junction of the sciences. These matters always have substantial specifics, because relations with which they deal might be called marginal. An in-depth study of these relations is only possible through co-ordination, and this frequently produces new scientific disciplines, that is, brings about a qualitatively new phenomenon.

Juridical science may fall into branches, but it remains an entity held together by general principles, just as the subdivision of physics and chemistry does not do away with the science of physics and the science of chemistry as such. And it is not just a sum total of branch sciences either, for it is a distinct qualitative phenomenon. Juridical science as a whole and each separate branch science are correlated with each other, in philosophical terms, as the categories of the general and the particular, as the general and the individual.

Let us take a brief look at the content and main principles of the key branches of Soviet socialist law.

**State or
Constitutional Law**

Soviet juridical writers often regard constitutional law as the leading branch of the whole legal

system, because the Constitution is the principal source for that branch and is, in fact, also the leading source for the whole system. The Soviet Constitution deals not only with the political system and organisation of state power in the country, but lays down the basis of its social system, notably the economic system. As a result, many provisions of constitutional law are also a direct source for other branches of law, so that its provisions on property and its forms are also the immediate sources of civil law. There are also other grounds on which constitutional law is deemed to be the leading branch of law, as, for instance, the fact that it lays down the procedures governing the establishment and modification of rules of law in every sphere embraced by legal regulation, that is, every branch of law.

The rules and institutions of Soviet constitutional law range over the following matters:

1. *Principles Underlying the Social Structure.* Socialist property (state property, co-operative and state-farm property, the property of trade unions and other mass organisations) is the economic foundation of Soviet society, on which functions the socialist system of economy, whose main principle is planning. The principle of planned economy is written into the Constitution (Art. 11 of the 1936 Constitution of the U.S.S.R.) alongside such basic principles of the socialist way of life as "he who does not work, neither shall he eat" and "from each according to his ability, to each according to his work". The constitutions of bourgeois states usually fail to say anything about the class character of their society, creating an illusion that it is homogeneous, whereas it in fact rests on sharp social divisions which have long since taken the form of organised class struggle. By contrast, Soviet constitutional law, like Soviet law as a whole, makes no secret of society's class character and the principles underlying the relationships between classes (the alliance of the working class and peasantry, and the former's leading role). It also fixes the governing and guiding role of the C.P.S.U. in the development of socialist society.

2. *Principles Underlying Political Power.* The most important of these are the sovereignty of the people, the power

of the people, and, as a consequence, the greatest possible involvement of the adult population in social affairs and government, the special importance of elective, representative organs in society's political organisation and the ever growing role of various mass organisations.

3. *State System.* This is an institution embracing the whole range of questions connected with the federal character of the Soviet state and the multinational composition of its population, which produces the diverse forms of autonomy. This also includes territorial administrative divisions.

4. *Organisation of State Power.* This deals with the organs exercising state power and administration, their competence and relationships. In Soviet constitutional law, a distinction is made between the concept of power and of administration and, accordingly, between the organs of power and the organs of administration. The former are elective, representative organs which are the sole vehicles of power (the system of Soviets of Working People's Deputies). The concept of administration applies to the other organs. Special forms of organisation and activity are provided for the courts and the Procurator's Office. The electoral system, which is an important and necessary requisite of state power, may also be referred to its organisation.

5. *Legal Status of Persons.* The institution of citizenship is the basis for the legal status of persons. This is not taken to mean that in the U.S.S.R. only Soviet citizens have legal status. We shall see that aliens may have broad rights in the Soviet Union, but the full possession of these rights together with duties to society, springs from a person belonging to a given state, that is, Soviet citizenship.

The Constitution of the Soviet Union, which is a federal state, emphasises that a single Union citizenship is established for citizens of the U.S.S.R.; every citizen of a Union Republic is a citizen of the U.S.S.R., which means in practice that on the territory of a Union Republic the citizens of all the other Union Republics enjoy equal rights with its own citizens.

Can an alien become a Soviet citizen? In respect of aliens resident abroad, the question is decided, at their request, by the Presidium of the Supreme Soviet of the U.S.S.R., and in respect of those resident in the U.S.S.R., by the

Presidium of the Supreme Soviet of the Union Republic concerned. The law (Statute on the Citizenship of the U.S.S.R. of August 19, 1938) does not lay down any special conditions for the acquisition of Soviet citizenship by aliens. Soviet law rules out the automatic change of citizenship in virtue of a marriage. That is why a foreigner contracting marriage with a Soviet citizen does not automatically acquire Soviet citizenship, nor does the Soviet citizen automatically lose his or hers. In this case as well, the decision of a competent organ of power is required. Children under the age of 14 years automatically follow the citizenship of their parents where both acquire or give up U.S.S.R. citizenship; the consents of children who have attained the age of 14 is required for any change of their citizenship.

The legal status of Soviet citizens implies a broad range of social, economic, political and other rights, individual freedoms and a number of important duties in respect of society. We have already spoken about these rights. Let us note in this connection that the full definition of a Soviet citizen's legal status goes beyond the framework of constitutional law, defines its fundamental grounds. These are elaborated by other branches of law, as status in the sphere of property relations, by civil law; status in the sphere of labour relations, by labour law, etc.

Constitutional law also lays down the basic principles underlying the state's foreign policy activity.

Administrative Law

Administrative law is closely bound up with constitutional law. It also embraces social relations in the sphere of state administration, but the operative word is administration (and not power), that is, it deals with the legal forms of concrete executive and administrative activity by government, ministries and other organs exercising the day-to-day administration of various spheres of social life. In other words, it concretises and elaborates the principles laid down by constitutional law underlying the structure and functioning of the organs of state power as applied to the specific tasks of administering the various branches of socio-political, national-economic and socio-cultural affairs.

The rules of administrative law fall into two great groups. The first of these comprises rules containing general provisions for all state bodies, such as provisions concerning civil

service, procedures governing the issue of administrative enactments, principles underlying administrative responsibility, methods of ensuring legality in state administration, etc. The second group includes rules regulating executive-administrative activity by state organs in various spheres of state administration (management in industry, agriculture, culture, etc.).

When administrative law originated in the last century it was mainly oriented towards the maintenance of public order. Socialism has worked a radical change in the functions of administrative law, pivoting it on the legal regulation of administration in the sphere of material production, economic affairs, industry, construction, transport, communications, etc.

The basic principle of Soviet state administration, and consequently, of administrative law is participation by the people, the equality of nationalities, democratic centralism and the socialist rule of law. All these have been dealt with in the foregoing chapters.

The relations which take shape through the application of the rules of administrative law are characterised by the fact that an organ of state administration is always a party to such relations, operating as a vehicle of state power and acting on behalf of the state. Disputes between the parties in administrative legal relations are, as a rule, decided in administrative procedures without resort to the courts, but a court procedure is laid down for some cases, especially when a citizen is a party to the relations.

Soviet Financial Law

Soviet financial law is an aggregate of legal rules regulating the activity of state organs and legal relations connected with it in the sphere of the budget, taxation, state credit and other spheres of state financial activity. Thus, the subject of regulation by financial law consists of socialist relations which take shape in connection with the state collection of revenues and their allocation in accordance with the requirements of state economic and cultural development.

Financial law is very closely allied with constitutional and administrative law. The establishment of the all-Union budget of the U.S.S.R. by a decree of the Supreme Soviet of the U.S.S.R. falls within the sphere of constitutional law, while the collection of state revenues and the relations between

government bodies, citizens and economic organisations connected with this activity are essentially akin to administrative law. But because all matters of state finance are of tremendous importance to socialist construction and because juridical relations arising in this sphere have certain specifics, the juridical rules bearing on these relations, are brought together in a separate branch of law.

Labour Law

If we take the term "labour law" in its literal meaning, it will embrace any legal rule relating to work in any of its forms. In this broad sense, the term "labour law" embraces not only legislation on the labour of industrial and office workers, but also a considerable part of the rules regulating the work of collective farmers, and also the numerous rules relating to contracts for custom in civil law, agency, literary contract, etc.

However, in legislation and in practice, the term "labour law" and "labour legislation" are taken in a narrower sense. They are used to designate the branch of law which regulates the labour relations of industrial and office workers.

Soviet labour law also regulates other relations indissolubly bound up with the labour relations of industrial and office workers, namely, a) the material security of industrial and office workers in old age, in the event of sickness, disablement, etc.; b) the supervision of labour safety; and c) the settlement of labour disputes between trade unions and management. These relations are derivative from the labour relations of industrial and office workers and are directly connected with them.

The rules of labour law governing various aspects of sanitation in industry, safety techniques and labour protection for women and minors also apply to members of industrial co-operatives. The labour of collective farmers is regulated by collective-farm law.

The rules of labour law regulate matters arising from labour contract, working hours and hours of rest, wages, labour discipline, labour safety, procedures governing the negotiation and content of collective agreements, procedures governing the settlement of labour grievances, and relations in state social insurance.

The socialist organisation of social labour is characterised by the following basic principles:

universality of labour and freedom from exploitation;
the right to work and freedom from unemployment;
distribution according to labour;
observance of socialist labour discipline;
promotion of socialist emulation and development of communist forms of labour;
comprehensive labour protection;
opportunities for combining labour and learning;
broad participation of working people's collectives in the management of their enterprise;
security in old age and disablement.

As applied to the labour of industrial and office workers the general principles underlying the socialist organisation of labour are expressed in the following principles of Soviet labour law:

the principle of the universality of labour and freedom from exploitation corresponds to the principle of real freedom of labour contract;

the principle of the right to work and freedom from unemployment corresponds to the principle of protection against unwarranted rejections in applying for work and unlawful dismissals;

the principle of distribution according to labour corresponds to the right to wages guaranteed by the state;

the principle of socialist labour discipline corresponds to the duty to work and observe standing work regulations set up by competent state organs and agreed with the trade unions;

the principle of promoting socialist emulation corresponds to the duty on the part of management to promote the development of socialist emulation and communist forms of labour;

the principle of comprehensive labour protection corresponds to the principle of statutory limitation of working hours, provision of safe and sanitary working conditions at the expense of the state and under trade union control;

the principle of combining labour and learning corresponds to the principle of providing opportunities for doing so through privileges granted at the expense of the state;

the principle of broad participation by working people's collectives in the management of enterprises corresponds to trade union participation in the management of production;

the principle of the right to material security corresponds to the right of industrial and office workers to security through social insurance at the expense of the state.

In socialist society, labour can be a lawful source of livelihood, and it is illegal to live on unearned income. The universal duty to work is an expression of the basic principle of socialism: "From each according to his ability, to each according to his work." Emphasising the universality of labour, the state guarantees each citizen true freedom of labour contract. He is entirely free to choose his place of work, his occupation, and speciality, and exercises his freedom not only in taking employment, but also in transferring to another job, which can be effected only by an agreement of the sides, and in resigning.

Alongside the economic guarantees which create the material basis for citizens' exercise of their right to work, there are legislative provisions, such as the duty of the state to give citizens swift assistance in finding suitable employment; the rule that citizens may not be denied employment for reasons other than professional qualification; and the planned placement of young workers and specialists. The guarantee of the right to work is also emphasised by the strictly limited statutory grounds on which management may dismiss industrial and office workers, where such dismissal has been agreed with the factory and plant or local trade union committee.

In the U.S.S.R., the right to work is inseparable from the right to rest and safe working conditions. The principle of legislative limitation of working hours, increase of the hours of rest, easing and improvement of working conditions is evident in the rules of labour law which fix annual vacations with pay and the introduction of the 41-hour week, normally with two days off for industrial and office workers; and normative enactments further reducing working hours and granting additional holidays for persons employed in hazardous conditions; in legislation establishing the rules for the free issue of protective outer garments, protective devices, medicinal and disease-prevention food, etc.

Art. 120 of the Constitution holds out to the working people the right to maintenance in old age and also in sickness and disability. This right combined with the right of Soviet citizens to work and payment for their work in ac-

cordance with its quantity and quality, and also the right to use growing social income gives juridical expression to the conditions of assured cultural life, which are actually guaranteed for all citizens of the U.S.S.R.

In the Soviet state, industrial and office workers who are partially or fully disabled receive grants and pensions, free medical aid, and medicinal nutrition when required. The high level of material security in the U.S.S.R. is characterised not only by the size of benefits and grants, but also by the fact that they are within the reach of all. Thus, under the general rule, no seniority is required to obtain a sick benefit, and there is no time limit for the payment of it; it is available until the recipient is able to work or is certified as disabled.

Civil Law

Civil law is mainly connected with the economic sphere of social life, with relations involving property, distribution and exchange. A prominent Soviet jurist of the 1920s P. I. Stučka used to say that civil law was political economy and economic policy rearranged in the paragraphs of law. Its direct connection with the economy attaches great importance to this branch of law.

Civil law regulates property relations in socialist society, but not all of them. Soviet science and legislation determine the property relations falling within the sphere of civil law by the method of exclusion. For one thing, outside this sphere are property relations based on the administrative subordination of one side to another (such as fiscal relations). A characteristic feature of civil legal relations is the equal legal status of their participants. Then, as has been said, the sphere of civil law does not extend to property relations lying within the orbit of labour, family and several other branches of law, although many of these relations are also characterised by the quality of the parties.

Despite all these exclusions, Soviet civil law operates on a sufficiently broad scale.

Thus, it regulates relations involving delivery of products between thousands of socialist enterprises, relations involving purchase and sale, including retail sale, in which millions of citizens take part as buyers, relations of lease, including the lease of dwelling space, relations involving the carriage of millions of passengers and thousands of tons of cargoes, relations involving insurance, contractor's operations and

many others. Civil law regulates not only the movement of the masses of commodities and properties, but also the legal status of citizens and juridical persons. If we generalise all these relations from the standpoint of their economic character we shall see that they are all relations connected with the use of the money-commodity form in socialist society.

Moreover, civil law extends to some non-property relations closely connected with the legal status of citizens, such as some aspects of copyright, including recognition of the given person as the creator of an artistic or scientific work. This also applies to the protection of the interests of a citizen portrayed in a work of art (publication of a citizen's image in a photograph, portrait, etc.—only with his consent). Special rules of civil law deal with the protection of the dignity and honour of citizens or organisations, who are entitled to demand, through the courts, a retraction of information derogatory to their honour and dignity. Quantitatively speaking, non-property relations are naturally a very small element in the sphere of civil legal regulation, but they are important in principle because they involve the rights and freedoms of citizens whose development is one of the key tasks of the socialist state.

Basing our classification on the subjects of law taking part in relations regulated by civil law, we have three groups:

1) relations between socialist organisations—state, co-operative, and mass organisations—between themselves (such as contract for delivery between two state enterprises);

2) relations between citizens and social organisations (such as the very common contract for lease of dwelling space, under which citizens use dwelling space made available to them by local organs of state power);

3) relations between citizens (such as conveyance of property by one person to another for use, compensation for damage inflicted by one citizen on another, etc.).

These groups have common features but each naturally has its own specifics and this produces a definite differentiation within civil law itself. The first group—relations between socialist organisations—stands out for its specific features. Relations between citizens (group three) are not connected with the planning principle, while relations between organisations and citizens are connected with that principle in part only; relations between socialist organisations are most

immediately and profoundly influenced by national-economic planning. Relations between socialist organisations based on planning are so complex and specific that this has given rise to a special branch of economic legislation (sometimes called business law) which is a collection of numerous legal enactments. In accordance with the general principle of civil law, they determine the legal forms of planning, the legal status of state enterprises, the system of contractual ties between socialist organisations and various other similar matters. This economic legislation is not applicable to relations involving citizens. In view of the diversity of economic legislation Soviet academic lawyers have long been discussing the question of bringing it out into a separate branch of law.

Right in property is one of the central institutions of civil law, and we have repeatedly said that one of the starting principles underlying the socialist transformation of society was the abolition of private property in the instruments and means of production and its substitution by social property on socialist lines, which rules out any possibility of one person appropriating the unpaid labour of another. The basic provisions on property are laid down by constitutional law and are written into the country's Constitution. Civil law reproduces and elaborates these provisions, but in interpreting property relations Soviet doctrine and practice starts from the premise that property is not a relation with things but a relation between men concerning things.

The provisions relating to the right in property and also the rules defining the civil legal status of citizens and juridical persons constitute what may be called the static of civil law. Its dynamic is expressed in the institutions of the law of obligation, which deals with contractual relations between the subjects of civil law and also relations arising from injury inflicted by one person on another. The leading principles of the law of obligation are: real performance of obligations (something which flows directly from the planned character of the economy), and fault, as a condition of liability for breach of obligations (except in cases specially provided for by law, such as liability for the operation of a source of increased hazard).

The law of succession is an important section of civil law, which establishes freedom of bequest. Every citizen

may bequeath by will all his property or a part thereof to one or several persons who may or may not be his heirs-at-law, as well as to the state or to any state or mass organisation. He is also free to deprive of inheritance one or more heirs-at-law. This freedom of bequest is limited in one way only: minors and other heirs-at-law who are unable to earn receive their *portio legitima*, their legitimate share.

The law of invention and copyright are also a part of civil law. Transport law is a subsection of civil law, which has grown enormously in recent years and which itself falls into three sections: marine, internal waterways, and railway law.

International Private Law International private law deals with property relations involving the participation of citizens and juridical persons containing what might be called an "alien element" (as when a party to a transaction is an alien citizen or juridical person, or where the object of the relation is abroad, etc.).

There has long been disagreement in juridical writings as to how these relations should be classed: under civil or international law.

Soviet doctrine takes the view that they are closer to the sphere of civil legal regulation, although they are also intimately connected with the general principles of international public law. The fact that its key provisions are formulated in the Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics is likewise evidence that international private law is predominantly of a civil legal character.

Rules of international law determine the legal status of aliens (the limits of their legal capacity) and specify the cases in which foreign law is applicable to legal relations containing an "alien element" (known as the conflict of laws) and are also aimed at unifying the separate civil legal institutions.

In settling all these issues, Soviet law starts from a desire for peaceful co-operation in the economic and cultural spheres with all countries, regardless of their social system, on the basis of equality and mutual benefit. Soviet law regards the institutions of international private law as an important means of arranging peaceful coexistence, and does not allow, with special exemptions, any limitation of

the rights of foreign citizens, or limitation on the application of alien laws.

Thus, the law lays down that aliens enjoy legal capacity equally with Soviet citizens (Art. 122 of the Fundamentals of Civil Legislation). This fixes the principle of extending to aliens the "national regime", which has always been observed in the U.S.S.R. and which meets any demands of international law. The application of this principle is not conditional on the demand that the alien in question should be resident in the U.S.S.R., for the "national regime" is also extended to aliens resident abroad. In extending to aliens the same legal capacity as that of Soviet citizens, the law makes the reservation that there may be exemptions (as in the case of retaliatory restrictions where there is discrimination against Soviet citizens). The application of the "national regime" to aliens is a consistent development of the principle of equality stated in Arts. 122-123 of the Constitution of the U.S.S.R. However, from this "national regime" principle flows not only the provision that aliens in the U.S.S.R. enjoy equal legal capacity with Soviet citizens, but also the provision that aliens may not claim any privileges or exemptions from Soviet law.

Among the most important rules in the conflict of laws laid down by Soviet legislation are the following: the form of transaction is governed by the law of the place where it is made (*locus regit actum*), with the exception of transactions relating to structures located in the U.S.S.R., whose form is governed by the legislation of the U.S.S.R. and the Union Republic concerned; the rights and duties of the parties to a foreign trade transaction are determined pursuant to the laws of the place where it is concluded, unless otherwise provided by agreement of the parties; relations of succession are determined by the law of the country where the decedent had his last permanent domicile. While allowing broad application of alien law, Soviet law lays down the rule under which foreign law does not apply where its application contradicts the fundamental principles of the Soviet system. That is a generally accepted rule which is written into all legal systems and is known as the "public order reservation". Let us note that when it is invoked, it does not imply a contradiction between the foreign law itself and the fundamentals of the Soviet system, but a con-

tradition between the application of this law by the Soviet court, and the fundamentals of the Soviet system and the socialist view of law. For instance, no Soviet court will apply laws containing any discriminations for reasons of race, sex or creed.

Where an international treaty or international agreement to which the U.S.S.R. is party establishes rules other than those contained in Soviet civil legislation, the rules of the international treaty or agreement apply. This rule laid down by Soviet law re-emphasises the profound respect on the part of the Soviet state for the principles and rules of international law and peaceful co-operation and coexistence in international affairs.

Land Law

Land law is designed to ensure the rational use of land, minerals, waters and forests.

One of the first acts of the Soviet Government after the October Revolution was to nationalise the land and to transfer it to the ownership of the state, thereby abolishing large landed estates based on the exploitation of the peasants. The land, minerals, waters and forests in the U.S.S.R. are the sole property of the state. All the land constitutes a single state land fund. However, the state itself is unable to make direct use of all the land and so conveys it to the use of collective farms, state farms, building co-operatives and other mass organisations. It also makes land available for use by individual citizens to satisfy their personal requirements. The aggregate and diverse relations arising from this constitute the subject of Soviet land law. The land relations arising on the basis of the state ownership of land have the following characteristic features:

The state, as represented by specified organs, is always a party to these relations. It makes land available for use (but use only) to any socialist organisation or citizen. As a rule, the right of use may not be ceded. In some cases, specially provided for by law, primary land users may make it available to secondary users (for instance house-and-garden plots may be made available by a collective farm to its members, and by a state farm to its workers).

The use of land is free. No rent, land rates or taxes are paid by socialist organisations and citizens receiving tracts

or plots of land for use from the state. In many cases, the land is made available for use without any indication of the period, i.e., virtually in perpetuity (the way the state conveys land to collective farms).

Land is made available to citizens to satisfy their personal requirements (such as construction of a dwelling house, garage, orchard, etc.). In using the land, citizens are not allowed to employ wage-labour. The question of allotting land to a citizen is decided, on his application, by local organs of state power. Because a plot of land is conveyed into the use of a specific person, he is not entitled to alienate it, to make it over as a gift, lease, mortgage, etc.

The rights of users are protected by law. No one may be deprived of his right to use the land otherwise than on grounds and in the manner laid down by the law (for example, withdrawal of the land in view of road-building work, scientific research, etc.). But the law also imposes on land users a number of duties, such as to conserve and improve the soil.

Forest, water and mining legislation are separate sections or perhaps sub-branches of land law.

In the allotment of land to collective farms, land law runs very close to collective-farm law. It also has an important part to play in the solution of various important matters in industrial construction, transport and land and nature conservation.

Collective- Farm Law

As a separate branch of law collective-farm law is known only in the socialist countries, where it regulates relations in the organisation and activity of collective farms and also relations between the collective farms and their members. The collective farm or kolkhoz, as it is called in Russian, consists of a group of peasants who have pooled their means of production and are banded together to work the land in common.

Peasants are united in collective farms on the following principles:

- 1) the association is voluntary;
- 2) the state directs the collective farms and gives them assistance;
- 3) personal and social interests are harmonised;

4) collective farms are run independently and on democratic lines;

5) material incentives are held out to members of collective farms in the results of their collective production.

The association of peasants in collective farms and the activity of members gives rise to definite internal relations. Members of a collective farm pool their property, contribute their labour to the common production, distribute the collective earnings, participate in the management of the farm's affairs, and farm the personal house-and-garden plots made available to them by the collective farm. All of this gives rise to diverse relations between the collective farm and its members: labour, management, land and other relations, all of which, taken as a complex, are regulated by collective-farm law.

Thus, for example, the essence of labour relations on the collective farm is that all able-bodied members are duty bound to contribute their personal labour to the collective production effort, and the collective farm, for its part, has the duty of providing work for its members and paying for their work in accordance with the quantity and quality of labour. The terms on which labour is used in collective-farm production are determined by the collective farmers at their general meetings, which approve the standing collective-farm rules, work rates and pay rates, procedures governing holidays, etc. Collective farmers are paid for their labour through the distribution of the collective-farm earnings. That is why members have a stake in the growth of the collective-farm earnings. The system of payment for labour adopted by the collective farms is a combination of basic and additional pay. The basic rate is remuneration for the labour contributed and is calculated according to the pay rates for output standard, production unit or working time unit. Additional payment consists of bonuses for the attainment of definite targets like, say, the growing of a crop over and above the planned figure. Under this system, collective farmers who take in a higher crop or grow more animal products receive higher pay for their labour.

The essence of management relations consists in the collective farmers themselves running the social affairs of their farm through the organs of management they set up.

The general meeting is the highest organ of management, and it elects the executive bodies: the board and the collective-farm chairman. There is a definite separation of competence between these organs. Management relations are based on collective-farm democracy.

Land relations regulated by collective-farm law are connected with the fact that each collective-farm family has a small house-and-garden plot in personal use, and holds as its personal property the farm on the plot, the dwelling house, cattle, poultry and minor agricultural implements. The size of the house-and-garden plot and the number of head of cattle held in the personal property of the members are determined by the collective-farm rules, and differ depending on the geographical zone. The earnings obtained by collective farmers from their personal farm on the house-and-garden plot are additional to their basic earnings on the collective farm.

The development of agricultural production on the scale of the whole country implies state direction of the collective farms, and definite legal relations arise between the corresponding organs of the state, on the one hand, and the collective farms, on the other. That is the second aspect of collective-farm law. The specific character of relations in the guiding of the collective farms, arising from the fact that they are social organisations, has produced special legal methods, such as recommendations and advice, which acquire mandatory force for the collective farms only after they are adopted by the corresponding administrative organs on the collective farms themselves.

The sources of collective-farm law have their own specific features which also spring from the special character of collective-farm relations. Because collective farms are voluntary associations of peasants, who enjoy a definite economic autonomy, the state has given them the possibility of adopting certain enactments which have the force of sources of law, such as collective-farm rules.

Collective-farm rules regulate the basic relations inside the collective farm: they define the tasks and purposes of the collective farm, establish the procedures governing the use of land, deal with the question of the means of production, the duties of the board and all the members of the collective farm, labour organisation and discipline, rates

of pay for work, and the administration of the farm's affairs.

The rules are worked out in each collective farm on the basis of the Model Rules of the Agricultural Artel, as they are known. These are adopted by a congress of collective farmers and approved by the U.S.S.R. Council of Ministers. The model rules are given concrete form and elaborated in the rules of the collective farms in the light of local conditions and specific features.

Collective-farm rules are adopted at general meetings of collective farmers. The district Soviet Executive Committee sees that the collective-farm rules correspond to Soviet law. Having established the legality of the rules, the Executive Committee registers them, i.e., gives them sanction, on behalf of the state.

Soviet Family Law

Soviet family law lays down the conditions and procedures governing the contract and dissolution of marriage, the rights and duties of the spouses, regulates the relations between parents and children, guardianship and patronage, measures for the protection of the family, and the interests of mothers and children. Since the establishment of Soviet law, family law has been an independent branch of it and has never been regarded as a part of civil law. That is due to the fact that marriage is regarded as a personal alliance based on love and respect and not as an alliance of properties. That is not only an attitude taken by the law-maker, but is a general ethical principle. Thus, for instance, a poll of prospective newly-weds was taken in Leningrad in the course of two months in 1962. Altogether 500 couples were polled at the city's civil registry office, and additional data from another 300 couples were collected. Of those polled, 21 per cent were workers, 20 per cent students, 10 per cent engineers and technicians, and the rest white-collar workers, doctors, workers in science and the arts and military men. Only 5 per cent of those polled either directly or indirectly mentioned the factor of property as the major motive for contracting marriage. For the overwhelming majority, it did not play any substantial role, most of those polled considering non-property factors—like love, trust, equality and

respect of the spouses—as being the main conditions for a happy marriage. That should not be taken to mean that young people contracting marriage altogether deny the importance of the economic and property factor in marriage. But, as for the Soviet law-maker, it was not the main one.

The complete equality of women in every sphere of family relations is one of the leading principles of Soviet family law. This principle is a logical elaboration of the more general constitutional principle of the equality of women in every sphere of social and government activity (Art. 122, Constitution of the U.S.S.R.). In its early days, the Soviet power abolished the old tsarist laws under which woman in the family was an adjunct of her husband and had no rights. Since then the principle of equality of women in the family has been consistently implemented although there is now and again resistance on the part of the old traditions and customs (especially in Republics where the Moslem religion is widespread). Under the law, the husband does not enjoy any privileges in any family matters, including the education of children.

The exercise of parental rights exclusively in the interests of the children is another important principle of Soviet family law. Parents are vested with broad rights in the education of children, protection of their legitimate interests, etc., but also have duties, including duties to society. Parents must exercise their rights in such a manner as to bring up their children as conscious, cultured and honest persons. That is why, in exercising their right to education, no parent may, for instance, prevent his child from attending school, because that would contradict the child's interest.

The family is organised on purely secular lines, and that is another important principle of Soviet family law. Marriage and the subsequent life of the family must be free from the influence of clerical rules, but that is not an encroachment on freedom of religious worship. What it means in practice is non-recognition of religious marriages; only a marriage registered with the state civil registry office (called the registry of acts of civil status) gives rise to juridical rights and duties (this rule does not apply to marriages contracted before the establishment of the Soviet power in a given Union Republic). Nor is there any juridical validity in agreements by parents to have their children belong to

any religion. Soviet law prohibits polygamy, which is sanctioned by some creeds (such as the Moslem).

Soviet law lays down the following requirements for the contract of marriage: mutual consent of the parties, attainment of marriageable age (which differs in the various Republics), and the proviso that the declarants must not be kin within the prohibited degrees of consanguinity. In accordance with the principle of monogamy, Soviet law prohibits marriage between persons of whom one at least is still bound by another marriage. Those are the only limitations on the contract of marriage under Soviet law, which does not bar marriage between Soviet citizens and foreigners. In contracting marriage, the wife is not bound to take the surname of the husband, but is free to do so (the husband is also free to take the wife's surname). Each of the parties is entitled to choose his own domicile, and change of domicile by one of the spouses does not create for the other spouse the duty to follow. The law establishes that the prenuptial property of the spouses is separate, but that earned in marriage is marital community property. Under Soviet law, a marriage can be dissolved only by a court judgement.

Above we dealt with the duties of parents in respect of their children (with whom adopted children have fully equal rights). At the same time, Soviet family law imposes on children a number of duties in respect of their parents, notably the duty for adult children to maintain and help their aged parents.

Criminal Law

Criminal law is designed to provide protection for the Soviet social and state system, socialist property, and the person and rights of citizens against criminal encroachments. To perform this task, criminal law a) defines the acts which are socially dangerous and must be regarded as crimes, and b) lays down the penalties to be applied to persons committing these crimes. The rules in this branch of law are predominantly prohibitive. In contrast to, say, civil or labour law, which regulate processes and relations vitally necessary to society (although they, too, lay down responsibility for various offences), criminal law deals with human behaviour which deviates from the social standard and inflicts harm on society and its members. Conse-

quently, the fewer the grounds for applying the rules of criminal law, the better it is for society. However, despite the consistent reduction in crime in general, Soviet society is not yet quite free of it. At its current stage, there are all the basic conditions for the eventual eradication of crime within a historically brief period. Criminal law itself is one of the important factors which can help to transform this objective possibility into reality.

Soviet doctrine and the law-maker, therefore, endeavour to frame criminal law and arrange its implementation in practice in such a way as to: a) mete out just punishment to every criminal (the inevitability of punishment), provided that b) no innocent person is criminally prosecuted or sentenced.

One of the leading principles of Soviet criminal law is *nullum crimen, nulla poena sine lege* (there is no crime or punishment without law), which means that a person may be charged with criminal responsibility only when he has committed an act specifically provided for in criminal law, and may be subject to a penalty which is specified in the law.

Another leading principle of Soviet criminal law is that there is responsibility only in the presence of guilt. It resolutely rejects the possibility of so-called objective imputation, i.e., punishment of a person for the mere commission of a prohibited act, regardless of whether the person in question is guilty or not. Soviet law regards as guilty the person who has committed a socially dangerous act, specified in the law, and has done so with intent or through negligence.

Here are a number of other important propositions of Soviet criminal law:

Criminal punishment is applied only by a sentence of the court;

Laws stating that an act is not punishable, or reducing the penalties are retroactive (i.e., apply to acts committed before their promulgation), whereas laws establishing that an act is punishable, or increasing the penalties are not retroactive;

An act or omission which may formally contain the elements of an act specified in criminal law is not regarded as a crime where it is not socially dangerous because of its insignificance;

Persons committing crimes in a state of intoxication are not released from criminal responsibility.

The Soviet concept of punishment in criminal law starts from the premise that punishment is not only retribution for a crime but is also designed to bring about the correction and re-education of the convicted persons and also to serve as a warning against the commission of other crimes by those convicted and other persons. Because doctrine and practice place confidence in men, even when they have made an anti-social mistake (provided, of course, it is not a grave offence), Soviet law provides for a broad range of measures of punishment not involving deprivation of liberty (public censure, fine, disqualification from a specified office or activity, corrective labour without deprivation of liberty, etc.). But in the case of inveterate criminals the Soviet law holds out the possibility of applying very strict sanctions. It lays down the general limits for deprivation of liberty to not more than 10 years, but for especially grave crimes and also for dangerous recidivists legislation in the Union Republics may increase the terms to 15 years. The death sentence may be passed as an exceptional penalty in cases specifically enumerated in law.

However, while applying strong remedies for especially dangerous diseases, the Soviet law gives careful treatment to persons who, while having committed offences give grounds for the hope that they have not chosen a criminal way of life. In such cases, even when an offence is punishable by deprivation of liberty under the law, the court has various possibilities of keeping a man out of prison. Among them is the wide practice of passing a conditional sentence (Art. 38, Fundamentals of Criminal Legislation): having passed a sentence of deprivation of liberty for a specified term, the court may simultaneously stay the execution of the sentence, on condition that the convicted person does not commit a similar or equally grave crime during a specified probationary period. Another possibility is for the court to pass a milder sentence than that prescribed by the law, in consideration of special circumstances in the case and the character of the guilty person (Art. 37, Fundamentals of Criminal Legislation). Finally, a person who has committed a crime may be exempted from punishment where, by the time the case is tried in court, it is recognised that in virtue of his subsequent irreproachable behaviour and honest atti-

tude to work he may no longer be regarded as a danger to society (Art. 43, Fundamentals of Criminal Legislation).

Some Western writers, in an effort to present Soviet law as being "totally repressive", allege that criminal law is central to the Soviet legal system, and that "it receives more attention in Soviet legal literature than any other branch of law. Its constructs and postulates are basic to every other branch" (Berman, *op. cit.*, p. 368). Actually, however, criminal law has never been central to the Soviet legal system and has never been regarded as such in Soviet juridical writings. This approach would clash with the basic thesis that underlying any legal system are relations of production, which rest on property relations, and, consequently, the branches of law which express and fix the economic and political system of society. In no case have the principles of Soviet criminal law been applied in other branches of law.

Corrective-Labour Law In a sense, corrective-labour law is a logical continuation of criminal law, its subject being the relations which take shape in the execution of sentences imposed by courts in criminal cases.

There is good reason why this branch of law is called corrective-labour law. It is corrective because the Soviet state regards its task not only in meting out punishment and retribution on offenders, but also in re-educating and correcting them, to return them to honest living. It is called labour law because one of its main means in attaining this aim is to have the convicted person take part in socially useful labour, without inflicting physical suffering on him or humiliating him in any way.

Corrective-labour law applies to persons sentenced to penalties entailing deprivation of liberty. Such sentences are usually served in corrective-labour colonies, although in some cases the law provides for the commission of the convicted persons to prison (a harsher penalty). Corrective-labour law also applies to cases where the penalties are transportation (sentence by the court to reside in a strictly specified locality, without commission to a corrective institution) or exile (prohibition by a court to reside in a specified locality). It does not apply to cases in which persons are sentenced to sanctions not entailing deprivation of liberty (fine, public censure, etc.). Let us emphasise once again that

the sentence of the court is the only ground on which corrective-labour measures may be applied and the convicted person made to serve his sentence; no other acts by any other state bodies may serve as grounds.

Among the basic principles of corrective-labour law are:

Convicted persons must take part in socially useful labour and, in consequence, where required, must acquire the necessary educational and occupational training;

Depending on the gravity of their offences and the number of convictions, convicted persons are kept separately;

Convicted persons must serve their sentence in one and the same corrective-labour institution, which means their re-education in one and the same collective.

The legislation in force and theory also start from the premise that the convicted person is not an object but a subject of corrective-labour law. Even while in detention, the citizen retains his general civic rights, and the law provides protection for his life, immunity of person and personal dignity. But these general civic rights are naturally exercised in a limited way in virtue of his serving the sentence and the duty to submit to the rules and regulations of the corrective-labour institution. Thus, the convicted person has the right to receive remuneration for his labour, but the wage rates and the procedure governing wage payments differ from the general rules applied to wages under labour legislation.

Work is now in progress on the Fundamentals of Corrective-Labour Legislation of the U.S.S.R. and the Union Republics. These Fundamentals and the Republican codes to be published in pursuance of them are to replace the 1933 Corrective-Labour Code.

Branches of law connected with the exercise of socialist justice are important elements in the system of Soviet law, namely judicial procedure, criminal procedure and civil procedure. The content of their branches and their governing principles are dealt with in Chapter 5.

Public International Law Public international law differs substantially from the branches of law examined above. It regulates relations in the international sphere, and its subjects are states maintaining with each other diverse political, economic and cultural relations.

International law arose with the states themselves and has been developing over the centuries, being enriched with new principles and rules as relations between the states were improved and extended. The social system of states is a most important factor which determines the character of relations between them, and thereby also the character of the legal rules which spring from such relations. That is why the emergence of one socialist state, the Soviet Union and then the formation of the world socialist system has had a marked effect on the content of contemporary international law and has added a number of new rules and principles which have an important part to play in international affairs.

The Soviet doctrine of international law is based on the general assumption that the main task of contemporary international law is to prevent war, and to ensure relations of peaceful coexistence between states with different social systems, and the key principles of the international law now in operation, i.e., virtually the whole of its content, are aimed at implementing this task. International law today has the primary task of serving as an instrument of consolidating peace and averting war.

That is what determines the content of the basic principles of international law, one of the main ones being the strict prohibition of war as a means of settling disputes between states. The starting of aggressive war is qualified by present-day international law as a grave international crime. The most important international legal documents of our day, above all the Charter of the United Nations, outlaw not only the use of force in relations between states, but any threat to use force. This ban is supplemented by the states' being bound to settle any disputes arising between them exclusively by peaceful means. International law goes on to specify the basic means to which states should resort in the event of any disputes arising between them. The U.N. Charter, for example, lists the following means of pacific settlement: negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional agencies or arrangements. Consequently, it is characteristic of present-day international law to give a detailed elaboration of means for the pacific settlement of international disputes, and this emphasises its general purpose as an

instrument for ensuring peaceful and friendly relations between all states.

Other prominent principles in present-day international law are the sovereignty and independence of states, and non-interference in each others' internal affairs, which are a necessary basis for equitable and friendly relations between the various states now existing in the world. Each of these has the inalienable right to arrange its domestic affairs as it sees fit, and any attempts at outside interference in these affairs clash with the international law in force, and are incompatible with the idea of equitable intercourse between independent states.

In the last few decades, international law has acquired several important principles, such as that of self-determination, which has been written into the U.N. Charter and which has played an important part in advancing the struggle of nations against colonial oppression. It was the basis on which state independence was won by dozens of countries in Asia and Africa. It has now become an integral part of the peoples' awareness of international law, and has added to their determination to put an end to the ignominious system of colonial oppression.

Another key principle—the principle of disarmament—is also taking shape, a process which includes the elaboration of a broad treaty on general and complete disarmament and preparation for more limited agreements on various aspects of the disarmament problem. Among the latter, for example, is the 1963 Moscow treaty banning nuclear weapons tests in the atmosphere, outer space and under water. The interests of consolidating peace and the security of nations insistently demand an early conclusion of international agreements putting an end to the arms race.

The formation of the mighty world socialist system has given rise, within the framework of that system, to the principles of a new and higher type of international law, socialist international law, whose rules have a content going well beyond that of common international law. An example is provided by the principle of proletarian internationalism, which is the most characteristic principle of the new type of international relations. It is manifested in the fraternal friendship, close co-operation and comradely mutual

assistance of the socialist countries. The principles of socialist international law have a more profound content than those of common international law, but they do not in any way contradict the latter, merely giving more consistent development to the democratic content of common international law. The formation of socialist international law is a notable phenomenon which is having a considerable influence on the further development of common international law.

Contemporary international law as a whole is an instrument for averting war and establishing friendly co-operation between states, and its task is to contribute to the building of a world without weapons and without wars, the most important problem of our day.

SOCIALIST LEGALITY AND JUSTICE IN THE U.S.S.R.

1. Concept of Socialist Legality

Soviet legal science regards socialist legality as the precise observance and execution of the Soviet Constitution and the laws and subordinate enactments based on it by all state organs, mass organisations, persons in office and citizens.

Socialist legality implies above all the existence of legislation, that is a system of operative laws and subordinate enactments based on a scientific cognition and use of the objective uniformities governing social development and designed to safeguard the Soviet social and state system, and the rights, freedoms and interests of citizens. Laws are the basis of legality and the normative premise for a regime of legality.

From this it follows, first, that genuine democratic legality requires the country's legislative organ to be formed on democratic lines, to express the people's will and to promote society's progressive development. It was shown in earlier chapters that these demands are fully met by the Soviet socialist parliamentary system. It follows, second, that the steady improvement of legislation itself is a *sine qua non* of strengthening the regime of legality, which largely depends on the timely promulgation of new laws, and abrogation of laws which have become obsolete or which have ceased to correspond to the new conditions of social development.

But there is more to legality than legislation. The system of legislation is the juridical basis and the premise for a regime of legality, but its central element is undeviating observance and execution of the rules of the legislation in force by all state bodies, mass organisations, persons in

office and citizens. Legislation which may be very fine in itself is useless if it remains on the statute books, and is not implemented.

From the very early days of the socialist state, legality has been a creative force aimed entirely at the protection, strengthening and development of the historic gains of the socialist revolution.

Socialist legality is a method in the state guidance of society, and a most important instrument for the protection of the Soviet social and state system, and the development and strengthening of socialist social relations.

In the broad sense, legality is the requirement that laws shall be observed equally and without exception by citizens, persons in office, institutions and organisations, but in the narrower sense it is, as was stated in Chapter Three, a principle underlying the activity of the socialist state machinery. This means that all acts of authority must proceed only within the framework of the law, on the basis of precise and undeviating execution of the laws, with strict regard by all persons in office for the rights and legitimate interests of citizens and mass organisations.

Socialist legality is a most important guarantee of the social, economic, political and other rights and freedoms of citizens. The protection of the rights and freedoms of citizens is a key element of socialist legality, and one of the principal immediate tasks of the regime of socialist legality.

The unity of the material and juridical guarantees for the rights and freedoms of citizens is characteristic of Soviet society. The economic system of socialism guarantees the material conditions for the full exercise by citizens of their rights and freedoms, while the Constitution of the U.S.S.R. and other laws of the Soviet state give juridical form and provide safeguards for the rights, freedoms and legitimate interests of citizens, by creating an extensive system of legal guarantees and means of ensuring them. The Soviet state attaches equal importance to ensuring the material and the juridical guarantees of the rights and freedoms of Soviet citizens.

Soviet jurists regard the steady strengthening of legality and the legal system as one of the intrinsic regularities in the development of socialist society. The Soviet state machinery cannot function normally and communist society

cannot be successfully built without strict implementation of the requirements of legality.

In the last few years, a great deal has been done in the U.S.S.R. to eliminate the last vestiges of the personality cult, notably those which were connected with violations of socialist legality. The judicial errors of the past have been corrected, the illegally convicted have been rehabilitated, and proper control has been established over the activity of the organs of investigation, which have been staffed with honest and highly skilled men. The powers of the Procurator's supervision have been fully restored and strengthened.

As a result of the new codification of all-Union and Republican legislation in the sphere of the judicial system, and criminal law and procedure, there is now a harmonious, intrinsically co-ordinated system of legal rules, which is permeated with the spirit of socialist democracy and which ensures resolute struggle against crime, providing reliable safeguards for the interests of the state, society and individual citizens.

Democracy and Legality There is always a direct connection between legality and the prevailing system of democracy. The character of the social and political system of society, its democratic system determines the character of its legality, which is one of the most essential manifestations of democracy. Law and legality which meet the true interests of the people can exist only where the people actually have the power.

Democracy is one of the most characteristic features of Soviet law, because every branch of Soviet law and its key institutions and concepts are permeated with democratic ideas.

The existence of a progressively developing Soviet legislation, which is equal to the tasks of socialist construction, and its undeviating implementation are a necessary condition for the development of Soviet democracy and the full implementation of its principles and forms. On the other hand, the development and strengthening of Soviet democracy is one of the main guarantees of justice and a well functioning system of law. Legality is in essence a component part of democracy.

For its part, the regime of legality gives expression to democracy, for apart from their strict and precise observance, the laws which exist and are adhered to in a state must

be democratic. That is why Soviet juridical science rejects the formalistic definition of legality which lays emphasis on one side of it only, namely the observance of legal rules, without stating the material content of the system of normative acts. What can be said about legality in a state (say, of the fascist type) where no conditions exist for the citizens' exercise of their elementary political and social rights? What can be said about the regime of legality in, say, the Republic of South Africa, where the elaborate system of racist legislation tramples the elementary principles of respect for human dignity, as proclaimed in the Universal Declaration of Human Rights? To speak of legality in application to such countries would be a formalistic mockery of the concept.

Socialist legality in the Soviet state at its present stage is genuine legality for the whole people, for it meets the true interests of society, the whole Soviet people, the law itself being an expression of the consolidated will of society. This consolidated will is the supreme expression of a democratic society.

The connection between democracy and legality is also expressed in the active attitude of citizens to questions of legality and vigorous participation by masses of citizens in improving the normative basis of legality.

The Soviet state draws ever wider sections of the population into its law-making activity.

Some bourgeois jurists refuse to see the organic interconnection between socialist democracy and legality. Some have even tried to sunder the dialectically united and functional whole of the regime of legality and socialist democracy. They have tried to prove that the further strengthening of legality in the U.S.S.R. is not organically connected with the general policy of developing Soviet society or with the advance to communism. They have also made attempts to regard legality and communism as two different phenomena which may be in and out of equilibrium.

The basic flaw in this reasoning is the refusal to see that legality is an integral element of socialist democracy. Legality is an instrument in the peoples' struggle to reconstruct society and realise the lofty ideas of communism. The people, which expresses its will in the laws of the Soviet state, has

a stake in the undeviating observance of its own commands as written into legislative acts.

The interconnection between legality and democracy in socialist society also implies that the further strengthening of socialist legality directly depends on the extension of democracy. If violations of legality are to be reduced to a minimum and eventually eliminated altogether, and this applies to abuse of authority by persons in office (consequently, the exercise of state power), there must be development and improvement of the forms of popular control over administrative bodies, and its corollaries, which means that persons in office must be elective and removable. The further improvement of the forms of socialist democracy will result in one type of discipline and legality applying to the person in office, who is vested with power, and the everyday citizen.

Thus, legality ensures the observance of the democratic order established in socialist society, while the democratic order, for its part, serves as a necessary condition for the strengthening of legality.

Socialist Legality and Status of Individual

In Soviet society, legality is an established principle underlying relations between state bodies and citizens, which under the regime of socialist legality and in virtue of its domination are based on law. These relations take shape within the limits specified by the law.

In a socialist state, the behaviour of citizens in the social and legal sphere is determined by the framework established in a normative procedure and in no way depends on the subjective wishes of persons in office. Such is the requirement of socialist legality. Any breach of law by an organ of power or a person in office is regarded as an illegal and arbitrary act entailing responsibility under the law.

In the sphere of relations between state organs and citizens, the principle of socialist legality implies the normative establishment of the competence of the state organs and of persons in office, and this is paralleled by the explicit definition of the rights and, of course, duties of citizens.

The regime of socialist legality is necessary for stability in the citizen's legal status, to assure man of solid positions in society. That is why the whole complex of the political and social rights of members of socialist society can be implemented in practice only under a regime of socialist legali-

ty. In this plane, socialist legality is an instrument for safeguarding the rights and interests of Soviet people.

In establishing various citizens' rights, the Soviet lawmaker always takes account of the ways of their most effective realisation, and the regime of legality implies normative provision for the best ways of doing so.

The fact that all citizens are assured of equal opportunities is important evidence that socialist society is organised on genuinely democratic lines. This implies the equality of citizens as subjects of law and equal guarantees for their exercise of these rights. Socialist legality is a most important juridical guarantee of the actual equality of all citizens. The regime of legality is a means which rules out any possibility of individual citizens or groups of citizens acquiring any privileges to the detriment of other members of socialist society.

In socialist society everyone is equal before the law, and the laws are equal for all. Socialist legality holds out equal protection for the interests of the entire Soviet people—workers, peasants and intellectuals. In this country, there is in fact no distinction in the attitude of the law to workers or peasants, office workers or intellectuals, housewives or pensioners, young or old people. That is due to the moral and political unity of socialist society and the absence of exploiters and exploited.

The demands made by Soviet law and other legal rules are equal for all citizens and persons in office, and it is the duty of one and all to submit to the law. No one has the right to violate Soviet law or allow departures from the requirements of legality. One of the basic principles of the Soviet state is that the law is there for everyone to observe.

The principle that the law is the same for all citizens and that everyone is equal before the law is embodied in the most diverse legal institutions. The substance of this principle runs through the whole system of Soviet law and the entire process of its application.

The regime of socialist legality gives citizens the confidence that their rights are solidly based, that they are protected by the law, and that the entire mechanism of legal guarantees ensuring their interests may be set in motion in the event of any encroachment on their rights.

In fact, socialist legality is of especial importance in creat-

ing an atmosphere of assurance for each citizen in his rights, and in stabilising legal relations. There can be no genuine regime of legality without such stability of legal relations, and the effectiveness of the regime of socialist legality is evident in the fact that such a system of assurance has been created in socialist society.

Let us note another characteristic feature of the rights of Soviet citizens and the consequent ancillary role of the regime of legality in assuring citizens of their rights and freedoms.

The political freedoms and social rights of Soviet citizens are in no sense a "concession" on the part of society to the individual. These rights and freedoms do more than satisfy the interests of citizens. Society itself has a stake in its members exercising their rights, which is why assuring citizens of their rights has become a function of the state. Moreover, the state itself (making use of the means of ideological influence) urges citizens to work actively for the full exercise of their rights and oppose any infringements of these rights.

Here are two examples. Let us consider electoral rights first. It is well known that there are electoral qualifications in many countries which are used to keep away from the polls voters who are suspect with the powers that be. The Soviet electoral system, by contrast, creates all the conditions for the maximum possible participation by citizens in the elections as a most important act expressive of political will. Electoral rights are safeguarded by special juridical guarantees (in particular, judicial protection for citizens' electoral rights and a whole range of criminal penalties for any act designed to distort the actual will of the electorate).

Take, then, the right of citizens to education, or the subjective right to work (to work in general and to work in accordance with one's abilities in particular). The realisation of these concrete constitutional rights of citizens naturally corresponds to the interests of every individual citizen, but it also corresponds to the interests of all citizens as a social entity, i.e., society itself, if only because the exercise of the right to education is the way to the flowering of culture, and the exercise of the right to work is the way to produce increasing quantities of material and spiritual values for society as a whole.

**Socialist Legality:
One View and Uniform
Application**

A most important requirement of socialist legality is that there should be a single view and uniform application of Soviet

laws and subordinate enactments based on them throughout the territory of the U.S.S.R. Socialist legality is the same for every part of the Soviet state and rests on its unified legal system. This is expressed above all in that the legislation of the U.S.S.R., the Union and the Autonomous Republics is co-ordinated. Because the Soviet Union has a federal structure, Soviet legislation is developed as the legislation of the U.S.S.R. (all-Union legislation) and the legislation of the Union and the Autonomous Republics.

Being the legislation of a multinational state, Soviet legislation reflects the community of basic interests of all the Soviet peoples (due to the unity of economic, political and ideological foundations of the Soviet system, and the fact that all the peoples of the U.S.S.R. have the common aim of building a communist society). It also takes account of the specific national features, interests and traditions of the various peoples in the sphere of the economy, culture, everyday life, language, etc.

The unified Soviet legislation gives reflection both to the common interests of the whole Soviet people, and to the specific national interests of its several peoples. Soviet legislation is the same for all the peoples and nationalities of the Soviet Union and gives equal protection to their rights and interests.

The fact that each Soviet Republic has its own legislation testifies to their sovereignty and the practice of democratic centralism as a principle in the sphere of legislation.

Unity of socialist legislation implies common principles, basic institutions and concepts both in all-Union and Republican legislation. Thus, the common view taken by Soviet law-makers of crime and punishment, guilt and responsibility is given expression in the criminal legislation of the U.S.S.R. and the Union Republics. It is inconceivable, for instance, that all-Union criminal legislation should be based on the principle of punishment in accordance with the individual guilt of the subject of a crime, and Republican legislation, on the principle of objective or collective responsibility. Both all-Union and Republican criminal legislation are

firmly based on the principle that there is no criminal responsibility without guilt.

Nor is the principle of unified Soviet socialist law and legality violated by the extension, in accordance with the decision of the Sixth Supreme Soviet meeting for its fourth session in 1957, of the legislative powers of the Union Republics, and reference to their competence of legislating on the judicial system, and criminal and civil court procedure, and also adoption of the criminal and civil codes.

Socialist law does not cease to be an entity because it consists of various branches and sub-branches, because unity implies the co-ordination of these between themselves, correspondence of special institutions and concepts in the separate branches of Soviet law with the general principles, institutions, and concepts of Soviet law as a whole. The basic principles of Soviet law are common and uniform for all branches of socialist law.

The unified character of socialist law and legality is determined by the unity of socialist relations of production, the unity of socialist social property and the need to exercise planned guidance of national economic development.

The unity of Soviet law is juridically guaranteed by the fact that the general principles of legal regulation, written into the Constitution of the U.S.S.R. and other all-Union laws, are subject to unconditional embodiment in the legislation of the Union and Autonomous Republics. According to Art. 14 (d) of the Constitution of the U.S.S.R., the jurisdiction of the Union of Soviet Socialist Republics, as represented by its higher organs of state power, covers control over the observance of the Constitution of the U.S.S.R. and ensures conformity of the Constitutions of the Union Republics with the Constitution of the U.S.S.R. There are similar provisions in the Constitutions of the Union Republics (e.g., Art. 19 (a) and (b) of the Constitution of the R.S.F.S.R.).

Art. 19 of the Constitution of the U.S.S.R. lays down that the laws of the U.S.S.R. have the same force within the territory of every Union Republic. Art. 20 states that in the event of divergence between a law of a Union Republic and a law of the Union, the Union law prevails.

We find, therefore, that one of the basic requirements of socialist legality is not only precise observance and execution of legal rules, but also the uniform and general fulfilment of

the precepts of legislative enactments. Otherwise, the country could not have a stable legal regime.

At the same time, socialist legality provides some freedom of action and excludes interference by the central state organs in the appropriate and lawful activity of local organs and mass organisations. That is why, legality, while ensuring the exercise of democratic centralism in the state's direction of society, is also an important and necessary means of unfolding creative initiatives.

2. Guarantees of Legality in Law

Even where the regime of socialist legality is backed up by the necessary economic and political conditions, the principle of legality cannot be expected to work automatically. The full and comprehensive realisation of the principle of socialist legality requires considerable organisational activity of the state in concrete and specific forms. These specific forms are the juridical guarantees of legality established by the state towards a definite end, namely, the maximum realisation of the principle of legality.

It will be seen that the practical importance of juridical guarantees is determined by the sum total of the economic and political conditions of socialist democracy and socialist legality as a component element of democracy. Juridical guarantees could not exist without these economic and political conditions.

The juridical guarantees of legality have the immediate aim of preventing offences, uncovering offences, restoring infringed rights, and punishing persons guilty of offences.

A characteristic feature of juridical guarantees of socialist legality is that these guarantees are set in motion (i.e., the legal protection mechanism begins to operate) both on the initiative of the institutions and citizens whose rights have been infringed, and in some cases on the initiative of state organs and mass organisations. Thus, for instance, a trade union or the Procurator's Office may initiate legal proceedings for redress of a citizen's infringed labour rights. Similarly, in the course of judicial proceedings, the judge has the duty to take steps to assure the citizen of the right to make use of all the procedural rights available to him.

The juridical guarantees of legality differ from other methods of ensuring law and order (say, cultural and educational means, means of general prevention, general organisational forms of prophylaxis) in that they must be applied in special procedures laid down by the law. These special procedures are most clearly in evidence in judicial proceedings, where they even acquire the significance of independent and additional guarantees of objectivity and effectiveness in the administration of justice, as a form of protecting legality.

Let us also note the complex character of the system of juridical guarantees of legality existing in the Soviet state. It is complex because the function of ensuring legality is not vested in any single special state organ, but is common to the activity of all state organs. It can merely be said, however, that some state organs, notably, the organs of the court and the Procurator's Office, have as their special task the ensuring of legality. But in the activity of many other organs (above all, organs of administration) the element of ensuring legality is also very explicit.

Let us examine the various types of juridical guarantees of socialist legality.

**Citizens' Complaints Against
the Unlawful Acts of Persons
in Office**

The institution of the right of filing a complaint against the unlawful acts of persons in office and establishments has an important part to play in ensuring legality.

In the Soviet state, there is no limitation on the right to file complaints, which means that there is no limitation either on the range of acts subject to complaint, nor of the persons in office and establishments against whose acts complaints may be filed, nor yet of the persons possessing the right to file complaints. Soviet law has no exemptions from or limitations on the lodging of complaints by citizens. The object of complaint may be either an act or the omission of an act. What is more, the right of complaint belongs not only to the citizens whose legitimate interests and rights have been infringed, or their relatives, but also to strangers.

The right of filing complaint against the unlawful acts of persons in office or establishments, has a twofold role: on the one hand, complaints is a means of protecting the lawful rights and interests of citizens in the event of their infringement, and on the other, it serves to improve the work

of the Soviet state apparatus. This fact, in particular, is the concrete expression of the unity of personal and state interests, and the unity between the state and the individual.

Soviet legal science regards the in-depth study and generalisation of complaints as an important means of verifying the state of legality in the various spheres of social life.

We shall later examine how citizens enter complaints in judicial proceedings against the acts of administrative organs, and how complaints are filed with the Procurator's Office against unlawful administrative acts. Let us now look at the right of citizens to lodge complaints against unlawful acts directly with administrative organs in the order of their subordination.

To make such complaint procedures effective, definite guarantees are necessary to ensure that complaints are actually examined and the necessary measures taken. In other words, the lodging of a complaint by a citizen must entail definite legal duties for the organs of the state and persons in office receiving the complaint.

The establishment accepting the complaint or statement is duty bound in every case to notify the complainant of the result of his complaint or statement. It is prohibited to pass on the complaint or statement for examination by the establishments or persons in office against whom these are filed. Loss of complaints by officials entails disciplinary and criminal responsibility.

There is a time limit within which complaints must be settled: for republican, territorial and regional organs it is one month, and for district and city organs, twenty days from the date on which the complaint was received.

The procedures of receipt and settlement of complaints are strictly regulated by the Decree of the Presidium of the Supreme Soviet of the U.S.S.R. of April 12, 1968, On the Procedures Governing the Examination of Citizens' Proposals, Statements and Complaints.

Various laws and other legal acts contain numerous rules determining the procedures governing the filing, receipt and examination of complaints on various matters.

Working people sometimes not only lodge complaints against individual concrete acts by persons in office but contest the legality of instructions issued by ministers and of other normative acts. Thus, the Minister of Automotive

Transport and Highways of the Turkmen Soviet Socialist Republic issued an order to the effect that all men employed as bus conductors in the Ashkhabad bus depot were to be replaced by women within a period of six months. This was in contravention of the Labour Code of the Turkmen Republic, which did not provide for the grounds for transferring workers to other jobs or the grounds for dismissal stated in the minister's order. On a complaint filed by the workers of the bus depot, the order which conflicted with labour legislation, was rescinded by the Council of Ministers of the Turkmen Republic.

**Procurator's Supervision
of Legality**

Procurator's supervision in the U.S.S.R. is a special branch of state activity, it being the task of the Procurator's Office to protect the laws against any infringement whatsoever, and this function of the Procurator's Office extends to all types of legal relations. Accordingly, the activity of Procurator's supervision is so extensive that Procurator's supervision in the U.S.S.R. is virtually universal. That is the distinction between procurators in the Soviet Union and prosecutors in many non-socialist countries whose task is to institute criminal proceedings and whose functions largely boil down to acting for the prosecution in court.

The specific feature of Procurator's supervision in the U.S.S.R., as a special form of state activity, consists precisely in providing protection for the law, to promote the correct fulfilment by other state organs of their special tasks and to assure citizens of their various rights. These two directions in the activity of the Procurator's Office are organically interlaced.

Procurator's supervision in the U.S.S.R. is exercised from the standpoint of ensuring a unified socialist legality throughout the territory of the Union of Soviet Socialist Republics. This explains why the Procurator's Office has a centralised structure, and why Procurators are independent of local authorities. The law states that Procurators must supervise the correct and uniform application of laws, in defiance of any local influences.

The basic legislative act elaborating the Constitutional provisions on the Procurator's Office is the Statute on Procurator's Supervision in the U.S.S.R. (adopted in 1955). It

brings out the following branches of Procurator's supervision:

1. Supervision over the observance of laws by establishments, organisations, persons in office and citizens of the U.S.S.R., a branch designated as "general supervision".

2. Supervision over legality in the activity of the organs of inquiry and preliminary investigation.

3. Supervision over the legality and validity of court sentences in criminal cases, judgements in civil cases, and findings and rulings by judicial organs.

4. Supervision over legality in the execution of sentences, and observance of legality in places of deprivation of liberty.

What is general supervision by the Procurator's Office?

Its content is revealed in Art. 10 of the Statute on Procurator's Supervision in the U.S.S.R., which lays down that the Procurator-General of the U.S.S.R. and the Procurators subordinate to him, within the limits of their jurisdiction, exercise supervision: 1) over the correspondence of acts issued by ministries, departments and their subordinate establishments and enterprises, administrative and executive organs of local Soviets of Working People's Deputies, cooperative and other mass organisations with the Constitution and laws of the U.S.S.R., the constitutions and laws of the Union and the Autonomous Republics, decrees of the Council of Ministers of the U.S.S.R., the Councils of Ministers of the Union and the Autonomous Republics; 2) the precise observance of the laws by persons in office and citizens of the U.S.S.R.

To exercise such supervision, the Procurator, within the limits of his jurisdiction, has the power: to demand and obtain the orders, instructions, decrees, decisions and other acts issued by the above-mentioned establishments and organisations for the purpose of verifying their legality; to demand of persons in office submission of the necessary documents and information; to make on the spot check-ups of observance of the laws in connection with statements, complaints and other information concerning breaches of law; to demand of heads of ministries and other organs of state administration, executive and administrative organs of local Soviets of Working People's Deputies, institutions, enterprises, cooperative and mass organisations the auditing of subordinate establishments, enterprises and persons in office; to

demand of persons in office and of citizens personal explanations over breaches of law.

At the same time, while verifying the observance of the law, the Procurator is not empowered to intrude into the production and economic activity of the organisations or establishments; and may not pass judgement on the appropriateness of any of their measures. The Procurator assesses the acts of these organs solely from the standpoint of their conformity with the law. That is the specific feature of Procurator's supervision.

Where the Procurator discovers that an act conflicts with the law, he is duty bound to lodge a protest against such act either with the organ which has issued it or a superior organ. The Procurator's protest must be examined without fail.

Thus, for instance, in 1965 the organs of the Procurator's Office of the North Ossetian Autonomous Republic discovered a number of unlawful acts in the Republic issued by local Soviets and their executive committees. These acts infringed the rights of citizens, though in some cases very insignificantly. For instance, some Soviets established that citizens must secure preliminary permission for the sale of their houses. The fact is that the law establishes the free disposal of individually owned houses and requires no permission for sale. The Executive Committee of the town of Beslan decided to make available a building site for a dwelling house only if the applicant worked in the town for more than three years.

These unlawful acts issued by local Soviets were annulled as a result of action taken by the Procurator's Office.

In some cases, the executive committees of Soviets, in violation of the provisions of existing legislation, try to issue decisions establishing sanctions in the form of fines. Thus, the Executive Committee of a local Soviet in a district of Zaporozhye Region decided to establish a fine for bathing in ponds and rivers in daytime. In one district of Kostroma Region the Executive Committee laid a fine for violation of procedures governing the posting of bills and advertisements.

It could very well be said that such acts are few and far between, and that in general they deal with very insignificant matters so that the rights of citizens are not greatly infringed.

They had also been apparently issued with the best of intentions. But the main point is that no normative act can be adopted in violation of the law. There again the Procurator's protest proved to be an effective means of restoring legality. The regime of legality must be universal and absolute, and that is the purpose of general Procurator's supervision.

Where the breach of law is not connected with the issue of a legal act or the Procurator has discovered shortcomings which may lead to a violation of legality, the Procurator takes steps to have the breaches of the law and their causes removed.

It is the duty of the Procurator to accept and examine statements and complaints from citizens concerning breaches of law, to verify these statements and complaints and take steps to remedy the infringed rights and protect the legitimate interests of citizens.

Where the Procurator discovers the elements of crime, he takes steps to institute criminal proceedings and charge the guilty persons with criminal responsibility. Where the nature of the offence does not call for the criminal prosecution of the offender, the Procurator raises, in the established manner, the question of applying to the offender measures of administrative, disciplinary or social influence.

**Procurator's Supervision
Over Legality in Inquiry
and Preliminary
Investigation**

Correct organisation in combating crime largely depends on preliminary inquiry, inquiry and preliminary investigation. Preliminary inquiry consists in complex and diverse activity by special state organs whose task is to detect crime and make sure that the actual circumstances of the case are fully, comprehensively and objectively investigated, so that everyone who has committed a crime is charged with responsibility under the law, whereas no innocent person is groundlessly charged with criminal responsibility or sentenced.

The Procurator has broad powers for the purpose of ensuring legality in inquiry. Thus, he may invalidate any decision by an organ of inquiry or the investigator where they do not correspond to the law or are not substantiated by the materials of the case. The Procurator has the right to remove the investigator or person carrying out the inquiry from contin-

uing the inquiry or investigation, if these persons have violated the law. The investigator has the right to carry out some procedural acts of a compulsory character only with the sanction of the Procurator, in particular search (except in cases which brook of no delay), arrest and seizure of postal and telegraph correspondence. The Procurator has the right to take part in any investigation or inquiry, and where necessary to conduct the investigation personally in any case. The Procurator's instructions, issued in the manner provided for by the procedural law, are binding on the organs of inquiry and preliminary investigation. However, when the investigator disagrees with the Procurator's instructions on preferring charges against a person, designation of a crime, and the scope of the indictment, dispatch of the records of the case for institution of court proceedings against the accused, or termination of the case, the investigator has the right to submit the case to the superior Procurator, stating his objections in writing. In the event, the superior Procurator either rescinds the instructions of the subordinate Procurator, or assigns the investigation of the case to another investigator.

Procurator's supervision over the investigation of crime is an important legal guarantee of the precise and undeviating observance of the law in the activity of organs of inquiry and preliminary investigation.

Procurator's Role in the Trial of Cases

The Procurator takes part in the administrative sessions of the court (in criminal cases); in the trial of criminal and civil cases in court, and enters his findings on matters arising in the course of the trial; acts for the state prosecution in the trial of criminal cases; files suits in civil judicial proceedings or civil suits in criminal judicial proceedings, and maintains suits in court whenever this is necessary to safeguard state or public interests or the rights and legitimate interests of citizens; enters, in the established manner, protests against the unlawful and invalid sentences, judgements, rulings and orders of judicial organs; enters his findings in criminal and civil cases under examination by a higher court on complaints or protests; exercises supervision over the execution of court sentences.

In appearing for the prosecution in criminal cases, the Procurator submits to the court his considerations on the

application of the criminal law and measures of punishment in respect of the accused. Where, as a result of the trial, the Procurator arrives at the conclusion that the facts of the trial have failed to bear out the charges preferred against the accused, it is his duty to waive the indictment and to make known to the court the reasons for his waiver.

The Fundamentals of Civil Court Procedure of the U.S.S.R. and the Union Republics, adopted by the Supreme Soviet of the U.S.S.R. in December 1961, make it the duty of the Procurator, at every stage of civil proceedings, to take timely measures to correct any infringement of the law, whosoever may be the source of such infringement. This means that the Procurator taking part in a case must respond to any infringement of the law in the course of the trial. Thus, where a court has, without good grounds, rejected a defendant's motion to summon additional witnesses, the Procurator must, for his part, insist on the court's sustaining defendant's motion.

That does not, of course, in any sense, make the Procurator superior to the court, for he is not empowered to issue any instructions to the court; he is merely empowered to request the court to carry out a procedural act reviewing this or that ruling connected with judicial proceedings which he considers to be incompatible with the law. In so doing he must see that all his statements strictly conform to the procedural law, that they show respect for the court and uphold its authority.

Let us assume that a procedural infringement has not been remedied in the course of judicial proceedings and has resulted in an unjust sentence or judgement. The law assigns to the Procurator supervision over the legality and validity of sentences, judgements, rulings and orders of judicial organs. The Procurator's cassation protest, his appeal to a higher court instance, is a procedural means provided for by the law for responding to an unlawful or invalid sentence in a criminal case or court judgement in a civil case.

Let us at this point emphasise once again that the Procurator enters his cassation protest in criminal cases not only where the court has infringed the interests of the prosecution, not only over incorrect acquittal of the accused, not only over the award to the accused of an undeservedly mild

penalty, etc. The Procurator, being an organ for the protection of legality, finds it equally inadmissible to accept an unjustifiably harsh sentence. Because the Soviet Procurator never has the task of prosecuting regardless of the circumstances, his protest is a guarantee of fair judicial sentences and a guarantee of justice.

The Procurator has broad powers of supervision over legality in places of deprivation of liberty.

It is the Procurator's duty systematically to visit places of deprivation of liberty, make a close study of the activity of their administration, suspend execution of its orders and instructions conflicting with the law, and, in the established manner, to protest against these and take measures to bring charges of criminal or disciplinary responsibility against persons guilty of violating legality in places of deprivation of liberty. It is the Procurator's duty to secure the immediate release from detention of anyone who has been unlawfully subjected to arrest or unlawfully detained in places of deprivation of liberty.

Prisoners' complaints and statements addressed to the Procurator must be handed to him by the administration of the place of deprivation of liberty within 24 hours. Having received a prisoner's complaint or statement, it is the Procurator's duty to examine it and take the necessary measures, informing the prisoner of his decision.

Organisation of the Procurator's Office

The function of the Procurator's supervision determines the principles on which the Procurator's Office is organised. As has been said, the Procurator's Office of the U.S.S.R. is a unified and centralised system of organs headed by the Procurator-General of the U.S.S.R. To enable the organs of the Procurator's Office to exercise efficient supervision over legality and to secure elimination of any breach of the law, they exercise their functions independently of any local organs whatsoever, being subordinate only to the superior Procurators and the Procurator-General of the U.S.S.R.

The Procurator-General of the U.S.S.R. is appointed by the Supreme Soviet of the U.S.S.R. for a term of seven years, i.e., a term which is longer than that of the Supreme Soviet itself, which is designed to emphasise the stability of the Procurator's supervision of legality.

Procurator's Offices are set up in the Union Republics, Autonomous Republics, Territories, Regions, Autonomous Regions, National Areas, cities of republican, territorial and regional subordination and in the districts. By decision of the Procurator-General of the U.S.S.R., one Procurator's Office may be set up for several administrative districts. Procurator's Offices for military districts, fleets, formations and garrisons are set up in the Soviet Army and the Soviet Navy, and a Chief Military Procurator's Office, headed by the Chief Military Procurator, is set up under the Procurator's Office of the U.S.S.R.

The Procurators of the Union Republics, Autonomous Republics, Territories, Regions and Autonomous Regions are appointed by the Procurator-General of the U.S.S.R. for a term of 5 years. The Procurators of national areas, districts and cities are appointed by the Procurators of the Union Republics, subject to the approval of the Procurator-General of the U.S.S.R., for a term of 5 years.

**Judicial Protection
for Property
and Non-Property Rights
of Citizens
and Organisations**

All organs of power and administration have the duty to protect the diverse rights of citizens in the Soviet state. But the courts have a special duty in protecting the labour, housing and other property rights of citizens, and their copyright, family and other rights.

One of the primary tasks of the courts in the U.S.S.R. is to provide protection for the labour rights of industrial and office workers. The Statute of the Procedure Governing the Settlement of Labour Grievances, approved by a Decree of the Presidium of the U.S.S.R. Supreme Soviet on January 31, 1957, holds out to industrial and office workers extensive possibilities of seeking judicial redress of their infringed labour rights. The right to judicial protection is one of the most important guarantees in the protection of labour rights of industrial and office workers.

Most disputes on questions arising from the application of labour legislation, collective labour agreements and standing work rules and regulations are settled on the spot. Where a dispute is not settled through direct talks between the worker and management of the enterprise or institution, the dispute is referred to the labour disputes commission, on which the factory, plant, and local trade union committee

and management have an equal number of permanent representatives. Statements on settlement of labour grievances on which no agreement was reached in the commission, and also complaints from workers against the commission's decisions are examined by factory, plant and local trade union committees, which are empowered to hand down decisions on the substance of the dispute.

A worker who disagrees with a trade union decision on a labour grievance may apply to the People's Court.

Where a worker has been dismissed with the consent of the local trade union committee, the dismissed person has the right to apply for reinstatement to the commission on labour disputes and the trade union committee or directly to the court. In a ruling on June 30, 1964, On the Judicial Practice of Examination of Cases of Reinstatement of Persons Dismissed Without the Consent of the Factory, Plant or Local Trade Union Committee, a plenary meeting of the Supreme Court of the U.S.S.R. emphasised the duty of the courts to take cognizance of complaints from persons demanding reinstatement in jobs from which they were dismissed without the consent of the trade union committee (Point 1 of the ruling).

In examining labour grievances, the courts must look into any breaches of labour legislation by management and to take steps to remedy these.

The main task of the court in settling labour grievances is to promote the most rapid redress of the unlawfully infringed labour rights of industrial and office workers and to educate management personnel in the spirit of strict observance of socialist legality.

The strict approach by the courts in safeguarding the labour rights of citizens is illustrated, for example, by the following figures: in 1962, the People's Court in the town of Nukus (Kara-Kalpak Autonomous Republic) examined 47 labour cases involving reinstatement, and sustained 37 of the complaints. In the first half of 1963, the court examined 15 similar cases and sustained the claim in 13 of them.

The labour rights of industrial and office workers must be exercised in strict accordance with labour legislation, and this confronts the court with the task not only of redressing the infringed rights of workers but of taking measures in respect of management of enterprises and establishments

violating labour legislation, to prevent any breach of labour rights in the future.

Where a court, in examining a case, establishes wrongful acts on the part of persons in office, testifying to gross infringement of labour legislation, say, vindictive dismissal of workers, the court adds a rider to its judgement on the institution of disciplinary and where necessary criminal proceedings against the persons in office guilty of such wrongful acts.

The courts devote considerable attention to protecting the housing rights of citizens. The free allocation of new housing (every year millions of square metres of dwelling space are allocated to working people) is carried out administratively through the issue of a voucher by the executive committee of the local Soviet of Working People's Deputies. A contract of lease is then signed with the citizen, covering the use of his dwelling premises.

The court provides utmost protection for the rights of tenants. Under the law, the lessee has the right to rescind the contract at any time, while the lessor has the right to demand rescission of the contract only in cases strictly limited by the law and, as a rule, only in a judicial proceeding. A lessee evicted from a house belonging to the local Soviet of Working People's Deputies or from a house belonging to a state, co-operative or other mass organisation must be provided by the lessor with alternate modern dwelling premises.

In examining cases of rescission of contract for lease of dwelling space, the courts stand on guard of citizens' housing rights and allow eviction of tenants only in exceptional cases, with strict observance of all the guarantees established by the law. Consider the following case. The director of the Don Hotel in the town of Rostov-on-Don, a man by the name of Pererva, and his family occupied a service flat on the premises. When he retired on pension and terminated his labour relations with the hotel, the latter filed a suit for his eviction. The Kirov District People's Court of the city of Rostov-on-Don handed down a judgement evicting Pererva and members of his family from the service flat belonging to the Don Hotel, but failed to do anything about providing him with alternate premises. This decision of the People's Court was invalidated by the Pre-

sidium of the Rostov Regional Court, whose Presidium ruled, in part: "Citizen Pererva lost his labour relations with the hotel upon his retirement on pension. Section 2 of Art. 62 of the Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics provides for instances of eviction of citizens in a judicial proceeding from buildings belonging to enterprises and establishments with the provision of alternate living space." This procedure fully applies to old-age pensioners. On the strength of these general principles and the meaning of Soviet legislation, the Presidium pointed out that the eviction of defendant in this instance could be effected only with provision of alternate living space.

Tenants have the right to exchange the dwelling premises they occupy, and this enables citizens to satisfy their requirements (move nearer to their place of work, settle in the same flat with their relatives, etc.). Tenants have the right to take action against the refusal of housing agencies to formalise such exchanges, and where such refusal is groundless, the court orders these agencies to formalise the exchange. The question of exchange of dwelling space in a building belonging to a government department, where its executives refuse to sanction the exchange, are also settled in a judicial proceeding. Thus, in a ruling by the Judicial Collegium for Civil Cases of the Supreme Court of the R.S.F.S.R. on February 6, 1964, in the case of Dergachev, we find the following: "The rules provided in Section 3 of Art. 60 of the Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics, to the effect that the exchange of dwelling premises in buildings belonging to state, co-operative and mass organisations is permitted only with the consent of the lessor, does not invalidate the right of the person concerned, where management refuses to sanction the exchange, to take the dispute to court (in accordance with Art. 4 of the Fundamentals of Civil Procedure)." We find the Supreme Court of the R.S.F.S.R. laying special stress on the duty of judicial organs to implement, to the fullest extent, the housing rights of citizens connected with exchange of dwelling space.

Protection by the court of citizens' right in personal property is carried out in various ways, in particular, by restoring the state which had existed before the infringement of the right, and by suppressing the acts infringing the right.

This means that the citizen has the right to take action to recover his property from the unlawful possession of another, to seek legal redress for all infringements of his right, even where such infringements are not accompanied by deprivation of possession, and also seek damages from the person infringing his right in personal property.

While providing utmost protection for civil rights, the courts see that these are not used in contravention to their purpose. While providing protection for a citizen's personal property, the court starts from the premise that under Art. 25 of the Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics, the personal property of citizens may not be used to derive unearned income. On the strength of this and other rules in the criminal and administrative law, the court takes steps to combat private property tendencies, parasitism, money-grubbing, speculation and all kinds of swindling.

Of considerable importance to citizens are cases of reparation of injury, especially those involving crippling or other injury to health or cases involving death. Under the general rule, the person causing the injury bears material liability only in the presence of fault (the burden of proving absence of fault falls on the person causing the injury).

There is a substantial exemption from this rule, which the law has established in the interests of citizens: organisations or citizens whose activity is attended with increased hazard to other persons (transport organisations, industrial enterprises, building sites, owners of motorcars, etc.) must repair the injury caused by the source of increased hazard, unless they prove that the injury resulted from *force majeure* or intent on the part of the injured person (Art. 90, Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics). Under the old law, not only intent but also gross negligence on the part of the injured person relieved the person inflicting the injury of liability. Under the new law (Art. 93, Fundamentals), where gross negligence on the part of the person injured has contributed to the occurrence of, or increase in, the injury, the amount of compensation is reduced, depending on the degree of fault of the injured person.

Reparation of injury caused by crippling or other injury to health, consists in the payment to the person injured of

an amount of money equal to the earnings of which he was deprived in the consequence of temporary or permanent disability, less the allowance he receives or the pension which was awarded to him after the injury caused to his health and which he actually receives. Where a person injured is declared to be in need of care, the court may additionally order the person who inflicted the injury to defray the cost of such care. The court may also impose on the person causing the injury the duty of compensating the injured person for the necessary expenses incurred by the latter in procuring additional nutrition, prosthetic devices, nursing-home and health-resort treatment, etc.

In the event of the death of the injured person, the right to receive reparation for the injury belongs to persons who were unable to earn and who had been the deceased person's dependants, or who at the time of his death were entitled to receive maintenance from him, and also the post-humous child of the deceased.

Under the Decree of the Presidium of the U.S.S.R. Supreme Soviet of October 2, 1961, where crippling or any other injury to health has been caused to an industrial or office worker through the fault of the enterprise, establishment or organisation, reparation of the injury is made by decision of the management of the enterprise, establishment or organisation. In the event the person concerned disagrees with the management's decision, the dispute is referred to the factory, plant or local trade union committee. In the event the person concerned or the management disagrees with the decision of the trade union committee, the dispute is taken to the People's Court.

Where crippling or other injury to health or death has been caused by an organisation or a person not bound to pay contribution for the injured person into the state social insurance fund, and also where the injured person is not an industrial or office worker, the claim for reparation of injury goes directly to the People's Court.

In every instance, the law retains a judicial guarantee for the correct settlement of disputes involving reparation of injury, disputes which are vital to citizens. As a rule, the courts undeviatingly protect the rights and legitimate interests of citizens in this category of cases.

The courts also decide many matters arising from family

relations, which are of exceptional importance to citizens. This includes, for instance, the dissolution of marriage, cases which require great tact on the part of the bench. On the one hand, the temporary discord in a family and conflicts between the spouses arising from transient and accidental causes cannot be considered sufficient grounds for the dissolution of marriage. On the other hand, where the family discord has grave and deep-going causes, the continuance of marriage would run counter to the principles of communist morals and it would be unreasonable and wrong to refuse a divorce. Such cases are even more complicated by the need to consider the education and maintenance interests of children.

Of great importance are cases involving alimony for the maintenance of children, the combating of malicious defaulters on alimony payments, and also actions for maintenance and support by children of parents who are destitute or unable to earn.

In the cases provided for by law, the court holds out civil legal protection to citizens' personal non-property rights, such as copyright. The Soviet legislation on copyright is designed to develop science, literature and the arts, which are of great importance in the construction of communism and in educating citizens in the spirit of the moral code of builders of communism.

In accordance with the legal rules, the Soviet court invariably protects the right of authors in the publication, reproduction and circulation of their works, the right to the integrity of their work, and also the right to receive remuneration for the use of their works. Suits by authors claiming payment of royalties are regarded by the courts as claims for recovery of wages, and the authors are exempted from the payment of state duties and other court costs.

The *bona fide* author is given judicial protection even when his work cannot be published. Thus, for instance, the Kirghiz State Publishing House concluded a contract with author A. and paid him a sum of money on account. The manuscript A. subsequently submitted was found to be unsuitable for publication and the publishers demanded that the author return the money paid him on account. The court rejected the publishers' claim, because it estab-

lished that the book had been found unsuitable for publication not because the author's *bona fides* were suspect, but because the author had conscientiously tried but failed to realise his idea.

The court also gives protection to the author's rights whenever other persons try to appropriate them. Thus, where one of the co-authors concludes a contract for the publication of a book, without the consent of his other co-authors, the court gives them protection by awarding them the due share of the royalties.

Copyright is protected by the court, regardless of the author's property claims. For instance, where a magazine publishes an article written by two persons, but bearing the name of only one of them, the court, on the plea of the co-author, orders the magazine to publish a statement to the effect that plaintiff is a co-author of the article.

The courts also examine in civil proceedings cases arising from complaints by citizens over incorrect entries in electoral rolls, the acts of administrative organs over the imposition of fines and other cases arising from legal administrative relations which the law refers to the competence of judicial bodies.

The courts have jurisdiction not only of disputes between citizens, but also of disputes between citizens and state, co-operative and mass organisations, and also disputes in which either of the parties is a collective farm. The courts naturally have the duty not only to provide protection for the rights and legitimate interests of citizens, but also to stand on guard of the rights and legitimate interests of state and other socialist organisations and to provide every possible protection for socialist property and the socialist economic system against any kind of encroachments. They must act on the premise that both citizens and organisations, in exercising their rights and fulfilling their duties, must observe the laws, respect the rules of socialist community life and the ethical principles of the society building communism (Art. 5, Fundamentals of Civil Legislation of the U.S.S.R. and the Union Republics).

Judicial protection for the property and non-property rights of citizens is an effective means for further strengthening of socialist legality.

It should be noted, however, that a characteristic feature

of the general state of the regime of legality is the steady diminution in the number of infringements of civil rights, and this is evidenced by the reduction in the number of civil cases in the courts. Taking 1952 as a basis of 100, we find the number down to 67.8 per cent in 1959 and to 49.4 per cent in 1963, a 50 per cent reduction over the decade. Let us add that in the total of civil cases, housing cases make up 8.1 per cent; labour grievances, 5.6 per cent; claims for alimony, about 20 per cent; and divorce cases, 13.7 per cent.

The results of examination of civil cases by the courts show that the courts have been providing a high level of effective protection for infringed rights: they have been sustaining almost 90 per cent of the claims (89.6 per cent in 1964).

Role of the Public in Ensuring Legality

Within the general system of the means of ensuring legality, measures of state compulsion are organically intertwined with various forms of public participation.

Active participation by broad masses of the working people in ensuring legality is a natural consequence of the socialist concept of democracy as the maximum involvement of the working people in the administration of society. Various forms of mass initiative help the organs of the state to discover breaches of the law.

Citizens have the possibility of applying measures of social influence to offenders where misdeeds do not call for judicial or administrative action.

The highest form of social control by the people over the observance of the laws, which give expression of its will, is the accountability of all Soviet deputies to their electors.

Public control based on publicity is exercised in all mass organisations, where persons in office are also subject to public scrutiny.

The trade unions have a big part to play in exercising public control over the observance of legality. Through their standing production conferences, millions of industrial and office workers take an active part in managing production. Every year millions of production conferences are held at enterprises in industry, construction, transport, state farms, machine-and-tractor stations, and in organisations and establishments. These conferences help to sum up the

creative experiences of the masses, to improve the organisation of labour, and make management of enterprises more efficient.

In the U.S.S.R., the trade unions have wide powers in exercising supervision over the observance of labour legislation and social control over the state of labour protection.

In present conditions, the problem of ensuring Soviet citizens with good dwelling premises continues to be of great importance.¹

In these circumstances, great importance attaches to public control over the fulfilment of housing construction plans and allocation of dwelling space.

The function of control over the progress of housing construction is vested in trade union committees by Art. 26 of the decision, On Developing Housing Construction in the U.S.S.R., adopted by the Central Committee of the C.P.S.U. and the Council of Ministers of the U.S.S.R. on July 31, 1957.

The trade unions also exercise public control over the allocation of dwelling space, which is carried out by joint decisions of management and trade union committees.

Factory and plant committees take part in the work of setting output standards and wage rates, and exercise control over the fulfilment of collective agreements; they give their opinion in respect of candidates nominated for executive posts; no industrial or office worker may be dismissed without the consent of the factory and plant committee. These committees nominate volunteer inspectors from among workers, engineers and technicians to organise public control over the observance of labour legislation, labour protection rules and safety techniques, improvement of everyday and cultural services for the working people, the

¹ Let us note that in volume of housing construction, the Soviet Union is ahead of the United States, Britain, France and the F.R.G. taken together. In the last six years, 75 million citizens (i.e., almost one-third of the population of the U.S.S.R.) moved into new flats built at the expense of the state. From 1960 to 1980, the plan is to build 86 million flats, giving every Soviet family a well-appointed modern flat. Let us also note that rent comes to no more than 5 or 6 per cent of a family's budget, and this includes the cost of heating, hot water, gas and electricity.

work of dining halls, shops, etc. Public inspectors have the right at any time to visit all shops and departments of an enterprise, to demand and obtain the necessary explanation from management, to see to the observance of labour protection rules and safety techniques, to propose removal by management of shortcomings, and to verify the fulfilment of these proposals.

The Soviet public takes an active part in exercising financial control and control over the observance of trade regulations. There are many instances of public controllers discovering breaches of regulations governing trade which are detrimental to customers. Thus, public trade-controllers in the town of Dushanbe discovered bad bottling at a wine-making plant which offered various opportunities for abuse by dishonest shop assistants. This was corrected on the proposal of the public controllers.

Heads of Soviet and economic agencies, trading organisations, and public-catering establishments must submit reports to meetings of industrial and office workers and also to trade union committees on the state of the services they provide to the working people and on the implementation of proposals made by public control bodies. General meetings of industrial and office workers have the right to apply measures of social influence to workers in public-catering establishments who are negligent of the working people's needs, and where necessary to request the heads of trading organisations and executive committees of local Soviets of Working People's Deputies to dismiss such workers from their posts and to charge them with responsibility.

Komsomol organisations and numerous volunteer societies and other mass organisations of the working people are actively engaged in working for the observance of socialist legality and the protection of the rights and legitimate interests of citizens. A most important element of public control is the possibility of freely criticising any person in office. Of great importance in this respect is the fact that the Soviet press is organised and operates on public lines. In the U.S.S.R., there are broad opportunities for making use of the press to criticise shortcomings which may lead to breaches of legality in the activity of state establishments and persons in office. The editorial offices of all newspapers and social and political magazines published in mass

printings in the U.S.S.R. have special departments to handle letters from readers. Publication of readers' letters is of great educational and generally preventive importance. In many cases, when letters cannot be published for lack of space, the letters' departments take steps to remove the shortcomings reported by readers.

Let us emphasise that criticism as a means of ensuring legality is a public institution which has the protection of Soviet law. Legislation in the Union Republics giving protection to public correspondents against harassment by persons whom they criticise in the press lays down measures of criminal punishment for the guilty persons.

At the same time, Soviet law establishes definite guarantees for citizens as protection against unjustified criticism in the press. The 1964 Civil Code of the R.S.F.S.R. has a special Art. 7 entitled Protection of Honour and Dignity, providing that citizens have the right to invoke the court for retraction of statements defamatory to their honour and dignity, where the person circulating such statements fails to prove that they are true. The law states explicitly that where such statements are circulated through the press, they must, if found to be untrue, be retracted also in the press.

Let us note at this point that judicial protection for the honour and dignity of a deceased person may be invoked by any person concerned. Here is the case of Levenson vs. a Leningrad Publishing House and authors Lyakin, Petrov, Rogov and Chursinov, whose book contained statements defamatory to the dignity of the plaintiff's deceased father. Plaintiff petitioned the court to order defendants to publish a retraction of these defamatory statements, considering that the sentence passed on her father had been invalid and that he had been posthumously rehabilitated. The District People's Court in the city of Leningrad refused to take cognizance of the suit, on the incorrect reasoning that a suit on the grounds claimed in the said Art. 7 may be preferred only by the person whose honour and dignity have been defamed.

On January 12, 1965, the Leningrad Regional Court quashed the judgement of the People's Court, stating that, in accordance with Art. 5 of the Fundamentals of Civil Procedure of the U.S.S.R. and the Union Republics, any party in interest has the right to invoke the court for protection of an infringed or contested right or lawful interest.

Consequently, the People's Court should have taken cognizance of the suit entered by Levenson's daughter and examined the case on its merits.

The efforts of the Soviet public to see that the demands of legality are implemented are not confined to prophylactic measures, but also include redress of any breaches of legality.

The diversity of forms of public participation in combating offences is yet another sign of the clear-cut uniformity in the current period of Soviet social development, namely, the steadily growing role of the public in communist construction.

Work is in progress on new and more effective forms of interaction between state organs and the public in fulfilling this key task of doing away with crime, the ugliest and most tenacious element in the legacy of the past.

3. Socialist Justice. Principles and Organisation

In order to ensure observance of the rules of law, every state makes use of its material adjuncts, special organs, including the courts, the Procurator's Offices, prisons, etc. Through these the state compels observance of legal prescriptions by persons who fail to observe them of their own accord. The state alone has disposal of the machinery of compulsion capable of commanding observance of its laws.

The socialist state ensures observance of the rules of its law, above all, through the whole system of economic, political, cultural and educational measures. It has at its disposal diverse possibilities for persuading the masses in the need of conscious and voluntary observance of all laws. A clear understanding of the progressive purposes and aims of Soviet laws, and profound conviction among the overwhelming majority of the population that the law of the socialist state stands on guard of the people's interests are of decisive importance in the actual implementation of requirements of Soviet law. That is one of the chief specific features of Soviet socialist law. Of course, the Soviet socialist state also has to apply compulsion in order to ensure observance of the rules of law, but it does so only in respect

of an insignificant minority of citizens, in the interests of the overwhelming majority and in pursuance of the will of that majority as expressed in the laws.

Within the system of state organs, the courts alone wield the measures of state compulsion to secure compliance with legality in the form of penalties for those guilty of committing crimes and also compelling performance of civil legal obligations. The Soviet law makes the special reservation that justice is administered only by the courts.

The principle of administration of justice by the courts alone is written into Soviet legislation and is of great importance, because it emphasises that no administrative body has the right to decide whether a citizen is guilty of the commission of a crime or to apply criminal punishment in his case. The court alone exercises this state function. Accordingly, Art. 7 of the Fundamentals of Criminal Court Procedure of the U.S.S.R. and the Union Republics of 1958, carries the expressive title, *The Administration of Justice by the Court Alone*. Thus, the law-maker rules out the possibility of any extra-judicial organs emerging to examine criminal cases.

In any state, the court is an organ of power acting as a vehicle of the interests of state policy. It would be naive to assume that the courts could remain indifferent to state policy or that justice could serve an abstract principle of equity, quite independently of social reality and the state which creates it.

The Soviet law-maker gives an absolutely clear-cut formulation to the tasks in the administration of justice, above all, that of educating citizens in a spirit of precise and undeviating observance of the laws, observance of labour discipline, honest attitude to state and public duties and the rules of socialist community life.

Soviet courts have a twofold task: their application of measures of state compulsion is organically and indissolubly bound up with the educational function of justice. It serves to bring up citizens in a spirit of undeviating fulfilment of the laws and respect for the rules of socialist community life, observance of labour discipline and honest attitude to state and public duty.

What are the basic characteristics of the organisation and activity of judicial organs in the U.S.S.R.?

Elective Judiciary

One of the basic principles underlying the organisation of the Soviet courts is that the judiciary is elective.

This applies to judges at any level of the judicial system. People's judges of district (city) People's Courts are elected by the citizens of the district (city) on the basis of universal, equal and direct suffrage by secret ballot. The members of higher courts are elected by their local elective organs of state power, the Soviets of Working People's Deputies. Thus, for instance, the regional (territorial) court is elected by the regional (territorial) Soviet of Working People's Deputies, the Supreme Court of an Autonomous Republic, by the Supreme Soviet of the Autonomous Republic; the Supreme Court of a Union Republic, by the Supreme Soviet of the Union Republic; the Supreme Court of the U.S.S.R., by the Supreme Soviet of the U.S.S.R. The Presidents of the Supreme Courts of all the Union Republics are *ex officio* members of the Supreme Court of the U.S.S.R.

Judges are elected for a term of five years, and any citizen of the U.S.S.R. who has reached the age of 25 is eligible for election to the office.

There are no qualifications in the U.S.S.R. for election to the office of judge (and of people's assessor) and the only requirement provided by the law is the attainment of the age of 25 years. It stands to reason that to be a judge one must attain some maturity and accumulate experience in human affairs.

The question arises about the educational qualification of judges. There is in fact no limitation in law in this respect, but in practice, whenever a candidate is nominated for a judicial post, his electors take account of the candidate's special law training. Thus, of the 1,108 presidents of District People's Courts elected at the last election, 857 were graduates of law faculties of universities or law institutes, and 220 of law schools. In the event a person without special law training, say, a respected and experienced teacher is elected to a judicial post, he is given the opportunity of acquiring the necessary legal knowledge by taking a special day or correspondence course.

Let us note that there are very many women among people's judges and members of the higher courts. More

than one-third of the people's judges are women, and women are frequently elected to the highest judicial office. Thus, one of the Vice-Presidents of the Supreme Court of the Russian Federative Republic, the biggest Soviet Republic, is Nina Sergeyeva, a prominent lawyer specialising in civil law.

The accountability of judges is a sign of indissoluble ties with their electors. The duty of people's judges regularly to report to their electors, and the accountability of the higher courts to the organs electing them, ensures permanent public control over the administration of justice. The reports by the people's judges to their electors are a form of popular control over the activity of judges, and an additional form of educational influence by the court.

Let us stress that the reporting by the people's judge on the activity of his court should not be taken to mean any sort of interference by electors in the adjudication of concrete court cases. The principle that judges are independent and subordinate only to the law naturally retains its significance at all times. But in hearing such reports, electors have the opportunity of commenting on the over-all activity of the People's Court and of making proposals designed to improve the work of the court. For instance, wide debates ensued after the reports given by People's Judge Berdennikov at a number of enterprises of the town of Angarsk. One proposal dealt with cases of rowdiness and urged that more exemplary trials be held at the workers' clubs of these enterprises.

Trial of Cases with Participation of People's Assessors

The participation of people's assessors is the second important principle in the activity of Soviet courts. The institution of people's assessors, who are not career judges, has the specific feature that the people's assessors take part in the trial of any case in a court of first instance. There are no summary proceedings in Soviet law, and no cases are ever tried in a simplified procedure, without the participation of people's assessors. The bench in a court of first instance always consists of three members: the presiding judge and two people's assessors. The people's assessors take part in the trial of cases by a court of first instance at any level of the judicial system (from the district People's Court to the Supreme

Court of the U.S.S.R.). People's assessors are called to take the bench in rotation: they are empanelled by rota for not more than two weeks a year, except where a longer period is necessary to conclude the hearing of a case opened with their participation.

People's assessors elected among factory and office workers retain their regular wages or salaries while discharging their duties in court. People's assessors who are not factory or office workers are reimbursed for their expenses in connection with the discharge of their duties in court.

Like judges, people's assessors are elective. They are elected by general meetings of industrial and office workers or peasants at their place of work or residence.

There are approximately 60 people's assessors in the People's Courts to every people's judge, because every case is tried with the participation of two people's assessors, each of whom is empanelled for two weeks. This makes it possible for the People's Court to function normally in the course of roughly 300 working days a year. That is not to say, of course, that every People's Court is in session for 300 days a year, or that all the people's assessors elected necessarily take part in the trial of court cases: because of the steady decline in the number of cases, the courts do not sit every day.

The law says that the people's assessors, when discharging their duties in court, enjoy the same rights as the judge (Art. 30, Fundamentals of Legislation on the Judicial System of the U.S.S.R. and the Union and Autonomous Republics).

Soviet procedural law does not accept any separation between adjudication of matters of fact and adjudication of matters of law, a practice that has developed in many countries where trial is by jury. Soviet procedural law lays down a number of important conditions guaranteeing equal rights for all members of the judicial bench, and real and active participation in the trial by the people's assessors.

People's assessors take part in the examination of judicial evidence. They have the right to examine the accused, witnesses, experts, etc. On all matters requiring decision in the course of the trial, the presiding judge does not enjoy any privileges over the people's assessors. The role of the

presiding judge differs from the role of the people's assessors only in that he directs the judicial proceedings (but confers with the other members of the bench on every matter requiring decision).

People's assessors also have the same rights as the judge in passing sentence or judgement.

The procedural law lays down essential guarantees designed to enable people's assessors freely to express their opinion in the case, independently of the judge's opinion. Thus, in deciding the case, the presiding judge casts his vote last. All decisions are adopted by a simple majority (Art. 306, Code of Criminal Procedure of the R.S.F.S.R.). Another guarantee assuring people's assessors of the possibility of actively maintaining their opinion in the case is that any people's assessor who is in a minority has the right to set out his minority opinion in writing, which is not made public but is entered in the record of the case (Art. 307, Code of Criminal Procedure of the R.S.F.S.R.). The Codes of Criminal Procedure in some Union Republics also make the provision that where a case, in which a minority opinion has been entered, has not been examined in a cassation proceeding, it is submitted to the presiding judge of the higher court for deciding on the question of protesting the sentence (Code of Criminal Procedure of the Latvian Republic, Code of Criminal Procedure of the Georgian Republic, etc.).

Thus, procedural rules ensure the necessary conditions for the active participation by the people's assessors in the administration of justice.

The very fact that people's assessors take part in the trial of cases is in itself an important guarantee that each case will be thoroughly examined, and the truth established, with the rights available to the accused duly exercised and his legitimate interests protected.

Breach of procedural rules relating to the legal status of people's assessors is ground for the quashing of the sentence.

Independence of Judges

Socialist legality in the administration of socialist justice stands out in the principle that judges and people's assessors are independent. The Constitution of the U.S.S.R. (Art. 112), the Constitutions of all the Union Republics, the Fundamentals of Civil Procedure of the U.S.S.R. and the Union

Republics (Art. 9), the Fundamentals of Legislation on the Judicial System of the U.S.S.R. and the Union Republics state explicitly that judges are independent and subordinate to the law alone.

In fact, legality in the administration of justice can prevail only if judges and people's assessors, in adjudicating criminal and civil cases, are independent of any external influence and are guided only by the law and their concept of justice, in the light of their convictions, based on the assessment of all the evidence of the case.

Any attempt to put pressure on a judge, or to make use of one's official position to induce a court to adopt a decision one way or another is regarded as a gross violation of legality. Persons guilty of such unlawful acts are subject to strict responsibility.

Such is the actual state of affairs in ensuring judicial independence in the U.S.S.R. But it is the question which perhaps most of all tends to be distorted by foreign writers who have made a career of dishonest criticism of Soviet justice. Such authors represent Soviet judges as taking orders from persons holding administrative office or heads of local Party organisations.

In actual fact, the Communist Party takes the most decisive steps to combat attempts on the part of any persons in office to exert direct or indirect pressure on the courts in the trial of cases.

Are there any instances of unlawful interference in the activity of the courts? Unfortunately, there are, but they do not determine the over-all picture, for they are always resolutely cut short.

Thus, in 1954, the Central Committee of the Communist Party of the Soviet Union adopted a special decision, stating that some local Party organs had tried unlawfully to interfere in the adjudication of court cases. It sharply censured one such Party Committee (in Zarechye District of the town of Tula) and emphasised that such interference in the activity of the People's Court "tends to undermine the court's authority, confuse judges and impel them to adopt unlawful decisions, violating the principle laid down by the Constitution of the U.S.S.R. that judges are independent and subject only to the law, depriving Procurator and judicial organs of independence and spreading irresponsibility".

There are other instances of Party bodies taking decisive measures to ensure that judges are independent in practice. In January 1963, the Presidium of the Central Committee of the Tajik Communist Party dismissed from his post the First Secretary of the Kirovabad District Committee, Murasayev, and expelled him from the Party for attempted interference in a court case and efforts to shield a criminal by the name of Saidov. Strict punishment was also meted out to the heads of Party committees in two other districts for similar acts.

Every instance of unlawful interference in the activity of judicial organs is resolutely cut short and the guilty persons, regardless of their official position, are strictly called to account.

When in 1965, the Supreme Court of the R.S.F.S.R. acquitted the journalist Gaskov, who had been sentenced by the People's Court at Armavir, it turned out that the unlawful conviction had been handed down largely because of interference by members of the city Party committee. The journalist was vindicated and the heads of the city Party committee were strictly punished.

There is practical proof, therefore, that both state and Party organs take all measures to ensure genuine legality in the administration of justice.

Main Links of Judicial System

The judicial system of the U.S.S.R. has a simple structure, and this is one of the factors which puts the courts within reach of the entire population. The Soviet judicial system is unified: it does not have any links which operate parallel to each other, or special courts for various categories of cases or population groups (with the exception of military tribunals, which have jurisdiction of cases involving offences by military personnel).

The district (city) People's Court is the main link in the judicial system. In all the Union Republics, this is the court that operates in every administrative district and city without district divisions. The People's Court tries the overwhelming majority of cases, both criminal and civil. Suffice it to say that more than 90 per cent of the criminal cases up for examination before courts of all types are tried by district (city) People's Courts. Almost all (nearly 97 per cent) of the civil cases are tried by the People's Courts.

The next link in the judicial system is the regional (in the territories—territorial) court, which is set up in Union Republics with regional divisions. In the Autonomous Republics, Autonomous Regions, and National Areas there are, respectively, Supreme Courts of the Autonomous Republics, courts of the Autonomous Regions, and courts of the National Areas. The regional or territorial court is a court of first instance for a small list of cases which are referred to its jurisdiction (for instance, cases involving some crimes against the state, premeditated murder with aggravating circumstances, and exceptionally large embezzlement of state or public property). For cases tried by the District People's Courts, the regional or territorial courts are courts of second instance, which verify the legality and validity of their sentences or judgements. The Supreme Courts of the Autonomous Republics, and the courts of the Autonomous Regions and National Areas have similar jurisdiction.

The Supreme Court of a Union Republic is the highest judicial organ of the Republic, and has the task of supervising the judicial activity of all judicial organs in the Union Republics.

At the top of the judicial system of the Soviet Union is the Supreme Court of the U.S.S.R., which is the highest judicial organ of the U.S.S.R. and exercises supervision over the judicial activity of the judicial organs of the U.S.S.R. and of the Union Republics within the limits established by the Statute on the Supreme Court of the U.S.S.R. The Statute, adopted by the Supreme Soviet of the U.S.S.R. in 1957, secured a considerable extension of the powers of judicial organs in the Union Republics. Under the general rule, the trial of cases must be concluded in the judicial organs of the Union Republics. The Supreme Court of the U.S.S.R. exercises supervisory functions only in cases tried by the Supreme Courts of the Republics, and will review cases only where a sentence, judgement or ruling issued by the Supreme Court of a Union Republic conflicts with all-Union legislation or infringes the interests of other Union Republics.

The Supreme Court of the U.S.S.R. has the task of ensuring uniformity of judicial practices. With that end in view, the Plenary Sessions of the Supreme Court of the U.S.S.R. examine material generalising judicial practices and issue "directive explanations" on applying legislation in the trial

of court cases. The uniformity of judicial practices is consistently ensured and the national specific features of the Union Republics taken into account by the organisational feature noted above: the Presidents of the Supreme Courts of the Union Republics are *ex officio* members of the Plenary Session of the Supreme Court of the U.S.S.R.

Let us note a highly characteristic form in which legal doctrine is tied in with judicial practice. In December 1962, the Supreme Court of the U.S.S.R. set up a Scientific Consultative Council consisting of prominent academic lawyers and of practitioners working in judicial organs. The Council discusses the drafts of the directive explanations issued by the Plenary Sessions of the Supreme Court of the U.S.S.R. and comments on controversial matters in judicial practice. The council is a consultative body and works out recommendations for the Supreme Court of the U.S.S.R. Similar councils were set up under the Supreme Court of the R.S.F.S.R. (in 1964) and the Supreme Courts of other Union Republics.

State Arbitration

There is a category of civil disputes in Soviet law which are not heard by the courts but by special institutions within the system of organs of state administration. These are organs of state arbitration, which settle economic disputes between state, co-operative (except collective farms) and other mass organisations, enterprises and establishments.

State arbitration boards are set up under executive and administrative organs of power and are subordinate, respectively, to the Council of Ministers of the U.S.S.R., the Councils of Ministers of the Union and the Autonomous Republics, the executive committees of territorial (regional) Soviets of Working People's Deputies, and the Soviets of Working People's Deputies of the Autonomous Regions. In Moscow and Leningrad there are also state arbitration boards under the executive committees of the city Soviets of Working People's Deputies.

The procedure governing the settlement of disputes by arbitration boards is now determined by Regulations Governing the Examination of Economic Disputes by State Arbitration Boards, which was approved by the State Arbitration Board under the Council of Ministers of the U.S.S.R. in 1963.

The examination of cases by state arbitration boards differs substantially from the trial of cases in court.

State arbitration boards are not elected but are appointed in an administrative manner; the boards examine cases without the participation of people's assessors; the executive and administrative organs of power under which the boards are set up may amend or annul the unlawful or invalid decisions of arbitration boards.

Authorised representatives of the parties at issue take part in the examination of the case on its merits by having a seat on the board examining the case; an agreement reached by the parties in session, if it conforms to the requirements of the law, acquires the force of a decision. In the event the agreement between the parties does not conform to the requirements of the law, or in the event of disagreement between the parties, the decision in the dispute is taken by the state arbiter. State arbitration boards examine cases not only on applications by the enterprises, organisations and establishments concerned but also on application of their superior organs, and also on their own initiative where there is evidence of breaches of planning and contractual discipline by enterprises, organisations or establishments.

In settling economic disputes state arbitration boards have the task not only of protecting the rights and legitimate interests of the parties but also of exercising an active influence on enterprises, organisations and establishments in their observance of the economic laws and acts issued by the government, strengthening co-operation between the enterprises, organisations and establishments in the fulfilment of national economic plans, combating breaches of state discipline and narrowly departmental tendencies, and helping to eliminate shortcomings in the economic activity of enterprises, organisations and establishments.

With that end in view, state arbitration boards take decisions to ensure the actual fulfilment of planned targets and contractual obligations, and apply the established material sanctions for non-fulfilment or improper fulfilment of obligations; declare invalid fully or in part contracts conflicting with the law, decrees or orders of the government, state plans or targets, binding the parties to make the necessary changes in the contracts concluded; inform the higher organs concerned about any breaches of state discipline, issue of low-quality

goods or incomplete sets, narrow local tendencies and any other shortcomings in the economic activity of enterprises and establishments brought out in the examination of disputes. Wherever necessary, state arbitration boards report these to the organs of people's control and the Procurator's Office.

Thus, a plant in Orel supplying the Likhachov Automobile Works in Moscow with relays and thermostats for refrigerators, now and again shipped goods with defects which were discovered either right away or during the warranty period, when the refrigerators were actually in use. The automobile works took the case to the State Arbitration Board under the Council of Ministers of the R.S.F.S.R., and was awarded the legally established remedies against the maker of the defective goods; the State Arbitration Board informed the works that persons through whose fault the defective goods had been produced were charged with responsibility.

Thus, state arbitration stands on guard of the interests of the state and the people, cutting short any infringement of socialist legality in the economic operations of enterprises and organisations.

Economic disputes between enterprises, organisations, and establishments subordinate to one and the same ministry or department are settled by the arbitration boards of these ministries and departments.

4. Procedural Guarantees and the Citizen's Status in Criminal Procedure

The system of procedural guarantees available to citizens in judicial proceedings serves effectively to ensure legality in the administration of justice. The system of procedural guarantees, whose immediate aim is to provide protection for the individual, thereby also fulfils a social function, serving, on the one hand, the task of convicting and punishing the actual offenders, and on the other, excluding the possibility of groundless application of legal sanctions to persons not guilty of committing a concrete offence.

These procedural guarantees are ensured by diverse institutions of Soviet procedural law. The Soviet law-maker rejects the possibility of a court sentence being passed on the

strength of the formal truth alone, and attaches fundamental importance to elements of procedural form which are designed to establish the material truth in the trial. Such importance in Soviet criminal procedure is attached, for instance, to the principle that proceedings in court are contentious, a principle which is expressed in a number of procedural injunctions. This principle determines the procedural status of the accused as a full-fledged subject of judicial proceedings.

The special procedures governing the administration of justice are also of fundamental importance. Soviet legislation starts from the need for the law-maker himself to set out in detail the procedures governing the examination of criminal cases (and naturally of civil cases as well). In the practice of Soviet rule-making and legal doctrine the function of determining the procedural forms are not delegated to the judicial organs themselves, as is the case in some countries, where the so-called "rules" governing the examination of court cases are issued by the judicial bodies concerned.

Procedural codes lay down the range of rights and duties of all the participants in the trial, and the manner in which procedural acts are performed, and regulate the requisite procedural documents. In the aggregate, this detailed regulation constitutes a guarantee of legality in the administration of justice.

In the present paragraph we have dealt only with some of the key elements of court procedure in criminal cases, namely, the specific procedural guarantees which ensure the exercise and protection of citizens' rights in criminal proceedings.

**Guarantees Against
Unjustified Application
of Compulsion to the Accused**

The law on criminal procedure establishes the manner in which the accused may be placed under arrest to prevent his eluding investigation and trial, to ensure the possibility of applying punishment to him in the event of his conviction by the court, to prevent the accused by any of his acts from hampering the collection of all possible evidence and, in exceptional cases, to shield society from persons accused of the commission of grievous and dangerous crimes.

Legislation on criminal court procedure does not permit the detention of a person as a preventive measure where the accused is not threatened with a heavy penalty entailing deprivation of liberty. But even in cases involving crimes for

which the criminal law provides penalties in the form of deprivation of liberty, the law does not at all provide mandatory detention of all accused, and they are detained only when there is actual need of it.

Deprivation of liberty as a preventive measure may be applied in respect of the accused only by an order of the court or with the special sanction of the Procurator. In practice, it is the Procurator who sanctions the investigator's decision to apply detention as the preventive measure in the case. No one may be subjected to arrest without such sanction. Arrest without the sanction of the Procurator is illegal and entails criminal responsibility for persons applying this measure of compulsion (Art. 178, Criminal Code of the R.S.F.S.R.). The Procurator must immediately release any person who has been illegally deprived of liberty or kept in detention longer than the term prescribed by the law (Art. 18, Statute on Procurator's Supervision in the U.S.S.R.; Art. 6, Fundamentals of Criminal Court Procedure of the U.S.S.R. and the Union Republics; Art. 11, Code of Criminal Procedure of the R.S.F.S.R.; and the codes of criminal procedure of other Union Republics).

Sanction of arrest is an exceptionally responsible act on the part of the Procurator. In order to verify the actual need of placing the accused under arrest and to discover any circumstances hindering the application of detention as a preventive measure, the Procurator has to make a thorough study of all the circumstances of the investigation and personally interrogate the accused in all necessary cases.

Detention in the course of investigation may not continue for more than two months, and the period may be extended by a higher Procurator to three months in view of the special complexity of a case. The detention may be extended to six months only by the Procurator of a Republic. In the most exceptional cases, the Procurator-General may extend the period additionally for not more than three months. In practice the period of detention is extended only in the most exceptional cases, most frequently when in the course of investigation there is need to carry out complex expertise (economic, accounting, etc.) to verify written evidence, which is known to be time-consuming.

Alongside detention as a preventive measure (arrest under investigation) the law on criminal procedure provides for

another form of deprivation of liberty, namely, temporary detention of a person suspected of committing a crime. Naturally, in virtue of the nature of such detention directly after the crime has been committed, the Procurator is able to supervise the legality of such an act only after the arrest has taken place. The investigator or militia official detaining the suspected person must inform the Procurator of the fact within 24 hours. For his part, the Procurator must, within 48 hours of receiving the report, verify the grounds of detention and decide whether the arrest is to be sanctioned or revoked.

Detention is regarded as legal and valid only in the following cases: when the suspected person is apprehended in the act of committing the crime or immediately after its commission; when eyewitnesses point directly to that person as having committed the crime; when on the person of a suspect, on his clothing, in his possession or in his habitation, obvious traces of the crime have been discovered. In the event of other grounds for suspicion the person may be detained only if he attempts to escape, if he has no permanent place of residence, or if his identity has not been established. (Art. 32, Fundamentals of Criminal Court Procedure of the U.S.S.R. and the Union Republics).

We find, therefore, that the law gives highly precise definition to the circumstances which may serve as grounds for a citizen's detention.

Any breach of legislation on criminal procedure in the course of a preliminary investigation must be corrected.

Illegal application of measures of compulsion in the course of preliminary investigation, or unjustified charges of criminal responsibility entail charges of disciplinary or criminal responsibility for the guilty persons.

The rights of citizens are sometimes still infringed, in preliminary investigation, but the main thing is that in all such cases the entire mechanism of legal guarantees is set in motion to redress the wrong, giving rise to a general atmosphere of absolute intolerance of procedural breaches.

One decision of the Supreme Court of the R.S.F.S.R. says: "The courts must respond to facts of unjustified charges of criminal responsibility being brought against citizens and raise the question of responsibility on the part of persons guilty of such acts." Whenever the higher courts, by way of

verifying the legality and validity of court sentences, establish that a citizen has been groundlessly charged with criminal responsibility and convicted, they do not merely quash the sentence and dismiss the case, but add riders stating that in the case criminal proceedings have been instituted by the organ of the preliminary inquiry without sufficient grounds. Here is the case of a man called Filippenko, who had been convicted by the People's Court of the city of Grozny on charges of assault and violence. The Judicial Collegium for Criminal Cases of the Supreme Court of the R.S.F.S.R. examined the case in 1964 on a protest entered by the Vice-President of the Supreme Court of the R.S.F.S.R., quashed the sentence and dismissed the case. It issued a rider which was communicated to the Procurator of the Checheno-Ingush Autonomous Republic for the purpose of taking the necessary measures in respect of persons guilty of having instituted criminal proceeding against citizen Filippenko without sufficient grounds, namely, only on the strength of contradictory testimony by the victim and in the absence of any other evidence confirming Filippenko's guilt.

Other breaches of legality in the course of the investigation of crime are cut short with similar resolution.

Such breaches of legality not only lead to their immediate redress in the concrete case, but also serve as matter for extensive investigation. Here is an example. An office in the town of Shostka (Suma Region, Ukraine) was burgled one night in February 1965. The burglars tried to break open the safe, but failed to do so. Two workers of the militia, instead of interrogating witnesses, making use of the fingerprints discovered on the safe to establish the identity of the criminals, and carrying out other acts of inquiry, decided to fingerprint more than 100 persons working in the establishment where the burglary had been committed. These acts on the part of the militia workers were strictly censured in an article in the press by the First Deputy of the Procurator-General of the U.S.S.R. The Procurator of the Ukrainian Republic requested the Minister for the Maintenance of Public Order (now Ministry for the Interior) of the Ukrainian Republic to take measures to eradicate such cases. The guilty persons were punished.

Where charges of criminal responsibility have been preferred without grounds, steps are taken not only to redress

the procedural wrongs, but also to protect the labour, housing and property rights of persons charged with criminal responsibility, but subsequently rehabilitated.

In a ruling On Judicial Practices in Civil Labour Cases of September 13, 1957 (Point 18) a Plenary Session of the Supreme Court of the U.S.S.R. drew the attention of all courts to the fact that persons dismissed from their work in connection with charges of criminal responsibility or suspended from their work for that reason and subsequently rehabilitated in view of the dismissal of the criminal case or their acquittal by the court have the right to receive wages for the whole period during which they did not report for work because of the groundless charges of criminal responsibility.

Accordingly, the Judicial Collegium for Civil Cases of the Supreme Court of the R.S.F.S.R., in a ruling on February 8, 1965, on a case brought by Fomenko, said that wages must be paid out to a person groundlessly charged with criminal responsibility, regardless of the motives for which the criminal case has been dismissed.

The Right of the Accused to Defence

The accused is guaranteed the right to defence by Art. 111 of the Constitution of the U.S.S.R. and the ways of exercising this right are regulated in detail by the legislation on criminal court procedure. Ensuring the accused with the right to defence is an indefeasible principle of socialist justice. It is an expression of the procedural status of the accused, who is not deemed guilty until the indictment is proved. That is why he is given the right to defend himself against the indictment and to maintain his innocence. Assuring the accused of the right to defence helps to establish the truth and promotes efforts to prevent any innocent person from being groundlessly convicted and punished.

The duty of ensuring protection for the rights of the accused is imposed by the law on the courts, the Procurator, the investigator and the organ of inquiry. These organs must do everything for the full, comprehensive and objective investigation of the circumstances of the case, uncovering any incriminating or exonerating circumstances, and circumstances aggravating or extenuating his guilt.

What then are the concrete rights of the accused?

The accused has the right to know the charges preferred

against him and to give explanations on them. He has the right to adduce evidence, to enter various petitions; challenge the court, the procurator, the investigator and the persons conducting the inquiry; acquaint himself with the material of the preliminary investigation upon its termination; participate in the trial of the case; and appeal against the sentence. The accused has the right to the last plea.

The right to have defence counsel is of especial importance to the accused. The Fundamentals of Criminal Court Procedure of the U.S.S.R. and the Union Republics (1958) acting on the need further to democratise Soviet criminal procedure, extended the right of the accused to defence by allowing him to have a defence counsel not only at the trial, but also at the earlier stages of preliminary investigation. Defence counsel may now participate in the case from the moment the preliminary investigation is terminated and the accused has been handed all the material of the case for his perusal. That is precisely the point at which the accused has especial need of help from trained legal counsel to explain the meaning of the evidence presented in the case, to enter a plea for additional investigation, etc. This gives the accused a better opportunity to prepare himself for his defence in court.

Let us note that where the accused is a minor or where, in virtue of mental or physical deficiency (the blind, the muter, etc.), he is unable to exercise his right to defence, defence counsel is permitted to take part in the case from the moment the charge is preferred. In such cases, the participation of defence counsel is mandatory (Art. 22, Fundamentals of Criminal Court Procedure).

By establishing the unconditional right of the accused to have defence counsel in judicial proceedings, the procedural law goes a step farther and provides for the mandatory participation of defence counsel in a number of cases. Thus, participation of defence counsel is mandatory above all in cases in which a Prosecutor is taking part. It is also mandatory in the cases of persons who, in virtue of physical deficiency, are incapable of correct perception of various phenomena. Defence counsel must take part in the cases of minors.

The criminal procedure codes of the Union Republics provide for a number of additional cases in which participation of defence counsel in a trial is mandatory. There are,

for instance, the cases of persons who do not speak the language in which the judicial proceedings are conducted, the cases of persons whose interests are in conflict, and of whom one has a defence counsel, and also the cases of persons accused of crimes for which the penalty may be death. Such cases are provided for, among others, in Art. 49 of the Code of Criminal Procedure of the R.S.F.S.R.

Failure of defence counsel to participate in such cases (naturally, with the exception of instances where the court accepts the accused's waiver of legal aid) entails unconditional quashing of the sentence by the higher court. Thus, for instance, in 1964, the Supreme Court of the R.S.F.S.R. annulled the sentence handed down by the District People's Court of Kyakhta, Buryat Republic, in the case of Filimonova, Maiorova and Novokreshchenkov on charges of embezzlement. The sentence was quashed on the ground that while the state Prosecutor took part in the judicial proceedings, none of the accused had a defence counsel. The Supreme Court also stated that refusal on the part of two out of the three accused to have defence counsel, a refusal made before the trial, was not sufficient ground for hearing the case without defence counsel. At the time, the accused had no knowledge that the Prosecutor would take part in the trial. The records of these judicial proceedings show that the court failed to discuss at the trial the petition of the accused refusing to have defence counsel.

Legislation on criminal procedure also provides for the participation of defence counsel in the examination of cases in courts of second instance (Art. 336, Code of Criminal Procedure of the R.S.F.S.R.). Deprivation of the accused of the right to defence in a court of second instance is a gross breach of procedural legislation. Thus, when a cassation instance, examining the case of Zhdanov, failed to inform the local bar association of the day of the cassation proceedings, despite the latter's request, and examined the case in the absence of a lawyer, the ruling of the cassation instance was annulled. On October 8, 1964, the Plenary Session of the Supreme Court of the U.S.S.R. found in the case that the cassation instance had thereby deprived the accused of defence, and that its ruling could not, therefore, be left in force and was subject to annulment.

Soviet criminal procedure makes the special reservation

that defence counsel has no right to withdraw from the case once he has accepted the duty. He may not tell the court that he has failed to find any circumstances in the case exonerating the accused or facts mitigating his guilt, and so wishes to withdraw from the case. Soviet legal doctrine believes that this would mean an actual worsening of the accused's condition. But that does not at all mean that defence counsel has the duty of shielding the accused by every means. Defence counsel may not use unlawful means of defence or deliberately distort the facts. Defence of the right of the accused should not develop into defence of the crime itself.

The broad range of rights made available to the accused, together with the duty of the organs of investigation and the court to ensure the protection and realisation of these rights, create for the accused a firm guarantee against groundless conviction and unjust punishment.

Legal Protection for Injured Party

Soviet legislation, while holding out to the accused broad rights to defence, simultaneously gives protection to the rights of other participants in the trial, above all, the injured party, i.e., the person on whom the crime has inflicted moral, physical or material injury.

In accordance with the Fundamentals of Criminal Court Procedure of the U.S.S.R. and the Union Republics, the injured party has broad rights. He is not merely a witness, but an active participant in the trial. The injured person has the right to give testimony in the case; to adduce evidence; file petitions; acquaint himself with the material of the case from the moment the preliminary investigation is terminated; participate in the examination of evidence at the trial; challenge the composition of the court; lodge complaints against the acts of the person conducting the inquiry, the investigator, the Procurator and the court, and also to appeal against the sentence of the court. In cases of insult, slander, assault and battery, etc., the injured party has the right to maintain the prosecution at the trial either personally or through an attorney. Where the injured party has suffered material loss, he has the right to bring a civil suit against the accused for reparation of the loss. The civil suit is examined by the court simultaneously with the criminal case.

The civil suit in a criminal case is a specific institution of Soviet criminal procedure. The examination, simultaneously with a criminal case, of a civil suit for reparation of material loss arising from a crime has several advantages over the separate examination, by way of civil proceedings, of a suit brought by a victim of a crime. The civil suit is free of state tax. When the suit is examined simultaneously with the criminal case, the injured party has the possibility of making use of all the evidence collected in the criminal case, to prove that the loss has been inflicted and to establish its nature and scope. The investigator and the Procurator help the civil plaintiff to prove his case.

Even where no civil suit has been brought, the court in handing down its sentence has the right, on its own initiative, to decide on the question of reparation for the material loss inflicted by the crime.

Citizen's Right to Appeal

The characteristic of the citizen's procedural status in criminal court proceedings would be incomplete without mention of the most important means of ensuring legality in the administration of justice, which is the verification of the legality and validity of court sentences and findings by the higher courts. This institution in Soviet procedure is characterised by a number of specific features designed in their aggregate to rule out the possibility of a formal attitude to the verification of the legality of court judgements.

The first feature of the institution of appealing against judgements in Soviet procedure is that they are broadly within the reach of all. Every citizen whose interests are affected by a court judgement has the right to apply to a higher court stating that he is dissatisfied with the judgement in his case and demands a review. This right of the citizen is paralleled by the duty of the higher court to review the judgement in a judicial proceeding and, in the established procedural manner, to hand down a decision quashing, amending or leaving the judgement in force. The judgement of any court is subject to appeal, with the exception of judgements handed down, in highly exceptional cases, directly by the Supreme Court of the U.S.S.R. or the Supreme Court of a Union Republic.

Whether or not a court of second instance will take cog-

nizance of a case does not depend on how well the appeal is grounded. It is the duty of the court to review the case simply because the appeal has been lodged.

The laws do not lay down any formal requirements for the lodging of an appeal. For a court of second instance to take cognizance of a case the appeal must state that the citizen regards the judgement in his case as being incorrect, and requests its review.

Perhaps the only stipulation is that the appeal must be lodged within a stated period (within seven days of the passing of the judgement, if the person concerned is at liberty; and within seven days of his receipt of a copy of the judgement for a convicted person in detention—Art. 328, Code of Criminal Procedure, R.S.F.S.R.). The lodging of an appeal for cassation stays the execution of the sentence.

Cassation is the term the Soviet law-maker gives to the institution of appealing judgements which have not acquired legal force, and their revision by a court of second instance. But we must make the reservation that the term "cassation" should not mislead lawyers who are acquainted with the French system of appeal, with its two procedural institutions: "appellation" and "cassation". The proceeding in a court of second ("cassation") instance, laid down by Soviet criminal procedure, differs in one specific respect: a court of second instance does not examine the case within the limits of the appeal, but in connection with the appeal. The appellant does not have to specify any breaches which he may think the court of first instance has made. The court of second instance reviews the whole case, examining the case in its full scope to verify the legality and validity of the judgement (Art. 45, Fundamentals of Criminal Court Procedure).

In characterising the institution of cassation from the standpoint of protection of the citizen's rights in criminal procedure, let us note that the powers of the cassation instance are circumscribed in such a way that the condition of the convicted appellant cannot be worsened either by a ruling of the court of second instance or a result of a fresh examination of the case following the quashing of the judgement.

The Bar

The activity of the bar adds substantially to the characteristic of the administration of justice. We have said that among the key principles of socialist justice is that the accused is assured of the right to defence, which is the sum total of the rights made available to him to defend himself against the indictment. That the accused will have the possibility of exercising his rights is guaranteed by the duty of state organs (investigator, procurator, the court) to promote their utmost realisation.

At the same time, to put the exercise of the accused's right to defence on a realistic basis, the law stipulates the provision of qualified legal aid.

The bar has the task of providing defence at the preliminary investigation and in court, representation in civil cases tried in court and by arbitration boards, and also legal aid to citizens, enterprises, establishments, collective farms and other organisations. Lawyers are organised in bar associations—collegiums of lawyers—on a regional, territorial, republican or city basis, as in Moscow and Leningrad.

These are voluntary associations of persons professionally working as lawyers. The bar is set up and operates under statutes approved by the Supreme Soviets of the Union Republics (the Statute on the Bar of the R.S.F.S.R. was approved in 1962).

Every lawyer works in a legal aid bureau which is usually set up in every urban or rural district and also in cities without district divisions.

The highest organ of a bar association is the general meeting of its members, which is called at least once a year.

The general meeting elects a Presidium, which handles the current affairs of the association or legal aid bureau, and specifically decides on admission or expulsion of members and imposition of disciplinary penalties for misbehaviour.

Legislation in the Union Republics establishes the rates at which lawyers are paid for legal aid and cases in which such aid is rendered free of charge. Lawyers are paid for their work from the amounts paid into the legal aid bureau by those who use its services, after a deduction (not more than 30 per cent) is made by a decision of the general meeting of members for the needs of their association (mainte-

nance cost, payment of fees when legal aid is ordered by the court, etc.).

Fees are set in accordance with a list of rates, as one ruble for ordinary legal advice, not more than 25 rubles for participation in a criminal case in a court of first instance, and in especially complicated cases the fee may be raised, by decision of the head of the legal aid bureau, to 50 rubles and with the permission of the Presidium to more than 50 rubles. Where the trial continues for more than three days, a fee is charged from 5 to 7.50 rubles for each additional day. The fee for a civil case is fixed at not more than 30 rubles, depending on the amount of the claim and the complexity of the case. For particularly complicated civil cases the fee may be as high as 60 rubles.

There is a special bar association "Inurcollegia", for handling cases abroad and assignments from foreign citizens involving legal aid. Inurcollegia operates under the Moscow Bar Association.

5. Justice and the Community

We have repeatedly said in these chapters that the involvement of the entire population in running the affairs of society and the state is the basic line in the development of socialist democracy. It is pursued in a twofold manner: first, there is the involvement of broad sections of the public in the work of state organs, and second, the transfer of some functions of state organs to mass organisations. This twofold development is clearly seen in the administration of justice and in the maintenance of socialist law and order.

One of the forms in which the public takes part in working for legality is the extensive and immediate participation of members of the community in the trial of criminal cases. The Fundamentals of Criminal Court Procedure of the U.S.S.R. and the Union Republics provide for the participation of public prosecutors and public defence counsel.

The public prosecutor and the public defence counsel are of substantial assistance to the court in arriving at a correct assessment of the social significance of the criminal

offence which it has under examination. They help the court to obtain a deeper and more extensive insight into the circumstances characterising the personality of the accused, something that is known to be of decisive importance in establishing the penalty to be applied, and in some cases in applying conditional sentences or in ordering his complete release from punishment. There is also the fact that the force of a court sentence rests on public opinion, which is expressed by the representatives of the collective in which the accused or the injured party either work or have worked.

Obviously, no collective of working people will delegate both a public prosecutor and a public defence counsel in the same case. Consequently, the very selection of the one or the other is an indication of the collective's attitude to the case.

However, it is not the sole function of public prosecutors and public defence counsel to characterise the social importance of the case and to give an appraisal of the personality involved. The public prosecutor and the public defence counsel are full-fledged participants in the trial: they have the right to adduce evidence, take part in the examination of evidence, enter petitions, contest the case, state their considerations concerning the extent to which the indictment has been proved, any mitigating circumstances, etc. All this is regulated in detail in procedural law (Art. 250, Code of Criminal Procedure, R.S.F.S.R.).

It would, of course, be wrong to assume that public prosecutors and public defence counsel must take part in every trial. It is not a duty but a right of a collective to appoint a public prosecutor or a public defence counsel. On the whole, this form of community participation in the administration of justice has proved itself to be very effective and shows just how socialist justice is being further democratised. Suffice it to say that between 10 and 20 per cent of criminal cases are tried with the participation of public prosecutors and public defence counsel, and the figure is on the increase.

Public Warranty

The criminal and the criminal procedure legislation of the Union Republics contains a new form of public control of and influence on offenders. It is known as public warranty and is widely applied in practice.

The essence of the institution of public warranty is that a mass organisation or a collective of working people gives the court, the Procurator or an organ of inquiry a warranty that the member of the collective who has committed an offence will be re-educated by measures of social influence and may, therefore, be released from criminal responsibility and punishment.

Consequently, the whole idea of admitting an offender to public warranty is to limit and narrow down the sphere of application of criminal punishment through the institution of a qualitatively new measure of influence on the offender, the responsibility for whose re-education is placed on the collective. That is another concrete manifestation of the humane and democratic character of socialist justice.

Release from criminal responsibility with the dismissal of the criminal case and the acceptance of a public warranty for the behaviour of the offender may be applied only where the offence and the offender himself do not present any great social danger, where the offence has not resulted in any dire consequences, and where the offender himself is deeply repentant (Art. 52, Criminal Code of the R.S.F.S.R.). No public warranty may be instituted for a person who had earlier been convicted for a premeditated crime, or had already been admitted to public warranty. Nor may public warranty be instituted for a person who denies his guilt or insists on a trial of his case in court.

Public warranty can be secured for an offender, for the purposes of his re-education, only on the petition of a mass organisation or a collective of working people (e.g., the workers of an enterprise, the members of a collective farm), who discuss the question of entering such a petition at their general meeting.

The decision to accept a public warranty rests with the court, the Procurator, the investigator and the organ of inquiry, with the consent of the Procurator (Art. 9, Code of Criminal Procedure, R.S.F.S.R.). Depending on the circumstances of the case, they may either sustain or reject the petition for the admission of an offender to public warranty.

The person admitted to public warranty continues to work at the same place. Where in the course of a year, the person concerned has failed to justify the confidence vested in him by the collective, has broken his promise to prove his cor-

rection by exemplary conduct and honest labour, and has failed to observe the rules of social community life or has left his place of work with the object of evading social influence, a decision is taken to revoke the public warranty. This decision is communicated to the Procurator or the court, who examine the question of charging the offender with criminal responsibility for the offence for which he was admitted to public warranty.

It has been shown in practice that the admission to public warranty is an effective means against crimes which present no great social danger. The effectiveness of re-education of offenders by measures of social influence is witnessed in particular by the fact that of all the persons admitted to public warranty, less than one per cent break their promise to reform, and revert to crime.

Another measure which is being widely applied is the passage of a conditional sentence, when a person sentenced conditionally is placed in the charge of a mass organisation or a collective of working people, on their petition, for his re-education and correction (Art. 38, Fundamentals of Criminal Legislation). In passing a conditional sentence, the court imposes a penalty on the accused, but stays the execution of the sentence, on the condition that within a stated probationary period the convicted person does not commit a fresh crime. In the overwhelming majority of cases, the educational efforts of collectives of working people help the convicted person to reform during the probationary period. Just over one per cent of conditionally sentenced persons undergoing public correction revert to crime.

Comrades' Courts

Together with the extension of public control functions and greater participation by the public in the activity of judicial organs, there has been a considerable development of ways in which mass organisations and collectives of citizens independently combat violations of social law and order and the rules of socialist community life. Comrades' Courts are one of these.

Comrades' Courts are informal elective bodies, set up at enterprises, establishments, organisations, collective farms, in rural populated localities and settlements, blocks of dwelling houses under house management offices, or those with block committees and at higher and secondary special schools.

Where the collectives are large, Comrades' Courts may be set up in the shops of enterprises, teams of collective farms, etc. Comrades' Courts are elected by general meetings of working people for a term of two years.

Comrades' Courts are a characteristic and important form of social initiative. According to the Statute on Comrades' Courts, their task is actively to promote the education of citizens in a spirit of conscious attitude to labour, socialist property, observance of the rules of community life, development of a sense of comradely mutual assistance and respect for the dignity and honour of citizens. The main thing in the work of the Comrades' Courts is to prevent offences and misdemeanours, to educate people by persuasion and social influence, and to create an atmosphere of intolerance of any anti-social acts. Comrades' Courts are vested with the trust of the collective, express its will and are responsible to it.

Comrades' Courts have a great part to play in preventing all types of offences and immoral acts. Comrades' Courts express public opinion, and may well succeed where it is not right to apply criminal punishment. The power of the Comrades' Courts does not lie in punitive measures but in the collective censure of the delinquent and in comradely criticism. It is hard to exaggerate the educational influence exercised on the delinquent by the need to answer to his collective, and the very decision handed down against him by a Comrades' Court of the collective with whom he is connected in various ways, such as labour, study and recreation.

Of course, Comrades' Courts are not empowered to hand down a decision entailing deprivation of liberty for an offender. Despite the fact that the measures of influence applied by Comrades' Courts are predominantly social in character, many offenders prefer to stand trial in a court of law and be judged by strangers, than face their comrades. They prefer to suffer a heavier punishment than to be tried by their own collective.

The preventive role of the Comrades' Courts in combating offences consists above all in the fact that they examine cases involving breaches of moral rules and misdeeds, and do their utmost to prevent the commission of offences.

At the same time, Comrades' Courts have competence over a large category of cases involving offences and even

crimes, where discussion in the collective and public educational influence may prove to be more effective in correcting the offender than the application of any measures of state compulsion.

That is why Comrades' Courts have been set up and actively operate in many establishments, enterprises and organisations, schools, collective farms and under house management committees. There are now more than 200,000 Comrades' Courts in the country and their number has been growing steadily. This is a reflection of the growing role public opinion has to play in the life of the Soviet state, and is evidence of the fact that in the U.S.S.R. the combating of offences is the task not only of state bodies, but of the whole population.

The framework in which Comrades' Courts operate, the general organisational forms, competence and measures of influence they apply, are established by legislation. The legal basis for the activity of the Comrades' Courts is determined by Republican statutes. In the R.S.F.S.R. the Statute on Comrades' Courts was approved in 1961.

What is the competence of the Comrades' Courts?

First of all, Comrades' Courts examine breaches of labour discipline, including failure to report for work without good reason, late arrival at work and departure before the appointed hour; poor workmanship, idleness at work; failure to observe safety rules and other labour protection regulations (with the exception of cases entailing criminal responsibility); breakage of equipment, tools and materials through negligence.

Comrades' Courts examine cases involving breach of rules in public behaviour, including immoral acts, maltreatment of women and parents, and failure to fulfil one's obligations in the education of children.

Comrades' Courts also examine cases involving drunkenness and misbehaviour in places of public resort and at work, minor damage to dwellings and other premises, and breach of standing regulations in flats and hostels. Another category consists of cases of administrative offences and first offences which do not present any great social danger, and where the organs of the militia, the Procurator's Office and the court believe the case should be examined by a Comrades' Court.

In some categories of offences, the Criminal Code and the Code of Criminal Procedure of the R.S.F.S.R. empower the court, the Procurator, the investigator and the organ of inquiry, with the consent of the Procurator, to drop the criminal proceedings and refer the case to a Comrades' Court (Art. 51, Criminal Code, and Art. 7, Code of Criminal Procedure of the R.S.F.S.R.). Offences for which criminal responsibility may be waived and the case referred to a Comrades' Court are first offences involving premeditated light bodily injury or assault not resulting in injury to health, insult, circulation of unfounded rumours denigrating a member of the collective, and other minor offences where the character of the offence and the personality of the offender suggest that he may be corrected without application of punishment and only through measures of social influence.

Finally, a special category of cases referred to the competence of the Comrades' Courts consists of some civil cases, such as disputes involving property valued under 50 rubles, where the parties to the dispute agree to apply to a Comrades' Court; cases involving disputes between tenants over the use of auxiliary premises, house services, payment of public utility charges and the use of land plots by co-owners of a house.

Those were the cases which until recently constituted the jurisdiction of Comrades' Courts.

The experience accumulated by the Comrades' Courts has shown that these organs of social initiative are latent with many untapped possibilities for extending preventive work and for exercising a more active educational influence on morally unstable citizens.

Accordingly, in 1963, the Supreme Soviet of the R.S.F.S.R. decreed addenda and amendments to the Statute on Comrades' Courts of the R.S.F.S.R. What are these addenda and amendments?

The most convincing evidence of the prestige and confidence enjoyed by the Comrades' Courts is the considerable extension of their jurisdiction. Apart from the cases which Comrades' Courts used to examine, they will now also deal with cases involving the unauthorised use for personal purposes of transport vehicles, agricultural machinery, machine-tools, tools, raw materials, and other property belonging to the enterprises or mass organisations, where such acts

do not result in substantial damage; cases involving destruction or loss of equipment due to negligence not resulting in substantial damage; and cases involving failure to observe fire prevention rules.

As has been said, Comrades' Courts have the right to examine not only breaches of moral rules, but also some criminal offences earlier referred exclusively to the jurisdiction of the state courts. In the society building communism, there is a gradual narrowing down of the sphere in which measures of state compulsion are applied, and an ever greater extension of the sphere in which educational measures operate. Visual confirmation of this process is the provision dating to 1963 of the possibility of applying measures on social, comradely influence to persons guilty of committing, for the first time, such offences as petty rowdyism, petty speculation, petty embezzlement of state or social property, theft from members of the same collective of household and personal things of no great value, the distilling of home-brew and other strong alcoholic drinks, for the first time, in small quantities, without the intention to sell, arbitrary acts, failure to help the sick, illegal medication, acquisition of property known to have been acquired by criminal means, and certain other offences.

Thus, as a result of the growing initiative and activity among the broad masses of the working people today, it is increasingly possible and sufficient to apply to some offenders measures of social influence instead of criminal punishment. This is a clear indication of the steady advance of democracy in the Soviet state and the Soviet social system.

Of great importance towards the understanding of the role of the Comrades' Courts, as a means of educating the working people in observing legality and the rules of socialist community life, are measures of social influence applied by the Comrades' Courts.

They may apply one of the following: order the offender to make a public apology to the injured party or the collective; administer a comradely warning or public censure; impose a public reprimand with or without publication in the press; impose a fine of up to 10 rubles; order the offender to pay damages of up to 50 rubles. The Comrades' Court may propose to the executive of an enterprise or establishment that the following measures should be applied to the

offender, in accordance with the existing labour legislation: transfer of the offender to a lower-paying job or his demotion. In addition, the Comrades' Court may propose the offender's eviction from the flat he occupies, because he has made a public nuisance of himself, or because he has been systematically wrecking the premises. The Comrades' Court may propose to the management the dismissal, in the established manner, of a person whose work involves the education of minors and young people, or the disposal or safekeeping of material values, where the Comrades' Court, in view of the breaches committed by the person in question, considers that he cannot be trusted with such work in the future.

In the case of persons committing petty rowdyism, petty speculation, petty embezzlement of state or social property, theft of personal or household things of small value, or those committing assault or inflicting light bodily injury, the Comrades' Court has the right to propose to the management of the enterprise, that such persons be assigned to skilled manual work at the same enterprise, establishment or organisation, for a period of 15 days, with payment for the work done.

It will be easily seen that these measures do not contain any element of the punishment inherent in criminal penalties. Each of them is based on a desire to prevent the delinquent from further misbehaviour, to subject him to the healing power of comradely criticism, and to re-educate him by the power of social influence. Dismissal by recommendation of the Comrades' Courts is an extreme measure and, as in every other case, such dismissal is possible only with the consent of the factory, plant or local trade union committee and applies to offenders who can no longer be trusted to perform important and responsible work in educating young people or in handling and safekeeping material values.

The proposal by the Comrades' Court to evict a person from the flat he occupies, where he has made a public nuisance of himself, or has systematically wrecked the premises, is also an exceptional measure. It should be borne in mind that the Comrades' Courts may not apply any measures of influence at all, confining itself to a public examination of the case, where the delinquent has shown sincere repent-

ance, made a public apology to the collective or the injured party and has voluntarily made good the loss he has caused.

Although, as we have seen, measures of social influence are not criminal punishment and are designed for education and prevention, they must, nevertheless, be applied only to persons who are guilty of anti-social behaviour. But does the law contain any guarantees that the decisions handed down by the Comrades' Courts are correct and fair? Yes, it does. These guarantees consist, in particular, in the procedures by which the Comrades' Courts are guided in their examination of cases.

Before the examination of a case in a Comrades' Court, one of its members carries out the necessary verification of the records before it. Comrades' Courts have the right to demand and obtain the necessary information and documents from executives of enterprises or establishments, and also from other persons in office and citizens. The person brought before the Comrades' Court must be acquainted with all the material beforehand and has the right to demand additional documents and summons of witnesses.

The proceedings in a Comrades' Court are very simple. All cases are examined in public with at least three members of the Comrades' Court present. There are no specially appointed prosecutors or defence counsel. If the case is heard at the place of the delinquent's domicile, the Comrades' Court, whenever necessary, invites representatives of the collective in which he works to attend the proceedings. This helps to ensure the greatest possible objectivity in the examination of cases, because the Comrades' Court, having heard statements by the representatives of the collective, can take account not only of the delinquent's behaviour at home, but also his attitude to his duties and his relations with his comrades at work.

The same purpose, that is, the attainment of the utmost objectivity, is served by the right of the offender and also the injured party to challenge the presiding member and other members of the Comrades' Court, where he believes that they have a personal interest in the outcome of the case.

The Comrades' Court examines the available material, hears the explanation of the person charged, the injured party and witnesses. Everyone present may ask questions and speak on the substance of the case.

Decisions of the Comrades' Courts are taken by a majority of its members taking part in the examination of a given case, are publicly announced and brought to the notice of the public at large. In examining a case and adopting its decision, the Comrades' Court is guided by the existing legislation and the conception of its social duty.

Decisions handed down by the Comrades' Courts are final. The legality and validity of their decisions are controlled by factory, plant, and local trade union committees and executive committees of local Soviets of Working People's Deputies who give guidance to the given Comrades' Court. Where the decision of a Comrades' Court conflicts with the circumstances of the case or existing legislation, the trade union committee or executive committee of the local Soviet of Working People's Deputies has the right to request the Comrades' Court to re-examine the case. Decisions involving property sanctions (imposition of fine, restitution of loss, etc.) are also verified by a people's judge who, where the decision of the Comrades' Court is illegal, refuses to issue a writ of execution, duly informing the Comrades' Court or the trade union committee or executive committee of the Soviet of Working People's Deputies, for the taking of a decision for a fresh examination of the case.

At least once a year, the Comrades' Courts report on their activity to general meetings of the collectives electing them.

**People's Patrols
and Other Forms of Mass
Participation
in Ensuring Legality**

People's patrols for the maintenance of public order play an important part in combating offences. They are set up from among leading industrial and office workers, collective farmers, students and senior-school children and old-age pensioners, at enterprises, construction sites, transport, establishments, schools and colleges, state and collective farms. Their principal tasks are to maintain public order in the streets, parks and other places of public resort, combat rowdiness, drunkenness, embezzlement of socialist property and theft of personal property of citizens, speculation, illicit distillation of spirits and other offences, and also to combat neglect of children. People's patrols carry out extensive educational work in the observance of the rules of socialist community life, take active part in the work of preventing offences, especially in combating drun-

kenness, which leads to the commission of a considerable number of crimes.

The institution of volunteer traffic inspectors plays an important part. These public traffic inspectors verify the technical state of vehicles. For instance, at a large transport depot in the town of Kyzyl, the centre of Tuva, there are special public posts to check up on the technical state of cars and trucks leaving and returning to the garage. They also exercise control over the quality of repairs and technical services, thereby helping to prevent accidents because of technical faults and also to reduce the idle time of vehicles.

Volunteer traffic inspectors, some of whom are drivers by occupation or have their own cars, have special badges on their vehicles which entitle them to stop those who break the traffic rules or drive in a state of intoxication, to establish their identity, issue a warning or report to the state traffic inspection for taking the necessary measures.

Members of the community also take part in re-educating persons who are serving court sentences in places of deprivation of liberty. Supervisory commissions, on which the public is broadly represented, are set up under the executive committees of district and city Soviets of Working People's Deputies in areas with corrective labour establishments. These commissions, some of whose members are doctors and teachers, exercise continuous public control over the legality of activity in corrective labour establishments, see that measures to re-educate the convicted persons are fulfilled, and that their labour is correctly organised, and make suggestions for the improvement of their everyday conditions, cultural services, occupational and technical training and general knowledge teaching, and help the administrative personnel of the corrective labour establishments to carry out this work. The supervisory commissions have the right to enter petitions of pardon, actual or conditional release from punishment before the sentence has been served, or the substitution of a milder penalty for prisoners whose good record shows that they have reformed.

Members of the community have an exceptionally great and responsible role to play in preventing offences by minors, every aspect of whose life—schooling, work and recreation—is under keen public scrutiny. Nevertheless, some teenagers still commit offences. Public and state organs

concentrate on the education of young offenders, and creating conditions at school and elsewhere to rule out the fresh commission of anti-social acts, by involving them in socially useful labour.

Among the measures in combating juvenile offences, criminal punishment is strictly secondary and is applied in extremely rare cases. As a rule, minors are held criminally responsible upon the attainment of 16 years, and only the most dangerous crimes entail criminal responsibility at 14. In practice there is extensive application of Art. 10 of the Code of Criminal Procedure of the R.S.F.S.R., which allows the court to apply educational measures of compulsion (which are not criminal punishment), where it finds that the correction of the offender under the age of 18 years who has committed a crime, which does not present any great social danger, may be effected without criminal punishment.

The court may also refer the question of applying such measures to a commission for the affairs of minors.

These commissions are set up under the executive committees of district, city, regional and territorial Soviets of Working People's Deputies, and also under the Councils of Ministers of the Autonomous and Union Republics without regional divisions.

On these commissions are public figures, teachers, doctors, social insurance workers and officials of the Ministry for the Interior. Their main task is to prevent neglect of children and juvenile delinquency, to take measures to combat neglect of minors and to help children and teenagers to carry on their studies or find employment and to protect their rights.

District (city) commissions for the affairs of minors apply the following measures of influence on juvenile delinquents: order them to make a public or other apology to the injured party; impose a reprimand or strict reprimand; issue a warning and fix a probationary period of up to one year; order a minor over the age of 15 to repair the loss inflicted, where the minor earns and the loss does not exceed 20 rubles, or order him to make good the loss inflicted by his labour where the loss is not in excess of 20 rubles; send the records of the case to the social organisations at his place of study, work or domicile for discussion and adoption of the necessary measures; place the minor in the custody of his parents

or persons substituting for them; admit the minor to the warrant or supervision of a collective of working people, a mass organisation or individual citizens, on their petition; place him in a special medicinal and educational, or educational establishment for children and young people; place the offender in an educational colony for minors.

* * *

Life, with its many facets, produces fresh evidence of public initiative in combating breaches of public order and the rules of socialist community life. The forms that have proved sound are fixed in normative enactments, which are a sign of state sanction.

Thus, in the process of ensuring socialist legality there is increasingly closer integration of state compulsion and social influence.

State and mass organisations do not operate in isolation from each other but in constant contact and with mutual support. That is very natural, because mass organisations consist of working people who, under socialism, possess the plentitude of state power.

The state power, as embodied in the Soviets of Working People's Deputies, together with mass organisations, constitutes a unified system of Soviet society's political organisation.

REQUEST TO READERS

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