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# A Brief Research on 1936 Soviet Constitution under Joseph Stalin

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## **I. Introduction**

On December 5<sup>th</sup>, 1936, the Supreme Soviet of USSR adopted and passed unanimously the first constitution of Soviet Union. This document proclaimed the "official birth" of the Soviet regime by officially legalizing the communist rule and establishing a comprehensive system of bureaucratic administration. This document is commonly granted the name "Stalin Constitution," since Stalin's personal influence, as well as the contemporary political structure created by him, profoundly influenced the draft, passage and publicizing of this document. In this paper, I will examine this highly disputed constitution in three aspects: the historical background and the various crises emerged in 1930s that motivated the Soviet Authority to make a constitution; a literal analysis of the Constitution's contents that demonstrate the efforts of Stalin's Government to redistribute political resources, pacify social disorder and regulate different relationship among this huge multinational state; and finally, a brief summary of how this constitution contradicted the ideal expectation of Marxist theory, and how these deviations influence the future vicissitude of the nation's political development. Perceiving the Constitution as one part of a larger experiment to re-organize social order, I viewed the implementation of 1936 Constitution not an isolated event, but rather as the inevitable result caused by the cohesive efforts of multiple prevailing social forces.

## **II. A Medicine to Political Disease?**

Looking back on the Soviet Regime's rise to power, we can discover an interesting transition of attitude of Soviet leaders toward a constitution. In January 1918, facing the failure of election of Bolsheviks in Constitutional Convention, Lenin rejected the necessity of a constitution by claiming constitution as "a hypocrite capitalist tool for exploitation and oppression"[1]. He later forcibly dismissed the Constitutional

Convention and established a "People's Commission" which consisted solely of radical Communist revolutionaries. At the beginning of his tenure as the Party leader, Stalin also reasoned that "[The Constitution] will leave the party's supreme position unimpaired, and was therefore worthless as a guarantee of individual rights" [2]. However, by the year 1930, the Soviet government under Stalin suddenly determined to constitutionalize itself, marking a sharp contrast with his previous contemptuous and reluctant attitude.

This apparent change of attitude significantly reflected the Soviet Government's difficulty in dealing with both domestic and international affairs. The success of the October Revolution did not bring an Communist utopia as Lenin originally expected; instead, when Joseph Stalin took office in 1922, four major problems that emerged during Russia's sudden change of social structure had severely threatened the internal instability of this new-born regime.

The first problem was that Soviet authority's frequent change of agricultural policy had hurt the peasants' initiative of cultivation and resulted in stagnation of agriculture. Between 1918 and 1927, the Soviet Union's official agriculture policy was revised three times. From 1918 to 1921, Lenin practiced "war communism" in agriculture, or the requisition of agricultural surpluses from peasants in excess of absolute minimum for centralized distribution among the remaining population [3]; from 1921 to 1928, war communism was abolished for New Economic Policy (NEP), which cancelled the unpaid governmental collection of peasants' products and legalized farmers' possession of small plots of land and accessories; however, the lenient NEP was suddenly vetoed by Stalin in fall 1928 accusing a "Kulak dominance over rural areas" [4]. Stalin then started his agricultural collectivization plan by organizing individual peasants into collective farms where all private production

materials previously owned by them were confiscated for "public needs." By sacrificing the agricultural development to the need for industrialization, Soviet government obviously failed to keep their promise to the peasants to "guarantee their production rights and subsidize rurality."

The Soviet government's rapid change of agricultural policy resulted in severe social consequences. Preoccupied by the fear that the Soviet government would expropriate their private property, Russian farmers generally lost their confidence toward production and were barely willing to cultivate more than their basic need [5]. Slaughtering livestock was also a common response of farmers to their unpredictable future. Farmers' habitual lack of productivity driven by their constant resistance to nationalization resulted in periodic famines and violent rebellions. A survey indicated that during the first decade of Soviet rule, 1918-1927, there were only 3 years of good harvests, 5 years of poor harvests and 2 famine years, a situation even worse than during the tsarist era in early 20<sup>th</sup> century. Accompanied by agricultural recession were constant explosion of riots and disobedience, which were best signified by the Ukranian Revolt of 1931 after a crop failure caused by governmental planning mistake, where peasants refused to cultivate in collective farms, robbed militia weapons and took over several administrative offices in adjacent areas [6]. Agriculture, as the major pillar of Russia's national economy, needed a coherent and legal policy to guarantee its healthy operation.

Another problem exclusively significant in Stalin's ruling era is people's increasing dissatisfaction with the centralization of power in one person's hands. Different from his predecessor Lenin, who respected different voices inside the Communist Party and emphasized the democratic discussion of policy on the platform of Party Congress, Stalin's arbitrary personality make him intolerable to political

dissidents and public criticism. The existence of opponents inside the Politburo headed by Bukhalin and Zinoviev, Stalin strongly believed, potentially "undermined the strength of the ruling party" [7] and threatened his monopoly over decision-making. The dissidents' attacks on Stalin's construction method were multifaceted, including the low agricultural productivity in collective farms, extreme imbalance between industrial and agricultural development, arbitrary appointment of local officials, and his narrow interpretation of Marxist theory. Among these negative comments the most offensive to him is the accusation of his illegal grab of power, a voice announced by the boldest opponent Leon Trotsky, who argues that a party's leader cannot hold office without the consensus of its members, an opinion which severely attacked Stalin's personal authority by questioning the essential source of his power.

Learning the pragmatic political strategy from his predecessor Lenin, Stalin responded to the dissidents' request with fierce suppression through the secret police and stricter censorship of the press. However, he tried to legitimize and embellish his personal dictatorship on the other hand--an ironic fact in 1936 is that the Great Purge and the publication of Soviet Constitution took place nearly simultaneously. By comparing the nature of two major events, I perceive Stalin's proposal to publicize the Constitution in that critical time as an attempt to pacify public dissatisfaction with the Soviet authorities by making the Soviet structure seemingly more democratic and legally justified.

Besides the economic and political dilemmas that the Stalin regime faced, the international community's reluctance to recognize USSR also contributed to the complexity of the problem. As early as 1919, the Palmer Raids marked the outbreak of anti-Soviet movement in the United States; the League of Nations established in

the same year consisted of western democracies but excluded Soviet Union's participation. Although western countries began to acknowledge and establish official relationships with USSR beginning in 1925, most of them still maintained a hostile attitude toward the nation by means of embargo, espionage activities and strict border inspection. The anti-Soviet mood among Western nations was rooted in the fear that a strong communist state adjacent to Europe would trigger further revolutions in their lands. They referred to Lenin's work *The State and Revolution*, which proclaimed Soviet Russia's mission to "export revolution" and to "assist world proletarians to achieve their political goals" [8]. Facing the isolation and suspicion of the rest of the world, Stalin realized that a worldwide revolution would never take place, and he tried to transform the role of Soviet Union from an iconoclastic trouble-maker to a responsible member of international community. A constitution, seen by Stalin as the symbol of order and authenticity, served as an effective tool to demonstrate the Soviet Union's peaceful will to the West and its promise to respect the existent diplomatic order.

From the analysis above, the Soviet Constitution of 1936 was born in a complicated and uncertain historical context. As Trotsky said in *The Revolution Betrayed*, the Stalinist Russia is a "transitional state," whose collective, nationalized economy and autocratic politics differed from capitalist society, and whose low productivity and vast inequality of property made it distant from the idealistic communism in Marxist theory. Therefore, its instability in economics, politics and foreign affairs illustrated that the Soviet Union lacked a mature guide to regulate its socialist construction. The adoption of the Soviet constitution in this vulnerable period, therefore, is not coincidental, but conformed to the nation's need to appease socio-economic conflicts and to maintain resistant to future challenges.

### **III. The Contents and Connotations of Constitution**

At the first glance, the Soviet Constitution had even more democratic characteristics than its western counterparts. It is the second constitution in the world to legalize women's suffrage, and also to guarantee the direct election of executive officials by the people. However, my argument in Part I reveals that the Constitution served to maintain social stability and reduce the mood of internal dissatisfaction and was not really an effort to democratize the Soviet state's political structure. Through the reading of the Stalin Constitution, I observe that Stalin had no intention to limit his absolute power in the framework of law, but tried to legitimize the authenticity of his ruling position and his bureaucracy with the authorization of a document. In order to comprehend the Stalin Constitution's political purpose, we need to discern its purpose beneath the surface of its context.

The political clauses of the Constitution efficiently settled the contest between a highly-centralized bureaucracy and popular sovereignty. It nominally granted the nation's administrative power for "workers and peasants"[9], thus legitimizing the people's ownership over the nation; however, the Constitution also acknowledged the achievement of the "proletarian dictatorship," meaning that any person in opposition to the Soviet State perceived by its rulers could be suppressed justifiably. With this legal shield, Stalin craftily justified his purge of the Party as a constitutional means of "eliminating class enemies." Also, according to the Constitution, citizens ruled the nation through the elected representatives of the Supreme Soviet, who then passed the law and determined the candidates of executive branch. This delicate design of power was more beneficial to the ruler's dictatorship than to the common people's voice of opinions, since in an election lacking transparency and freedom of choice, autocratic leaders could easily converted their individual intentions to laws with the meek

cooperation of a rubber-stamp parliament. Therefore, Stalin successfully installed a democratic form on the nation's centralized structure without damaging the existent governing order.

Another characteristic of the Constitution's political statement is its deliberate blurring of the Communist Party's presence in the political structure. Unlike Brezhnev's revised version in 1976, the Stalin Constitution did not mention anything about the Party-State relationship in the text, making the Party's actual leadership an "invisible hand" in the nation's political life. Although the Party was not offered legal status to rule, the Soviet Parliament which "exercises all rights vested in the USSR" were nevertheless controlled by its party caucus initiating proposals of law and "recommending" proper candidacy for leading positions [10].

A similar evasiveness also occurred in the Constitution's description of the relationship between the Union and the Union Republics. The Constitution ensured each Republic's independence and sovereignty. It also exerted the Supreme Soviet's overall power of the nation at the same time, but did not explicitly offer a resolution when the central governments' opinions conflict with regional interests. In the actual practice, this condition would never happen, since the central government monopolized the appointment of all the leading positions of Union Republics. These two examples demonstrated the two-sided nature of the constitution: it provided an apparent democratic reform of Soviet Union's political structure, but indeed helped legalizing Stalin regime's monopoly of national power.

The Constitution also highlighted its economic clauses, which were recognized as the most successful part in this document. Compared with previous economic policies, the Constitution legalized the systematic adjustment of agricultural collectivization implemented in 1927-1936. Although the agricultural clause maintained the

nationalized nature of Soviet farms and accessories, it attempted to raise collective farmers' working initiative by allowing the possession of a "small private economy of individual peasants and handcraftsman based on their personal labor." Additionally, they were legally guaranteed to acquire "incomes from work and their savings" [11], officially ending the forced expropriation of private belongings since 1918. The economic clauses signified the Stalin regime's abandonment of economic radicalism which emphasized the implementation of fundamental communist principles, regardless of Russian's agricultural reality.

However, the economic clauses were never created solely for the well-being of working people; it is no more than a practical compromise by Soviet leadership to moderate the increasingly resentful mood among peasants and retrieve the low agricultural productivity due to producers' unwillingness to labor. As a method to rescue the Soviet economy from collapsing, the economic clause was nevertheless far from perfect. By announcing that "the economic life of the U.S.S.R. is determined and directed by the State National Economic Plan," the Constitution legalized the Soviet authority's control over the nation's economic activities and virtually deprived the citizens of the union republics of their rights of self-regulation. The Constitution also failed to address the extreme imbalance of industrial and agricultural development caused by "price scissors," the policy of intentionally exploiting agricultural profits to subsidize heavy industry.

Another chapter in the Constitution specifically elucidated the rights of Soviet citizens, a part frequently cited by Stalin to prove the regime's "most democratic" nature. This part was the most enlightening in the Constitution, since it perfectly exemplified how an authoritarian government legitimized its suppression of individual members of society. Admittedly, the "rights clauses" [12] voiced to protect

individual political freedom, including speech, religion, assembly and demonstrations, but those rights were immediately limited by a vague statement in Article 135 that "it is the duty of every citizen of the U.S.S.R. to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labor discipline, honestly to perform public duties, and to respect the rules of socialist intercourse." This clause tacitly stated that anyone who holds dissident opinions or actions against the Soviet authority's commands and orders will be "constitutionally" deprived of those inalienable rights. Since the extension of "rules of socialist intercourse," "labor discipline" or "public duties" were not clearly defined, Soviet rulers could apply those ambiguous restrictions to any speeches or actions considered by them as dangerous to their ruling order. The Soviet citizens have only the rights of conformation, but not resistance. With the authorization of these clauses, the Stalin regime rationalized its censorship of press and publications, and virtually eliminated the possibility of a labor strike or a demonstration.

Through the analysis of four major parts of Constitution, I perceive that the 1936 Constitution served more as a proclamation of the communist rule, rather than the nation's basic law. Positively, it responded to domestic unrest by making promises to extend people's political and economic rights, and for the first time it provided clear answers to essential problems on the Soviet state's social organization and distribution of property. Nevertheless, designed originally to better the Stalin regime's operation of a dictatorship, this constitution used plenty of ambiguous statements throughout its body, creating abundant "empty spaces" for rulers to interpret its actual meaning and implementation. The deliberate lack of detail in the Stalin Constitution may explain why the so-called "most democratic document" was too enfeebled to prevent people from suffering the Great Purge and later catastrophes.

#### **IV. Conclusion: Is 1936 Constitution as Expected to Be?**

After observing the Soviet authority's basic principles and intentions enumerated in the 1936 Constitution in previous chapters, I will compare the Soviet political practice with the theoretical, idealistic form of Communism in Marx's work to reveal the Soviet regime's structural difference from the theoretical model. I will also try to prove how the Soviet practice of communism thoroughly influenced 20<sup>th</sup> century's socialist movement and resulted in the sudden collapse of the Communist nation in early 1990s.

Firstly, Stalin regime's perception of democracy showed in the 1936 Constitution was different from the orthodox Marxist view. Article 2 of the document defined the nation's political foundation as "the achievement of the dictatorship of the proletariat," emphasizing the term "dictatorship" 17 years after the success of October Revolution. Stalin claimed that the dictatorship was necessary even in a peaceful era, since "the socialist state had the responsibility to carry out the class struggle against class enemies and preserve the revolutionary achievements."

However, as famous political scientist Sigmund Krasberg argued, Marx "is defended with firm claims to certainty as the champion of democracy," who stated that worker's dictatorship over the nation is but "a transitional institution used in the struggle, in the revolution, to hold down one's adversaries by force" [13]. Therefore, Stalin had adopted an falsified adaptation of Marxism, which has little to nothing in common with the words and actions of Marx himself.

Also driven by the "proletarian dictatorship" principles, the severe restriction of civil liberty in Soviet Union was also in conflict with Marxist theory of social organization. A victim of press censorship himself, Karl Marx strictly criticized the limitation of the freedom of speech as a blatant abuse of government power,

perceiving it to be "a trick used by the capitalist class to suppress the voice of progressive proletarians." However, the Great Purge began in 1936 apparently contrasted the Marxist dream of personal liberty. In that bloody movement, Stalin executed and imprisoned millions of political dissidents, while using strict censorship methods to take absolute control of Soviet newspaper agencies and public radio. Under the tyrannical power, the constitutional protection on civilian freedom was proved only to be ineffective.

In the economic field, the original Marxist doctrine also differed greatly from Stalin's communist practice. Article 12 provided the principle of distribution applied in the U.S.S.R. to be "from each according to his ability, to each according to his work." Although this clause differed from the Marxist teaching that "from each according to his ability, to each according to his *need*" by only one word, the principle of property distribution was fundamentally changed. Marx based his distribution theory on the assumption that communism was a highly prosperous and productive society where people were highly initiated and skillful to their work. However, the Soviet state was a poor agricultural nation without an abundant source of products for Soviet people to obtain whatever they need. Devoted to adapting the nation's low productivity to the communist rule, Stalin pragmatically used the phrase "to each according to his work" to both declare the socialist nature of Soviet Union and recognize the real economic condition of the state. In practical terms, it actually indicated that proper were not paid equally.

The huge gap between Soviet socialist practice and Marxist theory, as demonstrated in 1936 Constitution, has a complicated historical root. The long-lasting Tsarist dictatorship which begun in the medieval era deeply influenced the social model of Russian State, not only establishing a strict system of hierarchy but also

fostering a tradition of personality cult and public allowance to absolute power. Unlike liberal democracy in the West, the ruling power in Old Russia was not granted and consented by people, but disseminated exclusively by the Tsar to the lower levels of the social pyramid, creating a top-down model of power distribution. In order to maintain the stability of this ruling order, it is necessary for dictators to "tame" common people, making them submissive and responsive to royal commands and pacifying their requests to participate in political issues. Political suppression, the religious teachings of Eastern Orthodox and the recognition of loyalty as a moral virtue served as ideological tools for the tsars to maintain social order and mitigate popular dissent.

Although the October Revolution overthrew the empire's tyranny and established an apparently populist regime, the profound Tsarist tradition in Russia was not eliminated by the 1917 revolution but rather deeply implanted itself into the newborn regime, making it partially a continuation of the dead empire. Leninism, the adoption of Marxist theory to Russia's specific circumstance, replaced the moral and religious teaching in Old Empire to be a new tool of restricting the free minds of Soviet people; the powerful bureaucracy in Russian Empire to execute real power, such as the Royal Court and National Duma, was virtually transformed to a system of Party bureaucracy and Soviet legislation, which was equally suppressive but wrapped in a democratic coat; the feudal partition of social classes according to blood lineage and land possession were claimed to be replaced by a non-class proletarian society, but the Communist leadership headed by Stalin nevertheless formed itself a new "proletarian nobility" who centralized the national power and enjoyed diverse social privileges as the former royalty did. In his book *The Court of the Red Tsar*, historian Simon Montefiore described the Stalin regime as a modern reflection of tsar heritage and

reminded people to analyze Communist Russia's inevitable conversion from a populist democracy to an authoritarian empire in a cultural sense. In conclusion, the 1936 Constitution was deeply attached to the previous tsarist path and thereby its inadequate fulfillment of Marx's ideal social organization seems inevitable.

Despite the Constitution's many disadvantages, the USSR was the first successful example of the communist movement in 20<sup>th</sup> century, and the document provided a powerful model for governmental structure and civil policy in later proletarian states. Observing Yugoslavia, Albania and democratic Germany's constitutions as marked examples, one can distinguish three common characteristics derived from the Stalin Constitution: the claim of the proletarian dictatorship against the residue capitalists, which granted the communist parties the absolute legitimacy to rule; the building of a Soviet-styled legislative branch consisted of elected representatives under the Party's supervision; the official adoption of a centralized planned economy and the mass nationalization of industry. Similar to the route of Soviet Union, those nations achieved a remarkable development in economy and social construction due to the stabilizing effect of the constitutions, but the political transparency and individual liberty, lacking substantial legal protection, were little improved. The Soviet model of constitutionality was applied to a wide range of socialist nations, which extended to all the member states of Warsaw Pact after the Soviet Union's 21<sup>st</sup> Party Congress.

The Stalin Constitution existed for 31 years before its final replacement by Brezhnev's 1977 Constitution. The previous discussions on this document's historical significance pointed to the essential topic of this essay: did the 1936 Constitution of USSR fulfill its initial expectations? As a political proclamation, it is brilliant, since it successfully pacified the internal turbulence of USSR and strengthened the Communist party's authority to rule. Providing several principles for regulating the

Party-State relationship and the collaboration among different functional branches, the Constitution established a systematic mechanism for the political operation of the huge country; as an economic blueprint, it is positively influential, because the central planned economy was officially adopted as the nation's fundamental policy, which fixed the nation's formerly changing nature of economic system since the Bolshevik Revolution. Although it settled the problem of extreme unbalance of industrial and agricultural investments in Soviet economy, both industries marked a breakthrough of rapid development during the late 1930s inspired by a lenient economic policy. However, as a fundamental law regulating governmental behavior, the Constitution was poorly applied. As section 3 of this paper stated, the articles guaranteeing people's basic rights and democracy enumerated in 1936 Constitution was largely a hypocritical exhibition of the regime's mercifulness to respect the popular will, a strategy to strengthen, not restrict the regime's exercise of power. The large-scale purge of political dissidents which began in 1937 ironically revealed the Constitution's inability to protect political dissidents from being suppressed by the Stalin authority's iron-fisted tyranny. In a totalitarian state where the dictator possessed absolute power, any legal system would lose its original function to "balance the public democracy and individual rights." As a final response to the topic question, the Stalin Constitution is exactly the ruling apparatus expected by Stalin and Soviet leaders, but is not the domestic law expected by a modern democratic legislator.

Although the USSR, an enduring communist experiment aiming at reorganizing the capitalist society, ended its life in a miserably at the end of 20<sup>th</sup> century, its achievements and failures have been a permanent focus for European historians to survey. The economic miracle created by planned national economy, the highly

centralized operation of politics, and the marvelous utopia described in 1936 Constitution, never ceased to influence the present and the future.

[1] Leon Trotsky, *The Revolution Betrayed*, Doubleday & Doren Company, 1937, pp. 37-38

[2] Roy A. Medvedev, *On Stalin and Stalinism*, Oxford University Press, 1979, p.21

[3] *Russian History in 20<sup>th</sup> Century*, New World Publishing House Beijing, 2010, pp. 12-20

[4] Leon Trotsky, *The Revolution Betrayed*, Doubleday & Doren Company, 1937, Page 72

[5] Sidney and Beatrice Webb, *Soviet Communism: A New Civilization (Vol.1)*, Charles and Scribner's Sons, 1936, p.258

[6] Sidney and Beatrice Webb, *Soviet Communism: A New Civilization (Vol.1)*, Charles and Scribner's Sons, 1936, p.260-261

[7] Joseph Stalin, *Selections of Stalin*, World Books Publishing House (Beijing), 1980, p.36

[8] V. I. Lenin, *The State and Revolution*, Martino Fine Books, 2009, p.108

[9] Supreme Soviet of USSR, *The Constitution of the Union of Soviet Socialist Republics*, 1936, Article 2

[10] Sidney and Beatrice Webb, *Soviet Communism: A New Civilization (Vol.1)*, Charles and Scribner's Sons, 1936, p.96-98.

[11] Supreme Soviet of USSR, *The Constitution of the Union of Soviet Socialist Republics*, 1936, Article 7

[12] The Rights Clauses are enumerated in Chapter X of 1936 Constitution.

[13] Nathan Johnson, *Marx for Democracy*, UWM Post, Nov.19, Year 2007