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SOME CHANGES IN THE DRAFT STATUTES

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(Problems of Communism, November-  
December 1960, by Herbert Ritvo)

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Introduction

The draft Statutes of the CPSU<sup>1</sup> to be put before the October Congress by Frol Kozlov, contain a number of changes by comparison with the present Statutes which seem primarily intended to give an impression of a more democratic party able to change its leaders on a regular basis. To this extent they are an admission both that there is a trend towards democratization in the CPSU and that the present system for the election and removal of party leaders has been proven to be unsatisfactory. The introduction to the draft Statutes now claims that the

"CPSU is the militant experienced vanguard of the Soviet people..."

whereas the statutes presented to the 19th Congress by Khrushchev said:

"The CPSU is a voluntary, militant union of Communists holding the same views..."

Thus the claim to "experience" introduces a new note which no doubt is intended to suggest that other ruling parties would do well to follow the Soviet example.

As with all of the Khrushchev-inspired documents, the introduction to the draft Statutes stresses the direct line of descent from Leninism in a way which makes a sharp contrast with the 1939 statutes and with the amendments to them moved by Khrushchev himself in 1952 at the 19th Party Congress. In 1952 Khrushchev was still bubbling over with eulogies of Stalin:

"Comrade Stalin's speeches 'On the Great Patriotic War of the USSR', Comrade Stalin's work 'Marxism and Problems of Linguistics' and the resolutions of the CC on ideology are of tremendous significance..."

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<sup>1</sup>Pravda, 5 August 1961.

"Comrade Stalin's work 'Economic Problems of Socialism in the USSR' is a new and invaluable contribution to Marxism-Leninism..."

"Comrade Stalin's work on economic problems, like his other work is of tremendous importance..."

"Comrade Stalin teaches that after the correct policy is given...success depends on organization..."

"Long live the wise leader of the Party and the people, the inspirer and organizer of all our victories, Comrade Stalin!" (Pravda, October 13th, 1952)

That was the dominant theme of Khrushchev only nine years ago. Now, however, the draft drawn up for his next Congress proclaims:

"The CPSU builds its work on the basis of the strict observance of the Leninist norms of party life, the principle of collective leadership..."

With the "wise leader" safely off the stage, Khrushchev no longer has much use for Stalin's precepts and consequently he introduces a draft which probably Stalin would have thought a dangerous piece of folly.

In Stalin's statutes of 1939, the introduction seemed to deny that deviations in the Party could be of any real magnitude. The 18th Congress text said:

"The Party is strong because of its solidarity, unity of will and of action, which are incompatible with any deviation from its program and rules, with any violation of Party discipline, with factional groupings, or with double-dealing."

Yet the introduction to Kozlov's statutes makes it clear that now both the right-revisionist and the left-dogmatist heresies are a serious concern of the Party, and are here for the foreseeable future:

"While creatively developing Marxism-Leninism, the CPSU resolutely fights against any manifestations of revisionism and dogmatism, which are profoundly alien to revolutionary theory."

The new formulation of the duties of a party member are also instructive in that they appear to lend some solid support to the theory of the gradual decay of ideology in the USSR.



"to fight for the establishment of the material-technical base for communism, to be an example of the communist attitude to labor, to raise productivity..." etc.

i.e., an appreciably more pragmatic obligation.

The fourth listed duty of a member in the new draft, which is to "master Marxist/Leninist theory" etc., has now been given a strongly economic flavour by being expanded to include the need to:

"...fight against the remnants of private ownership psychology..."

In Khrushchev's 1952 report this injunction against private ownership was lacking, perhaps because there was then so little property available to the vast majority of citizens. But in the meantime the question of economic privilege has again become a real issue (e.g. the article in Izvestia on July 18th 1961 denouncing the dacha owners whose properties are worth anything up to 15,000 rubles, although their official incomes are too low for such wealth to have been legally acquired). It seems clear that with 9,000,000 CP members and the steadily rising standard of living in the towns, much stronger measures than the current sporadic press campaign and the new clause in the draft statutes will be required if the Party is really serious in opposing the multiplication of private fortunes among the new class. Where something as tenacious as the private enterprise spirit is concerned, the moral suasions of the Party are likely to be expended almost wholly in vain.

#### Did the Adzhubei Case Change the Statutes?

Khrushchev's speech to the 19th Party Congress included a strong statement that:

"The Statutes must point out that it is the duty of a Party member to carry out without fail the Party directives on correct selection of cadres with regard to political and work qualifications and must record that violating these directives, (that is) the selection of workers on the basis of friendship, personal loyalties, local allegiance, or kinship is incompatible with Party membership."

Since then, however, the case of Adzhubei, Khrushchev's son-in-law who made such a meteoric career in journalism that he is now Chief Editor of Izvestia, has made headlines all over the free world and no doubt has been the subject of an extensive adverse comment in the USSR. Consequently it is worth noting that the new draft contains no such definitive attack on nepotism as Khrushchev made nine years ago. The present formulation is far more vague. Members are now instructed:

"to carry out strictly the party line in the selection of cadres according to their political and business qualities. To be irreconcilable in all cases where Lenin's principles in the selection and training of cadres are violated."

So nepotism will presumably continue, at least in so far as Khrushchev is the instigator of it.

### The "Democratization" Measures

The draft's principle of a systematic renewal of the leadership of the Party and Soviets is a welcome step forward, but is heavily qualified by another principle - "continuity". This continuity, although not excessive at the lower levels, where in primary organizations half the members of the leading bodies are to be changed every term, becomes more onerous higher up the ladder of power until in the CC and Presidium only a quarter of the members are to change every four years.

The theoretical limit of these successive terms, while admirable on paper, is in practice rendered almost nugatory, at least at the top levels of the Party, by the clause:

"Some Party figures, owing to their recognized authority, high political, organization and other qualities may be elected successively to the leading organs for a longer period of time. In this case the candidate will be considered elected only if he receives no less than three-quarters of the votes by secret ballot."

The most optimistic comment on these changes in the West comes from the Economist (5 August 1961), and bears repeating:

"It is all more impressive than real. Yet one probably cannot involve millions in the forms of representative institutions without finally having to reckon with the consequences, particularly when one is no longer dealing with backward muzhiks. One day the Russians will begin to take the forms seriously and the joke will be on the author of the new manifesto."

That day is still far distant, but it is gradually becoming a real factor in the Soviet political future.

r.r.g.



TOTALITARIANISM WITHOUT COERCION?

by Herbert Ritvo  
Problems of Communism  
 November-December 1960

Milovan Djilas, in his classic probe of the fallacies of the Communist system, characterized "the question of the state" and its role in society as "the most important problem for communism, in theory and practice."<sup>1</sup> During the first four decades of the Soviet Union's existence, its political leaders all espoused the theoretical axiom of the ultimate "withering away of the state," but none of them was seriously confronted with the problem of implementing it in practice. Today, however, with the declaration that the USSR is well advanced economically along the road to full communism, the issue has become of crucial importance for the Soviet leadership -- especially for the man who has successfully reasserted personal dictatorship over the party-state. The purpose of the present paper is to examine: 1) Khrushchev's approach to this vital issue, both in theoretical pronouncements and in practical policies, which has resulted in a unique readjustment of the party-state relationship; 2) the effect of his innovations on the present Soviet scene, and their portent, real or visionary, for the future of the society; 3) the intimately related problem, again both in theory and practice, of the shifting balance between coercion and persuasion in Soviet life.

Doctrinal Precedents

Khrushchev's theory of state quite naturally uses the doctrinal heritage left by his predecessors as its take-off point. Lenin, in his fullest treatment of the subject, stressed that "it is clear there can be no question of defining the exact moment of the future withering away -- the more so as it must be a rather lengthy process."<sup>2</sup> Stalin as successor treated the indeterminate duration of the state as contingent upon independent but related factors: 1) the continued existence of internal enemies, causing an inevitable intensification of the class struggle during the advance towards socialism;<sup>3</sup> 2) the presence of hostile external forces, constituting a "capitalist encirclement" of the solitary socialist state.<sup>4</sup> He

- <sup>1</sup> M. Djilas, The New Class, F. A. Praeger, New York, 1957, p. 84.
- <sup>2</sup> V. I. Lenin, State and Revolution (1917), Little Lenin Library, New York, 1932, Vol. 14, p. 69. Lenin's italics.
- <sup>3</sup> J. Stalin, Mastering Bolshevism, International Publishers, New York, 1937, pp. 29-30.
- <sup>4</sup> Stalin, Problems of Leninism (1926), ed. of 1940, Foreign Languages Publishing House, Moscow, p. 131.

thereby asserted the indispensability of maintaining the strongest possible state apparatus.

At the 20th CPSU Congress in 1956, Khrushchev -- already the primus inter pares in the "collective leadership" -- bitterly condemned the first of these Stalinist notions in his famous secret speech. Subsequent development, however -- particularly the Hungarian uprising in the fall of 1956 -- lead him to some retreat from this stance. The concept of increasing class conflict, which Stalin used to rationalize the total terror of the 1930's, has been partially rehabilitated (along with Stalin himself) in the sense that it is no longer characterized as one of his major errors.<sup>5</sup> Indeed, the conspicuous absence of either criticism or affirmation of this notion in recent theoretical discussions suggests that it is probably viewed as an ideological weapon to be held in reserve -- for potential use not so much at home, where socialism is ostensibly an "irreversible reality," as in the peoples' democracies, where the organs of coercion may again be required to suppress open opposition.

With much less ambiguity, the second of Stalin's explanations for the longevity of the state has been retained and adapted to cover the period of building communism. Although it is admitted that the "capitalist encirclement" of the Stalin era ceased to exist after the creation of a "socialist commonwealth," Khrushchev's case for the continued strengthening of the military might of the state as long as hostile blocs exist is practically indistinguishable from his predecessor's talk of "external enemies."<sup>6</sup>

The rejection -- if now only by implication -- of Stalin's concept of the "inevitable intensification of the class struggle" is directly connected with the new approach to the coercive functions of the state and their partial transfer to "public" organizations. To understand this relationship, the role of terror as a mechanism of social control under Stalinism should be recalled. Until the day of his death the dictator used terror primarily in the negative sense -- i.e., to guarantee the suppression of opposition, imaginary as well as genuine. It could be argued that the application of terror also facilitated the speedy accumulation of capital needed by a fledgling planned economy aiming at rapid industrialization, by effectively preventing any organized protest against the huge sacrifices imposed on an unwilling population. Yet even

<sup>5</sup> See K. Frolov, "The Class Struggle in the Period of Construction of Socialism," Partiinaia zhizn, No. 20, 1956, pp. 4-5; Einheit (East Berlin), No. 11, 1956; Partiinaia zhizn, No. 24, 1956. See also R. Lowenthal, "Stalinist Ideology," Soviet Survey (London), July-September 1960, p. 35.

<sup>6</sup> Interview of Khrushchev in Le Figaro (Paris), March 19, 1958; also Krasnaia zvezda, April 5, 1958.



the Stalin regime recognized that the resort to mass arrests by the millions to fill the slave labor camps was decisive only for extending rudimentary industrialization to the more remote corners of the Soviet Union and for achieving the initial phase of Marxist "primitive accumulation." Moreover, untold damage was done to the economy as a result of the liquidation of scarce technicians and administrators in the purges. Thus it would be as misleading to consider Soviet industrial accomplishments the direct consequence of terror and forced labor as it would be to attribute Soviet achievements in atomic research to successful espionage or to the forced contributions of captured German scientists.

The announcement of Stalin's death clearly reflected the apprehension of other leaders over the cumulative impact of Stalinist terror; in the joint statement issued by the Central Committee and the Council of Ministers, the collective of his successors warned against "disorder and panic" in words pregnant with their own doubts and fears.<sup>7</sup> Within a month a limited amnesty had been announced, the reform of the criminal code promised, the "doctors' plot" exposed as a fraud, and the top secret police official, S. D. Ignatiev, removed in disgrace. Precisely why or how these decisions, clearly designed to reduce the degree of terror, were made remains unknown even today, but their broader consequences -- foreseen by few at the time -- have become increasingly evident. The regime has not renounced the main instrument of terror, the secret police, but has simply re-established the principle (and practice) of party control over the police apparatus as the guarantee of new "socialist legality." At the same time, the promise that the methods of the past were not to be employed in the future -- accompanied by the release of thousands from the forced labor camps and prisons -- became the starting point of a process of rationalization of the worst heritage of Stalin's rule, the first step out of the darkness of Stalin's all-embracing terror onto the path of what has been called "enlightened totalitarianism" or the "relatively benevolent despotism" of the post-Stalin dictatorship, today again exercised by one man.<sup>8</sup>

#### Khrushchev's Innovations

It is of course natural that Khrushchev, as head of the party-state, should now have emerged as the major interpreter of the Marxist-Leninist theory of state and as the arbiter of the changing ratio of coercion and persuasion in the regime's

<sup>7</sup> Pravda, March 7, 1953.

<sup>8</sup> Terms used respectively by A. Ulam in "The New Face of Soviet Totalitarianism," World Politics, April 1960, p. 410; and L. Schapiro in "Has Russia Changed?," Foreign Affairs, April 1960, p. 397.

accelerated approach to communism. While no real attention was paid to these doctrinal problems before the final resolution of the power struggle in the Presidium, the first sign of the theoretical innovations to come was the inclusion of the following charge in the bill of particulars presented against the "anti-party" group in July 1957:

(The anti-party group) tried to elevate the state above the party...challenged the party's basic right to take the leading role in the affairs of the Soviets...tried to reduce the party to a position where it would be subordinate to the governmental apparatus....<sup>9</sup>

Having thus defined one of the basic issues of conflict with his opponents -- one which compares interestingly with the charges against Beria four years earlier<sup>10</sup> -- Khrushchev was ready to venture forth onto the troublesome ideological terrain of clarifying the party-state relationship of the future. In the fall of 1957 and early 1958 he issued a series of pronouncements in press interviews and speeches establishing the framework on which current doctrine is based.<sup>11</sup> The dominant refrain in these statements, as well as in comments by the professional theoreticians, was an assurance that there will be no "weakening of the role of the state in the period of building communism," more explicitly though less frequently expressed as the notion retained from Stalinism that "the state proceeds towards its withering away via its maximum strengthening."<sup>12</sup> In an attempt, evidently, to instill more logic into this dialectical detour of the state on the road to Engels' "museum of antiquities," Khrushchev added a notion of his own which has become his major contribution to Marxism-Leninism. He resolved the "non-antagonistic" contradiction between the eventual disappearance of the state and its immediate strengthening by the disarmingly simple solution of sub-

<sup>9</sup> Kommunist, August 1957, as quoted in The New York Times, August 1, 1957.

<sup>10</sup> Beria was charged with "activities aimed at placing the Ministry of Interior above the Government and the Communist Party of the Soviet Union"; Malenkov's report to the Central Committee, Pravda, July 10, 1953.

<sup>11</sup> Interviews with James Reston (of The New York Times), H. Shapiro (of United Press), and A. I. Macdonald (of the London Times), respectively in Pravda October 11, 1957; November 19, 1957; and February 17, 1958; speech on the 40th anniversary of the Bolshevik revolution, ibid., October 7, 1957; report on agricultural reforms, ibid., March 28, 1958; speech to the 13th Komsomol Congress, ibid., April 2, 1958.

<sup>12</sup> Quotations respectively from Khrushchev's speech at the 21st CPSU Congress, Pravda, January 28, 1959; and V. Nikolaev, Sovetskaia moldavia, January 16, 1958.



NOT TO BE MICROFICED

stituting the ruling party for the state. In an interview of early 1958 with a foreign correspondent, Khrushchev propounded this theme as follows:

A certain loosening of the administrative ties between raions, regions and republics is now taking place here. At the same time the ideological ties between regions and republics and the unity of the Soviet peoples are being strengthened. The Communist Party plays an important role in this process and this role will grow stronger. ...Changes in the functions of the state are also taking place. The process of change in these functions derives from our conceptions, from the theoretical principles of Marxism-Leninism on the state. When the conditions for the transition to communism have been created in our country, many administrative organs of the state will gradually die away.... The party has stronger foundations than the state organs. It has arisen and exists not as a result of duties of a legislative nature. Its development was called for by circumstances stemming from the political concepts of people...from principles of a moral nature. And mankind will always need moral factors.<sup>13</sup>

From these and other statements, in combination with various practical measures undertaken to elevate party authority the concept of the ruling party (praviashchaia partiia) emerged in full outline. An important aspect of this concept is the direct link established between the changing party-state relationship and the allegedly shifting balance of coercion and persuasion in Soviet society. The direction set by Khrushchev in this respect has recently been defined in the Soviet press in the following terms:

If the Communist Party and the socialist state existed and worked together in the past, do so in the present, and will do so in the future under certain conditions, this does not mean that such will be the case forever.... The Communist Party and the socialist state, in their role and position in society and in their given functions are not identical. The party takes the leading position in the system of the dictatorship of the proletariat, it directs the internal and foreign policy of the state.... The party as an ideological political organization depends completely and fully on persuasion in the direction of the masses, the state on force as well as on persuasion....The party is the only force which is in a position to guarantee, through its leadership, the transition from a socialist state to the Communist administration of society....The methods of persuasion...are winning more and more ground in the life of Soviet society and under communism they will become the sole regulator of relations among people. Together with this, the importance of the party will grow still more since its leadership

<sup>13</sup> Interview with A. I. Macdonald, loc. cit.

of the masses...rests upon the propagation of the great ideas of Marxism-Leninism.<sup>14</sup>

### The Theory of Participation

The concept of the gradual substitution of persuasion for coercion under the guidance of the supreme party has as its crucial corollary the development of proper attitudes in the population at large and the broadening of popular participation in the regulation of society, to be effected mainly through the expansion of so-called "public" or "social" organizations. In theory such participation is linked to the future expiration of the state; as Khrushchev has put it:

Which organizations will be preserved under communism? Public organizations. Whether they are called Komsomol, trade unions, or some other names, they will be public bodies through which society will regulate its relations. ...We now have to prepare for this and to teach people to develop habits for these functions.<sup>15</sup>

It is significant that the two types of organizations mentioned -- the Komsomol and the trade unions -- have long been described as the "transmission belts" or "loyal helpers" of the party and have been effectively subordinated to its direction and control. What will happen to the party itself under full communism is never explicitly spelled out; but insofar as the period of building communism is concerned it is frankly stated that the "voluntary" public organizations now emerging on the Soviet scene and any others created in the future will be as closely controlled by the party as the existing veteran auxiliaries of its rule:

The party is now the highest form of political organization...in the USSR. As long as there are other organizations...on a state level,...in production, trade unions, cooperatives, or by age i.e., the Komsomol, the party remains the leading force with respect to each one individually and with regard to all together; only the Communist Party is capable of coordinating and guiding the work of all state and social organizations in the interest of building communism....<sup>16</sup>

In propounding the various ideas outlined above, Mr. Khrushchev has, in a sense, killed two birds with one stone: he can point to the beginning, however feeble, of the "withering away of the state" under communism through the transfer

<sup>14</sup> G. Shitarev, "The Party and the Building of Communism," Politicheskoe samooobrazovanie, No. 8, 1960.

<sup>15</sup> Speech to the 13th Komsomol Congress, loc. cit.

<sup>16</sup> Shitarev, op. cit.



of some state functions to "social organizations"; at the same time his innovations serve the purpose of diminishing the previous duality of party-state guidance of Soviet society in favor of increasingly monistic rule. Putting it more broadly, the line now pursued by Khrushchev reflects the two constants in terms of which Soviet policy must always be judged; first, the need to meet the demands of an ideology which forecasts a process of continuing change in the social order on the basis of a dialectical development toward communism; second, the need to maintain the monopoly of power of the leadership (today through the reassertion of the ruling party) in an historically unique form of totalitarian dictatorship, the Soviet one-party state.

It is tempting, given the 43-year record of absolute rule by successive Soviet regimes, to dismiss the picture now being painted of the coming Communist future as mere propaganda or as visionary nonsense. Yet whatever the prospects of Khrushchev's version of utopia ever being realized, one cannot ignore the current effects of the stress on substituting persuasion for coercion and of replacing control through the state machine with correction through the community. While the measures which have been initiated in the name of these ideas are transparent in their aim of buttressing the role of the party, their impact on the society has other important implications which are crucial to an assessment of the present and future Soviet scene.

#### Something Old, Something New...

The measures spoken of here constitute an attempt by the regime to storm the remaining barriers between public and private life in the Soviet Union, in an atmosphere of "revolutionary" fervor designed to recall the enthusiasm of the early days of struggle under Lenin. Under the slogan of work, study and live in a Communist manner, "the apparatus of the totalitarian party-state has been mobilizing the population for a vast exercise in "self-control" which seeks to penetrate not only into the factories and the fields, but into the schools, all social and public activity, and indeed into the most intimate spheres of family life. While many of the forms which this mobilization has taken have their roots or prototypes in the Leninist and Stalinist past, the scope of the effort is perhaps unprecedented. As mentioned earlier, primary stress has been laid on the creation of a network of so-called "public organizations" through the initiative of activists at the local level. These organizations cover a broad range of special functions or activities, major and minor.

One of the pressing practical aims of the regime is, of course, to promote cooperation in the accelerated economic drive demanded by the current Seven-Year Plan. In this connection, a crucial example of public mobilization is the nationwide campaign to enlist workers in the Brigades of Communist Labor, a movement initiated in 1958 and said to have

rallied over 5,000,000 workers in more than 40,000 brigades as of last June.<sup>17</sup> Throughout Soviet history -- from the Subbotniks /voluntary labor days/ of the civil war period through the Stakhanovite competitions of the Stalin Five-Year Plans, the primary function of "spontaneous movements" among Soviet workers has been to increase labor productivity and efficiency. The new movement follows suit in the priority of the three vows demanded of its members:

- 1.) To increase production, organize well,...economize, insistently introduce new equipment and technology, use advanced methods at work.
- 2.) To study constantly, strive to master modern knowledge in the fields of science and technology.../and/ of socialist culture, so as to be of use not only to oneself, but to the entire collective, to society.
- 3.) To cultivate in oneself the best features of the new society, develop oneself in an all-round manner mentally and physically, be exemplary in daily life /and/ in one's attitude toward public duty, and struggle actively for a new morale.<sup>18</sup>

In commenting on the last of these pledges a Soviet writer has asserted:

Communist labor brigade members and shock workers, for the first time in the history of competition, are imposing on themselves obligations of a moral character. They pledge to combat the vestiges of the past in the consciousness of the people, to strengthen comradely solidarity and collaboration in work and living, and to be the guardians of the norms of socialist society. This is one of the most essential characteristics of the new movement.<sup>19</sup>

Insofar as the members of the brigades now pledge themselves explicitly not only to increase production but to cultivate the new "Soviet morality," the writer's enthusiastic description of the third vow is justified. At the same time, inculcation of "proper" attitudes toward work and society is hardly a new feature of such "spontaneous movements" among workers. Here, for instance, is a random selection from the past, strikingly similar to the exhortations that fill the pages of today's Trud: "In every brigade, in every department, in every factory, one must create such conditions that poor work is a personal disgrace for everyone."<sup>20</sup> The difference between the past and the present is one of emphasis,

<sup>17</sup> Pravda, June 1, 1960.

<sup>18</sup> Voprosi filosofii, No. 10, 1959, p. 135.

<sup>19</sup> Ibid.

<sup>20</sup> Trud, September 15, 1949.



reflecting the social and economic changes that have taken place in the Soviet Union within the past two decades. Whereas in the 1930's and 1940's the primary goal of the regime was to expand production, almost regardless of cost, the aim now is also to refine it - and to do that, mere pressure and exertion are not enough; "reform from without" must slowly give way to "reform from within."

Granting this difference of emphasis, there is a basic similarity between past labor drives and the present movement epitomized in the claim of their "spontaneous" development. It would be premature to state categorically that the personal pledges of the current movement will degenerate into the ritualistic stereotypes and pressures that characterized those of the past. Yet the evidence so far available permits a skeptical view of the predicted emergence of the "new Communist man" striving for that ideal admixture of production and personality development envisioned in regime propaganda. In a recent theoretical discussion, for example, the complaint was aired:

Despite the simultaneous solution of the most important Communist tasks in the three spheres of labor, education and way of life, the brigades as a rule show the greatest successes in raising productivity. It frequently happens that some members of the brigades...attain high production figures but do not always behave in everyday life as they should.<sup>21</sup>

#### The Vehicles of "Public Order"

Among other "public" organizations now in operation, none are more important than the parapolice and parajudicial institutions, whose function, in Khrushchev's words, is to act "alongside and parallel with such agencies as the militia and courts to perform the functions of safeguarding public order and security."<sup>22</sup> Although the network of these organizations has existed, in one form or another, for some time, the scope of their specific activities and authority is still subject to considerable discussion. Chief among them are the people's militia and the comrade's courts, along with the forms of public activity authorized by the anti-parasite laws of 1957-58.

The people's militia (druzhiny) are the direct descendants of the brigadmils formed in the early 1930's to aid in the collectivization drive. Discredited as a result of their collaboration with the police and the NKVD during the purge period, the brigadmils died out almost completely until late 1956, when the idea of using them was revived in connection with the renewed "struggle against anti-social elements". The start of the present country-wide mobilization is credited to the initiative of a "workers' militia group" in Leningrad in November 1958. Early in 1959 the militia's role was formalized in a joint decree of the Central Committee and the Council of Ministers "On

<sup>21</sup> Ts. Stepanyan, "Stages and Periods", Oktyabr, No. 7, 1960.

<sup>22</sup> Khrushchev's speech at 21st CPSU Congress, loc. cit.

Participation of Workers in the Maintenance of Public Order."<sup>23</sup> It was subsequently announced that within a month of the decree's issuance, "voluntary" militia units had been formed in most large industrial and agricultural enterprises;<sup>24</sup> according to latest claims, there are now 80,000 units with more than 2.5 million members.<sup>25</sup> In Moscow, at least, entire factory units and labor brigades have joined the militia, strongly suggesting that it is intended to develop into a full-fledged mass movement.<sup>26</sup>

Past criticism in the Soviet press, indicating that the regular police was unequal to the task of dealing with petty public disorders, seemingly provided sufficient practical reason for the formation of an ancillary police force. But the regime, as might be expected, chose to stress an ideological explanation for the re-emergence of the people's militia, citing it as an example of "the inclusion of the widest strata of the population in the management of the affairs of the country during the transition to communism."<sup>27</sup>

In the decree governing their activity, the authority of the people's militia was clearly restricted to warning offenders and to listing their names so that subsequent misdemeanors could be dealt with more severely by the comrades' courts or the regular police. In practice, however, their actions frequently have involved transgressions of the law and frightening invasions of personal privacy. The Soviet press has cited cases of illegal night-time searches to check on individuals' moral behavior, beatings administered to young people, and in one case a citizen's death by assault.<sup>28</sup>

While such negative excesses are criticized by the press and may be considered exceptions in the early phase of a unique experiment in social control, the praise generally accorded to militia activities affirms the basic concept of public intervention in private life. As one report pridefully states, "no social act escapes the attention of squad members."<sup>29</sup> Among the legitimate concerns of the people's militia, a favorite project is the "reeducation of drunkards", the typical approach to which is described as follows:

<sup>23</sup>Published in ibid., March 10, 1959.

<sup>24</sup>N. Dudorov, USSR Minister for Internal Affairs, as quoted in Izvestia, June 24, 1959.

<sup>25</sup>Kommunist, No. 10, 1960.

<sup>26</sup>See Komsomolskaya Pravda, August 30, 1960.

<sup>27</sup>Khrushchev's speech at the 21st CPSU Congress, loc. cit.

<sup>28</sup>Izvestia, March 4, 1960; Komsomolskaya pravda, August 27, and October 6, 1960.

<sup>29</sup>Radio Volozda, December 16, 1959.



The members of a militia unit listed all the inhabitants of the settlement who regularly got drunk and in that state...committed anti-social acts. These people were summoned to a meeting...and warned of the necessity to mend their ways. Besides this, a member of the unit was attached to each one of them for the purposes of daily education work.. The members of the unit visited their assignees in their homes, found out how they behaved,...and tried to get them to take part in mass communal activities. In a number of instances, on pay day the members of the unit met the lovers of strong liquor at the pay office and escorted them home...The number of drunkards in the settlement dropped sharply...<sup>30</sup>

### People's Justice

The area of parajudicial activity is a more difficult one to assess, mainly because of the confusion which exists over the division of responsibility between the "public meetings" authorized under the aforementioned "anti-parasite" draft laws and the "comrades' courts", more recently stressed as the chief instruments of social correction.

The anti-parasite laws, presented for public discussion in 1957-58, have not yet been ratified in the three largest Soviet republics (the RSFSR, the Ukraine and Belorussia, containing over 80 per cent of the total population), and since they have been treated with considerable reserve even in Soviet publications, it is possible they may still be subjected to further change. As they now stand, the laws authorize public organizations to hold open trials against "parasitic elements", only loosely defined. The public meetings, at which a minimum of 100 persons must be present, can act, by simple majority vote and even in the absence of an alleged offender, to impose sentences of exile with compulsory labor for two to five years - this despite the provisions in criminal legislation adopted in 1958 which state that "criminal punishment shall be imposed only by judgment of a court".<sup>31</sup> There is no appeal from the decision of these meetings, although sentences must be confirmed by the executive committees of local soviets.<sup>32</sup>

It is hardly necessary to point out the potential dangers of the return to this sort of extra-judicial power, the easy abuse of which was amply demonstrated in Stalin's day by the terroristic "special conferences" of the NKVD-MVD. Ostensibly directed against "useless" members of society, the present laws could be turned against any individual on artificially contrived pretexts, by the action of any of the party's "transmission belts". Even to those who view other recent developments in Soviet law

<sup>30</sup> Sovetskaia iustitsia, No. 3 (March), 1960.

<sup>31</sup> Article 3, Principles of Criminal Legislation, adopted as law in December 1958.

<sup>32</sup> As revealed by the law adopted in the Georgian Republic, published in Zaria vostoka, September 6, 1960.

in an optimistic light, the possibilities of unrestrained "mob rule" inherent in the anti-parasite laws are portents of trouble; for those who take a more skeptical view, the extra-judicial show trials constitute simply a new instrument of terror available in the arsenal of the totalitarian state. At the least, all knowledgeable observers join in deeming the laws a threat to the already shaky "security of the legal procedure of the USSR".<sup>33</sup> In short, the laws, though presented as a remedy for behavior injurious to the body politic, seem much more likely to raise the public fever than to cure the social ills which are juridically still beyond the competence of the regular courts.

The recent revival of the comrades' courts, a more formal institution than the "public meeting", may reflect the regime's response to the apprehension over the anti-parasite laws apparent within the Soviet Union itself. On the other hand, the Soviet press has indicated a disposition on the part of participants in the "public meetings" not only to refrain from harsh penalties for serious first offenses but to be excessively considerate (from the regime's viewpoint) of multiple offenders - a fact which could also explain the current signs of dissatisfaction with this lowest form of "citizens' justice".<sup>34</sup> In any event, since 1959 there has been a determined effort to reestablish and to extend the activities of comrades' courts, which have roots dating back to the first years of the regime. The present scope of their functions and authority, like that of the public meetings, is still defined only in draft regulations,<sup>35</sup> but the indications are that the party now intends to make the courts a chief instrument in regulating the balance between persuasion and coercion in Soviet society.

The forerunners of the present comrades' courts were concerned almost exclusively with violations of labor discipline; created during the civil war, they operated from 1919 until 1923 and again from 1928 until 1940, when Stalin's severe labor legislation made them superfluous. By contrast, the revived courts, like other public organizations, have been directed to concern themselves with all aspects of social behavior. Set up wherever a collective exceeds fifty persons - in industrial, agricultural, and educational institutions, apartment blocks, etc. - the comrades' courts, in Khrushchev's words, are "to seek mainly to anticipate all kinds of infringements: they must deal not only with questions of production but with questions of everyday life and of a moral nature, cases of wrong behavior by members of a collective who have... digressed from standards of public order..."<sup>36</sup> Under this broad umbrella, the list

<sup>33</sup> See, e.g., R. Schlesinger, "The Discussion on Criminal Law and Procedure," Soviet Studies, (London), January, 1959, p. 297.

<sup>34</sup> See Izvestia, September 10, 1959.

<sup>35</sup> Published in ibid., October 24, 1959.

<sup>36</sup> Pravda, January 28, 1959.



of offenses falling to the courts' consideration would seem to be limitless; reported cases range from charges involving citizens' failure to bring up children properly, uttering insulting remarks, or spreading falsehoods, to a variety of minor property and housing disputes. In many instances the comrades' courts handle problems, allocated by the regular courts and police, which are not considered to involve "social danger" and for which penalties are not mandatory under the law. Outside the factory, most of their work involves cases initiated by trade union and Komsomol committees, local soviets, the peoples' militia, or street and housing committees.<sup>37</sup>

Although the proposed procedural rules for the comrades' courts constitute a marked improvement over those of the informal "public meetings", they are still a far cry from the judicial examples prevailing in the regular court system. For example, there is no real pretrial hearing or attempts at an investigation, but merely a "check up on facts", on the assumption that the community including court members, is already acquainted with the problem at hand; there is also no provision for a defense counsel and only the court can call witnesses. If a citizen refuses to stand trial, the court can proceed in his absence. As in the case of the the "public meetings," decisions are taken by a majority vote, and there is no right of appeal. However, the courts are responsible to the trade unions, the militia, and the local soviets.

sense criminals, who now come within the reach of these para-judicial organizations. As explained "dialectically", this temporary quantitative increase, due to the elevation of norms of behavior as the society approaches communism, will involve the corrective participation of ever greater numbers of citizens, resulting eventually in the qualitative transformation of the character both of Soviet law and of the citizens themselves.

### Coercion with a Sugar Coating

Together with the increased emphasis on popular self-regulation through public organizations, there has been a notable change of emphasis in the depiction of the roles of the regular police and courts, about which a word must be said. Though the call for public order still uses the time-worn slogans exhorting "vigilance", reminiscent of the coercive excesses of the past, an effort has been made to project to the public a new image of the instruments of coercion - notably the secret police - as organs rather of prevention and persuasion, as friends and helpers of the populace. Thus the KGB, for example, is portrayed as playing a passive yet important role in guiding the new course of social justice, through propaganda which stresses its cooperation and assistance to the comrades' courts and the peoples' militia. Its present work, as Kommunist describes it, is primarily "prophylactic", symbolizing the enlightened dictatorship's efforts gradually to alter the coercion-persuasion ratio in society.<sup>38</sup> As one Soviet writer has expressed this aspect of the current line:

The agencies of coercion are still necessary for guarding the nation from the intrigues of the imperialistic forces and their agents, also for protecting the lawful interests of the citizens, and for carrying on the struggle against antisocial parasitical elements, speculators, hooligans, and other criminals. Still, one cannot fail to note that the trends in the activities of the agencies of coercion are changing...The sphere of coercion, which had never been the chief method in the activities of the socialist state, is now being narrowed down still further. The activities of such agencies as the police are being more and more closely combined with the activities of people's militia and are gradually acquiring a more social character. The development of the courts is proceeding...along the lines of combining their work with the activities of comrades' courts and the more extensive recruitment of the public into the administration of justice. The punitive measures applied by the courts are acquiring an ever-increasing educational character...Of course, all this does not mean that coercion is already dying out. However,...direct administrative coercion is being replaced to an ever greater extent by other forms of economic, political and moral action.<sup>39</sup>

<sup>38</sup> N. Mironov, "State Security is A Cause of All the People", Kommunist, No. 11, 1960, pp. 39-48.

<sup>39</sup> P.S. Romashkin, "The Role of Persuasion and Coercion in the Soviet State," Sovetskoe gosudarstvo i pravo, No. 2, 1960.



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# The Control of Mass Control

The last sentence quoted, and its key word, "replaced," provide an apt point from which to summarize what is really happening in the Soviet Union today. The transfer of certain functions from the coercive apparatus of the regime to public organizations in no way means a lessening of social control in Soviet society; on the contrary, it constitutes an effort to penetrate more deeply than ever before into the private and personal spheres of people's lives. The latest experiment in mass control is being conducted without the instrument of active police terror used in the past, but in spite of all the emphasis on persuasion, the aim of this experiment has been defined by the last-quoted writer, in a phrase borrowed from Lenin, as the development of a "machinery capable of coercing" in place of one "applying legal norms ensured by the coercive force of the state."<sup>40</sup>

Claims of current progress in this vast experiment have been buttressed with statistics asserting a 20.6 per cent decrease in the number of crimes in 11 months of the year 1959 over the comparable period in 1958.<sup>41</sup> For the RSFSR, the largest Soviet republic, the decline of convictions during the first nine months of 1959 over 1958 was broken down as follows: for hooliganism, 10.9 percent less; for petty theft of public property, 14.2 percent less; and for thefts of private property, 19.7 percent less.<sup>42</sup> While these figures presumably were intended to convey the impression of a marked improvement in mass social behavior, logic suggests that they are simply the inevitable statistical consequence of the transfer of functions from the regular courts and police to the public organizations, coupled with the "chase for favorable statistics" which accompanies any major program launched by the leadership.

It is clear, furthermore, that the current offensive is moving forward under the strict control of the ruling party, as the "leading and guiding force in all state and social organizations." Thus the party leadership, and at the apex Khrushchev himself, has operated through the CPSU proper and the traditional coercive apparatus to set clear limits on the pace and scope of public mobilization. The fact that the party leadership seems presently secure in its control, however, only underscores the continuing dilemma which confronts it, namely: too much intervention from above could ruin the desire initiatives from below, while too little involves the risk that compromise and leniency might lead the experimental social controls in the direction of anarchy.

- <sup>40</sup> Ibid. Lenin's italics.
- <sup>41</sup> R.A. Rudenko, "The Tasks of Further Strengthening Socialist Legality...", Sovetskoe gosudarstvo i pravo, No. 3, 1960.
- <sup>42</sup> Figures cited at the Plenary Session of the Supreme Court of the RSFSR, December 1959; as quoted in R. Schlesinger, "Social Law I," Soviet Studies, July 1960, p. 81, footnote 28.

This pressure on the regime to maintain a dynamic equilibrium in its course has been expressed in the theory, supported by some political analysts, that the Soviet party leadership must conduct a constant "revolution from above" in order to maintain and justify its power. The same idea has been offered by Milovan Djilas in the remark, "Communist regimes are a form of latent civil war between the government and the people."<sup>43</sup> In terms of this generalization, the early battles of the present phase of "struggle" seemed to be directed only against a minority element of errant or noncooperative citizens, the "parasitical" flotsam of society. Thence the offensive was expanded into a general mobilization of the public for the fulfillment of official goals. In the course of recent theoretical comment, there have been indications that the regime's "civil war" will in time be extended to still another target - in a battle, necessary sooner or later, against remaining forms of private property. The implications for the future in this respect emerge most clearly in a recent comprehensive essay on the coming society by the noted Soviet economist, S. Strumilin:

Insofar as communism eliminates the property which divides people, it liquidates that basis from which all property crimes and most other violations arise. The public opinion of commune members will be sufficiently strong to exclude practically all other crimes in time. At the same time, therefore, there will be less and less need, and finally none at all, for penal justice and police, courts and prisons,...and all other professional agents of justice. Moreover, the entire criminal code will become superfluous...After the liquidation of private property the norms of civil war will also be superfluous. The same fate will befall, one after another, the various sectors of state institutions and law.<sup>44</sup>

Clearly discernible in Strumilin's vision of the "brave new world" is the thesis that private property, not only as a form of ownership of the means of production, but also in the form of personal possessions is, under socialism, the root of the "vestiges of the past" which must still be eradicated before the new Soviet man can emerge in his pristine form and the state can wither away. By the logic of this argument, the regime must at some point make an attempt to abolish private personal property, affecting most direly and directly the upper strata of Soviet society - the "haves" in a predominantly "have-not" society.

Supporting this trend of theory, there has been some recent stress in the popular press on the evils of private property. The reaction of those who see themselves threatened by such

<sup>43</sup> M. Djilas, op. cit., p. 87.

<sup>44</sup> S. Strumilin, "The Workday and Communism," Novy mir, No. 7, 1960.



propaganda is cogently expressed in the letter of a man who identified himself with the words, "my address...any house on any street":

...Allow me to ask the editorial staff the following question: does it know that this bourgeois, or rather many millions of those bourgeois whom it attacks so vehemently, have fought against autocracy,...have helped to overcome the chaos and continue to carry on their shoulders all the hardships of development -- without receiving any compensation for these titanic achievements. ...As for myself I can say: I would be, in the opinion of Likhodeyev /author of the article under criticism/ a bourgeois, because I have 12,000 rubles in my savings account. I want to own an automobile and a dacha. I do not consider this to be shameful. But this did not prevent me from suffering hunger and defending my country and carrying on my shoulders all the Five-Year Plans.<sup>45</sup>

Despite their certain unpopularity in some quarters, the possibility that the incipient steps of an offensive against personal property may not be too far off seems indicated by the recent revelation in the party's leading theoretical journal (as reported in Izvestia), that "in accordance with the proposals of toilers, the construction of individual dachas and the development of individual plots is considered to be inexpedient"; ambiguous as this wording may be, it portends some form of new restrictions in a crucial area of property rights.<sup>46</sup> Thus, behind the smoke screen of popular participation, the public organizations may be pushed forward not only toward a new form of dispensation of justice, but toward a new redistribution of property. How extensive the latter is to be will largely determine the harshness of the former.

### The Present and the Future

In the largest sense, the regime's "civil war" might be viewed as a struggle against the common citizen, in the demands that he continue to make economic sacrifices and strive to improve his attitudes for the sake of the bright future ahead.

The vision of this future depicts an ideal society in which the new Communist man, guided by the leaders of the ruling party, will enjoy the fruits of abundance produced by an

<sup>45</sup> Literaturnaya gazeta, September 3, 1960; the letter is in criticism of an article by L. Likhodeyev, "The Grimace of a Petit Bourgeois," ibid., July 30, 1960.

<sup>46</sup> Kommunist No. 14, 1960, p. 18; Izvestia, October 16, 1960. The Izvestia article further suggests the disappearance of private housing and supports Khrushchev's idea of car pools as the means to provide automobiles under communism.

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"association of free individuals," for whom useful work has become a necessity of life, for whom the interests of the collective have been recognized as superior to those of the individual, for whom possession of private property has become meaningless. Yet for the outside observer, probably no more than for the Soviet citizen, the utopian aspects of this blueprint for the future are hard to reconcile with the picture of the present as it emerges from the pages of the Soviet press. In particular, the economic drive now being waged under the slogan, "Who does not work, does not eat," constitutes a mocking negation of the predicted emergence of a whole society of "new Soviet men." A leading Soviet theoretician has attempted to deal with this issue in Marxist terms:

Despite the connection and mutual relationship between the material and moral foundations of communism, the former develop more quickly than the latter....We will in the near future attain the abundance and surplus of many consumer goods which are necessary for distribution according to scientifically fixed norms. A much more difficult matter, which will take much more time, will be to form in every member of society the inner necessity to work in a Communist manner and to make work the first necessity of life for each.<sup>47</sup>

In sum, while the Soviet leadership claims to have made decisive progress toward producing the material abundance essential to the Marxian vision of society, it has by its own admission only begun to approach the problem of producing the ideal citizens equally necessary to that society -- an infinitely more complicated task inherited from the past.

Stated in another way, the problem initially posed by Marx and Engels in the Communist Manifesto was how to replace the coercive instruments of the state with a rational social order in which "the free development of each individual is the condition for the free development of all." Lenin grappled with this problem for a brief moment only; the barren fruit of his effort was anarchy, poverty, and the Chekist terror of war communism. Stalin's approach to the problem -- justifying maximum coercion and terror as means to the end of the eventual withering away of the coercive apparatus -- made a travesty of the original Marxian concept. Today under Khrushchev, another effort has been launched to actualize this concept, through a mobilization of citizens which stresses the desired "development of each" as the prerequisite for the desired "development of all."

According to Khrushchev, the present program for constructing communism ultimately will lead not only to the transformation of the individual citizen and of the social order, but to the total substitution of persuasion for coercion in society. Yet these aims of the future are to be pursued through

<sup>47</sup> Stepanyan, op. cit.; see also S. Strumilin, op. cit.



the control mechanisms and methods of the present: the ruling party will continue to exercise its supreme authority over the population through a coercive apparatus which has been de-emphasized but which remains in ready reserve if needed; moreover, the party will use its monopoly of control over mass organizations and mass media in a frank attempt to narrow down what latitude of free choice remains in the personal lives and behavior of Soviet citizens.

Given the present nature of the party dictatorship, the vision of a future society where persuasion and sweet reason reign supreme must be dismissed as utopian nonsense at best, political cynicism at worst. In no sense, however, is this to write off as meaningless the relative shift of emphasis away from coercion and toward persuasion in current Soviet policy. Whether or not the population believes in the promises of the Communist future, it well remembers the purgatory of the Stalinist past. Popular relief over the retreat from Stalinist coercion has been manifest in the greater measure of support accorded to the present regime, and the leadership is not likely to risk dissipating this feeling by a return to past excesses. The dividends accruing to the regime as a result of its greater emphasis on persuasive methods, coupled with its greater attention to consumer needs, have so far considerably outweighed any potential dangers to its power. Short of a serious crisis, then, the gauges on the regime's control machinery may be expected to continue veering toward persuasion rather than coercion. The total pressure on the population will be no less, but to the extent the regime can effectively substitute "social" controls through the new public organization for the traditional controls of the past, it will do so. At the same time, since the apparatus of power will remain at the disposal of the regime, we may expect to see a further development not towards a new genre of "totalitarianism without coercion," but towards a totalitarianism in which the latent threat of coercion remains the main source of the effectiveness of persuasion.