

On Power and Omnipotence

The past year 2022 was marked by an extremely important and not entirely realized by all of us – the 100th anniversary of the founding of the USSR – the Union of Soviet Socialist Republics. Insufficient awareness is connected not only and not so much to the consequences of the collapse of the Soviet Union, it largely concerns the internal mechanisms and reasons underlying the principles of this state's functioning, which ultimately led to its disintegration.

This, dear reader, is what the thematic issue of this issue of ECO magazine is all about. The papers in this issue reveal the formation of the legal system of the Soviet state in the 1920s – such of its basic elements as the Constitution and the Civil Code (paper by V.I. Klistorin), the Land Code (paper by V.A. Ilyinykh), the Criminal Code (paper by V.I. Isaev), the Labor Code (KZOT) (paper by S.A. Krasilnikov). These works reveal the peculiarities of legal acts not only in terms of their depth and elaboration, correspondence of “letter” and “spirit”, but also in terms of law enforcement practice.

It is along the line of “spirit” – “letter” – “practice” that the transformation of the initial intentions of the founders of the USSR is very clearly traced. At the first stage (approximately until the second half of the 1920s), the discrepancy between the “letter of the law” and “law-enforcement practice” was in favor of the “letter. The latter, in general, corresponded to the understanding of the goals, objectives, and principles of building a state of universal equality and freedom that had been developed through years of struggle by several generations of revolutionaries. This is clearly seen in the examples of land and labor legislation. At the next stage, “practice” undoubtedly dominates, and in view of its “experience”, the “letter” changes radically (a vivid example is the legislative justification of the transition to compulsory collectivization and the forced mobilization of the labor force).

To a certain extent, the Constitution stands “apart,” which still proclaims high goals and ideals, but it is increasingly acquiring a “nominal character” (V.I. Klistorin's paper).

As a result, we observe, on the one hand, a belief in the power of law and law (the formation of new legislation was extremely intensive

in the early 1920s), and, on the other hand, the growing power and oppression of the authorities, which change and apply the laws as they see fit. Among the main factors shaping the vector of the impact of this power itself are the highest rates of economic transformation, and probably also a certain sense of fear of the vast peasant masses hungry for a free life on the land. We cannot discount the more than difficult foreign policy environment of those years.

These and other circumstances (the above list, of course, is far from complete) were exacerbated by the complexity of the task at hand. To organize the management of a huge country in such difficult conditions on the principles of “constitutional procedures”¹ extremely difficult, if at all possible. The impossibility stemmed both from the tight deadline for solving the ambitious tasks set, and from the banal shortage of qualified managers at various levels. In 1914 the Russian Social Democratic Workers’ Party had not even a thousand members². (who undoubtedly constituted the “ideological” core of the organization, unlike, for example, the majority of the “new members” of the second half of 1917, whose number had already surpassed 250,000). The leadership of the young Soviet republic tried to solve the problem of the “personnel shortage” in a variety of ways – from the accelerated development of the higher education system to party “drafts” (Davydov, the hero of the Quiet Don, is a vivid image of such a “conscript”). However, the scale of the set tasks and the personnel potential of the new generation of leaders (and the state of society in general) did not allow the young state to remain on the “constitutional path” of development. Strengthening the influence of the government was accompanied by a significant simplification of the system of targets of socio-economic development of the country. The main indicators were gross output of metal, production of machines and mechanisms, and construction of large industrial and social facilities

¹ “When the number of participants is so large that negotiations cannot be organized and collective action will require some kind of rules or statutory rules, which I call constitutional procedures...The making of decisions through constitutional procedures will also take time in large groups.” Olson M. *The Rise and Fall of Nations. Economic growth, stagflation, social sclerosis* / Translated from English. Novosibirsk: ECOR, 1998. 432 p. [P. 94].

² *Russia on the Eve of the Great Shocks. Socio-economic atlas*. Moscow: Kuchkovo Polye. 2017. 672 p. [P. 250–251]

(the latter to a lesser extent). The management of the country was increasingly acquiring a technocratic character.

The undoubted advantage of such an approach is the opportunity to focus efforts on achieving progress in a few selected priority areas. Here we cannot but mention industry, including heavy engineering, aircraft and then rocket engineering; science, primarily aimed at solving problems related to the above-mentioned industries, etc.; we should also mention education. On this path, nevertheless, a tremendous breakthrough in the development of both the economy and the social sphere was carried out. However, the inherent characteristics of this breakthrough were a narrow range of priority areas and spheres and an orientation toward the extensive forms and methods inherent in the initial stage of industrialization.

Among the problems was the nationalization of all spheres and areas of economic and social life. Beginning in the mid-1920s, workers became more of a labor resource, and the initiative to create new types of products or social practices became the exception rather than the rule.

It is important to understand that under the pressure of the “oppression of circumstances,” not only did the omnipotence of power grow, but this power itself – represented first by the RCP(b), then by the CPSU, and finally by the CPSU – underwent a very significant transformation, departing from the principles of collegiality (constitutional procedures) and turning into a body for implementing the preferences and predeterminations of an internal “special-interest group”³. Neither rank-and-file Communists nor lower- and middle-ranking functionaries had any influence on Party policy, nor could they⁴.

It is quite natural that the exclusion of workers from opportunities to show real initiative, the rigid regulation of steps and actions in each particular case eventually led to the rejection by citizens of the USSR of a system based on the omnipotence of power, rather than the right.

The lessons of history are instructive. For modern Russia, the urgency of the search for an acceptable balance between the “spirit” and the “letter” and the “practice” of the law still remains. It seems

³ *Olson M. Rise and Decline of Nations. Economic growth, stagflation, social sclerosis / Translated from English. Novosibirsk: ECOR, 1998. 432 p. [P. 79].*

⁴ “...the theory of collective action of small groups needs elaboration, and the limited role of markets in these societies needs to be analyzed independently.” P. 251. Op. cit.

that the process of transition from the omnipotence of power to the priority of law is far from over. For example, the implementation of such constitutional provisions as respect for labor of citizens, targeting social support, as well as guarantees of creating conditions for sustainable economic growth of the country (articles 75 and 75.1 of the Russian Constitution) in legislative acts of direct action and in law-enforcement practice requires a more thorough elaboration.

Russia has no other way but to form – step by step – within the framework of real “constitutional procedures” its own way and its constitutional legal model based on a nationwide consensus, in strict compliance with the demands of the times. On this path, the minimum task is at least not to repeat the mistakes and miscalculations made by predecessors.

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