8 Nominal democracy in Stalinism

The Soviet Constitution of 1936¹

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Though democracy was on the banners of all Russian revolutions, the resulting regimes stubbornly drifted in an authoritarian direction, producing weak judiciaries and weak legislatures. Constitutional reforms in Russia – in 1906, 1936, and 1993 – faded again and again into token democracies, where elections – a cornerstone of democracy – took place, while constitutional liberties were praised in theory but violated in practice. I suggest here my interpretation of the nominal nature of democratic institutions under Stalinism – elections, a constitution, soviets, and the Supreme Soviet – focusing on the Constitution of 1936 but placing it in a larger national and historical context.

In June 1936, the draft of the new Soviet Constitution was published for public discussion. It announced that the USSR was becoming a nonantagonistic socialist society and, accordingly, it canceled restrictions on voting rights and introduced universal suffrage, a secret ballot, separation of powers, an open judicial process, and the right of the accused to a defense. It declared freedom of the press, the right to assemble, and the inviolability of the individual, housing, and correspondence. In view of the Bolsheviks' previous fixation on class struggle, this liberal, inclusive law was an unexpected swing in official policy. This turn to democracy, which nobody had demanded, was interpreted by historians in various ways: as fake, as a retreat from I. V. Stalin's model of socialism, or as an intended but unrealized democratic reform.² Not only the Stalinist version of democracy but Soviet socialism as a whole was treated by many scholars as fictitious, as spectacle, simulation, imitation, self-representation, virtual reality, simulacrum,³ or an instrument of social mobilization. M. Mamardashvili discussed the hyperreality of Soviet life; E. Dobrenko, socialism as representation; and E. Schulmann, the problem of dormant institutions when speaking about modern Russia.⁴ Thus, the dilemma of duality – the discrepancy between self-presentation and practice that pervaded all of Soviet and Russian life – is recognized by scholars who try to make sense of it from various perspectives. I argue here that the intentional deception explanation of the duality phenomenon does not always work. The sources of the nominal nature of the Soviet Constitution of 1936 and of Soviet democracy included other things: the ontological dichotomy between the representation and the reality of Russian life, pressure from traditional sociocultural practices that confronted the modernizing project with its legal culture, the Bolsheviks' way of

thinking, and a perceived urgency for social transformation that was unfavorable for democracy.

The secret internal communications of the leaders show that the government introduced the new Constitution to achieve international, ideological, and political goals.⁵ The conventional explanation stresses that the Constitution was a propagandistic trick designed for external use: to impress the West, which was experiencing economic crisis, with the alternative of socialism, and to enhance the Soviet Union's reputation among Western democracies and attract allies. New documents show that international factors did play a role, but they were secondary to domestic goals. Among the domestic political goals was the managerial goal of improving the effectiveness of government and its ability to exert control through a new election law – using democratic procedures to motivate, revitalize, remove, and to purge sluggish, corrupt, unreliable officials.⁶

Here, I suggest looking once again, and very rigorously, at the ideological reason for a new Constitution⁷ – the attainment of socialism – often degraded by historiography as pure deception and propaganda. But internal communications convey that the leaders took very seriously the dictum of the attainment of socialism and the “new order of classes.” The Stalinist vision of achieved socialism and a transformed society explains why the idea of election reform with the enfranchisement of former enemies arose in 1933–1935 and soon led to an entirely new constitution.

Lenin's and Stalin's views of democracy and socialism

Socialism belonged to a metanarrative that structured the Revolution, the policies of War Communism, the socialist offensive, and the five-year plans, even though it often challenged the Bolsheviks' positions in power. When Stalin launched the socialist offensive in 1928, he projected socialism as the result of a five-year plan. In this, he followed V. I. Lenin's plan of building socialism, elaborated in “State and Revolution” and later articles. Lenin envisioned socialism as democratic, but in a specific form and not attained all at once. He saw the soviets as a new form of popular majoritarian democracy in opposition to liberal European democracy with its concern for minority rights. In the USSR, directly elected local soviets sent delegates to periodic congresses of soviets at various levels, and since 1937 the Supreme Soviet was elected directly. The USSR Supreme Soviet was the highest legislative organ in the country (its Presidium acted as such between its sessions), with the Council of People's Commissars serving as an executive body.⁸

While imagining a proletarian, or socialist, democracy representing the majority of the working people in the future socialist state, Lenin reserved a severe critique for bourgeois parliamentarism. He asserted that bourgeois parliamentary democracy's claims of popular sovereignty were deceptive because real power was exercised behind the scenes by the capitalist bourgeoisie due to tricks with the legislatures.⁹ While Lenin's skepticism about parliamentary democracy partially reflected his Machiavellianism, such views were not rare among the contemporary left in Europe who were disillusioned with “parliamentary

governments [that] failed to address the crises” associated with the First World War.¹⁰ Theoreticians concur that the parliamentary systems were poorly equipped to work effectively in emergency situations that require quick decisions. To bourgeois parliamentarianism meant “for the minority,” Lenin contraposed electoral and representative institutions for the majority in the future socialist democracy.

However, democracy would not be introduced in full immediately after the Revolution. Following Karl Marx, Lenin demanded a temporary restriction of democracy by the dictatorship of the proletariat, first of all, to suppress the resistance of the exploitative classes. The dictatorship of the proletariat was seen as a transitional revolutionary measure in the name of the majority until the foundations of a socialist economy and a new society could be created. The delay in introducing a full-fledged democracy and the rule of law was the Bolsheviks’ practice under conditions of a revolutionary “state of emergency,” as Giorgio Agamben called it. Second, the dictatorship of the proletariat would provide time to educate workers, to prepare them for their new roles in administering the socialist society, and to indoctrinate society in socialist values. This implied that the Russian population was not yet literate or mature enough for full democracy. But Stalinists liked to repeat Lenin’s point that “the dictatorship of the proletariat would already be more ‘democratic’ than any European parliamentary democracy because it would rule in the interests of the overwhelming majority (laborers – OV), whereas European democracies ruled in the interests of the bourgeoisie.”¹¹

Lenin’s plan formed the foundation of Stalin’s policy of building a socialist economy, fomenting cultural revolution, focusing the second five-year plan on creating a classless society. At the Eighth Congress of Soviets in 1936, the dictator praised the growth of the new working class and the creation of new cadres of intelligentsia, and emphasized the new nature of the *kolkhoz* (collective farm) peasantry,¹² thus implying that the new soviet public is socialist and loyal now that “exploitative elements have been eliminated.” Purges of society of exploitative (petty) bourgeois elements and former people were an integral part of this concept of the dictatorship of the proletariat.

Such a paradoxical view of democracy (as a dictatorship at the beginning) was further modified and even deformed in the USSR in the peculiar way that I describe here. While we see an attempt at democratic socialist governance in the early Soviet state, it was gradually curtailed in the soviets,¹³ factory committees,¹⁴ and public organizations, and by establishing a one-party system. Historians attribute the failure of the Soviet democratic transition to various factors: both the catastrophic circumstances themselves¹⁵ and the leaders’ perceptions of threat; in Erik Van Ree’s view, because Lenin’s radical and opportunistic view of democracy was flawed from the start;¹⁶ the Bolsheviks’ “deep-seated preference for centralization”; the insufficiency of democratic traditions, literacy and legal culture in the country; and Stalin’s personal role. The Bolsheviks’ *Realpolitik* adjusted the ideal of democracy to circumstances on the ground and at the top.

Discourse of democracy in the mid-1930s

After the “successful” implementation of industrialization, collectivization, and cultural revolution, at the Seventeenth Party Congress, Stalin announced that Lenin’s plan of constructing socialism had been realized. Consequently, in 1935–1936, we see some moderation in policies justified by having achieved socialism. The reform of the Constitution was a part of this larger discourse of moderation and democratization in political, economic, judicial, and ideological developments in 1933–1936, including the move to legal reform and the lower tide in repressions. The moderation of policy¹⁷ stems from two different government contexts: sometimes it was a pragmatic adjustment or ad hoc correction after the “excesses” of collectivization (*Realpolitik*); at other times – on the level of metadiscourse – the relaxation was motivated by the expectation of the advent of socialism in accordance with Lenin’s plan.

The Constitution belonged to this metadiscourse, evident in a retreat from class rhetoric and a shift toward the new discourse of democracy and even parliamentarism. The members of the Constitutional Drafting Commission studied foreign constitutions very seriously: they consulted the texts of constitutions and electoral laws from England, Belgium, Poland, Germany, Norway, Czechoslovakia, and Switzerland, and the text of the French “Declaration of the Rights of Man and of the Citizen” (1789). These internal consultations proved genuine interest rather than public relations theater. The scrupulous work of the Constitutional Commission while preparing the draft in 1935–1936 leads Samantha Lomb to the important conclusion that “these [civil] rights were so carefully crafted because they were not simply propaganda but real programs the state sought to implement.”¹⁸ We do not know the details of the discussions in the Commission and sub-commissions’ meetings because they were not stenographed. But later M. I. Kalinin recognized publicly that the new Soviet election system would resemble the French one.¹⁹ V. M. Molotov in *Pravda*, November 30, 1936, stated: “All the best in the democratic systems of other states we brought in and added to our Constitution to apply to the conditions of the Soviet state.”²⁰ At the Seventh Congress of Soviets on February 6, 1935, Molotov, after repeating Lenin’s critique, used the term “parliament” in relation to the Soviet organs:

All the best in parliamentarianism – direct, equal, and secret elections of representatives to the organs of state government with universal participation of all working people, as our Constitution demands, all these should be realized now in the Soviet Union. Thus, we have the further development of the soviet system in the form of a combination of the directly elected local soviets with a kind of (*svoego roda*) directly elected *Soviet* parliaments in the [union] republics and all-union *Soviet* parliament.²¹

After the first meeting of the Commission on July 7, 1935, the newspapers *Pravda*, *Izvestia*, *Komsomol'skaia pravda*, *Ekonomicheskaiia zhishn'*, and the journal *Sovetskoe gosudarstvo i pravo* started publishing articles about Western and Japanese constitutions. The articles’ major propagandistic goal was to present the

“unsightly background of bourgeois constitutionalism” and the “degeneration of Western parliamentarianism.” All the authors displayed profound contempt for either democratic, fascist, or monarchical constitutionalism by means of scorn and irony. They emphasized the function of European parliaments as masking the bourgeois dictatorship in democratic wrapping. They described restrictions of voting rights for women and the military, as well as residency and income qualifications. The articles on the European constitutions on the pages of *Pravda* juxtaposed descriptions of the hard life of working people under these constitutions to contrast the written rights with actual conditions.²² In 1935–1936, the four-volume collection *The Constitutions of Bourgeois Countries* was published.²³ In Prosecutor A. Ia. Vyshinskii’s article, accompanying the publication of “[t]he Statute on the Elections to the Supreme Soviet of the USSR” in July 1937, the critique of bourgeois constitutionalism received more detailed and expansive development with references to foreign juridical literature.²⁴ These public references to the Western constitutions, in-house examination of their models in the Commission, and the straightforward use of the word “parliament” in relation to the Soviet legislature was a shift. It tells us about the organizers’ self-confidence and their belief that “the time had come to move to a full Soviet democracy.”²⁵ It seems they did not fear that such publications would make the readers compare the suppression of civil rights in Europe and in the USSR. The public, curious about Western democracies, accepted these publications with noticeable interest. People appreciated European freedoms and often compared them to Soviet ones. In these highly ideological articles, the attentive reader might notice that even under “degenerative democracy,” multiple workers’ and peasants’ parties existed in Europe and monarchical Japan, and they could find striking similarities between the political systems of fascist Italy and the Soviet Union. Workers talking in 1937 said: “We have no democracy; our democracy is fake; any bourgeois country has more democracy than the USSR.”²⁶

Why was the democratic constitution introduced?

In the mid-1930s, in both public and confidential settings, the Party leaders – I. V. Stalin, V. M. Molotov, G. G. Iagoda, and A. S. Enukidze – repeatedly declared that the goals of the great socialist offensive had been largely achieved – in the economy and in the social and class structure. According to Stalin’s Marxism, as soon as the economic base had been transformed through the five-year plan and collectivization, it should almost automatically reshape society. Granting democratic liberties and voting rights to the former “enemies” in 1936 grew from the Marxist maxim that the new socialist relations of production, combined with education, propaganda, and appropriate “cleansings” of society would shape a new consciousness and a new Soviet unity of “friendly classes” and nationalities.

As a result, direct, equal, and universal elections by secret ballot – a core of the participatory direct democracy envisioned by Lenin in full-fledged socialism – was introduced by the 1936 Constitution, which ended the disfranchisement of former people, kulaks, and priests – 2.5 percent of the voters, according to Molotov.²⁷

Other liberties granted by the Constitution were in line with an understanding of the new conditions in the country as socialist. Therefore, the new Supreme Soviet replaced the earlier Congress of Soviets as the supreme legislative body. The USSR Supreme Soviet was supposed to be elected in December 1937 with multiple candidates according to the new rules. The 1936 Constitution finalized and celebrated the ideological program of building socialism and announced a shift to democracy.

The Stalinists' wishful thinking projected socialism as being real. In 1936, Stalin and the government were sincere in their belief.²⁸ Ideological dogma, mental filters, and tailored information that they received distorted their perception of reality. Their aspirations for the future and their proclivity to see the present as it ought to be – representing the future as if it were already here – contributed to their wishful thinking. The writer M. M. Prishvin in his diary from 1950 dissected this kind of worldview:

To the question about the number of prisoners in the USSR, [his] answer was: whatever the number, it doesn't make a difference. ... Stalin is right, of course ... when he declares we don't have prisoners. He believes in communism so firmly that he sees the current situation with prisoners as temporary and insignificant; he believes in free speech so firmly that he degrades the current censorship: it will pass away soon [anyway].²⁹

J. Arch Getty explains:

The objective realities of the 1930s were perhaps not as important as the Bolsheviks' perceptions of them, not least because the Bolsheviks acted on their perceptions. Like all politicians, the Bolsheviks interpreted their world and created representations of it that were, for them, reality.³⁰

How earnestly the Stalinists took these anticipated transformations is seen in top-secret internal communications and in their practical steps toward a new society: the new Constitution's enfranchisement of "former people"; the intended shift in OGPU (Joint State Political Directorate) methods (from extrajudicial repressions in favor of legality, surveillance, and prophylactics, though barely realized); permission in 1936 for previously distrusted Cossacks to serve in the Red Army. More, they expanded welfare, and in the hungry years of 1936–1937 directed food aid to the peasants now "converted" into *kolkhozniks* (contrasting with the treatment of peasants as saboteurs during the 1932 famine). All these steps relaxed the official policy toward the groups of the population seen earlier as enemies. Practical implementation of the Constitution was *contested* elections by secret ballot held in the Party and trade unions in the spring and summer 1937 with up to 70 percent rotation of cadres. Discussing this innovation, Wendy Goldman asks:

Was Stalin's invocation of democracy simply a smoke screen? ... Was it a cynical ploy by Stalin and his supporters to strengthen and centralize power

by inciting the rank and file against their regional leaders? Or was it part of a genuine belief that the Party could be purged of oppositionists and revitalized at the same time?

She answers: "Democracy was not peripheral, not a smoke screen, not a collection of meaningless slogans designed to mask the 'real' meaning of events."³¹

Then, if in 1936 the Constitution was not a deception, why at some moment in 1937 did it turn out to be a sham? Why were its norms broken and extralegal mass repressions begun? Let's look at Stalin's shift, first in the short term and then in the long term.

Why did the Constitution turn out to be a sham?

The outcome of the state-sponsored popular discussion of the Constitution in the summer and fall of 1936 dashed the high hopes of Stalin that society had been successfully transformed. Besides the mobilizational, integrational, educational, and legitimization functions of the discussion,³² I would like to draw readers' attention to its monitoring function. Organizers were very persistent in gathering information on the popular comments and they reprimanded lackluster cadres for nonreporting. The USSR TsIK³³ collected 43,000 comments, plus copious reports went to Party leaders from newspapers, localities, the NKVD (Soviet security and intelligence body), as well as personal letters. Prishvin assumed in his diaries that the discussion had become a kind of test for Sovietness, after which freedom would be allowed: "[The government] ... expects real hosannas [praise] ... from the people, and then, after they [the government] are confident of the genuineness of the hosannas, [they will] say, ... Speak, write whatever you want freely."³⁴

However, the unexpected reactions of society to the Constitution brought disillusionment to its organizers, who anticipated unanimous support from the allegedly *Sovietized* society. The popular clamor for civil rights and support – real and orchestrated – for the innovations of the Constitution contrasted with mass discontent, disapproval of the new liberties, warnings about numerous enemies, and demands for the continued segregation of "former people." On top of that, the public, especially peasants, complained about scarcity, excessive taxes, bureaucratic arbitrariness, and the disruption of religious freedoms. Threats of anti-Communist uprisings in case of war, condemnations of the *kolkhozy*, and distrust in the Constitution were recorded in the reports from different agencies as "anti-Soviet moods." The expansion of the franchise (got 10.8 percent of all recorded comments) met extremely articulate opposition – against the enfranchisement of "former people," kulaks, clergy, and individual farmers. Arguing with Stalin's programmatic thesis that all classes had become socialist and friendly, many commentators warned about resilient anti-Soviet attitudes among the population: "Former merchants, kulaks, and other exploiters have not yet transformed themselves and forgotten their former wealth. During elections they can propagate their views and attract unstable, hesitant citizens. Former people should be restricted in their rights." "In the future war, priests may betray the socialist fatherland."³⁵

There were numerous fears among the public that old enemies – especially former kulaks and priests – could use the new constitutional liberties and suffrage to obstruct the construction of socialism. Tellingly, it is exactly these two groups that became the first targets of mass operations against commoners in 1937. These warnings about enemies came now from various sources: in addition to the regular OGPU–NKVD *svodki* (summaries) on popular moods, the USSR TsIK collected materials from the soviets, localities, and newspapers. After reading an article by the TsIK secretary I. A. Akulov, in *Izvestia*, summarizing the comments, a British intelligence analyst concluded: “Akulov would have us believe that the bulk of public opinion is unwilling to accept so ‘liberal’ a Constitution, and would prefer to see the paternal government endowed with more effective powers for the suppression of dangerous thoughts.”³⁶ We know from Stalin’s discussion of the popular comments at the Eighth Congress of Soviets that he picked up the same kind of message.³⁷

Worse, two months later, Stalin received another sobering piece of information: results of the 1937 Census showed that society lagged behind the expected progress already acclaimed on the eve of the census.³⁸ Illiteracy had not been completely overcome, religiosity remained high (57 percent claimed to be believers), and population growth was below extrapolated numbers. The results were so discouraging that the census data was suppressed and the statisticians paid with their lives for figures that dissatisfied the government.³⁹

First, the popular commentaries on the Constitution and, second, the results of the 1937 Census revealed to Stalin the lack of progress in society and made him change his mind. Stalin’s protracted conflict with regional Party–state clans⁴⁰ and the inflammatory role of the new NKVD head N. I. Ezhov provides the background for his change of heart. On top of that, several developments during the winter of 1936–1937 could have influenced Stalin’s reversal in views on society and politics. International developments – the resurgence of the opposition in Spain and the November 1936 German–Japanese Anti-Comintern Pact – heightened Stalin’s fears and insecurity. His internalization of the popular discussion of the Constitution can provide the missing piece in the puzzle explaining why relative moderation ended and mass repressions began. Only then, in the winter of 1936, did the Constitution *become* a sham. The 1937 February–March Central Committee Plenum of the VKP(b) (the All-Union Communist Party (Bolsheviks)) made clear that Stalin had changed his mind and moved toward repressions against masses.⁴¹ Following purges in the military in June 1937, operations against believers and *tserkovniki* (derogative name for priests), and then kulaks and anti-Soviet elements began in the summer of 1937 as a “final blow” to potentially disloyal sectors of the population.

Thus, the Constitution was not an intentional trick from the very beginning. We never find in the leaders’ internal communications on the Constitution, now available in the archives, any suggestions to declare one thing but do another thing. Instead, a perceived conflict between paradigmatic expectations of triumphant socialism and the need to deal with the “imperfections” on the ground rendered the Constitution *pro forma*.

The 1936 failed shift to democracy was not the first. A. Medushevskii stresses the continuity of sham constitutionalism in twentieth-century Russia: in the Fundamental Laws of the Russian Empire of 1906, the Soviet Constitutions of 1918, 1924, 1936, 1977, and in the 1993 Constitution.⁴² Here, he follows Max Weber's view about the token nature of the 1906 reform, exemplified in the creation of the Duma, which did not effectively constrain the monarchy. Reform was seen by Weber more as the product of difficult circumstances and the disinterest of society in liberalism rather than of the Russian people's "immaturity for constitutional government."⁴³ We see a certain zigzag pattern in history when both Nicholas II and Stalin, under very different circumstances, introduced freedoms but then withdrew or emasculated them.

Nominal Soviet institutions

The case of Stalin's Constitution is the most striking, but examples of the nominal, pro forma character of democracy in Soviet Russia are abundant: soviets, trade unions, "the active Soviet public (*obshchestvennost*)," the state-sponsored popular discussion of the Constitution,⁴⁴ etc. The soviets were gradually stripped of their decision-making power and redefined as organs of local administration.⁴⁵ Decisions were taken in the Party's Central Committee or Politburo but published under the name of the USSR TsIK. In the countryside, pressure and tutelage from the authorities, and the promotion of the poor and the Communists in soviet elections – all of these caused distrust and kept the villagers away from the soviets. Low participation in 1924 led to the cancellation of results in 40 percent of rural local elections. To keep the kulaks out of the soviets, the state directive from September 1926 expanded the constituency of the disenfranchised, but despite that, due to "unsatisfactory" results – the election of kulaks – authorities had to cancel them in many places. Finally, in the winter of 1927–1928, the Politburo postponed elections to the soviets for a year because of the peasants' rage.⁴⁶ Apart from the soviets, a number of agencies were organized by the state – officially, to represent the interests of the peasants: cooperatives, committees of peasants' mutual aid (KKOV), and credit funds, but in reality they promoted the exploitative interests of the state rather than the interests of the peasants. Villagers protested: "The soviets and the Communist Party do not express the interests of the peasants." "Neither committees of the poor, nor KKOVS satisfy us, middle peasants."⁴⁷ But the Party incessantly tried to "revive" the lifeless soviets and inculcated controllable proxies. The power levers of competing peasant communes, including their budgets, were shifted to the soviets and finally the communes, the countryside's last independent institution, were abolished in 1930.

"The active Soviet public" (*sovetskaiia obshchestvennost*), like workers' and peasants' correspondents,⁴⁸ among others, was cultivated in the place of civil society for which all possible venues, such as cafés, printing presses, and associations, were barred. The trade unions, initially active in political and economic participation, in 1921–1922 were made responsible for mobilizing workers for production tasks and were allowed only "to correct blunders and excesses resulting from

bureaucratic distortions of the state apparatus.”⁴⁹ Simon Pirani describes the process of curtailing the workers’ democracy in 1922–1923, gradually confining it to secondary questions. Unions were “involved in implementing rather than making decisions.” The initial workers’ democracy was substituted by political mobilization campaigns where “workers were consigned to a supportive, passive role.” It was a kind of social contract: workers publicly displayed their support in organized street demonstrations and orchestrated meetings, donation and state loan campaigns in exchange for some privileges, higher rations, and opportunities for promotion.⁵⁰ Effective here was the state mechanism of sponsoring pseudo organizations, artificial and under Party control, substituting live and organic agencies: the Orthodox Church by the Renovationist branch, independent peasant unions and peasant communes by the KKOVs and rural soviets, artistic and public organizations of the 1920s by the state-sponsored unions of writers, artists, etc. The tools of taming were substitution, repression, propaganda, infiltration,⁵¹ and splitting (*razlozhenie*) from the inside. When and to what degree these policies were conscious and intentional is a difficult question. But in the case of splintering the Peasant Union movement and the Orthodox Church hierarchy, the OGPU destroyed them very purposefully and consciously.⁵²

However, sometimes it was self-delusion. The leaders believed in the power of socialist conditions and “Party enlightenment” to shape society. In 1917, Lenin did not see the public in Russia as being mature enough for full democracy or able to intelligently participate politically. Following Marx and in the state of emergency during the Civil War, Bolsheviks limited democracy to the dictatorship of the proletariat to discipline the soviets, electors, factory committees, and the press⁵³ to behave in required ways under close Party scrutiny and backed up by terror. The immediate need to hold power took preeminence over the democratic ideal – Lenin and then Stalin got a taste of centralization and state violence as a quicker way to transform society in a time of perceived emergency and they delayed democracy. Besides economic transformation, they announced the need to enlighten the public and shape its socialist values, to purge enemies, and only *then* grant society freedom, as Stalin did in 1936. But his illusion of successful Sovietization of society was short-lived.

The form and content dichotomy

After a review of the specific circumstances of 1936–1937 and why the Constitution was not fully implemented in practice, I move now to consider the long-term factors that underlie the persistent Soviet pattern of democratic form without content. The overarching context was the dichotomy in Russian life. Indeed, well recognized in historiography, the conflict between the state modernization drive and traditionalist society is a part of this dichotomy. Old, *informal* norms and practices, rooted in the legacy of a traditionalist society,⁵⁴ often competed with formal legal structures and official ambitions. The political system was permeated by this duality: the turn to legality in the 1934–1936 legal reform contrasted with the continuation of extralegal practices; the freedom of

conscience declared in all Soviet constitutions contrasted with religious persecution; the figurative power system of the soviets was paralleled by the actual power of the Party – the Supreme Soviet remained a token organ that did little more than approve decisions already made by the Politburo, and its ordinary deputies performed the role of political marionettes. Idealistic socialist realism perfectly expressed this dichotomy. The gap between the government's intentions and their realization contributed to dualism that, from the outside, was seen as political zigzags or deception. We observe multidirectional and meandering policies throughout the interwar period: (1) a tactical retreat from War Communism to the New Economic Policy (NEP) in 1921; (2) cancellation of the NEP in 1928 and resumption of a socialist program; (3) Stalin's article "Dizziness from Successes" in March 1930; and (4) the unexpected liberalism of the 1936 Constitution and then the turn to mass repression. Such consistent inconsistency cannot be attributed solely to personal whims or the dishonesty of the leaders or revolutionary chaos. The cause of such duality was fundamental and structural. Such radical policy changes resulted from the incompatibility of the Bolsheviks' utopian ambitions with the pressures of reality. The resulting strains were aggravated by voluntarism,⁵⁵ maladministration, the dogmatism and intransigence of the leadership, and the breakneck speed of transformation. Not only Soviet constitutionalism but also Stalinism as a whole was so contradictory because policymakers were guided by the socialist ideal, yet at the same time had to cope with the "imperfections" they saw on the ground – a backward population and economy, unmanageable local officials, and a frightening international environment. Implementing the socialist project, speculative and detached from reality, too often caused unexpected and unintended results (like mass migration after collectivization) that required adjustments, which in turn produced zigzags and multidirectional politics (like legal reform in 1934–1936 and simultaneous extralegality in urban purges).

The supremacy of representation in the construction of Soviet social reality was not entirely new. It had old historical roots. Since Peter the Great, Russia had "pretended to be something it was not."⁵⁶ Alexander Sokurov ponders Russian preoccupation with the theatricalization of reality back to the eighteenth century in his movie *Russian Ark*. With the tradition of Potemkin villages and a historical pattern of simulating European civilization,⁵⁷ Stalin's socialism-building belonged to just such a "catch-up discourse" and compensation for "the old Russian trauma of inadequacy vis-à-vis Europe."⁵⁸ Evgeny Dobrenko highlights the purely representational character of socialism as a whole in his retrospective of an older Russian proclivity toward representationalism at the expense of realism. The advent of socialism in 1936 belonged to discursive accomplishments, described as "the spectacle of socialism" by Dobrenko, and as a performance by Alexei Yurchak and Jeffrey Brooks.⁵⁹

The dichotomy of Soviet life has been examined by many scholars from various angles. Terry Martin and Michael David-Fox⁶⁰ discussed modern versus neotraditionalist elements in policies. S. Fitzpatrick, R. Suny, and L. Viola emphasized the need to distinguish the level of intentionality, with its hyperplanning, from

the unexpected consequences and the uncontrollable chaos on the ground (in our case, the idealistic Constitution versus a frustrated and divided society).

While ideological claims departed from practice, commonsense citizens tried to come internally to terms with the incongruity between anticipation of the promised bright socialist future and the hardships of every day. That is why the expression “in principle” was so common in the language. Coping with this dichotomy, in order to survive and remain sane, citizens learned to speak Bolshevik and to *display* politically correct behavior, which took precedence over the content of their inner values,⁶¹ interpreted as double-thinking by observers. Alexei Yurchak reasons that this gap between performance and content widened in late post-Stalin socialism.⁶² It produced cynicism in society, which together with other factors finally eroded the communist edifice that had failed to keep its promises. Notably, this dual pattern persists today. Post-Soviet sociological studies undertaken by Western and Russian scholars evaluating the attitudes of Russian citizens toward democracy during the 1990s and 2000s evidence that while a big majority of Russians regard democracy as ideal, they increasingly support V. V. Putin’s undemocratic political practices.

Again, it would be simplistic to see official representationalism only as a pure and intentional deception, despite the obvious Machiavellianism of Soviet polity. Close reading of historical documents produces an impression that Stalinists succumbed to self-deception about the success of socialism as Stalin seems to have sincerely believed in the power of will or words to realize the Marxist project: “The role of so-called objective conditions has been reduced now to a minimum, while the role of the Party has become crucial.” He insisted, for example, that “realization [of the first five-year plan] depends exclusively on ourselves, on our ability and our will to use the very rich possibilities we have.”⁶³ Because Stalin was the main architect of the policies, his mentality was an important factor in the representation of Soviet democracy. The scholars who tried to peek inside the dictator’s mind pointed to his wishful thinking, among other characteristics.⁶⁴ Richard Sakwa argues: “Stalin remained something of an idealist in the sense that for him ideas (schemas) could take on an almost material reality.”⁶⁵ Merab Mamardashvili called this phenomenon “logocracy”: “A sort of magical mindset where it was thought that words constituted reality itself. ... If something has no name ... we cannot grasp it.”⁶⁶ Numerous of his utterances provide evidence that Stalin firmly believed in the power of words and their potential to shape reality, which Sarah Davies and James Harris called logocentrism.⁶⁷ In the 1920s, the idea that one could change a person’s mind by using the right words was quite influential – the idea that “language can serve as the ultimate vehicle for the kind of transformation sought by revolution.”⁶⁸ The successor of the Enlightenment, Stalin thought that words of education and propaganda, whether Party propaganda or “kulak agitation,” were omnipotent in their ability to change personality and its psychology. Consequently, he saw rival ideologies and texts as “equivalent to political rebellion.”⁶⁹ Desired norms were imposed on society via rhetorical tools like assigning names (“democracy,” “socialism,” “kulak,” “enemy of the people”), monopolizing the power of naming and producing political ideas,⁷⁰ or

inculcating speech, behavior, and thinking patterns to enforce the state's agenda. Discursive strategies structured social reality by encouraging language patterns in line with official ideology, such as "achievements of socialism," and discouraging "wrong" patterns. The words "famine," "repressions," and "peasants' revolts" were excluded from the official public agenda and therefore hidden, becoming "nonexistent," replaced by the euphemisms "food difficulties" and "kulak sabotage." Such a mentality predetermined Stalinists' annoyance with the lag of reality behind desideratum.

Law and practice

The representational and performative nature of socialist and democratic discourse was also a product of resilient sociocultural practices in relations between the state and society⁷¹: among others, reliance on informal, personalized practices rather than on legal norms. Historically, the latter only slowly established themselves both in the elite, bureaucracy, and peasantry. The model of "the supremacy of the ruler to the law [as] an attribute of monarchical rule in Russia"⁷² can explain such traditional negligence of the law. Only in the mid-nineteenth century did the new legal ethos emerge with its recognition of the importance of law in Russian judicial administration, but among the peasantry customary law continued to dominate.⁷³ These fragile foundations of legal consciousness could hardly be strengthened in Soviet practice when the law had been rejected in the Revolution, when law contradicted established informal practices,⁷⁴ and when implementation of one law contradicted another law.⁷⁵ The persistence of informal practices (*blat*, for example) was another side of distrust of institutions at the bottom of society.

"Revolutionary" suspension of law during the Civil War period and the constant resort to extrajudicial measures later did not enforce legality in the bureaucracy or legal consciousness in the population and ultimately contributed to poor manageability of the state apparatus. As P. Solomon notes, "the antilaw tendency in Soviet legal thought," so pronounced in the 1920s, "had always appealed to the hearts and minds of many Party officials."⁷⁶ The 1920s and 1930s saw a persistent pattern of cessation and reemergence of the extrajudicial power of the political police toward specific groups and offenses. On the one hand, the suspension of law accelerates and simplifies procedure; on the other, it conflicts with a ruler's need to control the state machinery. A clear legal framework adds legitimacy and stability to the system of power⁷⁷ as the Constitution of 1936 projected. The turn to a traditional legal order in the mid-1930s, in order to revive the authority of law and enforce centralization and manageability, was inconsistent and was finally interrupted by the extralegality of the Great Terror. Tellingly, the Prosecutor's Office – the institution designed to oversee compliance of the law with the Constitution – by its own hands waived the constitutional demand of the prosecutor's sanction on arrest. On August 7, 1937, Prosecutor A. Ia. Vyshinskii issued the appropriate instruction to the legal agencies: "There is no need to follow the legal procedure and preliminary sanction on arrest."⁷⁸ It was restored in November 1938. It was common practice for laws to be ignored by implementers

at the local level (the cases are too numerous to be presented here): churches were often closed without the required sanction of the local soviet and the TsIK; when the Politburo ordered stopping repressions “immediately” starting November 16, 1938, shootings in NKVD cellars continued even during December.⁷⁹ Both local executives and the current legislature commonly ignored the law.

The gap between current laws, instructions, and the Constitution was one of the mechanisms of the nominal nature of democracy in Stalinism. Just before his quiet cancellation of the constitutional norm of the prosecutor’s sanction for arrest on August 7, 1937, Vyshinskii stated:

Soviet state justice is characterized by the unity and coherence of all its parts. In our Constitutional justice, there is no contradiction between its individual institutions, and there is no contradiction or even the slightest divergence between the principles it proclaims and their practical implementation. ... The Constitution of December 5, 1936, and the electoral law of July 9, 1937, are in complete unity.⁸⁰

Constitutional legal norms authorized by government bodies were time and again degraded or modified by numerous often secret instructions and decrees issued by the NKVD, the prosecutor, or the Party. Their instructions bent the Constitution to meet the convenience of one or another agency. The Tatar ASSR (Autonomous Soviet Socialist Republic) NKVD chief questioned Moscow in January 1937:

For us, the line to follow in our conduct [in relation to exiled kulaks] is not clear in connection with the new Constitution. We ask you to clarify if all previous orders of the USSR NKVD on this subject remain in effect, or if we should rely on the corresponding articles of the Constitution and apply them to those people as citizens of the USSR enjoying all rights as citizens.⁸¹

We can see the answer to this question from practice: when, after the 1936 Constitution, the NKVD prioritized its own decrees and Politburo directions. Soviet polity often lived according to informal practices and normative acts.

Deportation of the kulaks in the collectivization and construction of special settlements was a good example of this incongruence. Legal formalization of the repressions lagged behind their implementation. First, extrajudicial deportations started and only afterward did the construction of the quasi-legal foundation for them begin. Many peasants were deported without trial or formal verdict and did not know their terms:

We do not consider ourselves to be deprived of rights according to the court decision, but only by the NKVD [power], because we did not hear any sentence, any trial, but they simply exiled us to another area and that’s it.⁸²

As Lynne Viola and Sergei Krassil’nikov wrote, the mass banishment during collectivization was conducted not by the judiciary but by Soviet administrative

organs. According to the law, such an administrative procedure could inflict only individual (not family) deportation and only free (not forced) labor, and was limited to five years. The extraordinary practice of family deportation, with forced labor and no terms of exile, violated the law and created a legal vacuum around the question of subsequent liberation that in turn allowed authorities to manipulate the issue with bylaws and instructions according to their immediate needs.⁸³

L. Viola and S. Krassil'nikov conclude: "Normative acts quenched the power of law." The authors abstain from using the term "the legal status of *spetspereselentsy*" (special settlers or deportees), as the notion of legality does not reflect the reality of deportees' conditions.

It was a quasi-legal procedure, with norms and rules not restricted by any legal or justice institutions, but established and changed by political authority. ... The law was an instrument in the hands of regime organs [NKVD] supervising the groups of special settlers.⁸⁴

Restoration of their civil rights according to the 1936 Constitution was incomplete and sabotaged at every level of administration. It is worth noting that all instructions and laws (if carried out) were interpreted by implementers in favor of tightening and restriction rather than softening. We see a common practice whereby the Constitution, law, or decree granting rights to citizens was truncated by normative instructions or nonfulfillment on the local level. In this light, it is emblematic that Stalin rejected most popular amendments to the Constitution in 1936 by reasoning that they instead belonged to current legislation. They were supposed to be disregarded.⁸⁵

Elections

Free elections are at the core of democracy and were in the center of the 1936 Constitution. The mechanism of elections and Soviet manipulations is a large topic deserving further studies.⁸⁶ Here I only briefly present a few examples of subverted elections in 1936–1937 at the grassroots. Before that, open voting by raising hands under OGPU surveillance, rather than by secret ballot, and voting for the whole list of candidates presented by the organizers effectively "usurped democracy."⁸⁷ The new Constitution's voting rules were spontaneously tested in the fall of 1936 during the elections to the local and all-union soviet congresses, even before the Constitution's formal adoption, and were expanded to Party organizations and trade unions from May through the summer of 1937. The party, soviets, and the NKVD were not ready to implement new constitutional norms despite official encouragement to criticize and dismiss ineffective officials in the campaign of criticism. The NKVD with its civil war mentality saw the 1936 pre-election mobilization of the population, inspired by new freedoms, as anti-Soviet agitation and regularly reported on the revival of socially alien elements, who were formally absolved by the Constitution.⁸⁸ The old practice of control over elections continued. It was the duty of Party organizers to "direct

election campaigns,” organizing 100 percent turnout and selecting and verifying the candidates. However, newly enfranchised persons were often removed from the voting lists in 1937. “It [is] the responsibility of local soviets to ensure that voter lists [are] compiled correctly.”⁸⁹ But those in the soviets who had deported kulaks in 1930 were not interested in reinstating the voting rights of returnees. In the 1936 discussion, they regularly articulated that they anticipated revenge.⁹⁰

Nomination of candidates was a crucial moment that allowed the party-state to manipulate the process. The Party and soviet officials arranged the nomination of desirable candidates. If this filter did not work for some reason, the unwanted candidates were excluded from the voting lists or arrested by the NKVD. The plenum of the Gorkii Krai Party Committee in September 1936 directly instructed Party officials to scrutinize the cadres of the candidates and to manage the elections of the deputies to the soviets’ congresses.⁹¹ And of course, the NKVD did its job searching enemies. In October, it reported with alarm that voters had nominated and elected to the local soviet congresses anti-Soviet elements, *lishentsy* (the disenfranchised), or former counterrevolutionaries. The NKVD quickly dismissed such delegates from the congress list: in Malaia Vishera, Podporozhie, Novoselskii *raion* in Leningradskaia *oblast’*, Zeldskii *raion* in Odesskaia *oblast’*, and other places.⁹² The kulak *lishenets* Afanasii Popov in the Caucasus was deprived of his deputy mandate in the middle of the congress by the NKVD, while delegates “Khoptiar, suspected in spying, and Zaidman, a Trotskyist,” in Vinnitsa *oblast’*, were arrested.⁹³ Security bodies and the Party directly intervened in the elections, blocking undesirable candidates and imposing their nominees. In Tikhvin *raion*, Leningrad *oblast’*, the voters declined the candidacy of village soviet chair Sokolov, but the *raion* representative said, “[y]ou can vote him out, but my word is final: Sokolov will stay chair.”⁹⁴ A disunited and unorganized population could not effectively promote and defend their candidates from the ground or oppose the state security forces. Pessimistic citizens moaned: “Even if the people elect their representatives, the Bolsheviks, under the conditions of their dictatorship, will do everything to dismiss them.”⁹⁵

Another method of manipulation was “an informal quota system,” or *raznariadka*. For example, the Gorkii *krai* soviet leader instructed his staff: “Elections to the *krai* [Soviet] Congress should guarantee [the winners to include] 34 percent women, 40–45 percent nonparty people, 22 percent workers, and 30 percent *kolkhozniks*.”⁹⁶ This sorting took place at the moment of nomination. Such a system of Party backing of loyal candidates made deputies much more dependent on their supervisors than on their constituencies. Under such conditions, the democratic principle of accountability of the deputies to the electorate did not work. Thus, already in the fall of 1936 the local elections of delegates to soviet congresses saw the failure of implementation of the new freedoms. Elected former kulaks, *lishentsy*, and members of now banned parties were blocked illegally via something akin to “criminal checks,” or they were simply arrested. The elections remained phony. Getty convincingly argues that the mass repressions of 1937 were of a preemptive character in view of the coming free elections to the Supreme Soviet in December 1937. In the summer, the ballots were printed to

accommodate several candidates. Scared by the revival of its perceived enemies, the Party quietly canceled *contested* elections in October, but elections remained universal and direct by secret ballot. In December, the people were disappointed to find only one name on each ballot. The intelligent and critically minded Leningradian Liubov' Shaporina wrote in her diary:

During the studies of the election law in all enterprises and institutions, the public asked if they could take the ballot and go home to ponder what candidate to vote for. Answer: yes. I entered the booth where I was supposed to read the ballot and choose my candidate to the Supreme Soviet ... [but] we have on the ballot one name, selected in advance. I had a laugh attack in the booth. For a time, I could not make the appropriate calm face. At the exit I met Iurii with a stony expression on his face. I raised my collar [to hide my face – OV] – it was incredibly laughable. In the yard I met Petrov-Vodkin and Dmitriev. V. V. [Dmitriev] talked about something and wildly laughed. ... We all laughed.⁹⁷

The tool of democracy was firmly in the hands of the rulers – they reserved it only for the low- and middle-rank cadres. Criticism against high targets was not intended by the masterminds in the Kremlin in an official campaign of criticism targeting incompetent or corrupt officials in 1936–1937. Rather, they exploited the democratic tools of criticism and elections to discipline the intermediate bureaucrats by using the hands of the people. British diplomat MacKillop observed in September 1936 that a Soviet citizen, invited to criticize,

must ... surrender his critical faculty and [not] use it for the still immovable establishment of those in high office – he must not use it against them – by helping them to detect and to eliminate the inefficient among those minor office-holders with whom he comes into daily contact and by generally reducing that sense of security among elected persons.⁹⁸

However, this tool of controlled democracy did not always work as expected by the Kremlin. Getty describes how the Party and soviet functionaries cunningly diverted the critiques and purges to the lower-ranking officials and thus escaped the blow of criticism from below and democratic rotation.

Conclusion

The Constitution of 1936 and the democratic elements of socialism were not always a pure deception; they were also a part of the initial grand project. However, the democratic impulse envisaged by Marx and Lenin in full socialism became hollow under a combination of factors: the pressure of catastrophic circumstances (sometimes self-inflicted), the perceived urgency of socialist transformation, the revolutionary Manichean mentality and Machiavellianism of the leaders, and the legacy of the traditionalist peasant culture embodied in steady

informal sociocultural practices. A multivalent dichotomy, a gap between ideal and social practice and between ambitious intentions and actuality, was a result of the utopianism of the socialist project and, more broadly, in significant part it was a product of the belated and “catch-up” mode of Russian modernization, and of a complex of geopolitical inferiority that defined the nominal nature of Soviet democracy. It looks like a sham from an outside perspective but looks idealistic from inside the communist paradigm. Stalin’s regime benefited from controlled democracy when it purged the bureaucracy by the hands of the people, or when it purchased a kind of temporary legitimacy in the eyes of both outsiders and insiders – all without many constraints. As for the people, they learned the language of democracy and got some training and experience in elections, but in the long run, the token nature of Soviet democracy produced mass disillusionment with and distrust of either the government, the institutions per se, or ideology. This finally corrupted the citizens’ psyche and eroded the moral foundation and legitimacy of the Soviet regime.

Notes

- 1 The ideas expressed in this article were stimulated by discussions with colleagues at a workshop at Heidelberg University and at the 2019 ASEES convention in Zagreb, especially Benno Ennker, Ekaterina Schulmann, and Ivan Sablin. I want to express here my gratitude to Jeffrey Brooks for his thoughtful recommendations.
- 2 J. Arch Getty, “State and Society under Stalin: Constitution and Elections in the 1930s,” *Slavic Review* 50, no. 1 (1991): 34–35.
- 3 Jean Baudrillard’s theory about the significations and symbolism of culture and media that construct perceived reality.
- 4 Merab Mamardashvili, *Kak ia ponimaiu filosofiui* [My Understanding of Philosophy] (Moscow: Progress–Kul’tura, 1992), 201, 204; E. Dobrenko, “Socialism as Will and Representation, or What Legacy Are We Rejecting?” *Kritika: Explorations in Russian and Eurasian History* 5, no. 4 (2004), 675–708; Ekaterina Schulmann, “How Regime Self-Preservation Could Accidentally Democratize Russia,” December 14, 2017, Carnegie Moscow Center, <https://carnegie.ru/commentary/75014>.
- 5 Olga Velikanova, *Mass Political Culture under Stalinism: Popular Discussion of the Soviet Constitution of 1936*, chap. 5 (London: Palgrave Macmillan, 2018).
- 6 See Wendy Z. Goldman, *Democracy and Terror in the Age of Stalin* (New York: Cambridge University Press, 2007), and J. Arch Getty, *Practicing Stalinism: Bolsheviks, Boyars, and the Persistence of Tradition* (New Haven, CT: Yale University Press, 2013), especially their emphasis on the center–periphery struggle.
- 7 The role of ideology in Soviet state-building has been debated for a long time. Recently, Kotkin has emphasized the ideology of Marxism–Leninism as a driving force for Stalin’s policies, a “key source of his power,” rather than statism or extraordinary circumstances. Stephen Kotkin, *Stalin*, vol. 1, *Paradoxes of Power, 1878–1928* (New York: Penguin, 2014), 427, 470.
- 8 Lara Douds, James Harris, and Peter Whitewood, “Introduction: Illiberal Liberation, 1917–41,” in *The Fate of the Bolshevik Revolution: Illiberal Liberation, 1917–41*, eds. Lara Douds, James Harris, and Peter Whitewood (London: Bloomsbury Academic, 2020), 5–7.
- 9 Stalin referred to this thesis in his speech at the Eighth Congress of Soviets in December of 1936. I. V. Stalin, *Doklad o proekte konstitutsii SSSR* [Report on the Constitution Project] (Moscow: Gospolitizdat, 1947), 21.

- 10 Douds, Harris, and Whitewood, "Introduction," 5, 7; Erik Van Ree, "Dictatorship Unlimited: Lenin on the State, March–November 1917," in *The Fate of the Bolshevik Revolution*, 17–30.
- 11 Douds, Harris, and Whitewood, "Introduction," 14.
- 12 Stalin, *Doklad* [Report], 8.
- 13 I. V. Pavlova, *Mekhanizm vlasti i stroitel'stvo stalinskogo sotsializma* [Power Mechanism and the Construction of Stalin's Socialism] (Novosibirsk, RU: Sibirskoe otделение RAN, 2001).
- 14 Steve Smith, "Factory Committees," in *Critical Companion to the Russian Revolution, 1914–1921*, eds. E. Acton, V. Cherniaev, and W. Rosenberg (London: Arnold, 1997), 346–358.
- 15 The theory states that democracy is connected with stability and does not flourish in emergency situations, as it needs time, procedures, and organization.
- 16 Douds, Harris, and Whitewood, "Introduction," 11.
- 17 Olga Velikanova, "Stalinist Moderation and the Turn to Repression: Utopianism and Realpolitik in the Mid-1930s," in *The Fate of the Bolshevik Revolution*, 141–154.
- 18 Samantha Lomb, *Stalin's Constitution: Soviet Participatory Politics and the Discussion of the 1936 Draft Constitution* (London: Routledge, 2018), 22.
- 19 TsK VKP(b). "Materialy fevral'sko-martovskogo plenuma TsK VKP(b) 1937 goda [Materials of the February–March Plenum of the VKP(b) Central Committee], *Voprosy Istorii*, no. 6 (1993): 16–17.
- 20 Cited in Lomb, *Stalin's Constitution*, 14.
- 21 V. M. Molotov, *Otchetnyi doklad o rabote Pravitel'stva VII S'ezdu Sovetov SSSR 28 ianvaria 1935 g.; Ob izmeneniiakh v Sovetskoi Konstitutsii: Doklad na VII S'ezde Sovetov 6 fevralia 1935 g.* [Government Report to the Seventh USSR Congress of Soviets, January 28, 1935; On the Changes in the Soviet Constitution: The Report at the Seventh Congress of Soviets, February 6, 1935] (Gor'kii, USSR: Gor'k. izd-vo, 1935), 80, <http://elibrary.ru/nodes/38599-molotov-v-m-otchetnyy-doklad-o-rabote-pravitelstva-vii-sezdu-sovetov-sssr-28-yanvaria-1935-g-ob-izmeneniyah-v-sovet-skoy-konstitutsii-doklad-na-vii-sezde-sovetov-6-fevralia-1935-g-gorkiy-1935#mode/inspect/page/93/zoom/4>.
- 22 *Pravda*, July 10, 13, 17, 18, 21, 24, 1935.
- 23 *Konstitutsii burzhuaiznykh stran* [The Constitutions of the Bourgeois Countries], 4 vols. (Moscow: Sotsekgiz, 1935–1936).
- 24 A. I. Vyshinskii, "Stalinskii izbiratel'nyi zakon" [Stalin's Election Law], *Vestnik Akademii Nauk SSSR* [News of the USSR Academy of Sciences], no. 9 (1937): 16–42. It included a critique of French, American, German, Italian, British, Japanese, and Polish election laws.
- 25 V. M. Molotov, *Ob izmeneniiakh v Sovetskoi Konstitutsii: Doklad na VII S'ezde Sovetov 6 fevralia 1935 g.* [On the Changes in the Soviet Constitution: The Report at the Seventh Congress of Soviets, Verbatim], RGASPI, f. 82, op. 2, d. 247, l. 1.
- 26 [NKVD Information summary on sociopolitical situation, 1937], Tsentral'nyi Gosudarstvennyi Arkhiv Istoriko-politicheskikh Dokumentov Sankt-Peterburga (TsGAIPD SPb) [Central State Archives of Historical and Political Documents, Saint Petersburg], f. 24, op. 2v, d. 2685, l. 1–2.
- 27 Molotov, The Report at the Seventh Congress of Soviets, February 6, 1935, Verbatim, RGASPI, f. 82, op. 2, d. 247, l. 29.
- 28 See the detailed argumentation in J. Arch Getty and O. V. Naumov, *The Road to Terror: Stalin and Self-Destruction of the Bolsheviks, 1932–1939* (New Haven, CT: Yale University Press, 1999), 26–27.
- 29 M. M. Prishvin, *Dnevnik [Diaries] (1950–1951)* (Saint Petersburg: Rostok, 2016), 69, 221.
- 30 Getty and Naumov, *The Road to Terror*, 26.
- 31 Goldman, *Democracy and Terror*, 127, 130, 146–147.

- 32 Velikanova, *Mass Political Culture*, chap. 7. The all-nation discussion was represented as popular sovereignty in practice, but it did not involve voting and the majority of the people's recommendations were ignored. It is another example of the nominal nature of democracy under Stalinism.
- 33 The Central Executive Committee (TsIK) of the USSR was the supreme body of Soviet government between the congresses of soviets prior to the constitutional reform.
- 34 M. M. Prishvin, *Dnevnik [Diaries] (1936–1937)* (Saint Petersburg: Rostok, 2010), 298, 382.
- 35 [People's amendments to the Constitution collected by the USSR TsIK], Gosudarstvennyi arkhiv Rossiiskoi Federatsii (GARF) [State Archive of the Russian Federation], f. 3316, op. 41, d. 126, l. 147; op. 8, d. 225, ll. 92–3; op. 40, d. 40, l. 103; d. 15, l. 121; [Popular comments about the Constitution], Rossiiskii Gosudarstvennyi arkhiv sotsial'no-politicheskoi istorii (RGASPI) [Russian State Archive of Social and Political History], f. 89, op. 4, d. 55, l. 19; f. 17, op. 120, d. 232, l. 71; TsGAIPD Spb f. 4000, op. 7, d. 1176, ll. 13, 24.
- 36 [Dispatch, November 24, 1936]. British Foreign Office–Russia correspondence, 1781–1945 (hereafter British F.O.) (Wilmington, DE: Scholarly Resources, 1975), 371, 1936, vol. 20351, p. 117.
- 37 Stalin, *Doklad* [Report], 29–30.
- 38 *Pravda*, January 2, 1937, announced the task of the census was to quantify the social changes of the last decade, including “elimination of the hostile classes.”
- 39 Catherine Merridale, “The 1937 census and the Limits of Stalin Rule,” *The Historical Journal*, 1996, 39(1): 225–40.
- 40 See Getty, *Practicing Stalinism*, chaps. 6, 7.
- 41 Stalin's report, March 3, 1937, *Lubianka: Stalin i Glavnoe Upravlenie gosbezopasnosti NKVD, 1937–1938: Dokumenty* [Lubianka: Stalin and the Main Directorate of State Security NKVD; Documents] (Moscow: Demokratiia 2004), 95–109.
- 42 Andrei Medushevskii, *Russian Constitutionalism: Historical and Contemporary Development* (London: Routledge, 2005).
- 43 David Beetham, *Max Weber and the Theory of Modern Politics* (Cambridge: Polity Press, 1985), 194–198.
- 44 See note 28.
- 45 Simon Pirani, “Mass Mobilization versus Participatory Democracy,” in *A Dream Deferred: New Studies in Russian and Soviet Labour History*, eds. D. Filtzer, W. Goldman, G. Kessler, and S. Pirani (Bern: Peter Lang, 2008), 115.
- 46 OGPU instructions, January 5 and August 21, 1928, V. K. Vinogradov, “Informatsionnye materialy OGPU za 1923–1929 gg” [OGPU Information Materials for 1923–1929], *Sovetskaia derevnia glazami VChK–OGPU–NKVD: Dokumenty i materialy v 4 tomah* [The Soviet Village under the Gaze of VChK–OGPU–NKVD: Documents and Materials in 4 vol.], eds. Alexei Berelovich and Victor Danilov (Moscow: ROSSPEN, 2000–2012), 2:47; [Politburo TsK VKP(b) agenda], RGASPI, f. 17, op. 163, d. 650, item 24.
- 47 [OGPU information summaries], RGASPI, f. 17, op. 85, d. 281, l. 89, 83 (1926); *Sovetskaia derevnia* [Soviet Village], 2:498, 553.
- 48 The activist-volunteers who regularly reported local affairs to the newspapers.
- 49 Pirani, “Mass Mobilization,” 116.
- 50 Ibid.
- 51 Infiltrating provocateurs into dissident, religious, and intelligentsia circles and into Peasant Unions, or implanting Communists in the soviets or academic or other organizations (“communization”).
- 52 Georgii Mitrofanov, *Istoriia Russkoi Pravoslavnoi Tserkvi, 1900–1927* [History of Russian Orthodox Church] (Saint Petersburg: SATIS, 2002), 222, 233–236, 257, 269–270, 272–273; Olga Velikanova, *Popular Perceptions of Soviet Politics: Disenchantment of the Dreamers* (Basingstoke: Palgrave, 2013), 154–156.

- 53 Jeffrey Brooks, "The Press and the Public Adjust to a New Normal, 1918–1935," in *Reading Russia: A History of Reading in Modern Russia*, eds. Damiano Rebecchini and Raffaella Vassena (Milan: LEDI Publishing, 2020), sees a much longer period of taming the press – 1918–1935.
- 54 Getty discusses the patrimonial personification of power, collective responsibility, the practice of writing letters to authorities, patron–client culture, etc. Getty, *Practicing Stalinism*, chaps. 1 and 2.
- 55 The doctrine that will is a fundamental factor in the individual or the universe.
- 56 Dobrenko, "Socialism," 685, 702; Stephen Kotkin, "Will Putin Ever Leave?" *Wall Street Journal*, March 10–11, 2018, p. 11.
- 57 Marquis de Custine, *Letters from Russia* (London: Penguin Classics, 1991).
- 58 Dobrenko, "Socialism," 707.
- 59 Alexei Yurchak, *Everything Was Forever, Until It Was No More* (Princeton, NJ: Princeton University Press, 2005), 21; Jeffrey Brooks, *Thank You, Comrade Stalin! Soviet Public Culture from Revolution to Cold War* (Princeton, NJ: Princeton University Press, 2000), xvi.
- 60 Terry Martin, "Modernization or Neo-traditionalism? Ascribed Nationality and Soviet Primordialism," *Russian Modernity: Politics, Knowledge and Practices, 1800–1950*, eds. D. Hoffmann and Y. Kotsonis (Basingstoke, UK: Palgrave Macmillan, 2000), 161–182; Michael David-Fox, *Crossing Borders: Modernity, Ideology, and Culture in Russia and the Soviet Union* (Pittsburgh, PA: University of Pittsburgh Press, 2015), 44, 94.
- 61 Dobrenko, "Socialism"; Brooks, *Thank You*; and Brooks, "The Press and the Public." The authors of the subjectivity school had written about the influence of speech patterns and ideological pressure on modifying and shaping the values of the New Soviet person. According to A. Zinov'ev, the result was the ugly *Homo sovieticus*. The research on the outcomes of the Soviet social engineering project continues.
- 62 Yurchak, *Everything*, 12, 21.
- 63 I. V. Stalin, *Sochinenia* [Collected Works] (Moscow: Gospolitizdat, 1951), 13:366–367.
- 64 Getty and Naumov, *The Road to Terror*, chap. "Stalinist Mentalities, Language, and the Question of Belief," 15–29.
- 65 Richard Sakwa, *Communism in Russia: An Interpretative Essay* (Basingstoke: Palgrave Macmillan, 2010), 72.
- 66 Mamardashvili, *Kak ia ponimaiu filosofiui* [*My Understanding of Philosophy*], 201, 204; Dobrenko, "Socialism," 680, 690–692, 703.
- 67 Sarah Davies and James Harris, *Stalin's World: Dictating the Soviet Order* (New Haven, CT: Yale University Press, 2014), 11.
- 68 Katerina Clark, *A Crucible of Cultural Revolution* (Cambridge, MA: Harvard University Press, 1998), 208; Eric Laursen, "Bad Words Are Not Allowed! Language and Transformation in Mikhail Bulgakov's 'Heart of a Dog,'" *Slavic and East European Journal* 51, no. 3 (Fall 2007): 492.
- 69 Getty and Naumov, *The Road to Terror*, 20.
- 70 Pierre Bourdieu and John Thompson, *Language and Symbolic Power: The Economy of Linguistic Exchanges* (Cambridge: Polity – Basil Blackwell, 1991), 166, 168.
- 71 Medushevskii, *Russian Constitutionalism*, 156, 187, 241.
- 72 Richard S. Wortman, "Intentions and Realities in 18th-Century Monarchy: New Insights and Discoveries," *Kritika: Explorations in Russian and Eurasian History* 17, no. 2 (2016): 376.
- 73 See B. Mironov, *A Social History of Imperial Russia, 1700–1917* (Boulder, CO: Westview Press, 2000), 2:307–326; Richard S. Wortman, *The Development of a Russian Legal Consciousness* (Chicago, IL: University of Chicago Press, 1976); Jane Burbank, *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905–1917* (Bloomington, IN: Indiana University Press, 2004).
- 74 In this case, the law is illegitimate in the view of the people and breaking it is just.

- 75 A. K. Sokolov, "The Constitutional Bases of Society and the Historical and Cultural Heritage of the Soviet Past in Modern Russia," *Soviet and Post-Soviet Review* 37, no. 1 (2010): 48.
- 76 Peter H. Solomon, *Soviet Criminal Justice under Stalin* (Cambridge, MA: Cambridge University Press, 1996), 194.
- 77 Moshe Lewin, *The Making of the Soviet System: Essays in the Social History of Interwar Russia* (London: New Press, 1985), 281–284.
- 78 Cited in A. G. Tepliakov, *Mashina Terrora: OGPU–NKVD Sibiri v 1929–1941 gg.* [The Terror Machine: Siberian OGPU–NKVD in 1929–1941] (Moscow: Novyi Khronograf, 2008), 353.
- 79 Ibid., 386.
- 80 Vyshinskii, "Stalinskii izbiratel'nyi zakon" [Stalin's Election Law], 16, 20.
- 81 Special message of Tatar ASSR NKVD, January 11, 1937, in *Tragediia Sovetskoi Derevni: Kollektivizatsiia i raskulachivanie: Dokumenty i materialy* [The Tragedy of Soviet Village: Collectivization and De-kulakization: Documents and Materials], eds. V. Danilov, R. Manning, and L. Viola (Moscow: ROSSPEN, 2004), 5.1:83.
- 82 [Letters to the USSR TsIK, 1936], GARF, f. 3316, op. 41, d. 86, ll. 2a, 2a (verso), 2b, 2b (verso); [People's amendments to the Constitution collected by the USSR TsIK], f. 3316, op. 40, d. 14, ll. 33, 57.
- 83 *Politburo i Krestianstvo: Vysylka, Spetsposelenie, 1930–1940* [Politburo and Peasants: Deportation, Special Settlement], eds. N. N. Pokrovsky, V. P. Danilov, S. A. Krassil'nikov, and L. Viola (Moscow: ROSSPEN, 2006), 15, 22; Lynne Viola, *The Unknown Gulag: The Lost World of Stalin's Special Settlements* (Oxford: Oxford University Press, 2007), 155–159.
- 84 *Politburo i krest'ianstvo* [Politburo and Peasants], 21–22, 38.
- 85 We know of only one exception to this tendency: *kolkhoz*, *sovkhoz*, and enterprise meetings got the right to nominate the candidates to the Supreme Soviet, according to the election rules. "Polozhenie o vyborakh v Verkhovnyi Soviet," Stat'ia 57 [The Statute on the Elections to the Supreme Soviet, Article 57] from July 1937, in *Vestnik Akademii Nauk SSSR* [The News of the USSR Academy of Sciences], no. 9 (1937): 8.
- 86 See the Party bureaucracy perspective on elections in 1937 in Getty, *Practicing Stalinism*, 206–220; Stephan Merl, "Elections in the Soviet Union, 1937–1989: A View into a Paternalistic World from Below," in *Voting for Hitler and Stalin: Elections under 20th Century Dictatorships*, eds. R. Jessen and H. Richter (Frankfurt am Main: Campus Verlag, 2012), 276–308.
- 87 Pirani, "Mass Mobilization," 115.
- 88 *Sovetskaia derevnia* [Soviet Village], 4:346–358.
- 89 Vyshinskii, "Stalinskii izbiratel'nyi zakon" [Stalin's Election Law], 22.
- 90 [Explanations to the questions on the Constitution], GARF, f. 3316, op. 29, d. 793, l. 32; op. 41, d. 126, l. 147.
- 91 The information of the Gork'ii *krai* soviet chair Yu. M. Kaganovich about the preparation of the extraordinary soviet congresses at the Tenth Plenum of the VKP(b) *Krai* Committee, September 28, 1936. *Obshchestvo i vlast': Rossiiskaia provintsiiia* [Society and Power: Russian Province], eds. A. A. Kulakov, V. V. Smirnov, and L. P. Kolodnikova (Moscow: Institute Rossiiskoi Istorii RAN, 2005), 2:384–385.
- 92 *Sovetskaia derevnia* [Soviet Village], 4:354–355, 363–364.
- 93 [NKVD Special report on the negative comments during the soviets' report campaign and the discussion of the new Constitution, November 1936], TsGAIPD SPb, f. 24, op. 2v, d. 1860, ll. 3, 14–15; d. 2664, l. 231; *Sovetskaia derevnia* [Soviet Village], 4:354–355, 365.
- 94 *Sovetskaia derevnia* [Soviet Village], 4:354.
- 95 [NKVD Special report on the negative comments during the Soviets' report campaign and the discussion of the new Constitution in the Crimea ASSR, November 1936], TsGAIPD SPb, f. 24, op. 2v, d. 1860, ll. 19–20.

- 96 *Obshchestvo i vlast'* [Society and Power], 2:385–447; Serhy Yekelchuk, *Stalin's Citizens: Everyday Politics in the Wake of Total War* (Oxford: Oxford University Press, 2014), 199–202.
- 97 Shaporina, Liubov', *Dnevnik* [Diary] (Moscow: NLO, 2012), 1:219.
- 98 [Dispatch from MacKillop, September 1935], British F.O., 371, 1936, vol. 20351, p. 48.

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