

A. Vengеров
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Law, Morality and Man

The Soviet
Legal System
in Action

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PROGRESS
Publishers
Moscow

Translated from the Russian by *Patty Beriozkina*

Designed by *Vadim Kuleshov*

А. Венгеров, А. Данилевич

ПРАВО, МОРАЛЬ, ЧЕЛОВЕК

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на английском языке

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TO THE READER

Human rights, law and order and legality may be discussed in different ways. Considering the formal content of law and disregarding its connection with life, we may, for example, speak about law in general and how it differs from morals, its regulations and important role in society, etc. Such an approach would probably be useful to many readers who wish to become more informed. But there are certain disadvantages. The law becomes, as it were, an independent idealized value. And the reader fails to learn what is most important: it is not enough to have good laws; they must be obeyed and enforced. The Law must not be merely proclaimed but observed in everyday life for the protection of the citizens' political rights and freedoms, their labor, housing and other rights and interests; it must be strictly observed in the work of bodies of authority and administration.

It is not an easy matter to show the law in operation, but it is extremely important in as much as the citizen primarily encounters the law through its application and use in society. It is only through this "living" law that he enters the world of legality, of law and order. We will discuss Soviet law in operation, reveal its significance in the life of the Soviet citizen through examples taken from everyday life, demonstrate its place in the system of socialist democracy and relate how it is observed by bodies of authority and administration, enterprises and organizations, courts and the Procurator's Office.

The purpose of this book is to give the reader an opportunity to learn how the Soviet legal system ensures democracy, humanism, legality and social progress. We will also discuss some of the unsolved problems and difficulties in this field in the USSR and how the

juridical system and science are trying to resolve them. We are speaking here, in particular, about the correct application and observance of laws by all officials and citizens, stronger protection of the Soviet citizen's rights and freedoms, environmental laws and certain other aspects of the legal system. Soviet society is a dynamic and developing society, and the Soviet legal system reflects this social dynamism. Strengthening law and order has always been one of the most important issues in socialist society since socialism, which is based on public ownership of the means of production, a planned economy and the proper combination of centralism and local initiative in management and administration, has always been the antithesis of anarchy and lack of discipline. Of course, historical conditions and tasks continue as always to dictate definite measures for strengthening law and order and enforcing it.

Today labor collectives, trade unions, Soviets of People's Deputies and all conscientious citizens have significantly raised the level of their activities to strengthen labor discipline. Legal offences tolerated or committed by individual officials, administrative bodies or citizens are brought to light and dealt with. This activity makes up a large reserve for raising the country's economic potential and for solving many socio-economic problems. The Soviet people understand that in order to live better and to attain a high level of intellectual and cultural development, each employee—be he minister or worker—must work with maximum efficiency so that discipline, in the broad and humanistic sense of the word, will become the norm for everyone.

We have tried to give the reader an opportunity to hear the voices of those who apply and enforce the law. As he looks through the prism of everyday conflicts and different legal situations, let the reader himself judge the validity of the book's title. The Soviet citizen lives in a state where legality is observed in everyday life, in a state which is not idealized but real, developing, overcoming difficulties and achieving successes on an uncharted path.

We, the authors, also felt it necessary to discuss several historically significant facts and general principles pertaining to socialist law and legality. We have tried to acquaint the reader with the principles on which Soviet law is based and applied. In this case

as well, we have endeavored not only to discuss theoretical material but illustrate it with examples from everyday life.

The book contains accounts of our many meetings with judges and procurators, jurists, administrative workers, teachers, law students, lawyers and even legal offenders. And this is what determined its structure. Laws and juridical provisions are intermixed with conversations and personal impressions. We have selected material which we believe will be of special interest to the reader. He will read about legal activities in a typical Soviet city, how the personal life of the citizen is protected in Soviet society, about the role of personal property in the life of a Soviet citizen, which laws ensure freedom of criticism and publicity, how lawyers are trained, how the environment is protected, how the law guarantees the solving of the national question, how the Bar operates and much else of interest.

The reader himself may judge to what extent we have been successful in accomplishing what we set out to do. But if he doesn't close the book after reading these few pages, but reads it through to discover something new about our country, its legal system and democracy, the book will have served its purpose.

Chapter I

OUR VALUES IN LIFE

The further those tumultuous, impressive days of 1917, which, as John Reed so aptly stated, "shook the world", recede into the past, the better we are able to gain a comprehensive understanding of what the socialist revolution, which occurred in Russia almost seventy years ago, brought with it that was new and historically significant.

"The philosophers have only *interpreted* the world in various ways; the point is to *change* it",¹ wrote Karl Marx, the first communist.

This task was accomplished by Lenin, an army of communists and the working people of the first country of Soviets in the world. The first socialist country, the Soviet Union, was born. Where does its strength lie? To put it briefly, our strength lies in our love for our socialist country, in understanding our duty to society, in humanism, in internationalism, and in our Soviet way of life. A detailed answer would have to be discussed at length. But if we wish to distinguish the most important quality of the Soviet citizen, it is his firm belief in communism, his party commitment, whether an individual is a Party member or not. This is expressed in his world outlook, his clear understanding of an ideal and his serving this ideal.

We hope that the examples in this book drawn from everyday life in our cities, institutions of higher learning and research institutes will convince the reader of this.

I Would Like to Become a Member of the Communist Party...

While travelling abroad, we are often asked to talk about communists, about who is a member and how one

¹ K. Marx, "Theses on Feuerbach" in Marx and Engels, *Collected Works*, Vol. 5, Progress Publishers, Moscow, 1976, p. 5.

joins the Communist Party, what rights and duties a party member has and what are his relations with non-party people. We have also been asked: "If all Soviet people share a communist ideology, why aren't all of them members of the Communist Party?" "Is it true that communists in the USSR enjoy many more privileges than other citizens?"

It is best to answer such questions with concrete examples and facts. This was the purpose of our visit to the Moscow 50th Anniversary of the USSR Automated Lines Plant where we met with workers, engineers and technicians, some of whom were Party members.

But first we will briefly discuss the history of the Communist Party of the Soviet Union.

The Bolshevik Party was formed on the basis of small Marxist circles and groups which appeared in Russia in the 1880s. It was founded in 1903 at the Second Congress of the Russian Social-Democratic Labor Party (RSDLP), which opened a new stage in the Russian and international labor movement.

In the beginning, the Leninist Party was a rather small organization of professional revolutionaries. But it had already become a mass party on the eve of the October Socialist Revolution. Its membership grew as follows: after the victorious February Revolution, when the Party emerged from the underground, there were approximately 24 thousand members; five months later, by the time of the VI Party Congress, its membership had grown to 240 thousand and by October 1917 there were 350 thousand members—almost 15 times greater than when the Party first ceased to be an underground organization. The Bolshevik Party led the majority of workers.

Under the leadership of the Party, the working people of Russia were victorious in the Great October Socialist Revolution and formed a powerful multinational state—the USSR, defeated the fascists in World War II and created a developed socialist society. The CPSU is the leading and guiding force of Soviet society, the core of its political system, of its state and social organizations.

"The CPSU exists for the people and serves the people," state the Party Rules and the Constitution of the USSR. There are now more than 18 million members of the Communist Party in the Soviet Union.

Communists are, first of all, working people. And this is only natural since socially useful labor determines man's position in society. Communists work alongside other

people—the only difference being that more is expected of them at work and they have more responsibility—in plants and factories, in fields and on farms, in all spheres of production and culture, management and social work. They have only one privilege—the right to be always first, to place the common interests before the personal and to influence others with their own example. In other words, this is the privilege of the pioneer, the one who will face more hardship than the rest.

And so, we return to the Moscow Automated Lines Plant or Stankoliniya as it is called—a young, growing enterprise which specializes in the production of precision grinders and automatic lines. Yet this plant has its own illustrious history.

True, today no trace remains of the small plant founded on the outskirts of Moscow in 1898 by the joint-stock firm Alfred Gutman and Co.—the predecessor of Stankoliniya. But the plant's museum does contain some old photographs depicting the low-ceilinged, smoke-filled shops and the emaciated workers, including women and children, who worked 12-hour days. There are also reminders of the revolutionary struggle and strikes.

During the years of the revolution, and later, in the years of peaceful construction when the plant manufactured construction winches and travelling cranes, during World War II, when damaged tanks arriving straight from the front were repaired and again sent into battle, and today, when unique machines and automatic lines are produced, communists continue to lead the way by winning the confidence of people with their loyalty to Communist ideas and their personal example.

The plant today has more than the handful of Party members it had before the revolution. There are shops where every sixth person is a communist. However, the Party members would never be able to accomplish all that was needed were it not for their non-Party comrades following the communists' example and replenishing their ranks.

What kind of people are communists? Who is accepted as a member of the Party? The CPSU Rules provide this answer: "Membership of the CPSU is open to any citizen of the Soviet Union who accepts the Program and the Rules, takes an active part in communist construction, works in one of the Party organisations, carries out all Party decisions, and pays membership dues".

This is a general answer. To cite a specific example we would like to introduce the reader to Anatoli Zhukov, a 26-year-old construction electrician who decided to join

the Communist Party.

In April 1980, at an open party meeting of communist and non-party workers, engineers and technicians held in shop No. 6, Anatoli Zhukov was accepted as a candidate for Party membership. He has been serving his probationary period for a year now, educating himself politically and thoroughly studying The Rules and Program of the CPSU. Zhukov attends all party meetings and though he now has only a consultative voice he may, according to the Party Rules, submit proposals and participate in discussions.

Zhukov's comrades, including those communists who recommended him for Party membership, believe that Anatoli truly loves his work and approaches it from a creative standpoint. He attended evening courses and last year graduated from a machine-tool secondary technical school. Zhukov is attentive and courteous, reads a great deal and tries to follow the events taking place in his country and abroad. He is a member of the People's Control Group in his shop and has other social responsibilities. His family is a happy one. Lyudmila, his wife, works at the same plant, and their son Alyosha will soon be attending kindergarten.

He's an ordinary man; there are probably millions like him. So why did he decide to join the Communist Party? The Party by no means tries to induce the country's entire adult population to join nor does it seek to gain authority by mechanically increasing its membership. It unites on a voluntary basis the more advanced, more conscious sections of the working class, collective farm peasantry and intelligentsia. The communists at the Stankoliniya Plant will have to decide at an open meeting just how prepared Anatoli Zhukov is to share with them the communists' only privilege—responsibility, whether he is ready to always be first, to place the common interests above his personal interests and inspire others with his own example.

We asked Anatoli Zhukov why he decided to join the Party:

"I am joining the CPSU because I know that it exists for the people whom it serves; because communists are people who always put a part of their hearts into a job; because you can be a good specialist, worker or citizen without being a communist, but you can never be a communist without serving as an example in public and personal matters and in work for the good of society. The interests of the working people, improving their standard of living—these are the chief concerns of the Party. My comrades and I often speak of this.

"I have been working at this plant a little more than five years. During this time, 240 families have been given new apartments, and the plant is now constructing another apartment building with 111 apartments. A beautiful Palace of Culture, new kindergartens and nurseries, worker cafeterias, a sport complex, ski stations and service centres have been built. During this time our salaries have significantly increased as have different payments and benefits from social consumption funds. Almost all the young workers have a secondary education. And the management is willing to help all who wish to continue their education in general schools, technical secondary schools or institutions of higher learning. We generally spend our vacations at sanatoriums, holiday homes and resorts and travelling—all at reduced prices. Scientists, writers and actors are frequent guests at our Palace of Culture, and many of us are involved in amateur art activities.

"I am joining the CPSU because what distinguishes a communist are his high principles, his desire and ability to understand the other person, and come to his aid if necessary, and because I am convinced that only the Communist Party is capable of completely and consistently taking into account the interests and needs of all classes and social groups, all nations and peoples, and constructing a new, humane communist society."

At the Crossroads of Law and Morality

After Soviet law was proclaimed in October 1917 in the famous Lenin's Decrees on peace, the transfer of land to the peasants and the government of the working people, it revealed itself to be an instrument of great progressive social changes on the long and difficult path of development of the Soviet state. The scope of Soviet law ranges from the elimination of the privileges of the exploiter classes to the juridical guarantees for creative work of socialist society in the most diverse fields.

One of the most important results of the political and juridical development of Soviet society was the establishment of the Soviet legal system which reflects both the specific features of the Soviet state and the general laws of the formation and development of the legal basis of socialism.

Initially, the development of Soviet law was more intensive in the political and social-economic spheres.

It reflected and sealed the revolutionary changes which had taken place in society. But culture and everyday life, education and health care, property, family and other types of relations were also changed by the law.

The most remarkable document written during those first days of Soviet power was the 1918 Constitution of the RSFSR, which was composed by Lenin. This was the first constitution of a socialist society in the history of man.

Included in the Constitution was a "Declaration of Rights of the Working and Exploited People", which proclaimed socialist principles. The 1918 Constitution laid down the new Socialist human rights—the right of the working people to participate in the exercise of state power, the right to freely express their opinions, freedom to organize assemblies, meetings, street processions, etc., and unite in different unions and associations, the right to receive a free education, the right to work (work was acknowledged as the duty of all citizens of the Republic) and freedom of conscience.

The 1918 Constitution was a political and legal document which, if viewed from a historical standpoint, established for the first time a new, greater degree of personal freedom and was a great step in the direction of social progress.

It was also the constitution of a class society in which a civil war had begun to rage and the remaining elements of the exploiter classes—capitalists and landowners—were trying to restore the old order. It is understandable then why this constitution deprived the social groups, waging the struggle against the young, still shaky state of workers, of their political rights.

The Soviet state has since come a long way. The constitutional development of socialist society reflected the transformation of the state of the dictatorship of the proletariat into a state of the whole people where there are no exploiter classes and the unity of the workers, peasants and intelligentsia serves as the basis of Soviet society. The most important landmarks along the Soviet state's historical path were the 1924, 1936 and 1977 Constitutions of the USSR. But the beginnings of the socialist legal system go back to the 1918 Constitution of the RSFSR and the other legislative acts which were passed on its basis.

The 1918 Labor Code was a remarkable event in the socio-economic sphere during that first period of development of Soviet law. This was a document which, for the first time in the history of man, established the right to work and