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Legal Policy of the Soviet State in Relation to the Ukrainian Peasantry in 1921-1923

Gradually, step by step Ukrainian historical science is dispelling many myths that have been created over the centuries. This process of demythologisation of the history is not easy, because many facts are considered by researchers to be axioms which need no proof, and when the material refuting certain statements is found to disprove them, radical change of someone's point of view seems for them to be like sacrilege. But implacable passing of time predetermines evolution of the scientific idea, and the new generation of researchers looks back at a smilingly finally solved problem again and again.

One of such myths, which can still be found in many educational and scientific sources, is the opinion that there is no problem with an issue of introduction of the NEP agricultural tax-in-kind as an alternative to food requisitioning during the period of military communism. Many historians still believe that no sooner had the delegates of the X Congress of the RKP(b) approve the new course and replacement of food requisitioning with tax-in-kind, the peasantry, having realised all benefits of the new policy, immediately started developing the economy and rushed to surrender tax-in-kind to the respective public institutions.

Thus, document analysis allows us to conclude that it was at the beginning of the 1920s, when the Soviet state laid a legal foundation for the system of cruel exploitation of the peasantry and subjection of any forms of dissatisfaction with the policy. From the legal point of view, acts of the Bolshevik government were completely legal, because adoption of the aforementioned legislative acts was within the competence of the highest bodies of state authority.

When studying the issues of the legal policy in relation to the peasantry, the Soviet leaders based themselves neither on reason (but it is unreasonable, purposeless to fail to observe the principles of the economics of the country), nor, what is more, on the notion of fairness. The idea of “the dictatorship of the proletariat” shaded everything.

Key words: *legal history; administrative law; financial law; tax law; enforcement activities; principles; justice; Ukraine.*

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Cambridge and London Universities J.B.S. Haldane said correctly [1, p. 51].

One of such myths, which can still be found in many educational and scientific sources, is the opinion that there is no problem with an issue of introduction of the NEP agricultural tax-in-kind as an alternative to food requisitioning during the period of military communism. Many historians still believe that no sooner had the delegates of the X Congress of the RKP(b) approve the new course and replacement of food requisitioning with tax-in-kind, the peasantry, having realised all benefits of the new policy, immediately started developing the economy and rushed to surrender tax-in-kind to the respective public institutions. In fact, the process of introduction of NEP and transition from food

requisitioning to tax-in-kind was extremely difficult, and its implementation by no means often met the worked up theoretical concept, hence it did not always result in what was expected by political theorists.

It is commonly known that adoption of a new course was a forced step for the Bolshevik government. According to a somewhat cynical, but exact expression of L.D. Trotskyi, at Kronstadt “a peasant spoke to Lenin using naval artillery as a megaphone in order to be heard”. And such address could not be neglected, because for the Bolshevik government both in Russia and Ukraine it meant the last bell before the nationwide revolt, which had already hit wide sections of the population (mostly peasants) on a rather large territory. And only owing to skilful use of the stick and carrot policy – partial market transformation under the conditions of proletarian dictatorship in the country – the communist oligarchy managed to retain power. But the real measures of NEP were far from the smoothed and perfect ideal so strenuously defended by V.I. Lenin that he even threatened to resign as the President of the Council of People’s Commissars, if the new course was not introduced [2, p. 66].

When looking back into these events, “the party’s favourite” M.I. Bukharin wrote: “When we all stood up like fools for radical military communism and forced damned peasants to give all their bread to us by execution, who but not Lenin, having seen that we would rumble one of those days, and villain Pakhom would tear our heads off, cried to us: “Stop! That’s enough, idiots, turn back!” And at the last moment he made us turn to tax-in-kind ... Who but not Lenin dared, to the horror of clear communists (and, therefore, to my own horror), to announce NEP, and thus save the situation of the whole party?” [3, p. 72-73].

Yet, in spite of such fierce pressure of V.I. Lenin most party leaders, including Ukrainian ones, formally agreed with him, and interpreted NEP completely differently from the *vozhd*, and set the respective tasks to the public authorities and certain officials. Thus, in his speech at the First All-Ukrainian Congress of Law Officers, held in Kharkiv on January 19-23, 1922 the Head of the All-Ukrainian Central Executive Committee (AUCEC) G.I. Petrovsky said: “Because relationship with the bourgeoisie is inescapable, some of bourgeoisie relations should be kept. It means that we will have to use the arsenal that we ruined at the beginning by

complete overthrow of capitalistic ruling, private property, the source of all evils in the world, again, i.e. we will take rusty weapons of the bourgeoisie from there and use them to struggle against it. I guess, none of red lawyers will think that one may go this way now in order to legitimatise the bourgeois property. On the contrary... for development of the [rules] of law you should go the way, which private owners will not be allowed by the proletariat law to be turned off, but the proletariat will be allowed to expropriate the property of deposed exploiting classes. /.../ Of course, we will not act like before, through the Cheka (Emergency Commission) or militia, or just in a revolutionary way, requisition, etc. Now we will do it through the Revolutionary Tribunal and the People’s Court ...” [4, p. 47].

The resolutions of the Congress were also made in the same spirit: “Private households and money flow for us are not the highest economic principle, but are just a means of strengthening of the soviet economy... In the sphere of law it is equal not to outside superclass interpretation of the law, but to subordination to its main goal, which is now expressed in the form of proletarian dictatorship” [4, p. 55].

Such point of view dictated the whole legal policy of public authorities in the first years of NEP, and, first of all, the policy in relation to peasantry. Its peculiarity then was that while declaring provision of economic freedom to peasants the state always tried to restrict their rights, increased the economic and administrative pressure on the peasant population, trying at the same time to hedge against riots caused by this policy.

The linchpin of the legislative base of the soviet state in relation to the peasantry was a complex of regulatory acts regulating relationship related to determination of the amount, form of payment, and procedure of collection of tax-in-kind. It is well known that tax-in-kind as a system of taxation of the peasantry was introduced owing to persistence of V.I. Lenin, who substantiated its necessity in a number of speeches and theoretical papers [5, p. 304; 6, p. 220]. It was tax-in-kind, which in 1921/22 and 1922/23 was the main means of creation of the food fund of the USSR and soviet Russia [7, p. 12].

The peculiarity of the tax-in-kind policy in Ukraine was, according to the decrees of the All-Ukrainian Central Executive Committee (AUCEC) On Reduction of the Volume of Food Requisitioning

for 1920/1921 and On Replacement of Food Requisitioning with Tax-in-Kind of March 27, 1921, combination of preparation for the first tax-on-kind campaign with collection of reduced tax-in-kind in arrears. The matter was that due to drought in steppe areas of Ukraine and bad harvest caused by it, in spite of use of the cruellest methods aimed at fulfilment of the tasks of food requisitioning, they didn't manage to collect the planned quantity of foodstuffs from the half-starved Ukrainian peasantry in full. So, upon the consent of the Moscow authorities instead of 95 million poods of grain not gathered by that time the Soviet Government of Ukraine allowed to lower the harvesting plan to 50 million poods [8, 1921, part 5, art. 142, 143]. The fact that social tension in the Ukrainian village reached the critical level has had no small share in making this decision.

The general principles of taxation of the peasant population were defined in the respective resolution of the Tenth Congress of the RCP (b). It stated that the tax would be charged "in the form of percentage and share of the food stuffs produced by a household in consideration of the harvest, the number of persons in the household, and the actual number of cattle there ..." The amount of tax-in-kind was to be determined beforehand (prior to the beginning of spring sowing). All reserves of food, raw materials, and forage peasants had after surrendering of tax were given by the state to them for free use, and the peasants could use them "for improvement and strengthening of their households, increase of the level of personal consumption, and for exchange for factory and handicraft and agricultural products" [9, p. 370-371].

Based on these principles, some researchers concluded that transition from food requisitioning to tax-in-kind has substantially changed the nature of economic relationship between the state and the peasantry, provided rational combination of the national interests and the personal interests of peasants, and meant transition from noneconomic methods of creation of a grain reserve before grain purchase, which stimulated development of agricultural households [7, p. 12]. But their analysis did not take into account the whole complex of the most important regulations covering the above mentioned relations area, and it affected adequacy of the conclusions to the hard and ambiguous realities of that time.

Management of the tax-in-kind collection campaign in Ukraine was concentrated in the hands

of the trio consisting of the Secretary of the Central Committee of the Communist Party (Bolshevik) of Ukraine [CC KP(b)U] F.Y. Kon, Deputy People's Commissar for Food Supplies of the USSR, Head of the Organisational-Instruction Section of the Central Committee of the Communist Party (Bolshevik) of Ukraine [CC KP(b)U] S.V. Kosior, and O. Verkhoturskyi, who was involved into agitation at the Central Committee of the Communist Party (Bolshevik) of Ukraine [CC KP(b)U] [10, p. 51]. An apparatus to work in provinces was gradually formed. Nearly all members of the Central Committee were sent to provinces as commissioners. Employees of Soviet bodies and public organisations were involved into collection of food. For this purpose in summer 1921 a half of the members of collegiums of all people's commissariats, one member from each province executive committee per district, and no less than 2/3 of members of district executive committees were mobilised for work in volosts [11].

On April 11, 1922 the All-Ukrainian Central Executive Committee (AUCEC) and the Council of People's Commissars of the USSR passed the Resolution on Organisation of an Apparatus for Imposition and Collection of Single Tax-in-Kind. It was codification of all laws passed in this respect before, and was revised due to introduction of single tax-in-kind. The Resolution consisted of five sections: I – On Tax-in-Kind Collection Bodies; II – On the Procedure of Tax Calculation; III – On the Procedure of Tax Surrender; IV – Appeal Against Incorrect Taxation; V – On Documentation, Postponement, and Delay of Tax; VI – On Penalty for Breach of Tax Regulations [8, 1922, no. 17, art. 277].

According to the Resolution, penalty for breach by peasants of the tax laws was to be imposed both in administrative proceedings (by province and district people's commissars on food) and judicial proceedings (food sessions of People's Courts and Revolutionary Tribunals). Non-surrender of tax by certain payers was prosecuted in administrative proceedings, which entailed imposition of a penalty and arrest. Food sessions of People's Courts were to consider cases of surrender of low-quality products to tax authorities, concealment of products, and non-delivery of tax, if a taxpayer did not have enough products to pay the tax in full, and the respective part of his/her property was confiscated as a security of payment of the tax. Food Sessions of Revolutionary

Tribunals had jurisdiction over cases of refusal to provide data and provision of incorrect data on the land parcel area and the number of persons in households, agitation against tax-in-kind, and refusal to pay it, and of mass non-surrender of the tax, or mass surrender of low-quality products. For such offences the Food Sessions could collect the non-surrendered part of the tax, and, what is more, apply both general punitive measures and a penalty in the amount that would not exceed a half of the tax amount, and partial confiscation of property [12, p. 67].

They also began to involve low-level managers into grain requisitioning from peasants. According to the Resolution of the All-Ukrainian Central Executive Committee (AUCEC) and the Council of People's Commissars of the USSR of April 11, 1922 On Involvement of Village Councils and Volost Executive Committees into Collection of Tax-in-Kind, they were charged with the responsibility "for correctness of lists and collection of tax-in-kind", and "they were obligated to force taxpayers to surrender tax" [2, 1922, no. 17, art. 279].

Mobilisation for "food collection" was also made by trade unions. And by October 1921 trade unions of Ukraine had recommended 1,425 candidates for the posts of tax inspectors. Another 271 people were commissioned by the Agricultural and Food Bureau of the All-Union Central Council of Trade Unions from the number of fighters of discontinued food detachments of Ukraine. 240 workers were additionally mobilised for the posts of tax inspectors in October 1922. 214 people from Kyiv province, 45 people from Poltava province, and 121 people from Odesa province were commissioned to assist the inspectors [13, p. 4-5; 14, fund 2605, list 1, case 504, sheet 36].

To overcome opposition of peasants the bodies of the People's Commissariat for Food were accompanied by paramilitary food guards. On the initiative of the All-Union Central Council of Trade Unions the Food Bureau of Ukraine mobilised 6 thousand people to food guards, including 3 thousand were planned to be taken from fighters of food guards [14, fund 2605, list 1, case 504, sheet 90].

But however hard the Ukrainian Bolsheviks tried to show their loyalty to the Moscow authority, still the latter didn't fully trust them. It is, apparently, this and unwillingness of the majority of Ukrainian workers to rob the peasantry, which caused

commissioning of a great number of workers from Russia to Ukraine for collection of tax-in-kind. Thus, only under mobilisation of the People's Commissariat for Food of the RSFSR and the All-Union Central Council of Trade Unions 10 thousand people arrived to the Ukrainian Soviet Socialist Republic (USSR) for organisation of food guards, and 20 thousand people for strengthening of food militia [7, p. 25]. 500 workers from harvestless provinces of Russia were commissioned to Ukraine by the People's Commissariat for Food of the RSFSR [14, fund 2605, list 1, case 504, sheet 56].

It must be admitted that the Russian leaders really had reasons to worry about collection of tax-in-kind. First of all, under the conditions of that time the peasants considered the amount of tax-in-kind to be unreasonably high. And they were right, for, in spite of drought and bad harvest, the Moscow Bolshevik government set tax for Ukraine in the amount of 117 million poods. In the opinion of D.F. Solovey, an American researcher, "in case of poverty this quantity of food would be enough for the population of Ukraine to subsist on for 4-5 months" [15, p. 171-172]. So, peasants often delayed surrender of the tax to the state. As a result, in summer 1921 the state resorted to requisition of grain from peasants by means of repressive measures again. In August 12, 1921 the Council of Labour and Defence of the RSFSR adopted a resolution signed by the Head of the C.L.D. (Council of Labour and Defence) V.I. Lenin and Secretary L. Fotiyeva. It, particularly, provided for the following:

"1. To consider it necessary to take the most drastic enforcement measures immediately at the first signs of oppression to collection of tax-in-kind or delay of its surrender by bringing military units to the oppressing volosts and settlements and immediately sending visiting sessions of Revolutionary Tribunals there, and by punishing the oppressors in the severest way, etc.

2. During the period, when military units are brought to villages, village communities must be responsible for their food supplies in the amount of an entire combat ration, ... the peasantry is notified that military units will be immediately withdrawn upon surrender by it of the tax portion set for the respective period, and the duration of stay of the military units and their supplies at the expense of the population depend on the peasantry itself.

3. To offer the All-Union Central Council of Trade Unions to settle all issues related to

mobilisation to food inspections and militarised guards in order of battle, and perform such mobilisations ...”

This order also covered Ukraine, and it was executed according to the Order of the All-Russian Extraordinary Commission for Combating Counterrevolution and Sabotage (VCheka) No. 268 of August 22, 1921 [14, fund 2, list 2, case 116, sheet 5].

Thus, using already usual power methods the products of hard work of peasants were confiscated from them. As a result, in autumn 1921 millions of people, mostly in the South Ukraine, began to starve. The number of starving people in the USSR in 1922 was estimated by D.F. Solovey to reach 10 million by that time [15, p. 172]. But, nevertheless, by order of Moscow authorities thousands of tons of food were exported from Ukraine. It was pointed out even by the foreigners having visited the USSR at that time. For example, P. Fedenko quotes American H. Fisher's book published in New York in 1927, where the eyewitness wrote: “One should note the strange thing that food transport arranged in Kyiv and Poltava had to run hundreds of kilometres to get to the starving population above Volga instead of moving them not far away to Odesa and Mykolayiv provinces, where famine was rampant then” [16, p. 134]. According to the official figures, 28.5 million poods of grain, which is 36.1 percent from the amount of grain collected in the USSR in 1921/1922 as tax-in-kind, were exported from Ukraine to the Russian Soviet Federal Socialist Republic (RSFSR) and other republics during the period from October 1921 to September 1922 [17, p. 10].

People's opposition to surrender of tax-in-kind caused that, in reaction of the public authorities to it, there was a paradoxical situation in Ukraine in autumn 1922: as a result of vigorous activity of tax-in-kind collection bodies a considerable part of tiller people were in prison at the time, when the state was concerned about prompt and complete spring sowing, because the processes of collection of tax-in-kind from the next harvest depended on it. So, it was on April 5, when the All-Ukrainian Central Executive Committee (AUCEC) adopted the Resolution on Release of People Convicted for Non-surrender of Tax-in-Kind. According to this document, all tax-in-kind evaders imprisoned before a trial or serving a sentence in the form of imprisonment were released for spring field work. It is significant that release was not accompanied by

returning of the property confiscated from peasants. It was specially noted that the Resolution did not apply to people “having committed tax-in-kind offences for clearly malicious or counter-revolutionary purposes” [8, 1922, no. 16, art. 264].

At the same time, the Soviet government also tried to act using economic methods. First of all, to simplify the tax payment process on April 11, 1922 the All-Ukrainian Central Executive Committee (AUCEC) and the Council of People's Commissars of Ukraine passed the Decree on Single Tax-in-Kind for Agricultural Products for 1922-1923, which provided for a single tax-in-kind for agricultural products instead of separate taxes-in-kind in 1921-1922. A pood of rye was taken as a unit of measurement. Peasants were to surrender the tax in the form of cereal grain and feed grain, oil-bearing crop seeds, potatoes, hay, and leaf lard. In spite of bad harvest and starvation the Ukrainian peasantry in 1922/1923 was obliged to surrender tax-in-kind in the total amount of 140 million rye units. The rate of replacement of rye with any other products was to be determined by the People's Commissariat for Food. The tax quotas for provinces were set by the Council of People's Commissars; for districts – by provincial executive committees; and for volosts – by district executive committees. Volost executive committees and village councils were in charge of making of tax lists. The Decree obligated peasant taxpayers to surrender the tax just after harvesting. The peasants not having surrendered the tax in full were to be held liable in administrative or judicial proceedings [8, 1922, no. 17, art. 276]. Moreover, according to the Resolution of the All-Ukrainian Central Executive Committee (AUCEC) On Tax-in-Kind Underpayment of April 12, 1922, the tax-in-kind not surrendered by peasants by January 15 was considered to be underpayment, and a penalty was applied at a rate of 2 percent per month. Peasants were to pay the penalty within the next tax year (but by September 1, 1922). If the economic capacity of a peasant payer allows immediate collection of the tax, “all administrative and judicial actions” could be applied to them [8, 1922, no. 18, art. 284]. Yet, it is not clear from the resolution, which was to determine economic capacity of peasant households, and by what criteria.

A considerable part of literature on NEP transformations shows attempt to avoid consideration of the issues of dekulakization of the peasantry in the first half of the 1920s. Most authors

think that it is a self-evident truth that if the phenomenon of NEP had disappeared completely by the time of its rolling up, it was of so little scale that it is not even worth paying attention to. Analysis of documents allows to make another conclusions. At the beginning of the 1920s the highest state authorities adopted a number of resolutions regulating the process of dekulakization of the more or less better-off peasants. Nearly each of them pointed out that all these measures were taken in order to protect the so-called poor peasants, and indemnify them against “attempts of the kulaks to use the new Soviet laws to their own benefit” [12, p. 57-58]. Sometimes the peasants labelled kulaks tried to explain that this policy was harmful, when they protected their interests. Particularly, recent publications contain a previously unknown letter of peasants to V.I. Lenin, which reads: “We, peasant toilers, middle peasants, and poor peasants, have never been either bourgeoisies or speculators..., either drunkards or pickpockets or lazybones-parasites, both an upper class and a lower class, which you are sticking up for now, and whom you trust crucial state transformation now. We have spent a lifetime working unceasingly, and we, only we have borne state and social loads and needs on our shoulders. Wealthy people quickly bought off surrender of state and social taxes, but nothing could be taken from the lazybones, who abandoned their land and households, did not learn anything good, were engaged in begging, stealing, gambling, and lived only by our labour. And you granted trust and power to such people. When holding the reigns of power locally, they did not and do not try to raise and improve the work level of people, but do nothing but rob, take everything earned by hard work and thrift. But these yelling lazybones also offend a poor toiler. Their untidiness and unruliness made all us furious about you. But you caused all this. Why are you sticking up for lazy villains and getting at ... us, toilers? We, peasants – middle peasant toilers and poor peasant toilers ask you not to take work away from us and to make lazybones ... work ...” [18, p. 26].

Even in the Bolshevik print media of the 1920s you could sometimes find true characteristics of a poor peasant – a support of the Soviet Government in villages: “... a drunkard, a lazybones wishing to take the place of a kulak-parasite who only looks into the food basket of a poor peasant, whether the Soviet Government gave something or

not. He is a hanger-on, who, having received aid, has spent it in drunk, or has bought city riding breeches and again cries that there is nothing to eat! ... And he calls a middle peasant kulak quite often only because he has a horse” [19, 1921. – December 25; 20, p. 184].

But the Bolsheviks had nobody else to rely on in their policy in the countryside but this uncertain element. Sheltering themselves behind slogans of protection of the interests of poor peasants they successively implemented the policy aimed at liquidation of wealthy peasant households. Moving in this direction, and striving to protect active poor peasants against legal prosecution (liability) for their “acts for redistribution of property in the country against kulaks” prior to announcement of the New Economic Policy, on 10 May 1922 the All-Ukrainian Central Executive Committee (AUCEC) adopted the Resolution on Closing of Cases Associated with Dekulakization” [12, p. 57-58]. It contains an order to all judicial and administrative authorities to close and stop accepting any cases from persons not being poor peasants for returning of their confiscated property, or compensation of its value, if the property is confiscated by the Poor Peasants Committees (PPC), or by their order, until the Decree on the Procedure of Requisitioning and Confiscation of Property of Individuals and Societies of November 15, 1921 came into effect [8, 1921, no. 23, art. 687]. Presidiums of the Poor Peasants Committees (PPC) had to issue the respective certificates of closing of certain cases to “all concerned” (i.e., those participating in robbing of the inhabitants of the same villages). All property confiscated from dekulakized peasants was assigned to the Poor Peasants Committees (PPC), certain poor peasants, or their associations [12, p. 58]. Thus, the Soviet state legitimated robbing of its citizens by one another.

This process continued even after adoption of the Resolution on Dekulakization by the All-Ukrainian Central Executive Committee (AUCEC) in summer 1923. The Bolshevik government was extremely worried about the fact that despite the previous policy upon transition to NEP strong peasant households recovered too quickly in Ukraine, and thus, in its opinion, the social and material base of the enemies of the Soviet system became stronger. The only way for solution of the problem, seen by it, was to pull the economic carpet out from under the peasantry. An excuse for a new wave of fight against the kulaks in Ukraine was that

as a result of the fact that the “fight against banditry”, i.e. the peasants movement, became long, “dekulakization... could not be promptly carried out, and in many cases was actually performed out of ... time...”, and also on request of a regular congress of poor peasants [19, 1923, July 21, no. 160].

The resolution provided for closing of all cases under claims of people who suffered dekulakization, and whose real and personal property was confiscated during the period starting on the date of publication of the Decree of November 15, 1921. To fulfil these requirements District Liquidation Commissions were created in district centres, and consisted of the Chairman – a local district prosecutor – and members: the representative of a District Administration Office, a District Land Office, a District Commission of Poor Peasants, and one member appointed by a District Executive Committee. Judicial and administrative authorities, as well as land claims commissions were to transfer the stated cases to liquidation commissions immediately. The commissions, in turn, were to settle all disputes within two months. In doing this they were to be governed not by the rules of the recently adopted Civil Code, but “only by the reasons of economic and political expedience” [19, 1923, July 21, no. 160].

Though, the peasants could not but hope that it was the last time, when such unlawful acts were committed: “Any further confiscation of property contrary to existing laws must be further prosecuted to the fullest extent of the criminal laws, even if dekulakization is carried out on the grounds considered in the previous period to be revolutionarily reasonable” [19, 1923, July 21, no. 160].

Along with personal and real property, the principal means of production – land – was also confiscated from peasants. In order to make such acts legal and settle procedural matters on September 11, 1923 the All-Ukrainian Central Executive Committee (AUCEC) adopted a Resolution on the Procedure of Confiscation of Excessive Non-cultivated Land from Former Landowners and Kulaks. The resolution defined excessive land as “landholdings exceeding the maximum labour standards approved by province land departments on the basis of the telegraphic order of the Council of People’s Commissars of March 24, 1920 No. 213” [19, 1923, September 22, no. 212]. Excessive lands owned by “former landowners and kulaks” and still

not confiscated from them contrary to the instruction of the Council of People’s Commissars of April 2, 1921 On Assignment of Lands for Use [8, 1921, no. 6, art. 172] were now confiscated in accordance with this resolution.

Opening of cases for confiscation of excessive lands according to the resolution was the responsibility of village councils and local Poor Peasants Committees. Land claims commissions were to settle cases “in accordance with special simplified procedures” by February 15, 1924 [19, 1923, September 22, no. 212].

So, contrary to the main programme principles of the new economic policy announced from the highest state tribunes, the course for “restriction” of more or less wealthy private peasant households, i.e. for liquidation of the main agricultural producers of agricultural products as a class had been gradually implemented in Ukraine until 1924.

On the other hand, sometimes the measures intended to ease the tax burden were taken, yet only for a narrow circle of peasants. In this connection one may recollect, e.g. the Resolution of the Central Executive Committee and the Council of People’s Commissars of the USSR of August 24, 1923, which granted tax exemptions to the poorest peasants. Both individual peasant households and collective households not having cattle were exempted from a single agricultural tax, if no more than $\frac{3}{4}$ arpends of land were accounted for one person living there. Other households which were “inefficient in terms of provision with land or cattle” could also be exempted from tax. But at the same time, the state provided for considerable restrictions for such tax exemption: “the total amount of tax due on households exempted from it ... must be no more than 5 percent from the tax accounted for by a republic, province, or region as a whole”. Of course, there were much more households which could qualify for tax exemption. Moreover, it is illustrative that in Russia this resolution was published and, correspondingly, introduced immediately after its adoption, but in Ukraine only in three months, when the harvest was gathered and a considerable portion of tax-in-kind was paid [19, 1923, November 24, no. 265].

Historians still argue about the consequences of adoption of the “new course” and introduction of tax-in-kind. The roots of conflicts can be traced back to early 1920s. The leaders of the Soviet state themselves often had different opinions on it. Thus,

V.I. Lenin reported at the 4th World Congress of the Comintern on November 13, 1922 that after adoption of NEP "... in one year the peasantry did not only overcome poverty, but surrendered tax-in-kind in the amount which was so great that we have now received hundreds of millions of poods, yet nearly without use of force. Peasant uprisings ... have nearly stopped completely. Peasants are satisfied with their present condition" [21, p. 285]. But the head of the Soviet state obviously acted against his conscience trying to colour the situation for the representatives of the "world communist movement". L.D. Trotsky refuted his statement in a secret letter to the members of the Central Committee and the Party Control Committee (CKK) of RCP (b) on October 8, 1923, writing: "Terrible price inconsistency along with single tax burden, which is heavy mainly due to its inconsistency with the real economic relations, again caused extreme dissatisfaction among the peasantry" [22, p. 36]. He had the basis for such conclusions. In 1921-1923 the insurrectionary movement in Ukraine became noticeably active. Even the peasants not taking active part in it had a favourable attitude to the insurrectionists. The peasant insurrectionary movement developed so much that in May 1922 Ukrainian Cheka (KGB) servicemen received an order to ignore criminal banditry and fight only against the political one, "which, by its nature, is a class phenomenon, so the peasantry is anti-communist, and constitutes a certain threat to the existing Soviet system" [14, fund 5, list 1, case 924, sheet 22]. The scale of the anti-Bolshevik peasant movement is confirmed by the fact that, according to some report, about 40 thousand insurrectionists and about one thousand otamans fell in fights in 1921-1923 [23, p. 11]. These figures are certainly somewhat overstated, but yet they give a certain idea of the situation in Ukraine. Mass armed resistance of the Ukrainian peasants lasted up to autumn 1923, when the majority of detachments and their heads went out of forests and surrendered themselves to the government [20, p. 187]. But certain groups and individuals did not put down their arms. Archive materials and literature contain memories of insurrectionary organisations under the leadership of Galak (1923), and S. Nesukay (1924) in Chernigivschyna, an insurrectionary detachment headed by teacher Dereschuk in Umanschyna (until 1924), a peasant detachment in Drabove village in Poltavshchyna, etc. [15, p. 134-136].

In spite of putting down arms by the overwhelming majority of insurrectionists, the Soviet government strived to provide the legal principles of its immunity in the future. For this purpose on September 5, 1923 the All-Ukrainian Central Executive Committee (AUCEC) adopted the Resolution on Extraordinary Measures for Protection of the Revolutionary Order [19, 1923, September 6, no. 201], the meaning of which is very much similar to the Exclusive Provisions of 1881 and 1892, applied by the tsarist government to fight against popular discontent at the end of the XIX – beginning of the XX centuries. But the Soviet version of exclusive provisions was much stricter and coarser by its contents. The resolution provided for the opportunity to take extraordinary measures in the form of introduction of a state of emergency or martial law.

A state of emergency could be introduced: "a) in cases of riots and other encroachments on the workers' and peasants' government and its certain representatives, or visible threat of such riots and encroachments; b) in cases of non-fulfilment or opposition by certain persons to legal by-laws, because such offences threat to become large-scale; c) in cases of mass attacks in the person and property of citizens; d) in cases when normal course of life is interrupted by extraordinary natural disasters; e) as a method of transition to the normal course of life in the areas, where martial law was introduced" [19, 1923, September 6, no. 201]. The article above shows that introduction of a state of emergency was first of all to be aimed at fight against anti-Bolshevik riots, outbursts of protest against the existing regime.

If introduced, a state of emergency covered the whole province or its certain regions, districts, or cities. During this period all power earlier belonging to executive committees was to be transferred to their presidiums. The latter were vested with extensive powers, including the right to impose administrative penalties in the form of: 1) imprisonment for no more than 3 months, or forced labour without imprisonment for up to 6 months, or a penalty of up to UAK 5,000 in gold, and 2) deportation from a province or its certain areas for the period of the state of emergency of persons declared to constitute danger to public order, or deportation of such people for the same period to the determined places of the province without the right of independent movement.

In addition, in case of introduction of a state of emergency presidiums of executive committees were granted the right to suspend operation of enterprises, activities of public and private establishments, and suspend the rules on companies, unions, meetings, congresses, and press. The consequence of the experience gained by the Bolsheviks during the civil war was a clause of the opportunity to introduce an institute of G.P.U. ten-hutters – people being personally responsible for acts of their neighbours, inhabitants of the same village – i.e. hostages. In fact, it was restoration of peasant collective responsibility. At last, by decision of the presidium of executive committees “in order to confiscate arms from people” mass searches and raids could be conducted [19, 1923, September 6, no. 201].

Another type of extraordinary measures – martial law – could be proclaimed, when the respective area became a theatre of military operations or was especially important for military purposes, or when “for protection or restoration of the revolutionary order” (i.e. to fight against the insurrectionary movement) the measures of the state of emergency appeared to be insufficient.

Instead of executive committees in the areas, where martial law was proclaimed, Revolutionary Military Committees were to be set up to consist obligatorily of the commander of all military forces on this territory. Moreover, along with ordinary courts Revolutionary Tribunals were established there.

Military Committees were granted the right to administer punishment in administrative proceedings in the form of: 1) imprisonment for up to 6 months, or forced labour no more than for one year; 2) a penalty in the amount of up to UAK 10,000 in gold; 3) complete or partial confiscation of the property; 4) administrative exile for the whole period of martial law, while fulfilment of the decision for exile and disposition of exiled people was the responsibility of the bodies of the People’s Commissariat for Internal Affairs (PCIA).

Furthermore, military committees could transfer certain criminal cases to province revolutionary tribunals for consideration, and divest certain categories of cases of general jurisdiction with transfer to the revolutionary tribunals, which was to be announced beforehand; seize property; prohibit import and export of certain things; in exceptional cases, if the Council of People’s

Commissars and the All-Ukrainian Central Executive Committee (AUCEC) cannot be contacted, announce mobilisation and establish any other military service duties [19, 1923, September 6, no. 201].

All extraordinary measures, except introduction of martial law in a theatre of military operations, were to be taken by resolution of the All-Ukrainian Central Executive Committee (AUCEC) or the Council of People’s Commissars no more than for three months (yet, it could be prolonged by decision of such bodies) [19, 1923, September 6, no. 201].

Thus, document analysis allows us to conclude that it was at the beginning of the 1920s, when the Soviet state laid a legal foundation for the system of cruel exploitation of the peasantry and subjection of any forms of dissatisfaction with the policy. From the legal point of view, acts of the Bolshevik government were completely legal, because adoption of the aforementioned legislative acts was within the competence of the highest bodies of state authority. Perhaps, Julien Offray de La Mettrie, a well-known French philosopher of the XVIII century, meant a similar situation, writing: “What related to the law is right. But such right itself is neither the right of mind nor the right of fairness. It is the right of strength” [25, p. 317]. By adopting the resolutions referred to above the leaders of the Soviet Ukraine infringed the natural right of peasants to gain fair profit from their labour, which would allow them to reach a sufficient standard of living for themselves and the members of their families. The result of the state policy was that about 2 million people were estimated to die of starvation in Ukraine in 1921-1922 [15, p. 174]. During the first years of NEP the Ukrainian peasantry made its last attempt to assert their rights, but their opposition was broken down. On the one hand, it meant defeat of peasants, but, on the other hand, no matter how paradoxical it is, it somehow facilitated stabilisation of the economic situation, certain raising of agricultural production.

When studying the issues of the legal policy in relation to the peasantry, the Soviet leaders based themselves neither on reason (but it is unreasonable, purposeless to fail to observe the principles of the economics of the country), nor, what is more, on the notion of fairness. The idea of “the dictatorship of the proletariat” shaded everything.

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