

# Jurisprudence and Laws of the R.F.S.S.R.

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**A**T the present time, now that the administration of justice in the Russian Federal Socialist Soviet Republic is not only determined by separate decrees issued by the All-Russian Central Executive Committee and by the Council of Peoples Commissars, but also by codes of law, as for instance the code of criminal law, the code of civil law, the code of land laws, the labor code, etc., it is of essential importance that every worker and every peasant should clearly understand the fundamentals of our Soviet law and its difference from the law of contemporary bourgeois states.

It would be a mistake to suppose that the Russian workers' and peasants' government ever held it to be possible, even immediately after the great October Revolution, for state and economic life to be normally developed otherwise than with the aid of legality, that is, with the aid of the organized intervention of legal justice in the life of the country. During the first critical moments of the revolution the immediate application of armed might was naturally the sole criterion of right. Might was right. But as soon as social relations began to settle down, the new society arising out of the revolution began to feel the need of stability and security. Stability and security can however only be impaired to a society recognizing a certain law of justice as an established force.

As a social revolution, the October Revolution cut deeply into all the economic relations which had existed under the Tsar's regime and under the provisional government, and as all jurisprudence is inevitably a mirror of social and economic reciprocal relations, the collapse of such relations involves the simultaneous collapse of the old law, so that in October 1917 there ceased to be a justice to administer.

It was unavoidable that the revolution should bring new economic relations with it, and consequently the need of new legislation without which it would not have been possible to establish the revolutionary cause on a firm footing. The October Revolution, as a proletarian revolution, had to form and establish a system of legal justice diametrically opposed to that hitherto existing, and it is thus not surprising that its first task was to destroy the whole existing legislation, for this was built up on the principle of defending the interests of the large landowners and capitalists. The whole of the old courts of Justice, beginning with the local courts of the justices of the peace and going up to the governing senate, were abolished, and the whole of the 16 books of consolidated laws of the former Russian Empire were scrapped.

It was necessary to approach the question of a legislative regulation of the new social relations now replacing the former social system. It will only be possible to maintain a state of human society without laws when the proletariat has been able to follow its class victory with the abolition of the old productive relations, and has simultaneously abolished the conditions giving rise to classes, so that classes and class rule cease to exist. These conditions will come to pass under socialism, when the harmonious common life of humanity will no longer be based on social compulsion and social necessity, a state of affairs premising all law-making, but in a harmony based on complete social freedom.

For eight decades the working people of the whole world have been fighting under this banner of a free harmonious socialist society. Beneath this banner the heroes of the Paris Commune died a glorious death. Beneath this banner the Russian proletariat consummated the great October Revolution, whose victory opened out the path to communism. But every worker knows that we are divided from communism by the transition period of political dictatorship of the proletariat, and that this involves

economic relations of the most complicated nature. The classes still exist; society with a definite economic structure still exists; and consequently the state power inevitably bound to exist under such conditions must be adapted to the economic organization of this society.

When the workers and peasants seized power in Russia, they were obliged to take up the organization of their state apparatus, and the judicial structure of the new state, immediately and without the loss of an instant. And indeed, who is not aware that those forms of administrative justice and people's courts, now so popular among the broadest masses of the working and peasant population, were already proclaimed in the year 1918!

The VI All Russian Congress of the Soviets unanimously passed a resolution relating to exact definition of the law. The idea of a uniform people's court of justice also made its appearance, and was carried out, in the year 1918. It would be of no purpose to explain here the reasons which have prevented us, for more than three years, from systematizing our jurisprudence and establishing our administration of justice on a firm footing.

The reasons are already too well known. We are compelled to accept the challenge of the bourgeoisie. The civil war forced upon the victorious proletariat obliged us to devote our whole attention to organizing a powerful apparatus for carrying on the immediate struggle against counter-revolution. All other tasks, even that of legislation, were pushed into the background for the moment. It was not until the victorious liquidation of the battle fronts, that we could return to the tasks which the young Soviet republic had set itself in the year 1918. Our military victory over the bourgeois world which has exerted itself to the utmost for three years, to destroy the first socialist republic of the world, enabled us to return with full energy to the work of creating a code of administrative justice, and the IX. All Russian Congress of Soviets passed the word of revolutionary legality.

Revolutionary legality has been directly called into existence by the development of civil life arising from the development of the new economic policy: "The more we attain to conditions which are those of the strong and firmly established power, the further we proceed in the development of civil life"—these words are from comrade Lenin's speech—"the greater must be our emphasis on the proclamation of the watchword of revolutionary legality."

The IX. All-Russian Congress of the Soviets marks a turning point in our lives; but the fundamental aims of revolutionary jurisprudence were established long before December 1921, when this congress took place. What then, is the essential import of all the decrees and decisions of the All-Russian Central Executive Committee and of the Council of People's Commissaries, issued during the first 3 to 3½ years of the existence of Soviet power? These decrees and decisions contain a rich store of material in fundamental revolutionary and socialist principles, and show a slow but persistent endeavour to clear the way for socialism, to facilitate and shorten the way. In the future our decrees will be studied and placed in a system, and it will be surprising, how much that is essentially useful for the proletariat, and necessary for socialism, has been accumulated by the Soviet power within a comparatively short space of time in these separate decrees, although these have not been issued in any connection, and are frequently bare even of external connection. It was possible to collect a number of decrees into a code of laws long before the official proclamation of legality. Before the first anniversary of the October Revolution we possessed a code of marriage, family and trusteeship laws. This was accepted on September 16, 1918, by the All-Russian Central Ex-

ecutive Committee, and with it a code of Labor Legislation. A further development of our legislation did not then take place until 1921 and 1922, when the further development of civic life based on the new economic policy began to be apparent in our public life, and called for greater legality on revolutionary lines—as rightly characterized in our quotation from comrade Lenin's speech.

The need of a code of criminal and civil law was strongly felt. Both have since appeared. What peculiarity do they possess? In what do they differ from the corresponding codes of laws of bourgeois countries?

A result of three years of civil war has been the strengthening of Soviet Russia not only in its external relations, but also within its own frontiers. Conditions were created ensuring greater firmness and security of power, and the extraordinary fighting against counter-revolution began to play a considerably less important role than during the years 1918-1920. It became possible to leave the combat against lawbreaking within the country with a calm conscience, to the normal administrators of justice, and small concessions to bourgeois ideology now constituted no great danger.

The second circumstance which must be taken into consideration is the nature of the new economic policy, which has called private enterprise into being, and has led to the creation of new forms of economic relations: to private trade and small private industrial undertakings outside of state trade and large state industrial undertakings.

These new economic relations, with their concessions to private capital and to petty bourgeois ideology, emphatically demanded a new legal superstructure. From day to day it became more apparent that it was necessary not only to regulate single parts of the new organizations of national economy by separate decrees, but also to create a more systematic and more firmly established superstructure for criminal and civil law.

The Soviet power created its own definite, uniform, centralized legislation, a mirror of our new economic policy. If our new economics are wrongly understood, it is inevitable that our justice will also be misunderstood. The new economic policy does not in the least represent even the slightest return to former pre-revolutionary conditions. Neither therefore does our justice represent any restoration of the past. But the new economic policy is the rebirth of capitalism in a limited form, and this limited character of restored capitalism affects our law-making in general, and our civil rights of property in particular. (To be continued in next issue.)

## SOCIALIST PARTY OF CANADA

### PROPAGANDA MEETINGS

EVERY SUNDAY

**THEATRE ROYAL**

SUNDAY, JUNE 15.

Speaker: J. D. HARRINGTON.

Socialist Candidate, Vancouver City Electoral District.

The candidates of the Canadian Labor Party will address this meeting.

All meetings at 8 p.m.

Questions. Discussion.