

WHAT CAN YOU OWN IN SOVIET RUSSIA?

A comprehensive report on the property rights of people under socialism. The first of two articles.

By MIKHAIL S. LIPETSKER

Mr. Lipetsker is the author of a number of books on Soviet law. He is now senior research worker at the Institute of Law of the Academy of Sciences of the USSR.

THE principles underlying the system of property ownership in the Soviet Union are defined in the first chapter of the Constitution of the USSR. The system is such as to preclude all element of chance in the distribution of property. The Constitution divides all property into two major groups: *means of production* and *articles of consumption*.

The means of production are the land, natural deposits, waters, forests, mills, factories, mines, means of transport, post, telegraph and telephones, trading, insurance and banking establishments, machinery, municipal enterprises and so on.

Articles of personal consumption include all things needed for the subsistence of citizens, such as houses, household furniture and utensils, articles of personal use and convenience, clothing and food.

Quite distinct legal categories govern the ownership of the means of production and that of articles of consumption. All the major means of production—those capable in any way of influencing the economic life of the country as a whole—are *socialist*, or *public property*. They belong to the state, to cooperative enterprises (including collective farms) or to public organizations. The products of such enterprises, as well as their revenues, belong to the state, the cooperative societies or the public bodies, as the case may be.

The socialist ownership of the means and instruments of production constitutes the economic foundation of Soviet society. They are operated, not in the selfish interests of individuals, but for the benefit of society as a whole.

It is socialist property that makes national economic planning possible in the USSR. Planning is an extremely important factor in Soviet economy. It facilitates the expedient and harmonious development of all branches of economic endeavor and assures priority to those branches whose expansion is most essential to the welfare of society at any given period. The tempo of economic life is not governed by chance; it is scientifically determined. We therefore find no disproportion between the various branches of Soviet economy, while crises, unemployment and similar economic disasters are totally precluded. All this, in the final analysis, is due to the fact that socialist property is the dominating form of property in the Soviet Union.

All citizens of the Soviet Union have an equal right to a life of well-being.

This does not mean, of course, that the standard of living of all is the same, that wealth is divided among them equally. Living standards largely depend upon the amount and skill of labor performed, the size of the family, and so on. But Soviet citizens are not divided into proprietors and non-proprietors, *i.e.*, into those who own the means of production and those who own nothing but their labor-power. All citizens of the USSR are members of a society in which all the major means and implements of production are commonly owned. For that reason they cannot be called non-proprietors. They are all—with rare exceptions—employed in socially-owned establishments operating socially-owned means of production. Consequently, there are no class antagonisms in the USSR, and the conflict between “employer” and “worker” does not exist.

Participation in collective production is voluntary. A Soviet citizen who does not desire to work in socialized enterprise may engage in private enterprise

—in farming, handicrafts, or in one of the liberal professions. Private enterprise is permitted, provided that it is individual; in other words, that it is carried on without hired labor.

Although sanctioned by law, private enterprise is not popular in the USSR. In 1938 only 5.6 percent of the population were so engaged. Since they may not employ hired labor, the size of these private establishments is necessarily very small. In that same year not more than 0.7 percent of the national income was derived from private enterprise. The influence of private enterprise, therefore, on the economy of the country is insignificant. The property rights of small private enterprises differ very little in legal status from those held by personal property.

Private enterprise is relatively prevalent only in the Soviet Republics of Latvia, Lithuania and Estonia, and, to a lesser extent, in Moldavia, where the collective farm movement is only in its early stages. The majority of the peasants still carry on individual farming.

It should be noted that, in contradistinction to the other Soviet republics, the laws of Latvia, Lithuania and Estonia do not prohibit the employment of hired labor on privately-owned farms or in privately-owned workshops.

The number of hired workers must not, however, exceed three per establishment.

THE right of property is the most extensive of Soviet civil rights, and is fully protected by the state. The owner may perform any act he pleases with regard to his property, except such acts as are expressly forbidden by law or limited by contract.

Everything on the territory of the Soviet Union has an owner. An ownerless thing is inconceivable. If a thing loses its owner—for instance, if the owner dies without leaving heirs—it automatically becomes the property of the state.

The right of possession means that the owner can decide where to keep his property, demand its restitution if it happens to fall into the hands of others, subject it to any physical process, or even destroy it. The right of use means that he may derive advantage from its useful properties and appropriate its fruit and increment. The right of disposition means that he may sell, exchange, give it away or



pledge it, in other words, terminate or limit his ownership rights in it.

The owner may personally exercise the rights of possession or use of his property, or make over these rights to other persons. But he himself may only exercise the right of disposition; he may not transfer it to another.

The owner has very wide liberty of action with regard to his property and, as a rule, may do with it whatever he thinks fit. However, certain limitations are established by law. For example, he may not use his property in a way calculated to jeopardize the interests of the state, or of society, or of other individuals, nor may he use it for speculative purposes or to derive unearned income from it. Other limitations are stipulated by the law of the USSR with regard to specific forms of property—state, cooperative (collective farm) or personal.

Because socialist property is the basis of the prosperity and welfare of the country and of its citizens, it is accordingly more securely safeguarded than other forms of property. The Act for the Protection of the Property of State Enterprises, Collective Farms and Cooperative Organizations regards offenses against socialist property as the most serious of crimes and equivalent to attempts to subvert the Soviet system. Theft of socialist property on a large scale, whether overt or covert, or whether accompanied by violence

or not, is liable to severe penalties, up to and including death by shooting and confiscation of property.

The bulk of the arable land of the Soviet Union has been placed at the disposal of the farmers who till it. In 1937 about 87.5 percent of the arable land, or 916,370,000 acres, was being cultivated by collective farms and individual peasants, while only 12.5 percent, or over 125,970,000 acres, was at the direct disposal of the government land departments or operated by state business enterprises.

In most cases land, forests, waters and natural deposits are placed at the disposal of state business enterprises, cooperative and public organizations and private persons free of charge. A small tax known as "land rent" is, however, payable on land assigned for building or business purposes. Enterprises and organizations which have been assigned land for warehouses or for purpose of freight handling on the territory of railway stations, ports and wharves are obliged to bear a share of the expenses of protecting and maintaining the stations, ports or wharves. In some cases payment has to be made for the use of sea fisheries and of certain mineral deposits.

The period of tenure of the above-enumerated properties is in most cases unlimited. In particular, the Constitution of the USSR states that the land occupied by the collective farms is se-

cured to them "in perpetuity." The tenure of the land held by a collective farm can be terminated, or any part of the land withdrawn from it only by special decision of the government. The period of tenure of the land held by individual peasants, of the household plots of collective farmers, and of land, forests and mineral deposits operated by state business enterprises, is likewise unlimited.

Land, forests, waters and natural deposits are assigned only for specifically defined purposes in each case. If they are used for other purposes (e.g., if land assigned for building purposes is ploughed up for cultivation) the administrative authorities may recover them. Tenure may also be terminated if, for instance, farm land is left uncultivated for a definite number of years in succession, mineral deposits are not worked, and so on.

If the holder decides no longer to exploit the land, forest, water area or mineral deposits placed at his disposal, he may not sell, lease, or otherwise transfer it, but must return it to the administrative body which has control over it.

If a person purchases a house, he automatically acquires tenure of the plot on which it stands. Tenure, where the holder is a physical person ("natural person") may be transmitted by inheritance.

Besides direct use of land, forests, waters and deposits, Soviet law also sanctions subsidiary use as, for example, for hunting, fishing (apart from commercial fishing in special fisheries, for which direct tenure is required), bee-keeping, pasturing, grass cutting, or gathering berries, mushrooms and firewood. These uses are in all cases the prerogative of the holder, although he must exercise them himself and may not cede them to others for profit.

THERE is no limit to the amount of personal property a citizen may own. In particular the law sets no limit on savings.

Statistics for 1936 show that in that year private citizens owned nearly 1,000,000 dwelling houses in urban areas and over 19,000,000 houses in rural areas, 1,776,000 horses, 36,117,000 cows and oxen, 40,756,000 sheep and goats, 19,700,000 pigs; and securities (state loan certificates) to the value of nearly 15,000,000,000 rubles.

No exact data as to the prosperity of individual citizens is available, for no such figures are compiled either by

the statistical or the revenue authorities. But some light on the wealth of some Soviet citizens may be obtained from the following facts.

In 1942-43 a fund was started in aid of national defense. Hundreds of thousands of persons contributed five, ten, twenty thousand rubles and more in money or valuables. Several thousand persons donated from one to two hundred thousand rubles each, among them scientists, writers, artists, engineers, priests, as well as workers and collective farmers. An instance in point is a collective farmer named Ferapont Golovaty who, in 1942, purchased out of his own funds a warplane for 100,000 rubles, and in the following year yet another, both of which he donated to a famous air force regiment of the Red Army.

Although the law does not restrict the amount of personal property a citizen may own, such restrictions may be voluntarily imposed upon themselves by groups of citizens—at least as regards certain kinds of property.

The Model Rules for Collective Farms provide that their members undertake not to own over and above a certain quantity of livestock and beehives. The number varies with the character of the different regions and ranges from one cow, two calves, two sows and their litters, ten sheep or goats and twenty beehives in the predominantly agricultural regions, to ten cows (not counting calves), ten horses, ten camels, 150 sheep or goats, in the predominantly cattle-raising regions.

The underlying consideration behind this rule is that the common enterprise of the collective farm should serve as the main field of activity and source of income of its members, and that their personal husbandry should bear a subsidiary character.

A government body or official may not confiscate or even requisition for equivalent compensation property belonging to private citizens or in any way violate or restrict their right of enjoyment of their personal property. The only exception sanctioned by law is in case of national emergency (*e.g.*, time of war) or of natural calamity, when the government may requisition personal property for proper compensation. Furthermore, the sentence imposed by a court for certain criminal offenses may include confiscation of property. A court may also order a distraint upon personal property for non-payment of taxes or debt.

But not all articles of property of private citizens may be subject to distraint.

Certain things are exempt, *e.g.*, a definite minimum of clothing, household furniture and utensils, a three months' stock of fuel, food needed for the subsistence of a farmer's family until the new harvest, or, in the case of an urban family, for three months; tools, implements, books, etc., needed by the debtor or by any member of his family for the exercise of his trade or profession; agricultural machines or implements; a definite quantity of livestock; dwelling houses, and structures which form an essential part of a farmer's husbandry; a definite quantity of seed and of fodder for livestock, and the ungathered crop of field, garden or orchard.

Exemption also extends to savings bank deposits, share contributions in cooperative societies, or insurance premiums on property which is itself not liable to distraint.

Distraint may be levied only on twenty percent of monthly wages or salaries. However, fifty percent of wages and salaries may be levied in cases of distraint for nonfulfilment of orders on which advances have been made by state, cooperative or public bodies, or in compensation for misappropriated property, or for nonpayment of alimony or maintenance to infirm or disabled members of the defaulter's family.

Pensions and allowances may be distrained upon only for nonpayment of alimony, and that must not exceed thirty percent of the pension or allowance.

While the owner is free to use or dispose of his personal property in any way he thinks fit, there are certain exceptions to this rule, to wit:

Personal property may not be used for the exploitation of the labor of others, nor for the acquisition of un-

earned income (*e.g.*, by profiteering or usury).

Articles whose possession and use require the sanction of some administrative body may be disposed of only to that body. For example, the owner of an airplane may sell it only to the Civil Aviation Board; and the possessor of a rifled firearm may sell it only to the People's Commissariat of Home Affairs.

Gold, silver, platinum and metals of the platinum group, in the form of bullion or ore, as well as foreign currency and securities, may be sold only to the State Bank.

The owner of "museum valuables" (objects of art, ancient and historical relics, etc.) registered by the People's Commissariat of Education, may not destroy them or sell them abroad.

Owners of pedigree cattle may slaughter them only with the permission of the veterinary authorities.

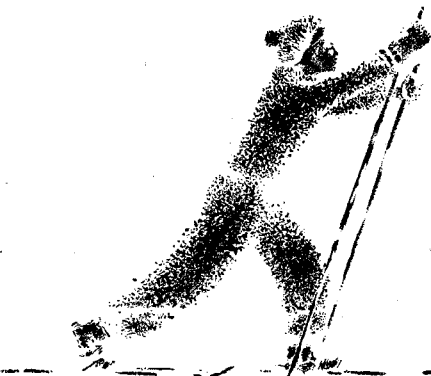
The owner of a dwelling house may let any part of it he does not care to occupy himself, but the rent he exacts for it must not be more than twenty percent in excess of the rent paid for similar space in government-owned houses.

The possession of personal property does not involve any additional obligations; the owner, for instance, is not subject to additional taxation. There is no property tax in the USSR, with the exception of a tax on horses owned by individual peasants (*i.e.*, peasants not belonging to collective farms).

However, since the Soviet state is anxious to promote the welfare and prosperity of its citizens, it makes it incumbent on owners of large and important pieces of property to see to their proper maintenance and upkeep. Owners of houses must keep them in a proper state of repair, and, in the event of an owner's deliberately failing to do so, and allowing his house to fall into dilapidation, the local Soviet may apply to the court to have the house turned over to the state. In practice, it has to be established that there were no extenuating circumstances, that the owner was able, but unwilling, to make the necessary repairs.

Owners of houses or other buildings, livestock, crops, fruit orchards, as well as the tools of a handicraft or trade, are obliged to insure them against fire, damage or other accident.

The concluding installment dealing with the inheritance of property will appear next week.



review and comment



"DILEMMA" DEBUNKED

In his latest work Herbert Aptheker attacks the foundations of Myrdal's "monumental" structure.

By LLOYD L. BROWN

THE NEGRO PEOPLE IN AMERICA: A Critique of Gunnar Myrdal's "An American Dilemma," by Herbert Aptheker. International. Paper, 35c; cloth, \$1.25.

"WHAT are the five greatest books of all times on race relations?" This question was asked by the *Negro Digest* of "a cross-section of nineteen experts in the field . . . foremost educators, book critics, authors and race relations specialists." Their replies were published in the November 1946 issue of that magazine. The top-ranking book of the five selected, named by fifteen of the nineteen jurors, was *An American Dilemma: The Negro Problem and American Democracy*, by Gunnar Myrdal.*

This book was the result of a project, sponsored by the Carnegie Corporation, for a general study of the Negro question in the United States. Dr. Myrdal, a member of the Swedish senate and the faculty of the University of Sweden, was selected to direct the project as a man "free [from] presuppositions and emotional charges." The study was conducted over a period of five years, with the findings published by Harper in 1944.

The *Negro Digest's* poll is a striking example of the acclaim which this work has elicited in many quarters as a "monumental study," "the definitive work on the Negro problem," etc. Probably its major influence has been

among liberals who, to a greater or lesser extent, count themselves among the foes of the Jim Crow system and who are part of the progressive movements of our country. Many of these men and women exert a considerable public influence through their writings, teachings and leadership of organizations. Hence it is clear that Myrdal's work has been placed in a vantage point of great strategic value.

It can be argued that many who hailed this study do not subscribe to the conclusions which Myrdal reaches, just as many who worked in amassing the material upon which the book is based do not agree with the author's findings. That is true. It is also true that many who find value in the enormous collection of data in this two-volume, 1500-page work choose to ignore the philosophic content of its analysis. But nevertheless it is a fact that Myrdal's ideas have been extensively and uncritically accepted in a field in which ideological clarity is vital. Unchallenged, these ideas would disorient the growing struggle of the 14,000,000 Negro people for equal rights.

The publication of Dr. Aptheker's critique of *An American Dilemma* is thus of singular importance. Brilliant in polemic, solid in scholarship, fired with a crusading passion, Dr. Aptheker attacks the foundation of Myrdal's "monumental" structure.

Readers of NEW MASSES may recall the main outline of his argument which was published in these pages as an article entitled "A Liberal Dilemma" (May 14, 1946). The subject was further discussed in an exchange of opinion between Dr. Aptheker and

the co-authors of *Black Metropolis* Horace R. Cayton and St. Clair Drake, in NM of July 23, 1946.

In his new book Dr. Aptheker carefully examines Myrdal's philosophy history and ethics and finds "Myrdal philosophy to be superficial and erroneous, his historiography demonstrably false, his ethics vicious, and, therefore his analysis weak, mystical and dangerous."

The central target for Dr. Aptheker's attack is the Myrdal repudiation of a materialist concept of society and the adoption of an idealist base for his analysis and conclusions. From this standpoint Dr. Myrdal sees, in the words of his book's introduction, "The Negro Problem as a Moral Issue." Dr. Aptheker quotes Myrdal's principal thesis:

"The American Negro problem is a problem in the heart of the American . . . This is the central viewpoint of this treatise" (xliii). "What we usually call 'social trends' have their main significance for the Negro's status because of what is in the white people's minds. . . . The important changes in the Negro problem do not consist of or have close relations with 'social trends' in the narrower meaning of the term but are made up of changes in people's beliefs and valuations" (p. 998). (All italics in the original.)

There is abundant evidence that Dr. Myrdal's viewpoint, which conceals the real socio-economic basis for Negro oppression—the root source of white chauvinism and the lynch tree—is being amplified by his American followers. Thus we see Horace R. Cayton writing in his *Pittsburgh Courier* column (Dec. 21, 1946): "We are a nation of Hamlets who do not know whether it is nobler in the mind to suffer or to take arms against a sea of troubles."

The marked class bias of Myrdal's brand of idealism is revealed in his finding that "the Negro's friend—or the one who is least unfriendly—is still rather the upper class of white people, the people with economic and social security" (p. 69).

Dr. Aptheker points out that the omission of any discussion of the Soviet Union's solution of the national question is a significant characteristic of Myrdal's work. "The probability that the omission was deliberate," Aptheker declares, "is enhanced by the fact that the experts consulted by Myrdal, like Klineberg, Du Bois and Boas, repeatedly refer, in their own