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A Brief History of Fundamental Rights in the Soviet Union: Tsarist Rule to Stalin Era

Chitra Rajora

Department of International Relations, JNU, New Delhi
Corresponding author: rajora2081@gmail.com
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Abstract

This paper aims to comprehend violations of fundamental rights during the Stalin period. The research seeks to grasp the overall impact of Stalin's policies on the fundamental rights of the people. From 1929 to 1938, Stalin's policy of excessive concentration of power had a profoundly devastating impact on the lives of Soviet citizens. He played a leading role in rights violations, with issues such as widespread torture of those arrested, suppression of freedom of speech, exploitation in labor camps, illegal detention, and murders dominating the discourse. The purpose of this paper is to delve deeply into the contradiction between the laws established within the Soviet Union and the actual practices concerning fundamental rights. It also aims to understand how a constitution that aimed to empower the workers ended up violating their basic rights and depriving them of the fundamental rights established under the Soviet Constitution of 1936. The research endeavours to establish how the purges during the Stalin era amounted to a violation of the Right to Life for the people of the Soviet Union.

***Key words**: Tsarist rule, Soviet Union, Bolshevik Revolution, Fundamental rights, Stalin, constitution 1936, Law, Violations, and Suppression*

Introduction

Certainly, it is widely acknowledged that a constitution is made up of guidelines governing both the structure and operation of government authority and the interactions between the government and its citizens. These guidelines, which pertain to the relationships between the government and its citizens and more broadly, between those in power and those being governed, are commonly referred to as public freedoms, fundamental rights, or human rights. Fundamental rights play a crucial role in determining the extent of personal freedom individuals within a society enjoy in relation to government authority, thereby setting the boundaries for the autonomy and self-determination of every individual. Plato, who viewed rights as inherent, categorised citizens into various groups with distinct sets of rights. In 18th century Europe, the idea of "natural law" emerged, rooted in a universal order that defined these rights as applicable to everyone (e.g., Plato 427—347 B.C.E). Since then, the concept of Fundamental Rights has been defined theoretically by several schools of thought including Liberalism, Realism, Marxism, Relativism,

and Universalism. The Soviets held a distinct perspective on Fundamental Rights, contrasting with the Western notion. In Western legal thought, Fundamental Rights are seen as protections for individuals against the government's actions, as noted by Towe in 1967. In contrast, Soviet theory posited that the entire society benefits from these rights. In the Soviet Union, the focus was on economic and social rights, encompassing aspects like healthcare access, proper nutrition, education at all levels, and guaranteed employment. The Soviets also considered these to be the most important rights, without which political and civil rights were meaningless. (Wassertrom, 1999)

According to Marx and Engels' Communist Manifesto, the foundation for the control of the proletariat rests on the violent defeat of the bourgeoisie. They put in German Ideology (1845-46) "that revolution is essential for the overthrow of the ruling class, it can only succeed in expulsion of itself of all the mess of ages and become set up to found society anew" (Marx & Engels 1848: 18). Joel Ferinberg calls it right in a "Manifesto Sense", which aims to change the politics through the manifesto. Human rights as demanded by a group of people which share the right as legally approved. On the same line, Lgnatieff stated that human rights are "a shape of politics", because they reflect conflict between the holder of power and the holder of the rights (Palombella 2006: 2).

It also covers various perspectives like political, sociological and philosophical. Human rights come from ancient thought and are expressed in the philosophical concept of Natural right and Natural law. Roman and Greek philosophers have given their ideas about human rights and explained them in their manner. Philosophically, the term right was used first by Plato (427-348 BC) who introduced the rights as a natural right guaranteed by natural law. However, Aristotle (384-322 BC) wrote in his book "Politics" that under different kinds of institutions and circumstance, justice, virtue and rights were changeable. Thus, the origin of the human rights concept is entrenched in the Greco-Roman era. Furthermore, it entered into Roman philosophy at the beginning of the emergence of the idea of social contract; when Hobbes cited that 'Man is born free', but everywhere he is in chains. Thus, according to Cicero "the law of nature applies to all men equally." (Waldron 1984: 25-27) Right claims concentrate on the right holder and draw the obligation of the carrier's regard for the right holder's uncommon title to make the most of his/her privilege. Rights in this sense are

something many refer to as "subjective right which concentrates on the subject (who holds them) as opposed to a targeted standard to be taken after or a state issue to be figured out in the same manner." (Freeman 1994: 491)

But the general understanding of human rights is different from fundamental rights. A fundamental right is the one given by the state and recognized to be protected by the law. On the other hand, human rights are given to us as human beings. Therefore, human rights are universal and equal; everybody has the same rights as others have. There is no discrimination, and they are inalienable rights. It is not a matter of how many people badly behave with their own rights, and it is a common understanding that all members of the species 'Homo Sapiens or human beings' are holders of human rights. J.J. Rousseau has stated that the concept of human rights and citizen rights resists the duality of the Constitution. The role of the state would predominate over its citizen's rights protection. The socialist doctrine of national and international focuses on the element of protecting human rights. (Wassertrom, 1999)

The open door of the declaration of rights is the result of a revolutionary movement. Rights would not have been self-imposed and inalienable if human rights did not result from the revolutionary process from the past. The English law, "the Bill of Rights of 1689" established that ancient rights and liberties, which declared the universality, equality, and the naturalness of the right, were necessary for human rights. The American Declaration of Independence of 1776, French declaration of right of man and citizen of 1789 claimed natural, equal and universal rights of the individual which was legitimated on individual, natural rights. (Sidney & Webb 1942)

The concept of the right of man was a major phenomenon in the 18th and 20th century of the Second World War; it became the political thought at that time. There are four points to be examined briefly. (1) Abolition of slavery was the sign of the rise of human rights like England (1787), France (1848), America (1865) during the civil war, 1861 end of serfdom in Russia, Central and South America had completely abolished the slavery. (2) Constitutionalism and Citizenship in the 19th century in European countries was a struggle between human rights and social rights. (3) Late 19th-century human rights expanded with the growing nationalism in Turkey and new nation states of Balkans, Central and Eastern Europe, Middle East, Asia and Africa after 1945. Thus, these three points

elaborated the human rights problem and led to its rise. (Hoffman 2011: 6-13)

Human rights are also rooted in Constitutional history “The Magna Carta” of 1215 gives the people of the United Kingdom their civil rights and liberties, though limited, it was a result of the realization and recognition that individuals had certain rights and could claim these rights against the state. The Magna Carta was granted by King John of England to the English. Another historical example was the French Revolution which led to the development of the universality of rights at the world level. While explaining human rights, a French deputy remarked that “the Americans have set an example in the new hemisphere. However, the French were given one to the universe sphere.” (Sidney & Webb 1942)

Moreover, Fundamental human rights found their way into the constitutional documents and declarations of numerous states. For instance, in 1776, the “Declaration of Independence” of the thirteen American colonies (including the Virginia Declaration) and the United States Constitution of 1787, later amended in 1789, 1865, 1869, and 1919, outlined a range of rights. Subsequently, inspired by these advancements, other states also adopted similar approaches, as seen in the French declaration of the "Rights of Man and Citizen" in 1789.Other states brought human rights protection in their Constitution; Sweden adopted it in 1809, Denmark in 1849, Prussia in 1850, and Switzerland in 1874. They all made provisions for the Fundamental Rights of man.

But the concept of Rights of Man was unsuitable in the world scenario, thus the term human rights took shape under Thomas Paine, and it became the first precondition for international peace and security. The American President Franklin D. Roosevelt in 1941 declared the four freedoms in which he stated that “Freedom means the supremacy of human rights everywhere”. The focus on human rights also increased when Germans were alleged to have violated international law. The confirmation of Nazi violation in Germany and Europe came forth after the Holocaust against Jews as well as the targeting and murder of Gypsies, Slav intellectuals, professional socialists, homosexuals and many others. Before establishing the United Nations, numerous meetings and conferences were held such as United Nations Declaration, 1942; Moscow Declaration, 1943; Tehran Declaration, 1943; Dumbarton Oaks Conference, 1944 and San Francisco Conference, 1945, where a number of states participated to form UNO. The United Kingdom and the

United States also signed the Atlantic Charter 1941 and was the first to use the term "Right" in the document. (Wassertrom, 1999)

History of Tsarist Russia and Fundamental rights

Ivan IV was the Russian Emperor preceding Peter the Great, and his rule ended when he was toppled during the February Revolution in 1917. The Russian Empire spanned from the Arctic Ocean in the north to the Black Sea in the south, and from the Baltic Sea in the west to the Pacific Ocean and Alaska in the east. As per the 1897 census, Russia had the world's third-largest population, trailing behind the Qing Dynasty in China and the British Empire. (Rauch 1957) In the era of Tsarist rule, Russia operated as an autocratic nation, and this autocratic empire expanded not just into Asian regions like Central Asia, but also into Trans-Caspian, Trans-Caucasus, and Eastern Europe. Compared to other autocratic rulers such as Louis XIV in France, Tsarist autocracy was notably harsh. Nevertheless, there was no national uprising in Russia during the 18th and 19th centuries because the Tsar exercised absolute control over all aspects of life, and there were no challenges to the Tsarist decrees. Russian Tsars adhered to the Divine theory of the state, viewing the king as God's representative. Throughout the history of the Russian Empire, the Tsars displayed no inclination to grant social, political, or economic rights and freedoms to the populace.

The first Tsar, Peter the Great (1725), replaced traditionalist values in social, cultural, and political life with modern, scientific, Europe-oriented, and rationalist values. This was the reason why Peter the Great was known as a great reformer and ruler of Russia. Catherine the Great ruled over a Golden Age, and she continued Peter the Great's policy of modernization. During Catherine's period, the Pugachev revolt (1773-1775) was carried out among the Yaik (Ural) Cossacks to force the approval of demands like suitable wages and working hours. But on Catherine the Great's orders, the Russian army successfully suppressed this revolt. As a result of the Pugachev revolt, several changes took place in Russia, such as an increase in the provinces, division of political power among the agencies, and the introduction of elected officials.

Alexander I frequently employed liberal rhetoric in his policy declarations; nevertheless, in practice, he adhered to Russia's absolutist approach. At the onset of his reign, he made assurances of implementing constitutional, liberal, and educational reforms. Regrettably, these pledges remained unmaterialized in reality.

In contrast, Alexander II emerged as the most accomplished Russian reformer subsequent to Peter the Great. His paramount accomplishment materialized with the Emancipation of Serfs in 1861, an achievement that earned him the moniker Alexander the Liberator. Beyond serf emancipation, Alexander the Liberator orchestrated an array of additional reforms. These encompassed the restructuring of the judiciary, the elimination of capital punishment, the institution of universal military conscription, and the advancement of the Zemstvo system, which fostered local self-governance. The era of Nicholas I witnessed Russia's harrowing defeat in the Crimean War (1853-56). His governing approach was rooted in religious orthodoxy, governmental autocracy, and Russian nationalism. Nicholas I's reign, fundamentally marked by reactionary policies, proved to be a calamitous failure, both on the domestic and international fronts, attributable to his ill-advised decision-making. Subsequently, the Bolshevik revolution established a socialist framework in Russia, with Lenin assuming the role of the inaugural General Secretary of the Communist Party of Soviet Russia.

Nicholas II gained recognition as a political traditionalist, overseeing a rule marked by territorial expansion, suppression of opposing views, economic stagnation, inadequate administrative strategies, and a system plagued by corruption. Throughout the Tsar's reign, economically, religiously, socially, and politically marginalized peasants bore the brunt of discrimination, prompting them to initiate uprisings against the ruling regime. Despite maintaining his hold on power, the Tsar embarked on reform initiatives. From the era of Peter, the Great to that of Alexander II, Russia's monarchs exhibited a penchant for reform. They eradicated penal laws and abolished both capital and corporal punishments. However, upon Nicholas II's ascension, he struggled to effectively steer Russia's course. Evident dissent against the government surfaced, with the 1905 revolution marking a significant victory for the working class. The 1917 revolution signalled the demise of the Romanov dynasty, paving the way for Lenin to establish the Soviet Government. Lenin enacted the 1918 Law, which extended rights to Soviet representatives, labourers, and soldiers. In Russia, he introduced ideologies such as the transition from 'capitalism to socialism' and the concept of ‘full power vested in the Soviet’ (Gray 2004). Russia was a multi ethnic empire based on both invasion and law. Meanwhile Moscow emerged as a spreading centre of political control through gradually, often violent integration of bordering territories.

Empires were controlled over the territory and labourers in order to secure them by the administrative rather than law. Law defined the rights and obligations of people living in its land.

Thus, the Muscovite legal system was established to govern the relationship between the state and its subjects. Consequently, a portion of the imperial legislation outlined the privileges and duties of local elites. The language used in these decrees underscores the Tsar's overarching authority concerning property rights and the state's consolidation of privileges previously granted by other rulers. These edicts embodied the fundamental agreement of noble politics, where elites were granted, specific rights based on their contributions to the state. As time passed, the empire generated a series of regulations and proclamations that delineated the specific rights and responsibilities of various groups, categorized by geography, religion, ethnicity, or occupation. This accumulation of legal measures corresponded to genuine variations in social customs and legal procedures across the empire.

The diversity of legal systems sanctioned across the empire served to validate the supremacy of Russian governance, enabling local populations to actively engage in self-governance. The dominions adhered to the Russian Law as the governing authority, with all rights stemming from this Law and devoid of inherent or natural rights. Varied rights, responsibilities, and rewards were apportioned to distinctly defined groups. The specifics of laws that governed various facets of societal existence were contingent upon the ‘customs’ and ‘laws’ of different groups, which were perceived as products of shared historical experiences. The Russian concept of legal norms deemed social regulation by groups, rather than individual rights, as the intrinsic facet of ‘natural’ law (Chalidze, 1975). In the expanse of the Russian Empire, rights held the nature of privileges, intimately tied to specific groups within the state. The Empire extended privileges not to individuals but to particular segments of the population, thereby linking rights to group membership. Thus, to understand the rights “imperial law was a source of rights for ordinary people, as well as elites. Rights could define obligations and were prescribed to people by their status as an image as a member of collective bodies”. Furthermore, the steady improvement of peasants’ rights after the emancipation took place in a gradual and politically measured way. After 1864, the Polish peasants were given extensive land rights and freedom from all obligations to the former owner. In

short, peasant's new rights were entering into a new phase of the society, in which noblemen had lost their rights (Ibid.).

Risanovsky (1923) presents the argument in his work 'A History of Russia' that following the year 1917, when the Duma assumed authority, Russian education underwent expansion. Schools evolved beyond outdated institutions, and there was a noticeable shift towards a more liberal atmosphere in both the press and the government. This newfound liberalization allowed them to present their political perspectives on a national scale. In a different viewpoint, Riasanovsky (1963) contends that the monarchy's stability had eroded towards the end of its rule. Simultaneously, various social and political issues had arisen, stemming from deep-rooted inequality and a considerable absence of remedies, primarily arising from the unequal distribution of land (Micheal, 2007). The abdication of Nicholas marked the conclusive end of the monarchy. Some historians expressed concern over the necessity of Nicholas's abdication, as well as the timing of the end of autocracy. Conversely, the government's stance clashed with the growing agitations, as the army aligned with the landholding peasants. Amidst these complexities, Russia grappled with a dual dilemma: one between the Provisional Government and the Petrograd Soviet.

Bolshevik Revolution and Lenin's Reign in Russia

The year 1917 marked the inception of the Russian revolution. Tsar Nicholas, the final ruler of the Russian Romanov empire during the late 19th century, ascended the throne amidst a transformative global landscape demanding robust leadership to navigate Russia through its turbulent times. However, Nicholas faced a series of challenges due to his ineffective policy-making abilities and the inadequate structure of his government. Despite acknowledging the necessity for reforms, he failed to implement meaningful changes, ultimately leading to the soviet union's involvement in an unsuccessful war and occurrence of two revolutions during his rule.

The dissatisfaction with the reforms spread through different segments of society, encompassing peasants, intellectuals, and labourers. The surge of revolution initiated within the educated class, coinciding with the epoch of the Great Reforms, a phase characterized by notable liberal transformations. This movement attracted participation from the middle class and students who were discontent with Alexander II's policies. During the years 1869 to 1882, there was a significant rise in

the number of students. The educated elite played a pivotal role in influencing the younger generation through literary works, including influential publications like 'The Bell,' authored by Herzen in London in 1850. Another significant publication, 'The Russian Word,' renowned for its radical viewpoint, was penned by the eminent critic D.L. Pisarev, alongside 'The Contemporary' (1836-1866). Eminent writers of the era included N.G. Chernyshevsky and N.A. Dobroliubov.

During the reign of the Tsar, the Soviet Union was a diverse amalgamation of ethnic groups. The rise of the intelligentsia movement also spurred the Soviets to demand recognition and self-worth. Nicholas II's introduction of serfdom emancipation failed to satisfy rural peasants, who were plagued by low living standards, landlessness, limited economic progress, and lack of education. While the population grew, productivity remained stagnant in the 1880s. The workers' plight was further exacerbated by governmental regulation. Industries thrived on cheap labor, but the working conditions were deplorable, characterized by long hours, meager pay, insecurity, and unhygienic environments where families lived together, facilitating the spread of diseases. Factories naturally evolved into centres for revolutionary activities in the lead-up to and during 1917. By the 20th century, workers gained better education and skills, which gave rise to a burgeoning middle class. This middle class focused on elevating rural peasants by providing them privileges. They engaged in discussions on social and political issues, education, and laid the foundation for a liberal political movement advocating for political rights and constitutionalism. Key players in the 1917 revolution were the Socialist Revolutionaries (SRs) and Social Democrats (SDs), whose support extended to peasants, laborers, and the working class, collectively referred to as 'toilers' with the advent of industrialization, G.V. Plekhanov argued that Russia was transitioning to capitalism, setting the stage for the Socialist Movement that targeted the industrial working class rather than peasants.

Lenin's approach to the 1917 revolution centred on utilising terror as a tactic for driving the revolutionary agenda. He maintained that two prerequisites were needed to employ terror effectively: a directive from the central authority and the presence of a robust local revolutionary organisation (Singh 1990). In his publication *"What Is to Be Done?"* Vladimir Lenin suggested the creation of a revolutionary party within the educated elite to cultivate revolutionary consciousness among industrial laborers

and furnish them with leadership. After the legalization of socialist parties subsequent to the 1905 revolution, various smaller factions emerged; nevertheless, Lenin turned to the Bolshevik party to propel the proletarian revolution. The divergence in ideologies between the Mensheviks and Bolsheviks was stark, with Lenin's faction advocating for radical transformation while the Mensheviks adopted a more moderate position. As a result, a coalition government materialized in 1917 (Lenin 1902). The 20th century witnessed the rise of revolutionary socialist, liberal, and reformist political movements. The Kadets party, standing for liberal values, contrasted with Lenin's radical group. Led by Paul Milyukov, the Constitutional Democratic Party (Kadets) was established in 1905. German historian Oskar Anweila critiqued the Bolshevik party, attributing its popularity to its larger membership. This popularity led to the transformation of the party's base into a fortified town for soldiers. Berry Willianres assessed the October revolution and contended that the masses perceived Soviet power as the solution to their ongoing predicaments, causing Soviet power to garner more public support than the party and the constituent assembly.

During the planning of the Petrograd revolution by the Bolsheviks, the backdrop of World War I in 1914 provided a tumultuous setting. Throughout this period, the labor movement grew in strength, with over a million workers engaging in strikes. In a bid to support the war endeavor, workers enlisted in the armed forces. Amid the ongoing conflict, even as the war persisted, 14 factory workers initiated a strike, which had the effect of weakening the Soviet both economically and politically. Lenin stood in opposition to the Soviet's fixation on the war effort. The government aimed its efforts at factory workers, leading to more than 60 casualties among them. The number of striking workers escalated to 27,000. Bolshevik representatives were sent into exile, and the freedom of the press was restricted. Come September, another revolution unfolded, involving 64,000 workers who echoed similar demands. Petrograd bore witness to a strike involving as many as 500,000 workers. By 1916, the count of strikes and participating workers surpassed the figures recorded in 1915. Several newspapers leaned towards the government's perspective, accusing the Bolsheviks of fanning the flames of civil unrest. In response, Lenin vehemently denied this claim, labeling it a ‘repugnant falsehood' He countered the ironic invitation extended by the newspaper Dyen to the Bolsheviks to ‘assume power,’ emphasizing the

importance of the proletarian party establishing its influence within the Soviet (Singh 1990).

In July, the culmination of strikes and the ongoing war came to a head as soldiers and workers initiated a potent uprising. Petrograd emerged as the nucleus of this movement, where enraged masses directed their anger at Soviet leaders. The government accused Bolshevik leadership of fomenting this unrest, leading to their apprehension. They even levelled allegations of treason against Lenin himself. Workers and soldiers orchestrated protests against the provisional government, pushing for full authority to be vested in the Soviet. Lenin lent his support to the orchestrators and leaders of these protests. The Socialist Revolutionaries (SRs) and Mensheviks endorsed punitive actions against the rebels. The military intervened to restore control, quelling the July protests. These occurrences laid the groundwork for the October revolution of 1917. The era spanning from 1905 to 1917 witnessed the Russian Revolution as a notable contest between the working class and the capitalist class, signifying a crucial juncture in history.

The revolution in Russia stemmed from the populace's dissatisfaction with the Kerensky provisional government. In September, the strikes escalated to a new level. Over a span of three days, around 700,000 railway workers joined the strike, effectively paralysing Russia's transportation system. Subsequently, in mid-October, a strike involving 300,000 workers erupted at textile factories in Ivanovo, extending to neighbouring communities such as oil workers. This disruption led to chaos and disorder. Scholars Koenker and Rosenbrg assert that the Bolshevik revolution was rooted in worker strikes, becoming the primary form of political engagement for workers on a large scale. During this time, the Petrograd Soviet established the Military Committee, ostensibly to defend against the Germans. However, the Bolsheviks took control of this body, operating under the guise of Soviet legitimacy. Meanwhile, the Soviet Union grappled with economic challenges and backwardness.

Exercise of Fundamental Rights during Lenin era

Nicholas II established the fundamental Law in 1906 threatened by a revolution in 1905, Sergey Witte called the October manifesto which restricted unlimited power of monarchy and ensured the civil liberties, legislative body, and military dictatorship. Fundamental law of 1906 ensured the rights in chapter II that mentioned rights to the Russian subjects. This was reflected in the 1918 Constitution that was enacted soon

after Vladimir Ilich Lenin (1870-1924) successfully led the Russian Revolution of 1917 to lay the foundations of the Soviet Union. This Constitution granted the classical freedom of conscience, expression, assembly, and association exclusively to “toiler’s”, a term meant to include urban workers as well as the rural proletariat of poor peasants. From the outset, the realization of civil rights was constructed as depending on a certain economy to “toiler’s” The 1918 Constitution in effect redefined the inherited distinction between “active”, or “passive” citizenship. “It similarly received categories of political rights, which were granted exclusively to those who obtain their livelihood from productive and socially useful labor” as well as “soldiers of the Soviet army and navy.” (Szymanski, 1984) “Further, the 1918 Constitution gave the fledgling Soviet state the authority to deprive any individual or group of rights used to determine the socialist revolution, thereby sanctioning the use of rights as a weapon against political opponents.” (Tbilis, 2010)

By the early 1930s, approximately four million “lishentsy” had their civil and political rights revoked, though they retained Soviet citizenship. A smaller group of people also lost their citizenship, were expelled from the USSR, or became stateless within its borders. Stalin's 1936 Constitution included a section titled "Fundamental Rights and Duties of Citizens," which outlined a set of rights. This reflected an unspoken agreement where the enjoyment of rights was contingent not only on state support but also on citizens fulfilling their duties. In the 1936 Constitution of Soviet Union, Fundamental Rights of the USSR citizens were defined as follows, Article 121 was Right to Education for all the citizens of USSR, Article 123 gave the Right of Equality to all, irrespective of their nationality or race, in all spheres. (Szymanski, 1984)

Although the Constitution outlined numerous fundamental rights for the Soviet Union's citizens, Stalin's regime saw widespread disregard for these rights. It's important to note that Communists rejected the concept of inherent human rights, largely because they were seen as purely political. However, Stalin's transgressions weren't driven by ideological opposition to bourgeois political ideas but were aimed at enhancing the authority of the Soviet state. He orchestrated the elimination of his ascending rivals, purged the Party to strengthen his control, and imprisoned or executed thousands of loyal former Bolsheviks without legal proceedings. His most significant transgressions against

fundamental rights occurred during the early 1930s due to the collectivization campaigns. Countless Russian and Ukrainian peasants were forcibly removed from their land and placed onto collective farms. The small landowners, known as Kulaks, were essentially eradicated. Additionally, the quotas set for these collectives remained unchanged despite poor harvests, resulting in millions perishing due to both famine and deliberate policies by the USSR. Once firmly in control, Stalin established a formidable police state, employing secret police to surveil civilians and imprisoning those accused of dissent. Thousands of intellectuals, artists, and other dissidents were sent to the infamous gulags (labor camps) in Siberia and elsewhere. In summary, Stalin's rule, as highlighted in his successor Nikita Khrushchev's "secret speech," was marked by blatant violations of human rights.

Szymanski (1984) gives the idea of the status of rights in the Soviet Union and historical background of the Soviet regime. Citing Lenin, the author explains how the Marxist leader declared that civil rights had little meaning for the working class who are poor and oppressed. He also cites the Soviet Constitution to argue that under its provisions, the individuals were sacrificed to serve the interests of the people. He pointed out that the focus was on social rights, securing education, health and work for all instead of political and civil rights, which dominate the western thought on human rights discourse. While acknowledging repressions, Szymanski believes the acts took place due to domestic tensions and threat of external invasion. Explaining the purges, the author believes that besides being paranoid ‘about spies, traitors, and wreckers,’ the actions could also be ascribed to anti-bureaucracy campaigns and a general screening of party members. He also described labor camps till 1937 as being ‘relatively liberal and humane,’ after which they were transformed into hard labor camps. This resulted in deaths in these camps due to overwork, malnourishment and diseases as torture was recognized as a permissible police technique. The spy mania, which resulted in the arrest of several people, was described by Brzezinski as being ‘directed at Communist party itself.’ Arguing against the figures that millions of people were imprisoned in the labor camps, Szymanski says these were based more on speculation rather than the truth.

However, Agotti (1988) disagrees with this view and points out that there was a systematic violation of fundamental rights in the Soviet Union. He believes this was due to a contradiction in the law which

caused this violation of rights. The author argues that Russian law traditionally emphasised duties rather than rights. Besides this, there were also problems regarding implementation of the rights that were in fact granted to the citizens. The author cites that, in the Soviet Union the freedom of speech, press assembly, association and freedom of movement are less useful because there was the restriction for all Soviet citizens through the ubiquitous passport and propiska or residence permit.

Practice of Fundamental Rights during Stalin Era

Albert (1984) explains that the Stalin Constitution which was adopted and passed on the 5 December 1936, can be analyzed in three aspects: the historical background and the various crises emerged in 1930 that motivated the Soviet authority to amend the Constitution, the analysis of the content of the Constitution and finally a brief summary of the ideology of Marxist theory and its relation to Soviet policy.

While he explains the implementation of the 1930 Constitution as a certain result caused by the cohesive effort of multiple prevailing social forces, it believes its provisions failed to protect the rights of the people. Albert, for instance, points out Article 135 that described the duty of citizens to include maintenance of labor discipline, perform public duties and respect rules of socialist intercourse. He further adds that none of these terms was well defined, making them instruments in the hands of the state to be used for suppression. He adds that Soviet citizens only had the 'rights of conformation' but not 'resistance.' This, in his understanding, exemplified how an 'authoritarian government legitimized its suppression of individual members of society.' Pointing out another problem area, Albert says, the acknowledgment of 'proletarian dictatorship' in the Constitution meant anyone in opposition to this idea could be suppressed. This in future helped Stalin to justify his purges in the name of 'eliminating class enemies' because they were perceived to be working against worker's rights.

On the same ground, Smith (2014) looks at the development of the Soviet Constitution from the Stalin to Brezhnev era. In his view, the Constitution divided rights in three categories: socioeconomic, political and personal. However, despite their existence in the Constitution theoretically, they began to be implemented 'in practice' only after the end of Stalin's era. Before that, rights to citizens were available only 'partially.' In short, Smith describes the entire system of personal rights as being 'inconsistent, problematic and especially vulnerable,' one

that curbed citizens' freedom. It points out that Soviet citizens entirely lacked rights and lived in an arbitrary and coercive dictatorship, concluding that the Soviet Union under Stalin was not a welfare state, and Soviet citizen's socioeconomic rights became increasingly meaningful only after his death (Smith,2014).

Thomson (1943) argues that the Constitution of 1936, in theory, expanded the ambit of civil rights by making certain rights available to all 'citizens' instead of just 'toilers.' There was also in article 127 an 'inviolability of the person,' an idea that encountered stiff resistance from several quarters in the Soviet Union. However, in practice, the Stalin era led to 'violent intrusion' by the government into people's lives. The author is of the opinion that in the USSR, rights were seen as being conferred by the state upon its citizens, rather than being inherent by virtue of being a human entity. This was reflected in the statements of Soviet citizens as well, who declared that there were no rights without duties and vice versa. Besides the theoretical framework, experts also looked into the actual conditions on the ground during Stalin's period concerning fundamental rights.

Avalishvili (2010), while discussing Fundamental rights during the Stalin era, looks into the great terror of 1937-38. Under Operation Kulak, thousands of people became victims of the government machinery. This continued in the coming years and the OGPU-NKVD collaborated to execute prisoners in large numbers. Tucker (1968) blames the rapid rate of industrialization by Stalin for repression of peasants, forced collectivization and liquidation of the kulaks. The policies of the government ultimately led to declining agricultural production and hunger leading to the death of millions of people. Further, the regime was characterized by mobility restriction, travel restriction, and censorship. Between 1927 and 1936, a large number of people also died due to bad work conditions in labor camps (Avalishvili, 2010).

Status of Fundamental Rights after Stalin

Towe (1967) in his article covers the period when Khrushchev came to power after the death of Stalin. He studies Khrushchev's policies of "de-Stalinization" and the secret speech, which was a criticism of Stalin's political terror over the citizens. A key aim of de-Stalinization was to break away from the Stalinist era while simultaneously rehabilitating those who were unfairly purged. During Khrushchev's era, many ordinary Soviet families saw their living standards rise. This was in part due to the delayed benefits of rapid industrialization, but Khrushchev was the first Soviet leader

to attempt to address many of the pressing social problems that had developed as a result of the central planning of the Stalinist system. Howell (1983) also argued that the defense of rights of citizens was blurred in the Soviet Union and for the first time, the US administration under President Jimmy Carter made a pronouncement in 1977 on human rights violations in the USSR. Explaining Carter's policy towards the Soviet Union, the author discusses the signing of the Helsinki Act – containing provisions on human rights among other things – after which the US administration kept a close watch on the implementation of the policy while aiding the dissident movement. One of the most prominent leaders of this movement was Soviet physicist Andrei D. Sakharov, who campaigned against violations of human rights in the USSR, and was aided by the West in his efforts. However, the Helsinki Act failed to help the maintenance of human rights in the Soviet Union, which continued to be violated.

Fryer (1979), while also discussing the Helsinki Accord, looks into the socialist approach of human rights in the USSR. It must be noted that the Helsinki Act was a political undertaking and not a binding arrangement under international law. It, however, declared the importance of respect for the rights and fundamental freedoms of all including the freedom of thought, conscience, religion or belief. It was closely connected to the Universal Declaration of Human Rights of 1948 and accepted its policies. Even he concludes that the Soviet Union failed to implement human rights guaranteed by the UN.

Towe (1967), who based his analysis on comparing the different approaches of the USSR and US in dealing with the problem of fundamental rights guaranteed by the Constitution, insisted that there was an enormous difference in the attitude of both countries towards individual rights, economy, and judiciary. He believes that this difference of understanding is behind the disparities in the interpretation and application of similar fundamental rights in the two countries. Looking into the same issue, Berman (1979) argues on the USSR and US perspective of human rights when the violation of human rights of their citizens was involved. To resolve this conflict, he believes that it was necessary to overcome the impasse that existed between American and Soviet perspectives on human rights. Further, he feels encouraged by a new kind of international humanitarian law that has emerged, under which states have agreed to be internationally held accountable for the violation of rights of their citizens.

Conclusion

In 2007 the Putin government decided to teach school children that "Stalin's actions were entirely rational" Stalin was not put totally in a negative image and was praised for doing some welfare works for the poor, backward and ill state. Thus, it meant that Stalin was shown as working for both "equality and welfare" as the central aspect of his policy. Stalin ensured welfare rights for the citizens as per the Constitution of 1936 through articles 119 and 120 (Soviet Union Constitution, 1936). Between 1931 and 1932 the workers' living standard developed; besides, employment, education, health care, and women's pregnancy care were enjoyed by the proletariat. While industrialization and agriculture were at the peak, some groups were deprived of social and economic rights including kulaks, non-Russians and Jews. These groups of persons were violated by the Stalinist policy of repression, starvation, sabotage, exile and deportation during great purges, open trials and Gulag labour camps. These tools were also used by Stalin for rapid industrialization and collectivization to achieve growth. In the camps and purges, millions of people were killed, arrested or punished. But on the other side, working people enjoyed their work. Stalin made an effort to present a good image in front of his countrymen and foreigners through control over the media and newspapers, in which he was portrayed as a great leader of the world. In short, Stalin largely achieved his dream of socialism in one country, making it a united, modernized, welfare state.

Towe (1967) defines the USSR's perspective as differing from the Western viewpoint in several key aspects. Firstly, the idea that "Policy and not the constitution are supreme" set Soviet law apart, linking it closely with economic foundations. In contrast, Western countries like the US adhere to the supremacy of their constitution. For example, the 1936 constitution enacted a decree mandating higher education for students in advanced levels of secondary schools. Secondly, the notion of 'Fundamental Rights as a Statement of Achievements and Intentions' was prevalent in the Soviet constitution's section on fundamental rights. Here, these rights were seen as reflections of accomplishments and future aspirations. For instance, Article 119 affirmed the "right to rest," achieved by reducing the workday to seven hours for the majority of workers.

Thirdly, the emphasis was placed primarily on the State and not on the Individual. Contrarily, in the USA, individual rights hold greater protection than the state. In socialist nations, the state's supremacy

prevails over individual interests, aligning them with collective interests. Fourthly, each right was conditioned by its non-interference with the progression toward Communism. Fundamental rights were acknowledged, with the caveat that their exercise should not hinder the advancement of communism. Articles 125-126 elaborated that these rights should not undermine the understanding that law serves as a tool for mobilizing and organizing the people to effectively realize the task of building communism. Fifth; A major focus is given to economic rights: In the Soviet Union, the central emphasis was on economic rights, which in turn forms the foundation of Soviet law. Economic rights, particularly the right to employment, were given more prominence than personal and political rights. According to socialist ideology, freedom entails being "free from exploitation, oppression, and deprivation as the fundamental basis for all other forms of freedom." For Soviet citizens, the most vital entitlement was the “right to employment,” surpassing political rights and liberties. Sixth; The Judiciary lacks true independence: Judicial freedom was constrained. “The constitution stipulated that judges are independent and bound solely by the law.” Article 112 of the 1936 Constitution declared that “Judges are independent and bound solely by the law.” Stalin implemented judicial reforms in 1938. Meanwhile, while Stalin introducing the five-year plan, it was characterized with years of mass killing which could be classified as genocide, in the Stalin case, the act of genocide in the Soviet case had series of organized attack on “class enemies” and “enemies of the people.”

Such actions encompassed large-scale executions, the establishment of gulag camps and special settlements where thousands of individuals were apprehended and subjected to interrogations. In instances like the Soviet offensive against the so-called kulaks, social and political groups of victims were “ethnicized,” a method employed to make the assault on their existence more understandable to both society and the state. The phenomenon of genocide emerged within the communist societies of Stalinist Russia. Some argue that because Stalin committed these acts in the name of loftier ideals such as socialism and human progress, his genocide differs from the more based on motivations behind other twentieth-century genocides, where killings were driven solely by the perceived “otherness” of ethnic or religious groups. Furthermore, improved relations with groups like Ukrainians, Baltic peoples, Poles, Chechens, and Crimean Tatars, all of whom claim to varying degrees to be victims of Stalinist genocide, can only

occur if Russians openly acknowledge and thoroughly investigate the crimes of the past.

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