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Research Article

Legislation on societies and unions of Soviet Russia (1917—1930s)

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Abstract. This article outlines a number of sources of law of various legal force that determine the legal status of non-governmental organizations in Soviet Russia in the 1917—1930s. Primarily, these are the Constitutions of the RSFSR and the USSR and Resolutions of the All-Russian Central Executive Committee and the Council of People’s Commissars on societies and unions. The authors examine doctrinal documents (resolutions of party congresses, excerpts from speeches by party leaders, etc.) that characterize self-organization of Soviet society and legal framework for the activities of mass voluntary associations. The legal foundations for voluntary associations operation in Soviet Russia, as well as specifics of legislative acts regulating their formation and activities, and the forms of control over them by the authorities, have not been fully studied in academic literature. This research aims to bridge this gap. Based on the analysis of a wide range of published sources, as well as the standpoint of modern methodology of critical legal research, the article investigates legal policy of the Soviet government aimed at developing a new legal framework for the activities of societies and unions including the principles of their relationship with the state in terms of formation, re-registration and termination of activities of mass voluntary organizations.

Key words: legislation on societies and unions, Soviet Russia, formation, re-registration and termination of activities of voluntary organizations

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Законодательство об обществах и союзах Советской России (1917—1930-е гг.)

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Аннотация. Анализируется комплекс источников права различной юридической силы, определяющих правовой статус общественных организаций в советской России в 1917—1930-е гг. Прежде всего это Конституции РСФСР и СССР, и, в особенности постановления ВЦИК и СНК об обществах и союзах. Авторы характеризуют доктринальные документы (резолуции съездов партии, выдержки из выступлений лидеров партии и пр.), характеризующие отношение к самоорганизации советского общества и правовые рамки деятельности общественных организаций. Правовые основы функционирования общественных организаций в советской России, а также специфика законодательных актов, регламентирующих их создание и деятельность, формы контроля над ними органов власти, изучены в научной литературе недостаточно полно. Настоящее исследование призвано преодолеть данный пробел. На основании привлечения широкого корпуса опубликованных источников, а также с позиций современной методологии критического правового исследования анализируется юридическая политика советского правительства, нацеленная на выработку новой правовой рамки функционирования обществ и союзов, включающей в себя, прежде всего, принципы их взаимоотношений с государством по поводу создания, перерегистрации и прекращения действий общественных организаций.

Ключевые слова: законодательство об обществах и союзах, советская Россия, создание, перерегистрация и прекращение деятельности общественных организаций

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Problem statement and historiography

The first and only act in pre-revolutionary Russia regulating formation and activities of voluntary organizations was the Nominal Highest Decree On Provisional Rules on Societies and Unions of March 4, 1906. The legal aspects of non-

governmental organizations' operation at the beginning of the XX century under the Decree, its implementation, and revision in 1906—1914 are reflected in academic literature, primarily, in articles and monographs by one of the authors of this research (Tumanova, 2008; 2017). However, the legal status of voluntary associations in Soviet Russia in the 1920s—1930s has been studied very fragmentally.

The works of the Soviet period looked at this issue mainly through ideological approach. The literature of the 1920s and 30s was more publicistic than scientific in nature; it contained detailed notices about the formation of societies, their programs and tasks, but the legal regime of their operation was not in the focus. Since the mid-1930s, the study of the history of mass voluntary organizations has practically stopped due to the restructuring of the network of voluntary societies in accordance with the Resolution of the All-Russian Central Executive Committee and the Council of People's Commissars of the USSR On Approval of the Regulations on Voluntary Associations and Unions in 1932. The study of the issue resumed in the 1960s and 1970s but was mainly focused on the history of individual societies at that stage: scientific and technical (N.G. Filippov), scientific and medical (M.M. Levit, etc.), societies in the field of social sciences (V.A. Rakhmayeva), the Red Cross (J. Hutchinson), etc. The phenomenon of self-organization of Soviet society as an integral scientific study, including its legal aspects, has not been tackled (Korzhihina, 1981:114—118; Hutchinson, 1996).

Research on Soviet voluntary associations intensified in the 1990s and early 2000s. Among them, the dissertations of historians N.V. Kiseleva on mass societies of the Soviet period (Kiseleva, 1998), I.N. Ilyina on voluntary associations in the 1920s (Il'ina, 2000) should be particularly noted. Besides, T.P. Korzhikhina, professor of the Historical and Archival Institute of the Russian State University was actively engaged in the study of voluntary associations of the Soviet period (Korzhihina, 1997); J. Bradley, American Professor of History also investigated voluntary societies in Soviet Russia (Bradley, 1994; 2016). These works, to one degree or another, offered an analysis of the legislative bases for societies and unions activities. However, the authors did not focus on this issue as a special objective of their study.

The legal regulation of voluntary associations functioning in the Soviet period was studied by A.I. Shchiglik and Ts.A. Yampol'skaya, the jurists of the Institute of State and Law of the Russian Academy of Sciences (Shchiglik, 1983; Yampol'skaya, 1972). However, their research was conducted in the 1970s and early 1980s, thus reflecting the spirit of the times. Shchiglik and Yampol'skaya made a significant contribution to issue actualization, as well as development of the conceptual apparatus of this topic.

Summing up a brief historiographical overview, we can note that the legal foundations of the voluntary associations' operation in Soviet Russia, as well as specifics of the legislative acts regulating their formation and activities, have not been fully studied. The present research aims at bridging the gaps in the scientific development of this theme.

The approach to self-organization of soviet citizens in the doctrinal documents of the Soviet Government

With the Bolshevik government coming to power in October 1917, the legislation on societies and unions active in the pre-revolutionary period became invalid. As is well known, the pre-revolutionary legislation on societies and unions underwent a noticeable evolution from the permissive procedure for the formation of voluntary associations to the registration procedure. Permission to establish societies was given first by the Emperor and the Committee of Ministers, then by ministers and later by governors whereas registration procedure was established in the Provisional Rules on Societies and Unions in 1906. The Rules consistently approved (until the 1917) registration of voluntary associations in governmental bodies in the provinces and after February 1918 — in district courts (Tumanova, 2019:5, 45—243, 400—424).

The Soviet legislation on societies and unions did not take shape immediately. Many voluntary associations continued their activities for some time without any documentation and registration. So, while studying the history of the formation of legislation on societies and unions of the Soviet period, a legitimate question concerning the possible suppression of the legal tradition that regulated the activities of voluntary associations and was progressively developed in the pre-revolutionary Russia over a long historical period, arises. The international scientific conference “Zhidkov Readings”, held by the Faculty of Law of the Peoples’ Friendship University of Russia in 2014, was largely devoted to the issues of formulation and solution of legal tradition (primarily in a theoretical and legal way), vector of its development and bifurcation. As a result of the above discussion, Prof. M.V. Nemytina, the organizer of the conference, concludes that in 1917 the progressive legal development of Russia was interrupted (Nemytina, 2014:22—24). Let us analyze this thesis on the example of the historical and legal analysis of legal regulation of the activities of societies and unions in Soviet Russia.

The October armed uprising of 1917 led not only to the liquidation of the state apparatus of pre-revolutionary Russia. It significantly transformed the system of voluntary associations. The Soviet government applied a differentiated approach to active self-organization of Russian society in the pre-revolutionary years. For example, on the eve of the First World War, there were about 10 thousand private societies of various types and nature in the Russian Empire, uniting representatives of various professions, social and national groups (Bradley, 2009:3). At first, such approach was expressed in the formula: cut off the counterrevolution, use the cultural-bourgeois apparatus (Korzhihina, 1992:83). The guiding principle to action was expressed by V.I. Lenin, the creator of the Soviet state, in the program article Will the Bolsheviks Retain State Power? on October 1, 1917. Concretizing the new construction of power, Lenin proposed to transfer power “to the proletarians and the poorest peasants, against the bourgeoisie... in order to break its resistance”¹. The class

¹ Lenin V. (2017) Will the Bolsheviks retain state power? Enlightenment. The Revolution of 1917 through the eyes of contemporaries: in three vols. Vol. 3. October 1917 — January 1918. Zhuravlev V.V. (ed.).

approach of the Soviet government was in line with the concept of the state of proletariat dictatorship, however, attributing to the bourgeoisie financially secure and educated strata of society (Smit, 2018:103) that constituted the asset of the public sphere and private societies in pre-revolutionary Russia, made the prospects for their survival and integration into the political system of Soviet Russia rather vague. In the early years of Soviet power, newly emerging organizations had to submit petitions for registration to local Councils of Workers' Deputies, and public figures sent petitions for renting premises to the relevant Soviet People's Commissariats, primarily to the People's Commissariat of Education, the People's Commissariat of Internal Affairs (hereinafter referred to as the NKVD), etc.

In the first years of Soviet power, the doctrinal documents signified the need for certain types of voluntary associations. First of all, it was the need to create societies and unions in the format of auxiliary proletarian organizations. In fact, N.I. Bukharin, an ideologist of Soviet construction and a prominent theorist of the dictatorship of the proletariat, editor of Pravda newspaper, pointed out in 1918 that the Soviet authorities were interested in creating "subsidiary workers' organizations". In a collection of articles on Rabkor's organizations, Bukharin suggested looking around and making sure "how many new inquiries we have made. Challenges in everyday life and family, issues of culture, sports, art, issues of technical knowledge, self-education, etc. An immense sea of problems, tasks, perplexities". "Is it possible to think", Bukharin wondered, "that we will be able to unleash the entire initiative lurking in the working class without a number of subsidiary organizations?" He answered in the negative: "Neither the party, nor the unions, nor the government could "embrace the immensity". "In addition to centralized leadership, the decentralized initiative is in great demand. Hundreds and thousands of small and large rapidly moving voluntary societies, circles, associations should arise between the main workers' organizations and the working masses, which would be a subsidiary force of these main organizations; they would help the greatest cause, the cause of communication with the masses" (Bukharin, 1926:14).

The need for self-organization of workers became the theme of several congresses of the Bolshevik Party: the XIII Congress of the RCP (b) in 1923 and the XIV Congress of the CPSU (b) in 1925. Thus, the Resolutions of the XIII Congress on the issue of the immediate tasks of party building noted a general increase in the political activity of workers realized in the Soviets and other numerous organizations; Resolutions also pointed out the need to "support a healthy initiative in establishing voluntary workers' associations". The "deployment of the proletarian public", and "genuine workers' democracy" found its expression in the growth and revival of these organizations. Party members were encouraged to take an active part in such organizations, and party organizations were invited to facilitate the proper organizational construction of workers' organizations, as well as to involve party and non-party workers in their work².

² Resolution of the XIII Party Congress On the Immediate Tasks of Party Construction. To help a party worker: A systematic collection of resolutions of congresses and conferences of the CPSU(b). 2nd ed. Moscow: Leningrad: State Publishing House, 1927. pp. 370—371.

Directives for the deployment of the activities of workers' organizations were given by the XIV Congress of the CPSU (b) in December 1925, which set a course for industrialization. The Congress Resolutions highlighted the need to develop public initiative more widely. The party organs were not only to encourage the formation of various free societies and circles among workers and peasants; circles and societies of technical education, agronomy, invention, radio, "friends of the book", etc. were cited as examples of associations of this kind. Their task was to contact them and monitor what new forces are being distinguished in various industries, and to gradually, as their qualifications grow, promote them by attracting to work in the state apparatus³.

Thus, by the mid-1920s, the idea of involving the public in the activities of the state apparatus was expressed in party resolutions. It was developed in the works of not only party leaders, but also Soviet jurists. For example, Professor E.E. Pontovich, who worked in the apparatus of the All-Russian Central Executive Committee of the USSR as a consultant on drafting and publishing laws (1925—1935), postulated in his article of 1927: "The USSR is a state striving to completely merge with a civil society built on socialist principles", as it is a kind of "centralized civil society in the form of statehood" (Pontovich, 1927).

Among the first, such approach was expressed by the Soviet authorities in relation to trade unions. In fact, at the trade union congresses of 1918—1920, trade unions were declared official state authorities and were called upon to organize industrial workers to perform state tasks. Their main function in the conditions of production collapse during the Civil War was its revival (Koenker, 2014:400—401).

The legal basis for societies and unions operation in 1918—1927

The first legislative act of the Soviet period proclaiming the right of workers to unite in voluntary associations was the Constitution of the RSFSR of 1918. As A.N. Medushevskii rightly noted, when choosing the form of the state, the developers of the Constitution agreed on three of its parameters: Soviet, trade union and party (Medushevskii, 2017:195). The leading role of the working class in its alliance with the poorest peasantry was given great importance in this construction. Article 16 of the Constitution declared the provision of "real freedom of unions" for workers and was largely ideological in nature. It stated that the economic and political power of the ruling classes had been broken in the RSFSR and thus the obstacles that prevented workers and the poorest peasants from enjoying freedom of association in bourgeois society were removed. The Constitution proposed that such categories of the population as workers and the poorest peasants "must enjoy all possible assistance,

³ Resolution of the XIV Party Congress "On the Work of the Central Committee and the Workers'-Peasants' Inspectorate on the issue of communication with the masses and intra-party democracy, quoted from: Voluntary Associations as a Form of Soviet Democracy. Soviet Construction. Journal of the Central Executive Committee of the USSR. 1929. No. 4, pp. 57—58.

material and otherwise, for... joining in societies”⁴. In other words, it declared the need to grant freedom to associations of workers and the poorest peasantry.

The legislative practice of the first years of Soviet power, up to 1922, was quite significant. Decrees and Resolutions of the All-Russian Central Executive Committee and the Council of People’s Commissars of the RSFSR were timely adopted; they determined the relationship between the state and a group of societies of various types or a particular society, as well as the place of voluntary associations in the system of the state of proletarian dictatorship and the procedure of their formation and activities. In addition to the decrees of the Soviet government, departmental instructions and orders concerning voluntary societies and unions were also issued. Among them were resolutions on cooperation concerning commercial, consumer, and agricultural cooperatives, artels, and unions. In fact, the Resolution of the Council of People’s Commissars of the RSFSR On Consumer Cooperative Organizations of April 11, 1918, as well as the Resolution of the Council of People’s Commissars of the RSFSR of September 24, 1919, determined the procedure for re-registering and the workers’ right to participate in the activities of production artels, cooperatives, unions and other associations⁵.

The Decree of the All-Russian Central Executive Committee on Agricultural Societies issued on August 25, 1923, indicated that agricultural societies and unions were called upon to send draft charters before their official approval and, depending on the area of their activity, to the People’s Commissariat of Agriculture, regional or provincial land administration (Article 10). The charters of agricultural societies were submitted to the People’s Commissariat of Internal Affairs or the relevant management departments (Article 9) for approval. The closure of agricultural societies was carried out by the NKVD, or by the management departments of regional and provincial executive committees. The reason was the deviation of the societies from the approved charters (Article 11)⁶.

Thus, the legislative documents of 1918—1922 laid the foundation for determining the legal status of voluntary associations. However, they did not determine some important aspects concerning the position of voluntary associations in the new socio-political conditions. In relation to voluntary associations at that time, the term “societies and unions that do not pursue profit-making purposes” was used, i.e., the name of the associations remained the same from the pre-revolutionary times.

Legislative acts regulating voluntary associations functioning in Soviet Russia were published in the 1920s — early 1930s. Those were resolutions on societies and unions drawn up by the All-Russian Central Executive Committee and the Council of People’s Commissars. In total, four such resolutions were issued during the above-mentioned period.

⁴ Soviet Constitutions. Handbook. Moscow, 1963.

⁵ Collection of decrees, resolutions, instructions of the Supreme Council of the National Economy on Cooperation. Moscow: Edition of the editorial board of the journal “National Economy”, 1918.

⁶ Decree of the All-Russian Central Executive Committee “Regulations on Agricultural Societies”. Collection of legalizations and orders of the Workers’ and Peasants’ Government, issued by the People’s Commissariat of Justice. June 16, 1923, pp. 1293—1294.

The fact that legislation on voluntary associations was *clothed* in the legal form of decrees and/or resolutions, where the drafters represented two authorities at once — the All-Russian Central Executive Committee and the Council of People's Commissars — was in line with the Soviet concept of governance and democracy. This model, as is known, did not provide for the separation of powers. The relations between the All-Russian Central Executive Committee and the Council of People's Commissars were not clearly regulated. They were based on the decisions of the II Congress of Soviets of 1917, which provided for the law-making competence of the Council of People's Commissars but established the control of the All-Russian Central Executive Committee over the government. All legislative acts and orders of major general political significance were submitted for consideration and approval by the Central Executive Committee. At the same time, the Council of People's Commissars was granted the right to independently adopt decrees, first on the issues of combating counterrevolution and sabotage, and later, on other issues. That laid the legal basis for legislative activity of the Council of People's Commissars not only on administrative and economic, but also on constitutional issues.

The procedure for the emergence of voluntary societies received its legislative formalization in the Resolution of the All-Russian Central Executive Committee and the Council of People's Commissars On the Procedure for Approving and Registering Societies and Unions that do not Pursue Profit-Making Purposes, and on the Procedure for Supervising Them” of August 3, 1922. The Resolution introduced a registration procedure for the formation of societies and unions. From the time of its release, societies and unions were bound to register with the NKVD, or with its local bodies. They provided for the following constituent documents: charters, minutes of founders' meetings with a resolution on the establishment of an association and lists of founders. Societies that failed to register within two weeks of the issuance of the Resolution were declared dismissed⁷. The NKVD had the right to approve the charters of voluntary associations and to supervise their activities. In case of charter discouragement, the founders had the opportunity to appeal to the Presidium of the Central Executive Committee. The NKVD approved not only samples of charters of voluntary associations, but also instructions and circulars concerning societies (Tumanova, 2019: 445, Bradley, 1994: 37).

It must be noted that experts differently assess the significance of the Resolution of August 3, 1922. According to T.P. Korzhikhina, the NKVD was entitled to supervise societies and unions, but the state demonstrated no effective leadership, at least at the level of People's Commissariats (Korzhikhina, 1986:131). N.V. Kiseleva, a historian of Soviet voluntary associations, on the contrary, believes that the Resolution of August 3 gave the NKVD the right to decisively influence the course of formation or liquidation of societies, and the *de facto* registration regime was *de jure* permissive. Kiselyova argues that in the context of legislation of 1922, the concept of “registration” was interpreted as an appropriate permission from the authorities, although this was not recorded in official documents. In deciding on the

⁷ The Code of Laws of the RSFSR (hereinafter referred to as the RSFSR SU). 1922, No. 40, Article 477.

registration of an association or union, the opinion of the Central Committee of the RCP (b) began to play a decisive role; registration of all-Russian societies was completed after the approval by the Central Committee of the RCP (b), whereas regional societies were registered by regional bodies of the RCP (b) (Kiseleva, 1998: 39—41).

There was no special section on societies and unions in the USSR Constitution of 1924. However, after the USSR formation, a resolution of the Central Executive Committee and the Council of People's Commissars of the USSR On the Procedure for Approving Charters and Registering Societies and Unions that do not Pursue Profit-Making Purposes and Extend their Activities throughout USSR, and On Supervision over them" was issued on May 9, 1924. From the moment of its publication, the projects for federal societies formation had to be submitted by the founders to the Council of People's Commissars of the USSR for approval; they approved the draft charters in coordination with the Soviets of People's Commissars of the republics. Supervision of the activities of voluntary associations was carried out by the People's Commissariats of Internal Affairs of the republics. Dismissal of voluntary associations was insured by the decree of the Council of People's Commissars of the USSR⁸.

The Decree restored the permissive regime of voluntary associations formation that was in effect before the October Revolution and is rightly interpreted as the first step towards their nationalization. The replacement of the registration procedure with the permissive procedure was accompanied by establishing strict state control over the activities of societies and unions. Political methods were replaced by administrative and command-and-control methods in governing voluntary associations (Korzikhina, 1997:111).

Legislative regulation also affected the internal life of voluntary associations in the early 1920s. The next stage of ideological subordination of societies was the decision to standardize their charters. In May 1923, NKVD, the People's Commissariat of Justice and the People's Commissariat of Education approved a normal (standard) charter for scientific, scientific-artistic and literary societies⁹, and in 1928 NKVD approved three versions of standard charters: for societies with branches, societies without branches and unions¹⁰.

Legal acts on societies and unions of the late 1920s — early 1930s

According to the data of January 1, 1928, collected by the NKVD Administrative Statistics Section of the RSFSR, there were 4,480 voluntary societies in the RSFSR. They involved 1,425,427 members, including 28.3% of workers, 23.7% of peasants, 34.2% of employees and intellectuals. That number did not include the so-called mass

⁸ Decrees of the Central Executive Committee and the Council of People's Commissars. 1924. Art. 626 On the Procedure for Approving Charters and Registration of Societies and Unions that do not Pursue Profit-Making and Extend their Activities throughout USSR, and On Supervision over them, pp. 798—799.

⁹ Bulletin of NKVD. 1923. No. 12, p. 158.

¹⁰ Bulletin of NKVD. 1928. No. 27, pp. 529—558.

societies, which numbered millions of members (Friend of Children Society (ODD in Russian), Down with Illiteracy Society (ODN in Russian), International Organization for Assistance to Revolutionary Fighters (MOPR in Russian), Osoaviakhim, etc.) (Korzikhina, 1981:122).

They were mass societies that dominated in the total array of public organizations operating in 1928. They accounted for 40% of the total number of societies and unions. There were plenty of aid and mutual assistance societies (almost 15% of the total number), as well as scientific and scientific-technical societies (10% of the total number). By 1928, the idea of voluntary societies as a form of mass organization for resolving certain issues of socialist construction was finally established at the state level¹¹. Such a view was reflected in legislation, namely, in the decrees on societies and unions of 1928—1932.

On February 6, 1928, another Decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR — Regulations on Societies and Unions that do not Pursue Profit-Making Purposes — was issued. According to Article 9, founders, as well as members of the boards of societies and unions, could be any citizen who had reached the age of eighteen and was not deprived of the right to elect Councils. That is, elective positions in societies and unions could only be held by persons who were not deprived of voting rights¹².

The requirement of the political legal capacity of the leadership of societies was justified in the official documents of the Central Executive Committee of the USSR by considerations of Soviet democracy. Such a requirement, as noted above, “once again emphasized that the state cannot remain indifferent to the political and ideological orientation of societies' leaders”¹³.

The charters of societies and unions were approved by NKVD of the RSFSR, or the People's Commissariats of Internal Affairs by affiliation: autonomous republics, territorial, regional, provincial, district and county administrative departments or presidiums of city councils (Article 10). Resolution of 1928 also stipulated cases to deny approval. The charters of societies threatening public tranquility and security, inciting national discord and enmity, aiming at the study and development of mysticism (occultism, spiritualism, etc.), as well as pursuing unclear and indefinite goals were not subject to approval. The society could also be dismissed if its goals were similar to the goals of the previously approved association (Article 16).

Supervision over the activities of societies and unions was assigned by the Resolution of 1928 to the above-mentioned registering bodies, as well as to the people's commissariats and departments of executive committees, whose competence included the scope of the society's activities. Registration authorities were given the right to get acquainted with the affairs of the society or the union, their financial records, examine on-site situation, as well as receive periodic reports on the activities of a society or union (Article 29). Such novelty in organizing supervision over the

¹¹ Voluntary associations as a form of Soviet democracy. pp. 64—65.

¹² Collection of Laws of the RSFSR. 1928. No. 22, Art. 157 On Approval of the Regulations on Societies and Unions that do not Pursue Profit-Making purposes.

¹³ Voluntary associations as a form of Soviet democracy. p. 60.

activities of voluntary associations was recognized in the journal of the Central Executive Committee (CEC) of the USSR (Soviet Construction) as a significant step forward compared to the previous practice, when administrative bodies were limited only to “the formal work, i.e., consideration and approval of a charter and its registration, without supervising activities of associations”. All those created, as stated in the document, “the desire to build caste organizations and even engage in anti-Soviet activities”. The official publication of the Central Executive Committee claimed that the rules on supervision did not contain “traces of administrative tutelage” characteristic of pre-revolutionary legislation on societies and unions. “Usually, administrative bodies are assigned the role of a clamping press, which is felt every time they try to use “democratic” freedoms in practice”, wrote the CEC mouthpiece. “There are no elements of administrative discretion in Soviet reality”¹⁴.

In the development of the Resolutions of the All-Russian Central Executive Committee and the Council of People’s Commissars on Societies and Unions, the NKVD instructions were adopted. Thus, according to the NKVD of the RSFSR instructions of July 21 and August 10, 1928, all societies had to re-register within a six-month period. As a result, a significant part of voluntary societies and unions were denied re-registration.

The new edition of the Regulation on Voluntary Societies of August 30, 1930¹⁵, noted that public organizations should build their activities in accordance with the national plan for the development of the national economy and culture, and scientific work should be based on Marxist-dialectical study (Article 3). The Regulation introduced the concept of “management of the activities of societies by state bodies” for the first time.

As already mentioned, the legislator of the previous period saw the role of the state in overseeing societies and unions, but not in directing their activities. In 1930, the subordinate position of voluntary associations in relation to the state apparatus was legally established. With liquidation of the Republican NKVD in December 1930, supervision of the societies was attached to the presidium of the All-Russian Central Executive Committee and the Central Executive Committee of the autonomous republics, the territorial (regional) executive committees, and presidiums of city councils (Tumanova, 2019:446—447).

The Resolution of the All-Russian Central Executive Committee and the Council of People’s Commissars of the RSFSR On Approval of the Regulations on Voluntary Societies and Unions of July 10, 1932¹⁶ should be looked at as the result of the evolution of the legal regime of the Soviet society functioning. It declared that voluntary societies and unions built their activities according to the national economy development plan, effectively participating in the implementation of the immediate tasks of the Soviet government. The requirement of political legal capacity was imposed not only on the leadership of voluntary societies and unions, but also on all their members. Citizens of the USSR deprived of voting rights could not be members

¹⁴ Voluntary associations as a form of Soviet democracy. hp. 62—63.

¹⁵ Collection of Laws of the RSFSR. 1930. No. 44, Article 527.

¹⁶ Collection of laws of the RSFSR. 1932. No. 74, Article 331.

of voluntary societies and unions. Persons showing hostility to the revolutionary movement of the proletariat could neither be accepted into Soviet voluntary societies and unions (Tumanova, 2019:452—453).

The term “voluntary societies and unions” was clearly concretized in the Resolution of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of 1932. Voluntary societies and unions of associations were understood as organizations of public initiative of the working masses of the city and countryside, whose goal was to actively participate in socialist construction in the USSR, as well as to contribute to strengthening the country's defense. That definition characterized the mission of associations in the new conditions, their appeal to participate directly in the construction of the socialist system.

According to Article 14 of the Resolution of 1932, the charters of all-Russian voluntary societies and unions, whose tasks were directly related to the activities of people's commissariats or central institutions of the RSFSR equated to them, had to be approved by the relevant people's commissariats or institutions. The rights of state bodies in the sphere of supervision and control over the activities of voluntary associations were significantly expanded. According to Article 17, state bodies that had previously approved the charter of a particular society or union were engaged in monitoring and control. At the same time, institutions that monitored or controlled the activities of voluntary societies, as well as their unions and branches, were authorized to examine their work, including through direct reporting. These institutions were also granted the right to give mandatory instructions to societies, their unions and branches in accordance with the charters of organizations. Supervision and control over the activities of voluntary societies, their unions and branches were carried out with the involvement of sections of local executive committees, councils and other public organizations.

The Resolution of 1932 expanded the list of grounds for liquidation of voluntary societies and unions. In addition to the traditional motives associated with the evasion of the goals and objectives written in the charters of voluntary societies, liquidation also occurred in case of violation of the current legislation or general policy of the Soviet government. The need to establish communication between voluntary societies and their unions with the masses, to organize control of the broad masses over the activities of societies and unions by hearing their reports at the plenums of sections of executive committees and councils, at meetings of workers and collective farmers was emphasized. Another way to control the societies was establishing patronage of mills and factories over them. In practice, mass Soviet organizations, such as the International Organization for Assistance to Revolutionary Fighters (MOPR), which was engaged in providing material and moral assistance to the activists in prison, organized their *cells* at enterprises, in Soviet institutions, schools, villages, military units, etc.

The Resolution of 1932 also emphasized that societies cannot aim at protecting legal and economic interests of their members, except in specially specified cases. Thus, the human rights function, previously characteristic of trade unions, mutual aid

societies and a number of other associations, was nullified. All societies and unions were obliged to bring their charters into compliance with the Resolution within three months and submit them for approval in the prescribed manner. The people's commissariats and other central bodies were ordered to liquidate the companies that did not submit their charters within the established period.

Conclusion

Summing up the above, we argue that the legal regime of societies and unions operation in Soviet Russia has been evolving from registration to permission. In the period of 1918—1927, the regulation of activities of voluntary organizations was aimed to put societies and unions under the control of Soviet authorities and administration, and in the period from 1928 — to involve them in solving nationwide tasks and implementation of socialist construction plans.

In the context of NEP curtailment and transition to control and command management system, voluntary organizations were instructed to coordinate their actions with the state plan for the development of national economy, and state authorities were increasingly urged to direct administering of organizations. The idea of subordination of voluntary organizations, as institutions of the Soviet political system, to the state apparatus was central. This provision was established in the Resolutions of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of 1930 and 1932. Voluntary societies and unions were called upon to participate in the implementation of the Soviet government tasks and to build their activities according to the national economy development plan.

The legal regime of public organizations functioning that had developed by the beginning of the 1930s affected their position. In the 1930s, the number of voluntary societies and unions sharply declined. Voluntary organizations were closed by government resolutions and resorted to self-liquidation, realizing the futility of their existence in a one-party state. It is symptomatic that after 1932, only 16 scientific societies and several literature and art associations remained in the system of the science sector of the People's Commissariat of Education of the RSFSR (Korzikhina, 1997:262—263).

The “old” pre-revolutionary societies and unions were replaced by the so-called mass organizations operating under the auspices of the Communist Party and Soviet trade unions, which set up divisions of these organizations within themselves. Attempts by voluntary societies and unions to preserve pre-revolutionary traditions were equated with the desire to “pursue an alien ideological line in their activities”, recognized as a movement “in the opposite direction to the Soviet society”; they required “decisive administrative measures”¹⁷. Answering the question posed at the beginning of the article, we conclude that the legal tradition of voluntary societies and unions in Soviet Russia that developed in pre-revolutionary Russia (1906—1917), was interrupted in the early 1930s.

¹⁷ Soviet construction. Journal of the Central Executive Committee of the USSR. 1929. No. 4, pp. 71—72.

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