CHAPTER 21
Private Farming of the Household
Within the Collective Farm

1. House-and-Garden Plots

Independent family crop farming and animal husbandry on a "midget" scale are permitted within each collective farm. A small house-and-garden plot adjacent to the family dwelling is allowed for the private use of each family household. Under the Standard Charter of 1935, which is now in force, the size of such plot is fixed at from one-quarter to one-half hectare (0.62 to 1.24 acres) and, in particular districts, at up to one hectare (2.47 acres), depending upon the region and nature of the farming. Local standards are fixed by the authorities and are written into the charters of the individual farms. 1 Plots of individual households in the same collective farm do not all have to be of the same size, but none of them may exceed the maximum size established for the district (rayon). 2 By fixing the maximum size of the plots, the Standard Charter of 1935 is more restrictive than that of 1930, which left determination of the size of plots to the collective farms themselves. 3

1 Standard Charter 1935, Section 2, pars. 4, 5, 15; 1936 Constitution, Section 7. For T.O.Z., see U.S.S.R. Laws 1939, text 527.
On its house-and-garden plot, the household may conduct its own crop farming. However, the Charter parenthetically suggests that "vegetable gardens and orchards" are the kind of cultivation for which the plots are assigned, and the soviet jurists emphasize that farmers should abstain from raising field crops such as rye or wheat on their private plots. There is no direct statutory prohibition to this effect, but such recommendations are to be found in the soviet laws.

Similarly, a limited number of animals may be owned privately by each farmstead belonging to a collective farm. The exact number of head is fixed by the authorities and depends upon the region. In the crop regions, i.e., the greater part of European Russia, it may not exceed one cow, two calves, one or two hogs, and ten sheep per family household. Horses and oxen (draught animals) may not be, as a rule, privately owned by the collectivist farmsteads; poultry and rabbits (rather uncommon in Russia) may be owned without restriction.

The dwelling house and other buildings on the plot and the implements appertaining to its husbandry and produce are in the unlimited "personal" ownership of the household in contradistinction to the "socialist"

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4 Standard Charter 1935, Section 2, par. 4.
5 Land Law Textbook (in Russian 1940) 143, Law of Collective Farms (in Russian 1939) 167, id. 1940, 125, recommend this but recognize that in fact field crops are raised on private plots. U.S.S.R. Laws 1940, text 236, directly provides for assessment of deliveries to the government from field crops raised on individually held plots. See also Orlovsky, "Legal Status of the Household in the Collective Farm" (in Russian 1937) Problems of Soviet Law No. 2, 15.
6 Ruling of the Commissar for Agriculture, Izvestiia, July 6, 1937.
7 Standard Charter 1935, Section 5. Collective farmers were given permission in August, 1933, to own a cow, and in November an aid was given to buy one. U.S.S.R. Laws 1933, texts 303, 395. Since then, the total number of cows in the Soviet Union has begun to increase. See table supra, Chapter 19, note 88.
ownership of the collective farm, which includes all property pertaining to farming on the collectively held fields. Compulsory deliveries of grain, meat, milk, et cetera, to the government are levied upon private husbandry separately from the assessment of the collective farm. Likewise, each household receives an individual assignment to cultivate certain crops (e.g., potatoes, hemp, et cetera) as a part of the annual governmental plan and is individually responsible for it. 8

Nevertheless, farming and tenure of the house-and-garden plot is not totally independent from the collective farm. The previous Standard Charter of 1930 stated more accurately and liberally that the house-and-garden plots “shall remain in the personal tenure” of the households. 9 This implied that the tenure of the plot is a continuation of the former individual toil tenure granted under the Land Code of 1922 to a peasant family, who thus maintains title to it. By contrast, the Charter of 1935 visualizes the tenure of the family plots as derived from the tenure of the collective farm. It implies that the collective farm obtains title to its landholdings directly from the government, the owner of all land in the Soviet Union, under a “governmental” title deed guaranteeing the tenure “for an indefinite period, that is to say, forever.” 10 On the other hand, the opening paragraph of Section 2 makes it clear that the members of the collective farm pool only their “fields” for collective use. The distinction between fields and house-and-garden plots (usadba) is aboriginal. Since the emancipation in 1864, both categories have

9 U.S.S.R. Laws 1930, text 255, Section 2, supra note 3.
10 Standard Charter 1935, Section 2, par. 3.
had a different status. Under the imperial regime, house-and-garden plots were in the absolute ownership of families and were not subject to redistribution, even in a redistributive commune. The Land Code of 1922 retained this distinction, afforded to such plots the maximum security available under the Code, and exempted them from the redistribution allowed for the fields in villages which maintained a redistributive commune.

Being specially cultivated and fertilized for years and adjacent to each house, these plots are of much greater value than the fields. When the collective farms were organized, the type of artel allowing family plots was officially declared the prevailing form; individual families retained the plots hitherto held. However, the provisions of the Charter of 1935 sought not only to limit their size by establishing the above-mentioned maximum standards but also to change their status. Although expressly providing in one place for the collectivization of fields only, the language of the Charter in another place suggests by implication that households have no longer any independent title to house-and-garden plots but receive them from the collective farm without any guarantee of holding them “forever.” Subsequent legislation has, in fact, attached to certain instances of loss of membership in the collective farm by particular

11 See supra, Chapter 18, II, 2(c).
12 Land Code of 1922:
125. Each household is entitled to obtain a house-and-garden plot from the lots within the site of a settlement.
126. Rules concerning the redistribution of land and the units by which it is redistributed shall not apply to the house-and-garden plots of till tenants, and such plots shall not be subject, without the consent of the holders, to any redistribution for equalization purposes, diminishment or shifting.
13 Standard Charter 1935, Section 2, par. 1:
All hedges which before separated the land allotments of individual members of the artel shall be destroyed and all field allotments shall be converted into a single, great, solid field, which shall be for the collective use of the artel.
14 Id., Section 2, par. 4, quoted infra.
members of the household, the penalty of loss of the plot.\textsuperscript{15} The Charter reads:

A small tract of land shall be allocated from the collectivized landholdings for the personal use of each household in the collective farm in the form of a house-and-garden plot (vegetable gardens, gardens, and orchards).\textsuperscript{16}

The textbooks on land law of 1940 and 1947 emphasize that at present the tenure of such plots is not independent but derived from the tenure of the collective farm; its prerequisite is the membership in the collective farm of the adult members of the household.\textsuperscript{17} This explains the discrepancy between the manner in which the house-and-garden plots are allocated and the rules governing membership in a collective farm. Such plots are allocated to and held by a household as a unit, but membership in a collective farm is individual.\textsuperscript{18} Every farmer belonging to the collective farm who is over sixteen years of age is an individual member in his own right, has an equal right to vote at the general meetings, and is individually accountable for and compensated with his own individual credit of labor days for his labor in the collective farming. Thus, he receives his own individual share in the collectively obtained income.\textsuperscript{19}

\textsuperscript{15} U.S.S.R. Laws 1939, text 235, Section 8, 14.
\textsuperscript{16} Standard Charter 1935, Section 2, par. 4.
\textsuperscript{17} Land Law Textbook (in Russian 1940) 139; Law of Collective Farms (in Russian 1940) 123 et seq., 308, 309; Mikolenko and Nikitin, Law of Collective Farms (in Russian 1946) 81 et seq.; Polianskaia, Land Law (in Russian 1947) 64 et seq.
\textsuperscript{18} The principle that membership is individual is stated in the Standard Charter 1935, Section 7; Law of Collective Farms (in Russian 1939) 249, 265.
\textsuperscript{19} Standard Charter 1935, Section 15, last paragraph. See also, supra, Chapter 20, I, 8.
2. Households in the Collective Farm

In contrast to this method of distribution of collective income, no individual member of a collective farm may receive a tract of land for personal use. It is the old-fashioned undivided peasant family, the farming household (dvor), that obtains the house-and-garden plot and carries on upon it the family farming. This household farming is a survival of the old order. The framers of the laws on collectivization did not expect at the initial stage that the farming household would fit into the new framework of collectivized agriculture. Many soviet jurists concerned with land tenure thought that the individual farming of a household would be "dissolved" in the collective farm or "absorbed" by it. At least, they did not see how the rules of the Land Code

20 Stuchka, "General Principles of Land Tenure" (in Russian 1928) Revolution of Law No. 3, 12:
I think that it is impossible to transform the peasant household into a socialist nucleus because it is a remnant of a petty farming-labor regime and is based not only upon common labor but also upon family ties.

Evtikhiev, Land Law (in Russian 2d ed. 1929) 282-283:
There are cases where the notion of household disappears and becomes impossible, namely when we deal with co-operative land tenure.

In the collectives, the land and property relations in farming are built up as relations between natural persons to whom rights and duties are attached. Consequently, the rules concerning households cannot apply here.

Dembo, Agrarian Legislation of the U.S.S.R. (in Russian 1935) 91-92:
Under co-operative-collective land tenure, the household does not play any economic role. The members of a co-operative may, and often do, live in separate families, in households; but these households do not conduct their own separate independent husbandry. In brief, here the household is to be taken not in a legal sense but as a matter of mores.

Diakov, Problems of Inheritance in the Collective Farms (in Russian 1930) 21, 22:
In our opinion, the household will not be united in but absorbed by the collective farming. . . . With the introduction of collective farms, the household as a separate unit is doomed.

Pavlov, the principal editor of the textbook on the law of collective farms of 1939, wrote in 1933 that, "with the development of socialism in the country, the peasant household recedes into the past," and dealt with the household in his Program on this law, published in 1933, only in connection with independent farming (pp. 13, 93, 101).
of 1922, established when independent family farming was the mainstay of soviet agriculture, could apply under the regime of collective farming.

However, their logically justified expectations did not materialize. The traditional Russian undivided peasant household, which was recognized but not well defined by the imperial statutes, which survived the Stolypin reform and agrarian revolution of 1918–1921 and found official recognition and legal definition in the Land Code of 1922, is still alive after the collectivization of agriculture, though lacking legal definition and restricted to the house-and-garden plot. The peasant household was neither dissolved in nor absorbed by the collective farm. “The farming household under socialism,” says the textbook of 1939, “has the prospect of a lengthy existence closely connected with the development of the artel as the only correct form of farming at the present stage.”

Though unwelcome, the household was allowed to remain within the collectivized system, because it proved to be indispensable. What should become of the old-fashioned peasant household under the new conditions of collectivized farming was not and is still not clear to the soviet legislators, and no legislation has been passed to regulate the status of households incorporated in the collective farms. The Land Code of 1922 is still on the statute books; thus, in the absence of other statutory provisions, Sections 65 et seq. of the Code, though designed for the independent family farm of the days of the New Economic Policy according to the same textbook, still “characterize to a large extent the household in a collective farm.”

22 Ibid. Law of Collective Farms (in Russian 1940) 305 obviously evades
toward the farming household may be clarified by the following statements of Stalin:

We are only on the way to the extinction of the difference between the family of a worker and that of a collective farmer, so that the latter approaches the former and not vice versa. The urban family takes care of consumption needs only, the peasant family also retains certain productive functions. This peculiarity will disappear only in the remote future when the collective farms become rich.23

If you do not have in the artel an abundance of products and you cannot give the individual collective farmers and their families all that they need, then the collective farm cannot take upon itself the satisfaction of both collective and personal needs. In such case, it is better to acknowledge frankly that, for instance, this sphere of work shall be collective and that, personal. It is better to admit straightforwardly, openly, and honestly that a household in a collective farm should have its own personal farm plot, a small one, but its own.24

The soviet jurists agree that the few remaining independent farmers live totally under the household regime as provided for in the Land Code.25 With regard to the household of a collective farmer, they introduce several reservations and leave open a number of questions (see infra).

3. Community Property of the Household

The "farming household" was regulated by Sections 65 et seq. of the Land Code of 1922 along the lines of the traditional undivided Russian peasant family, as the answer as to the effect of the Land Code, but nevertheless refers to it at several places, pp. 306, 310, 316, 322. Polianskaia, op. cit. supra note 17, at 20, 64, 66, recognizes the effect of certain sections of the Land Code.

23 Stalin, Problems of Leninism (in Russian 10th ed.) 582.
developed by the decisions of the Supreme Court of imperial Russia and discussed supra. For adult membership in the household, relation by blood or marriage must be combined with participation in the conduct of common farming through the contribution of labor or money. Minors and aged persons are members by virtue of their family ties and life under the same roof. Still, a household is not identical with a family, although the family forms its foundation. A household may consist of a single person without family. On the contrary, sons and daughters who carry on separate farming or are engaged in other outside trades, live apart, and do not contribute to the welfare of the "parental" household are not considered members of such household. Under the Land Code, a six-year period of such separation results in loss of membership. Members who sign a contract for outside jobs with government agencies and register them with the management continue to be members for the duration of the contract. Those leaving for study, military or government service, by appointment or election, continue to be members for the entire period of their absence. Strangers informally taken into the family life and joint work (quasi-adopted members, priymaki) are, unless working for definite wages, members of the household with the standing of relatives. The membership of each household is officially recorded.

26 See Chapter 18, II, 2 (d).
27 Land Code 1922, Sections 17, 75. See Vol. II, No. 31. Law of Collective Farms (in Russian 1939) 349. The six-year period was deduced from the provision of Section 75 that a member who stays away for over six years has no right to demand partition of the household. No particular period of time was provided for such case by the imperial statutes.
30 Land Code of 1922, Section 72; U.S.S.R. Laws 1935, text 517; also,
Property of the household, which consists of all articles appertaining to the common farming and life, is the common property of all members including minors, the aged, and quasi-adopted strangers. However, in contradistinction to joint property under the Civil Code (Sections 61–65), no member has a definite share in the common property. It is common property undivided into shares, and no member may in any way convey his or her interest in it. Membership may be increased by marriage, birth, or admittance of strangers; it may also be decreased by death and separation. But the death of a member is not followed by descent and partition. A household is not considered a legal entity; nevertheless, its common property continues to exist undivided, regardless of the change of membership. A member's share is realized only if the household is broken up completely or is partitioned by the separation of one or several members who form a new household. Even in such case, no particular rules define the share, and the whole distribution is a matter of agreement and custom. During the existence of the household, a member has in fact no share in its property but merely an indefinite share in the customary use of the property; he simply enjoys such benefits and comforts as the common life of the household can offer.

Instruction for Primary Record (in Russian 1935) 14; Orlovsky, op. cit., note 25, 13.


32 Id. 352. The status of the household is discussed at length there. 341 et seq. See also id. (1940) 305–322; Land Law Textbook (in Russian 1940) 146 et seq.; Orlovsky, op cit., note 25; id., “Forms of Ownership in the U.S.S.R.” (in Russian 1938) Soviet Justice No. 16, 11 et seq.; Volin, “The Peasant Household Under the Mir and the Collective Farm System” (1940) Foreign Agriculture 133; Mikolenko, op. cit. note 17 at 163 et seq., does not refer to any statute except the Charter.

33 Id. 352, 357, where custom is referred to; see also Land Code of 1922, Sections 55, 77, 84.
4. Separate Versus Community Property in the Household

Each member may also have his separate property, and neither is this property liable for the debts of the household, nor is the common property of the household liable for obligations incurred personally by any of its members. The separate property of a member of a household comes under the provisions of the Civil Code; it may be conveyed, donated, or bequeathed, and descends according to general rules. Whatever a member of a household earns in labor days forms a part of his separate property. If labor days were in fact practically the exclusive source of livelihood of a collective farmer, as the framers of the Standard Charter expected, the lack of clarity in the status of the household would be unimportant. But, as will be shown infra, the soviet laws contain statements to the effect that family farming plays an important role in the life of a collective farmer and occasionally overbalances his interest in collective farming.

Thus, several legal questions regarding the status of the household have been raised by soviet jurists but for the most part remain unanswered by legislation and the courts. The first is whether the investment of labor day earnings in the common farming of the household

34 Id. 352; Land Code of 1922, Section 71.
An exception to this rule existed under Section 56 1 of the Code of Laws on Marriage, Family, Etc. as in force from January 25, 1930, to April 16, 1945:
Whenever the court declares a member of a peasant household to be the father of the child, it shall simultaneously fix the amount of produce which his household must give for the maintenance of the child.
35 Ibid., also 353.
affects the share of the investing member in the common property of the household. Can such member in the event of withdrawal from the household, for instance, if he goes away permanently for another job, claim compensation for such investment? Are the members obliged to contribute their earnings in labor days for the necessary upkeep of the common dwelling, et cetera? The absence of an answer may be explained perhaps by the fact that, being a traditional institution, the household continues to exist under the unwritten law of custom. Internal relations within the household were not regulated by the imperial statutes. So, under the soviet law, they continue to conform to the morals and mores of the family itself.

However, an especially controversial point arises under the soviet law. Historically, the concept of the household developed from the authority of the head of the family, the house-elder. To be under the authority of a paterfamilias meant to belong to his household. Under the imperial law, the authority of the head of the household, man or woman, was openly recognized. He alone had a voice in the village assembly. In a collective farm, every member over sixteen years of age has his own voice in all collective affairs. Does he have a voice in the affairs of household farming? The soviet jurists insist upon the equality of rights of all the members of the household. However, this principle is

38 Law of Collective Farms (in Russian 1939) 165, 166; Steinberg, “Legal Relations of Members of a Farming Household” (in Russian 1938) Soviet Justice No. 20/21, 34, 35.

nowhere expressed in the soviet statutes. Under Section 68 of the Land Code, the head of the household is "recognized as the representative of the household in farming matters." He is also the representative before the public authorities in the matter of public levies upon the household. Assessments of taxes in kind are served upon him.\(^40\) Thus, he is the unquestionable manager of the family estate. There is only one rule directly protecting the interests of the members which was known also to the imperial customary law.\(^41\) In case the mismanagement of the house-elder threatens to impoverish the household, the members of the household may obtain from the public authorities an order deposing him and appointing another member of the household in his place.\(^42\) But that is all. The powers of the head of the household remain otherwise undefined and unrestricted.

Certain questions involving membership in the household and membership in the collective farm were definitely decided. Several laws were enacted to allow special advantages to collective farmers who would go to work in government-owned industries where there was a shortage of manpower, e.g., the mining and peat industries.\(^43\) Judging from the complaints in the preambles to laws in 1935 and 1938,\(^44\) the collective farms expelled members so engaged and deprived them of house-and-garden plots. This practice has been barred. The law

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\(^{41}\) Leont'ev, Peasant Law (In Russian 1909) 336 et seq.

\(^{42}\) R.S.F.S.R. Land Code, Section 69.

\(^{43}\) U.S.S.R. Laws 1933, text 116; id. 1935, text 520; id. 1936, text 95; id. 1937, text 46; id. 1938, texts 15, 208, 298; id. 1939, texts 221, 397. Law of Collective Farms (in Russian 1939) 290. Regarding those who left without registering contracts with the collective farms, see U.S.S.R. Laws 1934, text 389.

\(^{44}\) U.S.S.R. Laws 1935, text 520; id. 1938, text 115.
of 1938 ruled that, if a collective farmer works in government industries under a contract duly registered with the management of the collective farm, and the members of his household continue to work on the collective farm, such farmer retains his membership in the collective farm and his household retains the house-and-garden plot. Thus, only such farmers are protected as work outside the collective farm in government industry in execution of the government plan and have been employed in a procedure established by the government.

There are, however, instances in which the law directly provides for withdrawal of the house-and-garden plot from the tenure of the household. Since 1939, each collective farmer, man or woman, has been obliged to earn a minimum credit of labor days to retain membership in the collective farm. Those who fail to do so are expelled and deprived of house-and-garden plot. Again, although the buildings on the house-and-garden plot, as well as any crops thereon including orchards, are in the absolute ownership of the household and as such may be sold and otherwise conveyed, the land of the house-and-garden plot may not be disposed of by the household to which it is allocated. The household may only use it, i.e., exploit it agriculturally by the labor of its members. No plot may be rented out or transferred to the use of another free of charge, even temporarily. The law provides in general terms that members of collective farms who allow such transfer shall be deprived

45 U.S.S.R. Laws 1938, text 115, Section 2; id. 1939, text 235, Section 16; Orlovsky, op. cit., note 25, 13.
46 U.S.S.R. Laws 1939, text 235, Sections 8 c, 14. Under the U.S.S.R. Laws 1942, text 61. children beginning with the age of twelve years must also obtain a minimum credit, but the law does not make explicit whether their failure to do so affects the status of their parents.
47 Id., Section 4; Land Law Textbook (in Russian 1940) 144.
of their house-and-garden plots. Because a household usually includes several adult members, in either instance it may happen that only one of them is guilty of the afore-mentioned contravention. The statutory provisions do not make clear whether such acts of individual members are sufficient grounds for deprivation of the entire household of its house-and-garden plot, and whether such act committed by the head of the household necessarily entails this consequence, thus affecting the interests of the innocent members. Finally, the withdrawal of plots from "sham collectivist farmers," i.e., farmers who have actually left the farm but continue to draw benefits from their house-and-garden plots, is expressly provided for by statute. However, in such instances, it is recommended that the buildings erected on the plot which are in their absolute personal ownership be bought from them. Expulsion of a member from a collective farm, except in these specified instances, should not, in the opinion of soviet jurists, affect his membership in his household or the use of the plot by the household. If a member is absent for military service, as a student, or to hold an elective office, as well as in case of illness, his membership in the household is not affected, regardless of the duration of his absence. Otherwise, an absence of six years severs his ties with the household.

5. Limitations on Household Farming

A general limitation on the private farming of the

48 Id., Section 5.
49 Id., Section 8, subsection (a).
50 U.S.S.R. Laws 1939, text 362, Section 7.
51 R.S.F.S.R. Land Code 1922, Sections 17, 75; Law of Collective Farms (in Russian 1939) 164, 349; Orlovsky, op. cit., note 25, 13; see also note 27.
52 Law of Collective Farms (1939) 349.
household is stated in Section 7 of the 1936 Constitution. Farming on the house-and-garden plot is there defined as "auxiliary." This means that private farming must remain subsidiary and secondary to collective farming. The soviet jurists insist that in contradistinction to an independent household, a household in a collective farm "is a special form of organization of the subsidiary farming of the collective farmers." They emphasize that the household in a collective farm does its farming "on the basis of the collective large-scale production" of the entire collective farm.\[^{53}\] It has no field acreage, no major implements, no large livestock, and it may not acquire these. The individual farm must dispose of the natural growth of its livestock in order not to exceed the limits permitted. A calf when it becomes a cow must be sold to the collective farm or on the open market.\[^{54}\] Household farming must remain small. Although it is not confined to production for consumption needs and may produce for the market, it is deprived of the possibility of breeding capitalism.\[^{55}\] In many ways, the household is dependent upon the collective farming for its own functioning. A household has to resort to the collective resources to obtain a horse or other draught animal and for forage.\[^{56}\] Certain advantages are obtained by individual households if the col-

\[^{53}\] Id. 342 et seq.; Orlovsky, op. cit., note 25, 12, 13; Land Law Textbook (in Russian 1940) 139; Law of Collective Farms (in Russian 1940) 308, 309.

\[^{54}\] Should the livestock in the possession of a household increase in excess of that provided for in the Charter, the household is obligated to dispose of the surplus, keeping in its auxiliary farming no more livestock than is allowed by the Charter. Law of Collective Farms (in Russian 1939) 261.


lective farm as a whole shows efficiency, in particular in animal breeding. Thus, a certain percentage of meat and dairy products delivered by the collective farm are credited towards levies of the same products on individual households.\footnote{\textit{Id.} 356; \textit{U.S.S.R. Laws} 1937, text 342.}

In brief, the soviet laws and regulations seek to strengthen the ties between the collective work of the artel and the individual farming of the household. However, on the eve of World War II, the aim of the government to make private farming a subsidiary source and collective farming the main source of subsistence of a collective farmer had not been achieved. Private farming within the collective farms had shown an undesirable growth. Andreev, the Secretary of the Central Committee of the Communist Party, observed in the spring of 1939:

> In some places, private household farming has begun to outgrow the collective farming and become the basic agriculture, while collective farming, on the contrary, has become secondary. The income from personal farming, from vegetable gardens, orchards, milk, meat, etc., in some collective farms has begun to exceed the earnings based on labor days. This could not but have an adverse effect on working discipline in the collective farms. The right combination of personal and collective interests in the collective farms remains the basis of the collectivization movement, but individual farming must acquire a narrower subsidiary character, and collective farming must be increasingly basic.\footnote{Andreev, \textit{Speech at the XVIII Congress of the Communist Party (in Russian 1939) 33, quoted from Land Law Textbook (in Russian 1940) 138.}

> The Law of May 27, 1939, of which a full translation is appended,\footnote{\textit{U.S.S.R. Laws} 1939, text 235; see Vol. II, No. 33.} complains that “there are a large number of pretended collective farmers who either do not work at all or do only sham work and spend most of their time
on their own personal farming. . . The local leaders of the Party and the government agencies have . . . often encouraged the avaricious elements among collective farmers.” The law describes in its preamble how the peasants used all legal and occasionally illegal methods to maintain the size of the individually held plots and to farm on a scale in excess of the limits established by the Charter of 1935. The preamble indicates that partitions of households, real and pretended, were made with the sole purpose of obtaining an extra house-and-garden plot. The plots were often used for field crops and not for vegetable gardens and orchards. Amidst the collective fields, islands of enclosed farms reminiscent of the independent homesteads (hutor) sponsored by the Stolypin reform of 1906 were disclosed. In all probability, they simply survived collectivization. In many instances, the actual size of the individually held plots exceeded the maximum provided for in the Standard Charter. Collective farmers traded and rented their house-and-garden plots as if these were in their private ownership. Hay land in the collectively held acreage was often distributed to members and non-members for private mowing. Collective farmers who had actually left the farm continued to draw benefits from house-and-garden plots assigned to them, using third parties for this purpose. According to the preamble, the leaders of the collective farms and local communist and administrative officers tolerated all these contraventions of the principles of the Standard Charter of an Agricultural Artel.

The law outlined a wide program of measures designed to bring private farming within the permitted
limits, introduced certain new limitations, and laid the foundation of the sponsorship of emigration to Asiatic Russia and the Volga region.

A minimum credit of from 60 to 100 labor days annually, depending upon the region, was established as a prerequisite to membership in a collective farm. A survey of the individually held plots was ordered to be taken by August 1, 1939, and permanent inspector-surveyors were to be appointed to check up periodically on the size of privately held plots. Boundary lines between the collectively held fields and the house-and-garden plots were to be drawn and marked, and a permanent record of holdings in both categories was to be kept by the district land office. All surpluses in excess of the established standards and all plots not adjacent to house lots but situated between collective fields were to be withdrawn from the holder and turned over to the collective farms. They were either to be fused with the collectively cultivated fields or to form a reserve for supplying new members with plots or increasing undersized plots. The law ordered the liquidation of all individually held plots which were in the nature of enclosures, farmsteads within collective fields, and the segregation of the residences of the holders of such plots into new villages before September 1, 1940.

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60 Id., Sections 1-3, 4, 7 (a).
61 Id., Sections 5, 7, 8, 10, 11, 12, 13, 14.
62 Id., Section 15. In 1939, 10,000 families emigrated and, in 1940, some 35,000 families were assigned for emigration. Kazantsev, "Survey of Legislation on Collective Farms" (in Russian 1940) Soviet State No. 7, 136. See also, U.S.S.R. Laws 1939, texts 348, 444; id. 1940, text 2.
63 Id., Section 14.
64 Id., Sections 9, 13.
65 Id., Sections 10, 11, 12.
66 Id., Section 7, subsections (a) and (b).
67 Id., Section 7, subsection (c).
hibition on renting or unauthorized transfer of house-
and-garden plots was restated under penalty of expul-
sion from the collective farm and deprivation of house-
and-garden plot. The same consequence was attached
to failure to attain the required minimum of labor days
and pretended partition of a family household for the
purpose of obtaining an additional plot. Chairmen
and officers of collective farms were held responsible in
the event of failure to enforce the rules of the Standard
Charter restricting the expansion of private farming.

The survey disclosed a total of nearly five million
acres (two million hectares) of surplus area in all the
plots in the Soviet Union, and by 1940, 4.4 million acres
of such surpluses had been withdrawn. During the
second half of 1939, 450,000 households were removed
from their enclosures to form villages, and over 100,000
households were scheduled to be moved by September
1, 1940. In the Byelorussian Republic, 110,000 were
thus removed, in the Ukraine, 95,000, and in the Smo-
lensk province of the R.S.F.S.R., 98,000.

Thus, on the eve of World War II, the soviet laws
were turned against the expansion of private farming
within the collective farms. No change in this respect
is shown by the laws enacted during the war. The
principle of a mandatory minimum of labor days was
retained, and in 1942 the required number was raised
to 150, 120, and 100 for the duration of the war.

68 Id., Section 5.
69 Id., Section 8, pars. 3 and 14.
70 Id., Sections 4, 6.
71 (1940) Socialist Agriculture, quoted from Kazantsev, op. cit. note 62.
72 Ibid.; also Pravda, January 12, May 20, June 10, 1940, quoted from
73 U.S.S.R. Laws 1942, text 61. For translation, see Vol. II, No. 34,
Polianskaia, Land Law (in Russian 1947) 63, refers to this act as still ef-
fective.
who fail to attain the minimum are also liable to compulsory labor without confinement for a period not to exceed six months with payment of 25 per cent of their earnings to the collective farm. The same law also requires from juvenile collective farmers of from twelve to sixteen years of age a minimum credit of fifty labor days annually.

From the foregoing, it follows that very narrow limits are allowed by the soviet laws to private family farming within collective farms. Statutory provisions are flexible, uncertain, and easily expanded one way or the other. With the slightest shift in the government policy, the acts of local administrators easily appear as transgressions in one way or another. This explains the fact that "purges" have been repeated with the permanency of cycles. In spite of all the difficulties and risks, it seems that individual farming continues to strive for expansion by all means. At least, a new campaign for its suppression was announced by a joint Resolution of the Council of Ministers and the Central Committee of the Communist Party of September 19, 1946. This act is a lengthy restatement of the Act of May 27, 1939. It repeats that:

The house-and-garden plots are enlarged by means of unauthorized seizures or illegal additions by the management and chairmen of the collective farms, done to boost the personal farming to the detriment of the collective.

As in 1939, the law complains that such occurrences "acquired again a mass character," and were tolerated by the local officials, and ordered a new check up and surveying of house-and-garden plots. As was mentioned elsewhere, over 525,000 hectares (1,250,000
acres) were withdrawn from such plots by January 1, 1947.74

However, if private farming succeeds in keeping itself within these limits, it is protected against foreclosure for debts and taxes payable in money. Property vital to the existence of the household may not be attached.75 Here the soviet laws followed similar provisions of the imperial laws.

6. Conclusion

The abolition of private ownership of land in Russia, a country of vast territory and importance in agriculture, raised the problem whether private ownership of land is an indispensable warranty of economic progress and liberty or an outworn relic of the past. It is true that for many centuries absolute private ownership of land was not the form of tenure under which land was held by the majority of farmers in Europe. However,

74 For a full translation of the act, see Vol. II, No. 35. "The reports of the surveyors and other data show that unauthorized taking possession of collective land by individuals did not cease." Mikolenko, op. cit. note 17 at 85.

75 Law of Collective Farms (in Russian 1939) 357. According to the Resolution of the R.S.F.S.R. Council of People's Commissars of March 28, 1945, No. 196 (Guide to the People's Judge (in Russian 1946) 540), the following property of a household is exempt from execution for debts and taxes:

(a) The dwelling house with buildings appertaining to farming;
(b) One cow, or in the absence of a cow, one calf; half the fowl, sheep, goats, etc. up to one-half the number of heads permitted under the Charter, and forage for them, according to a schedule;
(c) Clothes, footwear, laundry, bed linens, kitchen utensils, beds, chairs and tables, chests, lamps serving for the personal use of the debtor and his family, according to a schedule, and all children's apparel;
(d) Food needed for the debtor and his family until next harvest, according to certain rations per month;
(e) Aid received under social security and aid given to mothers of many children;
(f) Instruments needed for home industries of the debtor.

There were similar provisions under the imperial law, cf. the Code of Civil Procedure 1864, Sections 935, Note 1, and 973, especially subsection 10 (as amended in 1873).
in the past, land tenure without ownership has been followed by the poverty and bondage of the farming class to the landlord or government. The farmers' freedom and prosperity have seemed to be corollaries of private ownership of the land they till. The study of peasant land tenure under the soviet regime reveals an undying effort of the Russian farmer to obtain as much resemblance to private ownership of land as he can. It shows also that the regime of collective farms implies substantial menace to the liberty of the collective farmer. For its enforcement and protection the regime needs severe penalties lavishly imposed. It is for economic studies to inquire whether at this price a better living is being bought.