

Social Rights in the Soviet Dictatorship: The Constitutional Right to Welfare from Stalin to Brezhnev

The Soviet Union was a dictatorship, but the concept of rights always structured the theoretical edifice of political life, and from the 1950s it contributed to the people's real experience of the socioeconomic order. A limited system of rights defined people's access to welfare and other social goods. For one legal theorist writing in the 1970s, "human rights and basic freedoms are the red thread" running through the new Brezhnev constitution.¹ He might equally have been writing about Josef Stalin's constitution of 1936, in which the formal principles, though not the practices to which they gave rise, were similar. The purpose of this essay is to disentangle that red thread and interpret the ways that it lent distinctiveness to the Soviet welfare system.

Like the other cases analyzed in this dossier, Soviet rights bore the imprint of the international context. The rights revolutions of the 1940s and 1970s influenced Soviet jurisprudence and social policy. On an international scale, human rights assumed rhetorical power during and immediately after the Second World War, while social rights—politically backed, legally enforceable, and universally available entitlements to social security, education, healthcare, and even jobs—gained increasingly widespread practical significance. For all its barbarism and mendacity, the 1940s Stalinist dictatorship helped to shape and was itself touched by this process. Later, from the 1970s, human rights became a powerful driver of international relations, and while social rights as always bore a contested relationship to human rights, they were certainly at the center of the Eastern Bloc's self-presentation. The Soviet dictatorship's encounter with rights became more extensive and influential in the decades that followed Stalin's death in 1953, both in domestic and international arenas. Nevertheless, the basic ideal form of Soviet rights, idiosyncratic as it was, was constructed between the revolution of 1917 and the constitution of 1936, at a time when the international focus on individual rights was blurred in theory and often weakly maintained in practice.

Soviet rights were formally divided into three categories: the socioeconomic, the political, and the personal. At the core of socioeconomic rights was the right to work, which related to the right to access a universe of welfare and a certain standard of living. Political rights were showcased by the right to vote. Personal rights included such guarantees as freedom of conscience.² This framework was elaborated in ideology, law, and everyday life, but it was highly contested. Dissidents wondered how these rights could logically exist in a dictatorship with such a heritage of viciousness. Foreign observers contemptuously regarded Soviet rights as a clumsy presentational exercise. Later, Western scholars often assumed that a discourse of rights was externally imposed

in the 1970s by international conventions and “rising dissent,” that this rights talk was alien to the natural Soviet order, that it had no anchor in real practice, and that the resulting contradictions ultimately contributed to systemic collapse.³

Yet in limited and provisional ways, and distorted by the pressures of dictatorship, a system of social rights was inherent to Soviet life. Three distinctive factors shaped it. First, the “unity model” of the Soviet order made possible a theoretical superstructure of rights. During Stalinism and long after, Soviet legal scholars insisted that individuals, para-state organizations (such as trade unions), state agencies, and the hierarchy of party and government were incapable of conflicting with each other. This meant that rights had a robust theoretical presence: no group existed to challenge them. Yet rights were very vulnerable in practice, as (almost) no group existed to defend them. Second, Soviet welfare rights were characterized by a tension between two rhetorical tropes. On the one hand, welfare was a gift whose source was the authorities’ care; on the other, welfare was a right, objectively substantiated by the constitution. Writing in 1957, one scholar illuminated the tension with reference to the pensions law of 1956: the law expanded rights to pensions, she recorded, and the law showed “the care [*zabota*] of the Communist Party and Soviet government.”⁴ This chronic confusion between paternalism and constitutional rights enlarged public space for talk of social rights just as it weakened them in theory and practice. Third, ideology molded everything, even in the 1970s and 1980s, when it was scarcely possible to believe in a communist future or in the purity of socialism. Yet, Alexei Yurchak argues, one might reproduce the slogans of the Communist Party and perform its rituals in an empty and dismissive fashion while remaining attached to basic nostrums of Soviet ideology, not least its commitment to relative equality and the extensive provision of welfare.⁵

These three factors—the relative “unity” of the state-society-party-government; the shifting relationship between paternalism and constitutionalism; and the popular commitment to equality and welfare—were central to Soviet rights. Rights were troubled and partial, however, and were only present in practice after the end of full Stalinism, from the mid-1950s on. Before then the Soviet system was arbitrary and lethal. Political rights only existed—and then in limited form—at the end of Soviet history. Some personal rights emerged during the years of Nikita Khrushchev and Leonid Brezhnev (ca. 1953–64 and 1964–82). Most people took for granted that arbitrary arrest was very improbable, the home became (for the great majority) an inviolable space, and even a particular form of property rights developed.⁶ But other personal rights were absent, such as the right to travel freely. Overall, the system of personal rights was inconsistent, problematic, and especially vulnerable. Much more extensive and deep, from the mid-1950s on, was the third element of Soviet rights, the socioeconomic. These rights were universal, but they did not lock together in a coherent system and were at risk from unpredictable shifts in policy. They can only be perceived as rights if it is accepted that rights in any political system are never entirely consistent and are always subject to varying degrees of threat.

Their origin, moreover, made them vulnerable. If the defining element of rights is universality, then Soviet rights had an ill-starred inception. The Declaration of the Rights of the Worker and Exploited People was introduced at the Third All-Russian

Congress of Soviets in January 1918 and provided some of the legal substance of the first Soviet constitutions (for Soviet Russia in 1922 and for the new USSR in 1924). Most crucially, it applied an exclusionary principle of citizens' rights. Members of the bourgeoisie were reduced not just in economic and social status but in legal status as well. This was the dictatorship of the proletariat. By definition, it had a "class essence," according to which "rights and freedoms were most completely dispensed to the workers" and were not enjoyed "in equal measure" by "the representatives of the exploiting classes." Such people were deprived of the right to vote, for example, and the elimination of their property rights was the basis of the new socioeconomic order.⁷

Founded on class, the constitution of 1918 put in place the basic rights that would be present in later constitutions, including a range of welfare rights, broadly conceived: the right to work, to have social security, education, leisure, healthcare. For the Bolsheviks, it was the class essence of the constitution that made possible new rights for workers. This was to be the foundation of a newly harmonious society.⁸ But written into the constitution and its formal system of rights was the probability of violence, a probability that derived from its functions of dividing and cataloging the population, of using the legitimacy of mass politics to assign different values to different social groups (peasants had political rights inferior to those of workers, for example), and entirely to exclude specific classes of people from normal society by depriving them of rights. Lenin argued that "violence in the name of the interests and rights of the majority of the population . . . tramples on the rights of the exploiters."⁹

A dictatorship with such foundational principles could scarcely claim to have created a robust rights regime at any stage of its existence. Stalin-era rights were, in practice, a nonsense. Yet they were supposed to be universal, in direct contrast to their revolutionary-era predecessors, and they were rigorously presented as such. The legacy of the Stalin constitution gave theoretical shape to the social rights of the Khrushchev years and later to the Brezhnev constitution. In this sense the Stalin constitution facilitated the everyday operation of social rights in people's lives after about 1955. The first part of this essay discusses the presentation of the Soviet right to welfare in the constitutions of 1936 and 1977, and the second part tests their practical meaning.

The Presentation of Constitutional Welfare Rights

The Constitution of 1936

The Stalin constitution announced interlocking and work-focused socioeconomic rights. Work was a duty but it was also a right; citizens had the right to a job and to be paid in accordance with the amount and quality of the work they undertook. When they did not have to work, they enjoyed the right to leisure, based on a seven-hour working day (which was reduced for certain categories of especially arduous labor), annual paid leave, and access to "a widespread network of sanatoria, houses of rest, clubs." When they could not work, they enjoyed the right to "material provision in old age and also in the case of illness and loss of capacity." This derived from pensions and social insurance that were entirely funded by the state employer, as well as free medical care and "a widespread network of [health] resorts." The need for young future citizens to prepare for work generated the right to education. This consisted of

an eight-year schooling plus tertiary options. Education would always be free; it would be underwritten by a system of stipends; it would be in a Soviet citizen's native language (i.e., not necessarily in Russian); and, if necessary, it would happen at the workplace.¹⁰ All these rights were enjoyed equally by men and women. Women's ability to work would be facilitated by maternity and child care, state help for large families and single mothers, secure maternity leave for pregnant women, and "a widespread network of maternity homes and nurseries."¹¹

Even at the level of theory and presentation, the provisions of the constitution did not add up. For instance, women might have enjoyed theoretically substantial benefits if they had a lot of children, but this very pro-natalism bore a troubled relationship with the notion of individual socioeconomic rights. Far from using rights in order to equalize some of the imbalances between men and women, as Soviet ideology and policy explicitly set out to do, such an approach threatened further to undermine even the abstract coherence of Soviet rights. It explicitly promoted the interests of the collective above those of the individual woman. The Soviet regime simultaneously promised to enhance the status of the individual and to advance the collective's push to paradise, a tension that Khrushchev would partly resolve by creating a more plausible system of social rights, but which was just one of the contexts in which rights were rendered ineffective, even in abstract terms, under Stalin. Another such context concerned children. Beyond the right to education, the constitution did not define particular rights for children. By contrast, they derived status from their relationship with the dictator. This relationship was based on gratitude and summarized by the common slogan "Thank You Dear Comrade Stalin for a Happy Childhood!"¹²

Constitution-building was a dual process in the Soviet Union. On the one hand, it was a process of normalization. The regime presented to domestic and international audiences what it claimed was the country's way of doing politics and organizing society. This gave a sense of permanence to the regime's existence. On the other hand, constitutionalism was a revolutionary process, even in 1977. "In the first instance," wrote the deputy director of the Institute of State and Law of the Academy of Sciences in 1978, "the constitution preserves the victory of the socialist revolution."¹³ The constitutions of 1918, 1924, and 1936 did not describe what actually happened in the Soviet Union, and the 1977 constitution, though more plausible in parts, scarcely did so overall. Instead, the constitutions offered a token aspiration for future development, while pretending that this aspiration was current reality. The constitutions were an analog of socialist realism. This Stalinist aesthetic demanded the production of artworks which depicted reality in its revolutionary development. In a conflation of present and future, realist paintings, sculptures, and novels provided an accessible representation of an idealized reality which might not yet exist.¹⁴ The audience for the presentation was international as well as domestic. First, the 1936 constitution contained information for Soviet citizens, not about what their rights really were, but about how they should talk about them. Second, the constitution offered international signals. The regime's legitimacy and the competitiveness of the socialist model required that foreign observers be won over.

Yet the Soviet constitutionalists presented their system of rights as directly contrary to that which existed in the West. According to Stalin's own report on the 1936

constitution, “the working class of the USSR is completely new, liberated from exploitation, a working class the like of which the history of humanity has not known.”¹⁵ Given that constitutional rights might usually protect individual citizens against the encroachments of any organ of the state, section of society, or other individual citizen, why were such rights also needed in the harmonious socialist order, in which the working class had already been “liberated from exploitation”? Soviet constitutionalists obsessively drew lines of difference between their own jurisprudential project and the repressive apparatuses that were capitalist constitutions. They argued that constitutions in Western countries were based on class, and by definition “always defended the exploitative interests of the bourgeoisie.”¹⁶ The rights that they enshrined were limited in scope to such formal categories as the franchise and limited in practice to the owners of property. For Stalin, the aim of a socialist constitution was not simply to define the formal rights of the citizen but to “transfer the center of gravity to the question of the guarantee of these rights, to the question of the means for ensuring these rights.”¹⁷ Deriving from a united social order in which class repression had been eliminated, they were even “human rights [*chelovecheskie prava*].”¹⁸ Most importantly, these rights embraced new areas of social and economic life.

The disjunction from real life rendered this rights talk absurd. Nevertheless, the rhetoric and the legal framework it bestowed provided foundations for the really existing social rights that would emerge after Stalin’s death. De-Stalinization notwithstanding, the basic reference point for the expansion of welfare rights in the Khrushchev era remained the Stalin constitution. Thus texts of the late 1950s repeated the line that the Soviet constitution differed from its bourgeois rivals in “not simply proclaiming the rights of the citizen of the USSR, but in filling out those rights that exist in law with material resources.”¹⁹ Even in 1977, the authors of the constitution acknowledged their debt to the framers of 1936. Such was the power of Stalin’s presentation.

The Constitution of 1977

Welfare rights were the big story of the 1977 constitution. As a British embassy official noted at the time, “Social rights like those to work, housing, education, rest and medical care, receive more stress than civil rights.”²⁰ Unlike in 1936, these social rights regulated access to welfare in a way that was not fictitious. Nevertheless, the presentational link to 1936 remained significant in a complex ritual of late socialism.

Soviet commentators of all kinds always insisted that 1936 had been the foundation of 1977. One legal expert, R. Khalfina, argued in 1978 that the constitution of 1936 was the statutory monument to the “world-historical achievement” that was the socio-economic transformation of the 1930s: while the 1936 constitution enshrined economic planning, the 1977 constitution was concerned to grant constitutional status to planning in other spheres, in social and cultural life.²¹ Planning thus enjoyed an enhanced constitutional basis, which in turn improved people’s well-being.²² As Khalfina showed in another article, it was a logical connection: mature (late) socialism was characterized by “the unity of economic planning and social development.”²³ Granting constitutional status to economic planning was a way of defining the socialist state in law, in 1936 and 1977 alike; but the greater range of what planning could

achieve in the 1970s, the welfare goods it could give rise to, apparently conferred a legal and an economic logic on the extension of constitutional status to broader and more substantial welfare rights.²⁴

These rights continued to derive from the “unity model” of the Soviet system. Soviet theorists argued that constitutional rights existed in capitalist countries because these rights offered individual citizens autonomy from state and society. In Marxist terms, Western people lived inside a socioeconomic and political contradiction within which only members of the dominant bourgeoisie were able to extract a measure of constitutional protection. But this contradiction did not exist under socialism. “The interests, aspirations and fate of people are closely formed by their connections with the collective, society and state,” wrote one theorist, V. Maslennikov, “and so the person finds freedom not in isolation from them, but in a tight alignment with them, and through their mediation.” Rights were reflected in duties. Citizens were obliged to work, look after socialist (i.e., public) property, defend the socialist Fatherland (through compulsory military service for men), and protect the natural environment. For Maslennikov, quoting Brezhnev, “the main guarantee of [a Soviet citizen’s] rights, in the final analysis, is the might and prosperity of the motherland. And to ensure this, every citizen must feel responsible before society, and must conscientiously fulfil his duty before the state, before the people.”²⁵ For Maslennikov, this created “a unity” which amounted to “social justice.” “For the most part, citizens who exercise their constitutional rights do not need to make use of judicial procedures,” he wrote, “[as] state organs and officials create the necessary conditions for citizens to realize their constitutional rights in line with sociopolitical and moral-ideological imperatives.” The personal sense of “moral-ideological duty” felt by citizens and state officials, their mass participation in a harmonious system, and specifically not the forensic checks of an adversarial political and judicial system, made possible the fruits of constitutional rights. As a result, Soviet rights were “real rights.”²⁶ They were born of a form of democracy which made possible a “deep [socialist] humanism.”²⁷ Social justice rested on the “mutuality of state and individual”; this was “the most important constitutional principle.” The rights and freedoms that resulted “improved the conditions of citizens’ lives.”²⁸

By 1977, “developed” (i.e., “mature,” or late) socialism governed a vast state. For its theorists, the state included so many organizations and areas of life that it marginalized the theoretical existence of any sources of antagonism and could naturally promote a more extensive array of welfare rights. The state had all-encompassing qualities. In legal theory and practical experience alike, everyone’s interests were wrapped up in it. The constitution of 1977 insisted that the USSR “is a socialist all-people’s state, expressing the will and interests of the working class, peasantry and intelligentsia, all nations and peoples of the country.”²⁹ Typically, a legal scholar glossed this as “the most complete satisfaction of the growing material and spiritual needs of the people.” As in 1936, it was founded on work, for “the growth of public wealth, of the well-being of the people as a whole and of every Soviet person is the free labour of Soviet people.”³⁰ The right to work was elaborated, however, and formally extended to incorporate the citizen’s right to choose his or her profession. Such thickening of rights was interpreted as a development of Leninism.³¹ Developed

socialism rested on this expansion of rights and, by association, the enhanced significance of predictable legality (*zakonnost*). The renewed “socialist democracy” that resulted made possible a greater range and depth of social and economic rights than had existed in 1936, though in formal constitutional terms this was a quantitative rather than a qualitative change (in de facto terms, it was the reverse). Most critically, the right to housing was added to the constitutional list.³²

Although these rights generated substantive social changes, legal scholars still argued that the link between welfare and the constitution should be spelled out through the use of propaganda.³³ Everyone knew that the last serious drive to build a communist future had taken place during the peak of the Khrushchev period, but the Brezhnev constitution, and legal commentaries on it, insisted that the new constitution represented a step toward communism. By then, no one believed this: the words were part of a ritual. In his 1979 discussion of the right to work, the scholar O. Smirnov drew on justifications of the nature of work in a communist society that were laid out in the communist-inspired party program of 1961.³⁴ Also in 1979, the leading party figure in Odessa defined the reconfigured right to work in the context of the construction of communism.³⁵ Communism remained the ultimate legitimation, and while people might not have believed in it, it seems quite plausible (*pace* Yurchak) that the improbable figment of a communist future had become code for a widespread commitment to certain aspects of Soviet rule, perhaps most especially its welfare system and its espousal of socioeconomic rights.³⁶

At the same time, the Western model of rights, and Western responses to Soviet rights, remained crucial in 1977, just as they had been in 1936. By the 1970s, human rights had become a driving force in world politics.³⁷ While the USSR was of course motivated by geopolitical considerations in signing up to the Helsinki Final Act in 1975, the basic premise of human rights fitted easily into the theoretical context of Soviet law (notwithstanding the theoretical problems of reconciling human rights and a Marxist scheme). Yet given that both East and West were signatories of the same document about human rights, Soviet jurists had to find a more precise way of distinguishing between the rights that existed under developed socialism and under unreformed capitalism. The purpose was not simply to denigrate the United States but also to offer a theoretical refutation of the point of view of home-grown dissidents. Given that socialism offered “a moral-political unity” in which everyone enjoyed “complete freedom to think and act in the interests of social progress and peace,” dissidence could be nothing more than a harmful offshoot of capitalism. Hence the human rights proclaimed by the Soviet Union’s foreign and domestic opponents were illusions; the only real rights existed in the socialist bloc.³⁸ The unity of state and society, and the reality of mass participation in its structures, made Soviet rights stronger than those that existed in the capitalist West.³⁹ Unlike in the West, rights were founded on true principles of equality, which flowed out of the individual’s organic status inside the state-society unity; in practical terms, this extended, for example, to the equality of men and women.⁴⁰ Constitutional provisions of 1977 which made equality between men and women more plausible related in particular to healthcare and workplace safety.⁴¹ This made for a broader and deeper understanding

of rights than existed in the West, went the Soviet argument; Helsinki had only exposed this.

The social and economic rights of the 1977 constitution were an amplification of those laid down in 1936. Unlike in 1936, they were reflected to a fair extent in popular experience, and to some extent in people's understanding of their own status. Rights only existed in the Stalin era on paper. It required the end of Stalinism for some form of rights to exist in real terms, and for at least some of their *de jure* and *de facto* qualities to align with each other. The practical development of welfare rights during and after the years of Stalinism is traced in the second half of this essay.

The Practice of Constitutional Welfare Rights

Constitutional Stalinism: 1936–53

During the Stalin years, welfare rights did almost nothing to affect people's practical experience of life. Stalinism was an arbitrary system of rule whose defining characteristic was the deliberate subordination of the people's well-being to the pursuit of the dictatorship's grandiose goals. Universal welfare lost out to other imperatives: breakneck industrialization, the construction of new cities, agricultural collectivization, the expansion of the security state. Some of these imperatives were deadly and culminated in the great terror. While some historians see welfare and terror alike as offshoots of the rationalizing modernity that ultimately grew out of the French Revolution, these offshoots did not chronologically coincide in the Soviet period.⁴² It is not unreasonable to argue that an arbitrary experience of terror was an aspect of Stalinism and that a regularized right to welfare was part of Khrushchev-era de-Stalinization and Brezhnev-era normalization. They were conceptually distinct: welfare in the Soviet Union was not practically built into the system of extreme repression, as the welfare-terror equivalence requires, but was instead built into a rudimentary but existing system of rights.⁴³

In the Stalinist 1930s, welfare rights were simultaneously proclaimed and in practice invalidated. Old-age pensions were formally introduced in May 1929, but V. V. Shmidt, a deputy prime minister who had recently headed the People's Commissariat of Labor, had effectively acknowledged that they were unaffordable.⁴⁴ Unemployment insurance was cancelled the same year, and in 1931 the revolution-era expansion of social insurance was severely curtailed. A major reform of the surviving elements of social security gave considerable privileges to trade union members, which deflated the universal commitments of the constitution even as it was being drafted.⁴⁵ In 1938, a new pension law dramatically tilted the pension system away from the principle of universal rights, escalating the principle of differentiation that had already been applied to Stalinist wage policy. Elite pensions were now set very high. Official attitudes to the family were also revised during the 1930s. Pro-natalist policies disfigured individual rights and disrupted the organization of family allowances.

The constitution of 1936 was widely publicized. During a long propaganda campaign before its approval by the party late in the year, ordinary people were invited to comment on the draft. Public announcements of unanimous approval were belied by unpublished sentiments of uncertainty or confusion, revealing only a partial understanding of what rights meant.⁴⁶ But the process at least ensured that there was

widespread knowledge of the existence of the constitution and its basic contents. The party had indicated that people should use a language of rights to talk about welfare, although only some people acted on the message.

As a result, some citizens cited their constitutional rights in a straightforward and explicit way in their appeals for appropriate treatment. A group of school cleaners from Velikie Luki wrote to Viacheslav Molotov, one of Stalin's leading lieutenants, in 1937: "The constitution of the Union says that every citizen of the USSR has the right to rest. We, the cleaners, don't see any of this rest, because most of us are working all hours in order to feed ourselves and our children." They complained that cleaners in some other educational institutions earned double their wages.⁴⁷ This also exposed the inconsistency between constitutional rights and labor laws, which encouraged the differentiation of wages and extension of working hours.

Very many other citizens, by contrast, seemed not to have absorbed the language of rights. As historians have demonstrated, correspondents often constructed their entreaties by adopting the regime's linguistic norms.⁴⁸ But despite the regime's best efforts, the framework that many ordinary people worked within when writing to the authorities about welfare was not that of rights but of paternalism. Even when seeking remedy for welfare goods not received but which should have been guaranteed by right, citizens would tend not to cite the constitution, laws, or principles of rights but would engage with the conflicting Stalinist trope of gratitude or would hark back to older paternalistic and patronage-based forms. Jeffrey Brooks has isolated public gratitude—"thank you comrade Stalin!"—as the dominant rhetorical motif of the Stalinist years.⁴⁹ Thanking Stalin and his senior party colleagues for the socioeconomic rights of the 1936 constitution summarizes the confused way in which some citizens understood their new rights. One female peasant expressed her and her husband's "enormous gratitude" for the welfare benefits accorded to families with multiple children. She did not use the language of rights but referred to the "help" dispensed by the party and government.⁵⁰

In desperation, when not even a ritualized gratitude could make much sense, people used the most traditional forms of Russian petitioning. This reflected the absence of real welfare rights and of a modern welfare system. It often rested on a notion of social justice that would not have been unrecognizable to peasant petitioners in the imperial period. One sixty-five-year-old Muscovite ignored completely the possibility of state provision, let alone social rights. Her daughter had recently been posted to Khabarovsk following her graduation from the Moscow Medical Institute. The older woman wrote in 1937 to Mikhail Kalinin, shortly to become the formal head of state, that her daughter was the "sole moral and physical support" for herself and her seventy-year-old husband. One of her sons had been killed in the civil war, the other two were serving in the Red Army. The mother appealed to Kalinin to expedite her daughter's return to Moscow because the elderly parents had been left "alone and helpless."⁵¹ Such helpless entreaties would persist after 1953, but by then citizens had other possibilities, derived from rights, by which problems and injustices might be rectified.

Even when ordinary people made reference to socioeconomic rights, they often did so in an unpredictable way. They could be defiant. One elderly peasant seemed

to compare his own “neglected” condition with the right to “material provision in old age” that the new Stalin constitution had introduced. He went on to ask why the chairman of the village soviet had prevented villagers from worshipping in the local church when the constitution had guaranteed the right to free religion.⁵² A group of collective farm workers writing in January 1937 to “all-Russian elder Mikhail Ivanovich Kalinin” about their “flouted [socioeconomic] rights” combined the traditional language of the village with a more modern language of constitutionalism.⁵³ Even here, peasants tended to be more worried about what might be considered a traditional socioeconomic right with a biblical flavor—the right to sufficient bread—than with the modern right of regularized access to a system of state welfare.

The Second World War had a major impact on the extent of Soviet welfare, but not directly on the Soviet right to welfare.⁵⁴ During the late Stalinist period (1945–53), major parts of the welfare apparatus were expanded. The mass housing program that has often been associated with the Khrushchev years was made possible by new construction that began in the closing stages of the war. But it was Khrushchev who created a de facto right by which citizens could expect relatively equal access to a minimum number of square meters of housing (after waiting on an equitably regulated queue), and Brezhnev who turned this into a constitutional right.⁵⁵

Healthcare provides another example. The Soviet Ministry of Health was founded in 1936, but it was a very small operation with a feeble institutional reach. This changed during late Stalinism. The number of doctors increased twofold between 1945 and 1953.⁵⁶ Healthcare in the Stalin period probably received disproportionate attention compared with other much more neglected aspects of the welfare system.⁵⁷ Yet the regime cared nothing for people’s quality of life as a social right; it simply required, though scarcely achieved, basic medical welfare and minimum basic housing conditions to promote economic growth and industrialization. As Donald Filtzer has exhaustively shown, these measures barely alleviated the dreadful and miserable reality of postwar life.⁵⁸ Similarly, Mark Edele’s research on Soviet veterans points to their sense of “entitlement” after the war, including the entitlement to welfare benefits. Yet their relationship to the regime remained unpredictable and was not based on functioning rights: a sense of entitlement was matched by the experience of disappointment.⁵⁹ Late Stalinism was a period of severe deprivation and exploratory reform, but it had nothing to do with rights.

Yet at the Nuremberg Trials, as Francine Hirsch has shown, Soviet lawyers helped to design an international jurisprudence of “crimes against peace.” They imported some of its rights-inspired spirit into their drafting of a new Soviet criminal code in November 1946. Over subsequent decades, they wrote the legal-sounding Soviet rights talk that filled the stage during Cold War confrontations.⁶⁰ Nuremberg was an important campaign topic in the elections to the Supreme Soviet (the country’s “parliament”) in February 1946; the election campaign also publicized an elaborate presentation of the USSR’s constitutional rights, not least the right to welfare.⁶¹ Soviet social rights were projected back into the international arena in countless foreign-language propaganda publications, such as the wartime series *USSR Speaks for Itself*.⁶² The campaign for social and economic rights was carried by Soviet officials to the negotiations that generated the Universal Declaration of Human Rights of 1948. These

international discussions were marked by a basic disagreement between those national delegations that claimed that civil and political rights were the cornerstone of human rights, and those, led by the Soviet delegation, who argued that social and economic rights made all other rights possible.⁶³ The Soviet side insisted time after time that particular socioeconomic rights be considered for inclusion in the declaration. At one point Soviet negotiators proposed a right to housing, even though this was not part of the 1936 constitution and would be a risible notion in the Soviet domestic context until Khrushchev's groundbreaking decree on housing of 1957.

Why did they do this, given that Soviet social rights existed in rhetoric alone? Social rights were encoded into Soviet ideology and into the party's sense of identity. So was the project of building socialism at any cost. When Stalin died, so did the imperative that the ends always justified the means, but the rhetorical centrality of social rights persisted. Now rhetoric was matched by practice. In Britain, social rights became politically necessary after the publication of the Beveridge Report in 1942; in the USSR, that threshold coincided with Khrushchev's rise to power.

De-Stalinization: 1953–64

Khrushchev's interest in social rights ensured a new departure, though one that made use of Stalin's constitution. True, the new Communist Party program that was issued in 1961 provided an ambiguous ideological foundation for the development of rights. It announced "everything in the name of the person, for the good of the person!"⁶⁴ The program insisted on individual entitlements but did not use the language of rights. But then it did not have to. It was not a constitution. Lacking constitutional force, it had no need to contain a formal list of rights and obligations. Nevertheless, the authors of the program missed a chance of helping further to embed in popular use the language of rights which Khrushchev believed was necessary for the Soviet Union to continue its advance. "We would have made more progress," he commented in his memoirs, "if our citizens had been more demanding in asserting their rights."⁶⁵

Perhaps two sets of ideological pressures combined to mold a particular type of social rights during the Khrushchev era. The third party program was the ultimate expression of one of these pressures, namely, the era's great Leninist revival, phrased in utopian language. Collective endeavor was reemphasized as the route to an impending communist future. The second set of officially approved pressures was for higher individual living standards. This led to a partial reorientation of the economy toward popular consumption needs. Yet these two pressures—for the collective and for the individual—were, in the particular context of the Khrushchev era, complementary. Khrushchev always emphasized that the communist future was one of material plenty. He explicitly sought to reconcile the demands of mass participation and private life. For Khrushchev, the personal right to the complex web of welfare goods was by definition a Leninist ideal. His world was one in which the private and the public, the individual and the state, fully intermingled. In a publication of 1959, the party boss of the town of Nikolaev in the Ukrainian republic placed public participation at the heart of his conception of the Soviet welfare system. Workers were mobilized at the level of the workplace *aktiv* and the local party organizations alike,

and it was their participation that underwrote the economic plans, in particular the programs of housing and public (or “cultural”) construction, during the high Khrushchev era.⁶⁶ It was this participation that generated their access to welfare, broadly conceived.

Labor was the most fundamental form of participation in the Soviet project. It made possible the newly defined right to a pension in 1956. Yet this was a right not enjoyed by everybody. Most notably, collective farm workers were excluded. Nor was it a right to a uniform pension rate. Working in specifically defined climatic extremes or hazardous environments, for example, boosted pension entitlements.⁶⁷ While these differentiations qualified the principle of universality, they nevertheless amounted to transparent and regularized rights, justified with reference to culture, ideology, and popular expectation; they were not arbitrarily conceived, like Stalin-era apportionments of privilege. There was also a shift to equalization. Khrushchev had commented in an October 1955 Presidium paper that it was necessary “to raise the level of pensions for workers and white-collar employees and to reduce it for certain categories of salary-earner whose pensions are too big.”⁶⁸ From the mid-1950s, pensions were generally higher, they depended less on one’s previous working status, and the number of people enjoying the “right” to them “significantly increased.”⁶⁹ One recent author even describes the 1956 reform as “the consolidation of [. . .] a basic human right.”⁷⁰ The general shift toward more equal pension rights was further advanced in July 1964, when collective farm workers (for example, peasants) were given pensions for the first time.

In city and village alike, an old-age pension—a state benefit deriving from a social right—was only one element in the economic support enjoyed or required by a retired person. During Soviet urbanization, some traditional aspects of the extended family survived. The exigencies of the Soviet housing allocation system and the ongoing reality of the housing shortage often obliged three generations to share perhaps two rooms inside a separate family apartment. Cultural norms and the very widespread social preference for using grandmothers (in particular) in everyday childcare also strengthened intergenerational dependence.⁷¹ An institutional mechanism which enhanced the social conditions of pensioners was the very low apartment charges—domestic bills and “rent”—from which every household benefited, and from which the elderly gained particular comparative advantage.⁷² For the elderly, therefore, family support rounded out rather than substituted for social rights, and deeply entrenched “privileges” such as cheap heating were integral to social rights.

Khrushchev also gave particular weight to reforming the education system and to sharpening the right to education in the new protocommunist age. His reform of 1958 added an extra year of schooling and insisted that pupils complete a spell in a factory or collective farm.⁷³ The two measures overlapped in a characteristic way: technocratic and rights-based on the one hand, idealistic and communalistic on the other. In 1960, one million students completed secondary school; in 1970, 2.6 million did. The achievement was extended under Brezhnev: in 1980, around four million students completed secondary schooling.⁷⁴ Effectively, the right to education had been fully realized by the mid-1970s, Linda J. Cook concludes.

By the late 1950s, the central welfare bureaucracy and the social security system

that it administered had grown considerably. The State Committee for Social Insurance oversaw large numbers of complex and personalized operations.⁷⁵ In May 1955, the State Committee for Labor and Wages was founded and was immediately involved in the reform of pensions.⁷⁶ From the 1960s, these branches of the bureaucracy were supported in the formulation of welfare rights not just by legal scholars but also by specialists in the new discipline of sociology. Sociology would attain formal institutional weight later in the Brezhnev era, but even in the 1960s its practitioners were contributing to the development of social policy.⁷⁷

Social rights thus became an increasingly important component of the Soviet Union's self-understanding, and this was projected onto its foreign policy. In his extensive travels, it was a message that Khrushchev brought to the decolonizing Third World, often to the annoyance of his Cold War rivals. His various comments in India in November 1955 (which extended beyond social conditions to a somewhat partial rendering of the history of the Second World War) occasioned some British officials to consider the cancellation of his trip to the UK the following spring.⁷⁸ Implicit or explicit reference to social rights added a frisson to the Cold War. A favorite trope was the contrast between Soviet social rights and the absence of such rights in the United States, evidenced by unemployment, poverty, and the fate of African Americans, a line of discussion which accompanied in one way or another Richard Nixon's visit to Moscow in 1959. These trends had reverberations in Soviet life. Jennifer Amos has shown that the Universal Declaration of Human Rights entered Soviet public culture in 1955 after seven years of neglect: it was published in *Mezhdunarodnaia zhizn'* (International life), where the editors placed it in the context of the 1936 constitution, as well as the context of Khrushchev's new approach to socialist legality, neatly airbrushing the original Soviet abstention.⁷⁹ Socialist legality and socialist humanism were terms used frequently by jurists and also by others—the archives contain countless letters from petitioners to the authorities—who wished to express themselves using the language of the Soviet system. These slogans helped to make sense of the Soviet rights regime; they combined the heritage of 1917 and 1936 with the context of 1940s and 1970s international rights talk, and they found their echoes, as Paul Betts suggests in this dossier, across the Eastern Bloc.

Developed Socialism: 1964–77

Between 1964 and 1977, an accumulation of legislative measures strengthened the practical delivery of socioeconomic rights. Some measures explicitly described rights, others did not. A model collective farm (*kolkhoz*) statute of 1969 stated, “A member of a kolkhoz has the right [. . .] to social security, public services and the assistance of the kolkhoz in the construction and repair of a house and in the provision of fuel.”⁸⁰ By contrast, the 1970 Basic Legislation on Labor of the USSR and Union Republics contained detailed maternity provisions—statutory entitlement of fifty-six days maternity leave before birth and fifty-six days after, more in case of the problematic birth of twins or other multiple births—but did not classify these specifically as rights.⁸¹ But both pieces of legislation derived from a welfare system grounded in a form of rights, which would be given additional constitutional and practical force in 1977.

The constitution of 1977 gave extra status to existing welfare rights and also created some entirely new ones. During the Khrushchev era, a limited right to housing became plausible. The new constitutional right to housing thus rubber-stamped something that was already in place. In other ways, though, constitutional rights took welfare provision to a new plane, at least in theory. Commenting in the light of the new constitution at the June 1978 party plenum, Brezhnev noted that soviets and trade unions should now devote the same attention to welfare considerations as to production. There were emerging demographic reasons for this. The Soviet population was aging, with particular speed in the European republics. It was in the context of increasing numbers of pensioners—ten times as many as in 1936—that pension rights were newly consolidated in the constitution.⁸² Constitutional rights in turn produced specific legislative effects. Article 43 of the 1977 constitution expanded the scope of pension rights, broadly conceived; in 1978, a new law was introduced, “On the further improvement of pensions for collective farm workers.” This link between constitutional measures and later legislation was matched in other elaborations of the right to welfare. Article 45 made reference to the right to stipends and other privileges, including free textbooks, for students and pupils. On November 24, specific legislation on free textbooks was introduced.⁸³ New mothers were now offered legal representation and help in establishing their rights, in making sure that they obtained the appropriate period of maternity leave, for example.⁸⁴

Meanwhile, the “unity model” of the Soviet sociopolitical order retained practical significance as the ultimate forum in which welfare rights were designed and dispensed. Trade unions were central. Their collaboration with factory management and government officials in something as mundane as the provision of workplace canteens has left a substantial archival trace.⁸⁵ Under the ideological rubric of communal dining, and with explicit implications for health, this was effectively elevated to a welfare right dispensed by the unified Soviet order. (The quality of the cuisine was another matter.) More generally, unions organized access to welfare for much of the population through factory social insurance commissions in which workers participated.⁸⁶ These had been set up in the 1930s, and by the late socialist era they were entrenched.

Trade unions were departments of a unified state, and like other departments—such as soviets—they were institutionally obliged to protect welfare rights.⁸⁷ Their practical operations were centered on not only set-piece commissions but on smaller-scale committees, which dealt with all kinds of problems associated with welfare rights, down to those of a citizen as apparently institutionally isolated as a village schoolteacher.⁸⁸ At a conference in Novosibirsk in May 1965, local housing sector trade union officials discussed poor conditions in rural areas and ways of aligning these more closely with people’s entitlements.⁸⁹ A 1971 report of the All-Union Central Soviet of Trade Unions, an umbrella organization, deplored the failure of the union of workers in textile and light industries to respond to its members’ letters of complaint, which often concerned the infringement of socioeconomic rights.⁹⁰ Regulations about dealing properly with letters of complaint, one of the most crucial mechanisms by which a citizen might seek to defend his rights, dated from the

high Khrushchev era. This was a vulnerable and primitive mechanism for the protection of rights, and it depended on government policies far more than the determination of trade unions. But it was broadly functional.⁹¹

New evidence, however, shows that by the Brezhnev era it was possible to talk of at least one major interest group which disrupted the schematic representation of a united Soviet order and made more plausible the sectional existence of defensible rights. In autumn 1956, the Soviet Committee of War Veterans was founded. According to Mark Edele, the leading historian of the movement, it was set up by the regime “as a Potemkin institution for international propaganda” but evolved into a semi-autonomous interest group capable of extracting advantages for those whom it represented. By 1978, the organization was sufficiently robust to have successfully campaigned for a substantial range of welfare rights for veterans. Edele describes the “imaginary rights” that veterans had attempted to exercise in the 1940s and 1950s and, by contrast, the substantive rights associated with a major Central Committee and Council of Ministers (USSR) decree of November 1978. According to this measure, “participants of the Great Fatherland War” had special access to medical care and sanatoria, as well as to other areas of the Soviet world of welfare, including half-price long-distance travel and extended holidays.⁹² By the late socialist period, this interest group had been able not only to defend the rights of its members but also to extend these rights.

The practical reality of welfare rights was tested by the scope of benefits. Published data are flawed, but their overall pattern is certain. Social security spending per worker all but doubled between 1950 and 1957 under the impact of de-Stalinization.⁹³ Cash transfers were expanded at the time of the XXIII party congress in 1966. Between 1960 and 1980, the social security budget expanded from 71.65 billion rubles to 352.96.⁹⁴ At the start of January 1960 there were five million old-age pensioners in the USSR; ten years later, there were 24.9 million.⁹⁵ Medical care followed a similar trajectory. In 1950, 14.6 doctors per 10,000 citizens worked in the USSR; in 1980, 37.4 did.⁹⁶

And yet the data tell only half the story. By the end of the Brezhnev era in 1982, the standard of healthcare was falling. Spending per head of population was dropping.⁹⁷ The official salaries of medical personnel fell as a proportion of the average salary between the 1950s and the 1980s.⁹⁸ Even in areas of medical welfare that enjoyed consistent improvements, such as child mortality, the provision of maternity nurses, and public health campaigns, welfare rights were modulated by the intrusiveness of state medical employees.⁹⁹

By the late 1970s, contemporary observers who spoke from outside the Soviet system mocked the idea of welfare rights. The British official M. B. Nicholson argued that work-focused rights, which were in theory precisely linked to welfare rights, were only sporadically observed. Nicholson noted that the right to pursue the profession of one’s choosing was inconsistent with the opaque practices which governed appointments and which were rooted not in the facilitation of individual preferences but in the needs of the party. Rights associated with particular workplace practices and protection against losing one’s job also broke down in practice; Nicholson referred to

discussions in the Soviet press about illegal sackings. He noticed also that the right to leisure was undermined by the need to participate in *subbotniki* (days of voluntary labor). Drawing again on local press coverage, Nicholson argued that access to healthcare was too patchy, as measured with reference to geography and social hierarchy, to amount to an adequate right. He drew attention to medicines, which were not free, the fee-charging sidelines of many doctors, and the “perversion” of Soviet psychiatry by the KGB (i.e., the incarceration of healthy dissidents in psychiatric wards). Nicholson also mentioned some of the inadequacies of provision for the elderly: low pensions, variable rates dependent on how long one had worked and whether one had done so in city or countryside, and the lack of old people’s homes.¹⁰⁰

Another official British report noted that the constitution achieved two headline postures: it quite dramatically increased the number of rights, and it “gave greater emphasis to social and economic rights than to civil and political rights, in line with the standard Soviet view of what constitutes ‘genuine’ human rights.” The report argued that these rights were feeble even on their own terms. Widespread use of the “balancing clause” undermined them, whether the frequent insertion of the qualifying phrase “in accordance with the aims of Communist construction,” the inclusion of economic targets as prerequisites for the realization of some rights, or the announcement that new legislation would be required for the delivery of other rights. A second strategy for diluting the meaning of new rights, according to this report, was the “extending and broadening of citizens’ duties to an inordinate degree and making the exercise of rights inseparable from the performance of the duties.” Third, the phrasing of certain articles was tightened to make the point of view of the ruling regime less ambiguous.¹⁰¹

Dissidents also made a case against the constitutional right to welfare. Drawing on their long-standing commitment to a notion of civil and political rights, and gathering strength from the rights talk that was spanning the globe in the 1970s, they sought to hold the Soviet government to the commitments it had made in its own constitutions as well as in the Helsinki Final Act.¹⁰² Yet dissidents usually had little interest in socioeconomic rights. There were exceptions. The Association of Free Trade Unions was founded in January 1978 in order to defend workers’ rights, though it was soon repressed. Other such groupuscules included the Working Group for the Defense of Labor, Economic and Social Rights in the USSR, and the Free Interprofessional Association of Workers.¹⁰³ In a letter of June 29, 1977, written in response to the government’s call for public comments about the draft constitution, twelve dissidents extended their critique to the welfare sections of the constitution.¹⁰⁴ They denounced the official claim to equality in welfare provision and wrote of “glaring inequality” instead, which made nonsense of the idea of a right to welfare. Thus leading officials might have pensions of even five hundred rubles a month; some ordinary people had as little, they claimed, as eight. Elite schools were a similar bone of contention. Yet the dissidents who pursued this line of argument were the smallest minority of a tiny minority.

The critics were right: Soviet rights could hardly have been more imperfect. Yet their imperfections—their very particular existence—structured much of the story of post-Stalinist Soviet welfare.

Conclusion

It has become axiomatic that the Soviet Union was a welfare state. This idea has flowed through the writings of sociologists and historians influenced by theories of modernization and convergence.¹⁰⁵ It has been accepted by many leading historians of the Soviet Union, including perhaps the two most influential of the past twenty years. Drawing ultimately on a modernity thesis about the development of state practices and linguistic norms in modern Europe, Stephen Kotkin has described Stalin's USSR as a welfare state.¹⁰⁶ From a more empirical base, Sheila Fitzpatrick has done the same.¹⁰⁷ They mean that welfare depended on a common stock of state practices that existed in all modern countries, and so the term "welfare state" is not far from universally applicable. But what of rights? There are many ways to define a welfare state, and there are many reasons why the Soviet Union was not a welfare state. But one simple definition requires that citizens possess a right to a certain volume of welfare goods. These goods might be narrow or broad, and the basis of the right might be constitutional, legislative, or more broadly consensual. But it must be reflected in reality.

Elaborate socioeconomic rights, defined in the constitution, were part of Soviet life. Under Stalin, however, their existence was notional. It was also absurd. Soviet citizens entirely lacked rights and lived in one of the most arbitrary and coercive of modern dictatorships. The Soviet Union under Stalin was not a welfare state. After Stalin, citizens' socioeconomic rights became increasingly meaningful. They were anchored in vulnerable, subsiding ground, but this ground was always sufficiently stable to support a range of welfare benefits. It could never support political or civil rights, though, and so socioeconomic rights could theoretically be easily withdrawn. This would never happen, but the rights still lacked cohesiveness and strength. Notwithstanding their existence, the Soviet Union would never be a welfare state. Certainly by the 1960s, welfare was just too extensive, ranging from the administration of holiday resorts to the dispensing of pensions, to be captured by the abstract notion of a welfare state of universally existing modern practices. Yet for all its total scope, Soviet welfare remained inconsistently funded and often inadequate, though access to it genuinely depended on social rights embedded in a constitution. The point was that these social rights were Soviet rights: they were limited and faulty, they existed in a very particular ideological and cultural context, and they defined an important part of what it meant to be Soviet.

NOTES

1. V. Patiulin, "Gosudarstvo i lichnost' v SSSR," *Sotsialisticheskaia zakonnost'* 4 (1978): 9.
2. V. Burmistrov, *Soviet Law and the Citizens' Rights* (Moscow: Novosti, 1974), 10.
3. For instance, Michael Cotey Morgan, "The Seventies and the Rebirth of Human Rights," in *The Shock of the Global: The 1970s in Perspective*, ed. Niall Ferguson et al. (Cambridge, Mass.: Harvard University Press, 2010), 240; and most influentially, Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton, N.J.: Princeton University Press, 2001).
4. A. A. Abramova, *Pensii sem'iam, poteriaushim kormil'tsa* (Moscow: Iurizdat, 1957), 3.

5. Alexei Yurchak, *Everything Was Forever, Until It Was No More: The Last Soviet Generation* (Princeton, N.J.: Princeton University Press, 2006).
6. For a fuller discussion of Soviet property rights, see Mark B. Smith, *Property of Communists: The Urban Housing Program from Stalin to Khrushchev* (DeKalb: Northern Illinois University Press, 2010), part 2.
7. V. Portnov, "Deklaratsiia prav trudiashchegosa i ekspluatiruemoga naroda," *Sotsialisticheskaia zakonnost'* 1 (1978): 9–13.
8. Iu. S. Kukushkin and O. I. Chistiakov, *Ocherk istorii sovetskoi konstitutsii* (Moscow: Izdatel'stvo politicheskoi literatury, 1987), 16–17.
9. See Alexander Rabinowitch, *The Bolsheviks in Power: The First Year of Soviet Rule in Petrograd* (Bloomington: Indiana University Press, 2009), 295. Lenin quoted in A. Vyshinskii, "Dvadsat' let sovetskogo gosudarstva," *Sovetskoe gosudarstvo* 5 (1937): 11.
10. Articles 12 and 118–21.
11. Article 122. See also V. P. Portnov and M. M. Slavin, *Etapy razvitiia Sovetskoi konstitutsii* (Moscow: Nauka, 1982), 184.
12. Catriona Kelly, *Children's World: Growing Up in Russia, 1890–1991* (New Haven, Conn.: Yale University Press, 2007), 104–5.
13. Iu. A. Tikhomirov, "Problemy teorii sotsialisticheskoi Konstitutsii," *Sovetskoe gosudarstvo i pravo* 2 (1978): 4.
14. For an example of a discussion of rights that might be interpreted as fitting into a socialist-realist framework, see *Sotsialisticheskaia zakonnost'* 9 (1977): 10.
15. *Sovetskoe gosudarstvo* 6 (1936): 6.
16. *Sovetskoe gosudarstvo* 6 (1937): 1.
17. *Sovetskoe gosudarstvo* 6 (1936): 10.
18. Vyshinskii, "Dvadsat' let sovetskogo gosudarstva," 17.
19. I. I. Kozlov et al., *Gosudarstvennoe sotsial'noe strakhovanie*, 3rd ed. (Moscow: Profizdat, 1958), 18.
20. National Archives, Kew, London (hereafter TNA), FCO 28/3088, saving telegram from Moscow to FCO and various embassies, June 8, 1977.
21. R. Khalfina, "Ekonomicheskaiia sistema razvitogo sotsializma," *Sotsialisticheskaia zakonnost'* 9 (1978): 4, 6.
22. See A. F. Nozdrachev, "Konstitutsionnye osnovy planirovaniia," *Sovetskoe gosudarstvo i pravo* 6 (1978): 18–26.
23. R. O. Khalfina, "Konstitutsionnye printsipy rukovodstva ekonomiki," *Sovetskoe gosudarstvo i pravo* 8 (1978): 8.
24. Article 11 in 1936; article 16 in 1977.
25. V. Maslennikov, "Vzaimosviaz' konstitutsionnykh prav i obiazannostei grazhdan," *Sotsialisticheskaia zakonnost'* 3 (1978): 3–7. "Motherland" might suggest that the organic forces of the Russian tradition helped to generate these rights, while "Fatherland" suggests their other source, the socialist state and government order.
26. G. Anashkin, "Okhrana prav i svobod sovetskogo cheloveka," *Sotsialisticheskaia zakonnost'* 11 (1979): 3.
27. "Obsuzhdenie proekta konstitutsii SSSR," *Sovetskoe gosudarstvo i pravo* 8 (1977): 5.
28. V. Patiulin, "Gosudarstvo i lichnost' v SSSR," *Sotsialisticheskaia zakonnost'* 4 (1978): 9. *Sovetskoe gosudarstvo* 6 (1936): 6.

29. Article 1.
30. M. Kirichenko, "Konstitutsiia razvitogo sotsialisticheskogo obshchestva," *Sotsialisticheskaiia zakonnost'* 8 (1977): 5.
31. V. Zvirbul', "Razvitie leninskikh idei sotsialisticheskoi zakonnosti v proekte konstitutsii SSSR," *Sotsialisticheskaiia zakonnost'* 9 (1977): 14–17.
32. Article 44.
33. V. Kuznetsov, "Propaganda konstitutsii SSSR—nash professional'nyi dolg," *Sotsialisticheskaiia zakonnost'* 5 (1978): 8–10.
34. O. Smirnov, "Konstitutsionnoe pravo grazhdan SSSR na trud," *Sotsialisticheskaiia zakonnost'* 5 (1979): 4–6.
35. N. Kirichenko, "Ispol'zovanie pravovykh sredstv v ukreplenii gosudarstvennoi distsipliny," *Sotsialisticheskaiia zakonnost'* 10 (1979) : 7–9.
36. Yurchak, *Everything Was Forever*.
37. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Harvard University Press, 2010), chap. 4.
38. A. P. Shitikov, "Real'nye prava, nadezhnye garantii," *Sovetskoe gosudarstvo i pravo* 3 (1978): 5.
39. "Dialektika razvitiia sovetskoi gosudarstvennosti i Konstitutsiia SSSR," *Sovetskoe gosudarstvo i pravo* 4 (1978): 3–13.
40. See V. A. Patiulin, "Gosudarstvo i lichnost': Konstitutsionnye printsipy vzaimootnoshenii," *Sovetskoe gosudarstvo i pravo* 5 (1978): 7–8.
41. N. N. Sheptulina, "Konstitutsiia SSSR i razvitie zakonodatel'stva o trude zhenshchin," *Sovetskoe gosudarstvo i pravo* 6 (1978): 27–31.
42. Stephen Kotkin, "Modern Times: The Soviet Union and the Interwar Conjuncture," *Kritika* 2, no. 1 (2001): 111–64; David Hoffmann, *Cultivating the Masses: Modern State Practices and Soviet Socialism* (Ithaca, N.Y.: Cornell University Press, 2011).
43. Hoffmann takes a different view of Soviet welfare, interpreting it as one part of a bundle of state practices—exclusionary violence was another—that took form during and after the First World War. See *Cultivating the Masses*.
44. Dorena Caroli, "Bolshevism, Stalinism, and Social Welfare (1917–1936)," *International Review of Social History* 48, no. 1 (2003): 46.
45. *Ibid.*, 51.
46. J. Arch Getty, "State and Society under Stalin: Constitutions and Elections in the 1930s," *Slavic Review* 50, no. 1 (1991): 18–35; Ellen Wimberg, "Socialism, Democratism and Criticism: The Soviet Press and the National Discussion of the 1936 Draft Constitution," *Soviet Studies* 44, no. 2 (1992): 313–32.
47. A. Ia. Livshin et al., eds., *Pis'ma vo vlast', 1928–1939: Zaiavleniia, zhaloby, donosy, pis'ma v gosudarstvennye struktury i sovetskim vozhdiam* (Moscow: ROSSPEN, 2000), 380 (document 222).
48. For a particularly schematic though important and influential exploration of this, see Jochen Hellbeck, "Fashioning the Stalinist Soul: The Diary of Stepan Podlubnyi (1931–1939)," *Jahrbücher für Geschichte Osteuropas* 44, no. 3 (1996): 344–73.
49. Jeffrey Brooks, *Thank You Comrade Stalin! Soviet Public Culture from Revolution to Cold War* (Princeton, N.J.: Princeton University Press, 2001).
50. Livshin et al., eds., *Pis'ma vo vlast'*, 363 (document 216).

51. Rossiiskii Gosudarstvennyi Arkhiv Sotsial'noi i Politicheskoi Istorii (Russian State Archive of Social and Political History), 78/1/558/43.
52. Livshin et al., eds., *Pis'ma vo vlast'*, 354 (document 210).
53. *Ibid.*, 328 (document 191).
54. See, for example, Joonseo Song, "Rule of Inclusion: The Politics of Postwar Stalinist Care in Magnitogorsk, 1945–1953," *Journal of Social History* 43, no. 3 (2010): 663–80.
55. Smith, *Property of Communists*.
56. Chris Burton, "Medical Welfare during Late Stalinism: A Study of Doctors and the Soviet Health System, 1945–1953" (Ph.D. dissertation, University of Chicago, 2000).
57. Carol R. Nechemias, "Welfare Policy in the Soviet Union: A Study in Regional Policy Making" (Ph.D. dissertation, Ohio State University, 1976), 199.
58. Donald Filtzer, *The Hazards of Urban Life in Late Stalinist Russia: Health, Hygiene and Living Standards, 1943–1953* (Cambridge: Cambridge University Press, 2010).
59. Mark Edele, *Soviet Veterans of the Second World War: A Popular Movement in an Authoritarian Society, 1941–1991* (Oxford: Oxford University Press, 2009). See also Shaun Morcom, "Social Workings of Soviet Power: State-Society Relations in Postwar Russia" (D.Phil. thesis, University of Oxford, 2006), which discusses the theme of entitlement more generally in the late Stalinist period.
60. Francine Hirsch, "The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order," *American Historical Review* 113, no. 3 (2008): 701–30.
61. Mark B. Smith, "Popular Sovereignty and Constitutional Rights in the USSR's Supreme Soviet Elections of February 1946," in *Voting for Hitler and Stalin: Elections under Twentieth-Century Dictatorships*, ed. Ralph Jessen and Hedwig Richter (Frankfurt: Campus, 2011), 59–80.
62. See vol. 3 (1941).
63. Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent* (Philadelphia: University of Pennsylvania Press, 1999), 192, 194, 197, 223.
64. Third Program of the Communist Party of the Soviet Union, 1961, section g.
65. N. S. Khrushchev, *Khrushchev Remembers: The Last Testament*, vol. 2, ed. and trans. Strobe Talbott (London: Deutsch, 1974), 139.
66. K. Karanda, "Zabota o cheloveke—perveishii dolg partiinoi organizatsii," in *Partiinaia rabota v promyshlennosti* (Kiev: Gosizpollit USSR, 1959), 351.
67. "Statute on procedure for setting payment of state pensions," Council of Ministers (USSR), August 4, 1956, paragraph 19.
68. "Note of N. S. Khrushchev to the Presidium of the CC CPSU on issues of the regularization of wages and pensions policy," *Nikita Sergeevich Khrushchev: Dva tsвета vremeni: Dokumenty iz lichnogo fonda N.S. Khrushcheva*, vol. 2, ed. N. G. Tomilina et al. (Moscow: Mezhdunarodnyi fond "Demokratiia," 2009), 277 (part 6, document 7).
69. G. K. Iniutin, *Prava na pereraschet pensii (komu i v kakom poriadke proizvoditsia pereraschet ranee naznachennoi pensii)* (Moscow: Iurizdat, 1956), 6.
70. Andrea M. Chandler, *Shocking Mother Russia: Democratization, Social Rights and Pension Reform in Russia, 1990–2001* (Toronto: University of Toronto Press, 2004), 43.
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72. Iu. Ia. Tsederbaum, *Ischislenie pensii rabochim i sluzhashchim* (Moscow: Iurizdat, 1964), 10.
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Modernisation in Russian since 1900, ed. Markku Kangaspuro and Jeremy Smith (Helsinki: Finnish Literature Society, 2006), 221–36.

74. Linda J. Cook, *The Soviet Social Contract and Why It Failed: Welfare Policy and Workers' Politics from Brezhnev to Yeltsin* (Cambridge, Mass.: Harvard University Press, 1993), 51.

75. Kozlov, *Gosudarstvennoe sotsial'noe strakhovanie*, 21.

76. V. A. Acharkan, *Gosudarstvennye pensii* (Moscow: Iurizdat, 1967), 91.

77. David Cattell, "Comprehensive Consumer Welfare Planning in the USSR," in *Soviet Politics and Society in the 1970s*, ed. Henry W. Morten and Rudolf L. Tokés (New York: Free Press, 1974), 250.

78. Mark B. Smith, "Peaceful Coexistence at All Costs: Cold War Exchanges between Britain and the Soviet Union in 1956," *Cold War History* (published online, forthcoming in print).

79. Jennifer Amos, "Embracing and Contesting: The Soviet Union and the Universal Declaration of Human Rights," in *Human Rights in the Twentieth Century*, ed. Stefan-Ludwig Hoffmann (Cambridge: Cambridge University Press, 2011), 159, 165.

80. Statute of 28 November 1969, paragraph 4.

81. Article 71.

82. See V. A. Patiulin, "Gosudarstvo i lichnost': Konstitutsionnye printsipy vzaimootnoshenii," *Sovetskoe gosudarstvo i pravo* 5 (1978): 6.

83. G. Dorokhova, "Pravo grazhdan SSSR na obrazovanie," *Sotsialisticheskaia zakonnost'* 6 (1979): 9–11.

84. "Sluzhba okhrany materinstva i mladenchestva v SSSR," *Sotsialisticheskaia zakonnost'*, 3 (1979): 44.

85. Among many other examples, see Gosudarstvennyi Arkhiv Rossiiskoi Federatsii (State Archive of the Russian Federation, hereafter GARF), R-5451/30/599/121.

86. Gustave Rimlinger, *Welfare Policy and Industrialization in Europe, America and Russia* (New York: Wiley, 1971), 297.

87. For example, in the area of healthcare. See V. I. Shabailov, *Upravlenie zdравookhraneniem v SSSR* (Moscow: Iurizlit, 1968), 35.

88. GARF R-5462/32/953/21–6. The document refers to a typical case of 1970.

89. GARF R-5451/30/501/1ff.

90. GARF R-5451/30/582/1–8.

91. Social rights and citizens' letters to the authorities are discussed with reference to the GDR in Paul Betts, *Within Walls: Private Life in the German Democratic Republic* (Oxford: Oxford University Press, 2010); and in Mary Fulbrook, *The People's State: East German Society from Hitler to Honecker* (New Haven, Conn.: Yale University Press, 2005).

92. Edele, *Soviet Veterans*, 162, 196, 205.

93. Kozlov, *Gosudarstvennoe sotsial'noe strakhovanie*, 16.

94. *Narodnoe khoziaistvo SSSR, statisticheskii ezhegodnik*, 1960: 848; 1970: 734; 1980: 527.

95. *Narodnoe khoziaistvo SSSR, statisticheskii ezhegodnik*, 1965: 602; 1969: 592–93; 1972: 570.

96. *Narodnoe khoziaistvo SSSR, statisticheskii ezhegodnik*, 1963: 624; 1980: 496.

97. Cook, *Soviet Social Contract*, 52.

98. Christopher Williams, "The Modernisation of Russian Healthcare: Challenges, Policy, Constraints," in Kangaspuro and Smith, eds., *Modernisation in Russia*, 217.

99. Kelly, *Children's World*, 336–37.

100. TNA, FCO 28/3089, M. B. Nicholson, "Soviet draft constitution: basic rights and freedoms."
101. TNA, FCO 28/3088, report of M. B. Nicholson, July 6, 1977.
102. See most notably Benjamin Nathans, "Soviet Rights Talk in the Post-Stalin Era," in Hoffmann, ed., *Human Rights in the Twentieth Century*, 166–90.
103. Cook, *Soviet Social Contract*, 73–74.
104. A samizdat version of the letter was recovered by the British authorities and discussed by M. B. Nicholson: TNA, FCO 28/3090.
105. See, for example, Ramesh Mithra, "Convergence Theory and Social Change: The Development of Welfare in Britain and the Soviet Union," *Comparative Studies in Society and History* 18, no. 1 (1976): 28–56.
106. Stephen Kotkin, *Magnetic Mountain: Stalinism as a Civilization* (Berkeley: University of California Press, 1997).
107. See, for example, Sheila Fitzpatrick, "The Soviet Union in the Twenty-First Century," *Journal of European Studies* 37, no. 1 (2007): 51–71.