

Constitutional Cows

Lomb Samantha

Postgraduate

University of Pittsburgh, Arts and Sciences, Pittsburgh, United States

E-mail: samlomb@hotmail.com

The specificity which defined constitutionalism in the USSR set it apart from more western constitutions. No issue illustrates the specifically soviet understanding of constitutionalism better than the issue of private cow ownership. Article 7 of the draft constitution stated that: “Social enterprises in collective farm and cooperative organizations with their living and dead stock, used in collective farm and cooperative organization production, equally with their communal buildings are property of the collective farms and cooperative organizations. Every collective farm household can have a small garden plot and personal property for subsidiary economic activity on the garden plot, productive (продуктивный скот), fowl and petty agricultural stock as specified in agreement with the charter of the artel’.”[1] Hence the constitution specified the ownership of livestock, including the most important type of productive livestock in the country, the milk cow. Such a level of specificity is not present in most western constitutions, which are a collection of guiding principles, which would in turn shape legislative initiatives. However, in the USSR the right to own a private cow was not an afterthought but a function of the soviet understanding of constitutionalism as constitution as a list of very specific achievements, rather than a list of driving principles. Therefore the clause detailing cow ownership was present in Stetskii, Tal’ and Iakovlev’s first complete draft of the draft constitution and remained through the ratification of the draft in December.[2] The limitation on livestock ownership signaled the victory of collectivization over personal small holding and of state ownership over private ownership, while simultaneously creating a small private sphere for Soviet citizens.

However, the issue of livestock ownership in general and cow ownership in particular resonated deeper with soviet society than the intellectual musings of the drafting commission. In Kirovskii Krai there were no less than three suggestions to amend the number of cows constitutionally allowed. At the general meeting of the "Stepan Razin" collective farm, Kotel’nicheskii raion, it was suggested that collective farmers with large families be authorized to have 2 cows for personal use.[3] A similar suggestion was made by Shabalin, a worker from Kirovskii raion that collective farmers having 8- 10 members in a family be allowed to have two milk cows.[4] Shikalov from Shikalovskaia artel’, Slobodskoi raion made an analogous suggestion.[5] Given that there was more than one response to a rather obscure line in the draft constitution, the constitutionality of multiple cow ownership resonated with people. Cow ownership had long been a marker of prosperity in the villages. The state, aware of the important role cows played in the everyday life of rural inhabitants paid particular close attention to the liquidation of cow-less-ness, making a primary goal of collective farm management and local state officials.[6] During the collectivization and the subsequent evaluations of the standard of living on collective farms, the ownership of a private cow by a majority of the collective farm members was a marker that raion inspectors used to denote a successful collective farm.[7] The cows helped define quality of life in the countryside and multiple cows would help raise the standard of living for large families. The suggestions about cows serve to illustrate that

many of the very personal, seemingly irrelevant suggestions given to the draft constitutions were responses to state policies and procedures outlined in the draft constitution. What in any other country would have been at best a legislative initiative became a constitutional principle in the USSR.

References

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