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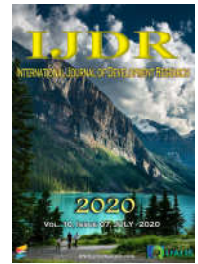
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THE RIGHTS AND FREEDOMS OF THE “FORMER PEOPLE” IN SOVIET TURKESTAN-UZBEKISTAN (ANALYSIS OF THE SOVIET CONSTITUTIONS OF THE TASSR - UZSSR 1918-1940)

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ABSTRACT

This article gives an analysis of the Soviet constitutions adopted in the TASSR - the Uzbek SSR during the 1918-1940s, which allowed us to trace the policy of the Soviet government in relation to the former privileged layers of Turkestan society, as former police chiefs, officials, and the national political elite (Khans, Qazis), the bourgeoisie; to identify which particular social groups and strata of society belonged to them, which social categories were used by the authorities to label them, in which context certain combinations were used, and what is important, in which sections and articles of the fundamental law of the Soviet state these questions found their reflection.

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INTRODUCTION

After the October revolution of 1917 in Turkestan, the victorious power represented by the Bolsheviks drew a social boundary within society, defining the “friends” and “enemies” of the new government. The category of “enemies” included a significant number of former citizens of the Russian Empire, who were called necessarily with the prefix - the “former people”: former Tsar, former Emir, former Khan, former bourgeoisie, former officials, former police chiefs, former Ministers. The Soviet government from the first months of its consolidation led a “struggle”, against this category of “former people” by adoption and publication of relevant resolutions, decrees, orders, which in a varying degree restricted their property, political, and social rights. The restriction of rights was also enshrined in the basic law of the new state, the first Constitution of the Turkestan Autonomous Soviet socialist Republic, TASSR. In my opinion it is through the prism of Soviet constitutions, that we can trace the development of the Bolshevik policy towards the former privileged classes of society, identify which social groups and strata of society belonged to them, which social categories were used by the authorities to label them, in what context certain combinations were used, and, what is more, what sections and articles of the 1918-1940 Constitutions.

MATERIAL AND METHODS

This research is based on the analysis of various types of sources, both historiographical and archival ones. Particularly, there have been

analyzed the materials of official records, published sources, such as decrees and resolutions, which allows us to construct the historical discourse of the era, to see the opinions and reflections of the Soviet state’s leaders on this issue. Historical researches of Soviet and modern historians presents the interpretation of these events by Soviet historiography, tracing the development of historical thought on this issue in 20-th century, and identify key problems and issues, and the “white spots” in the study of social history of the Soviet period. In research, we used a retrospective, chronological method, as well as a method of content analysis of the text, which allowed to identify key words and phrases from the content of the analyzed documents, “markers” that had allowed the Soviet authorities to “show” “their” and “alien” in Soviet Turkestan-Uzbekistan. In addition, the methodology of constructivist perception and analysis of narratives has a significant potential for conducting similar research.

RESULTS AND DISCUSSION

Already the first Soviet constitutions of Turkestan, faced the opposition within the motley Turkestan society, social inequality within it, was laid down. The first such legislative acts that consolidated the established “inequality” between the former privileged strata of society and the rest of it was constitution of the October in 1918. The content of the first Constitution of October 1918, the first chapter, fully included “Declaration of rights of working and exploited people” and “General provisions of the Constitution of the Russian Socialist Federative Soviet Republic”,

which has already been spelled out the policy of the Soviet rule against the former exploiting classes, i.e., the situation of Turkestan's adaptation to the proven experience of Soviet Russia. In particular, in the first and second sections of TASSR Constitution there were put entire Constitution of Soviet Russia, which clearly declared the presence of "exploiters" in society and the need for their "ruthless suppression". Saying that "who is not a worker – doesn't eat", "transferring of all their property to the workers, to ensure the power of the workers over the exploiters", "the extermination of parasitic strata of society," that in the new system of management "there is no place for exploiters": "The tsar, the landowners and the bourgeoisie", "banking and financial capital", "class of property owners", "parasitic strata" [6, 23]. In the third section of this Constitution, which now directly affects the republic of Turkestan, only the category of "working and exploited people" was used. The presence of other social groups in Soviet Turkestan was given an idea in the part devoted to "Suffrage", more precisely, in the context of their depriving of this achievement of revolution. In particular, the suffrage was lost for: "a) persons who resort to hired labour for profit goals; b) persons living on unearned income, such as interest from capital, receipts from property, etc.; c) private reseller and commercial intermediaries; d) monks, clergy of the church and religious cults; e) employees, agents of the former police, special corps of gendarmes and security departments, as well as members of the reigning home of Russia" [6, 28].

The text of first TASSR Constitution and the documents it comprised meant the continuation of exploitation, despite the victory of the revolution. Therefore the basic law of the state prescribes both a contradiction and a direct necessity of the "workers" struggle with the "exploiters". Two years later, the September 1920 Constitution was adopted in Turkestan [6, 30-39]. According to the Soviet lawyer A. Agzamkhodzhayev, the publication of this Constitution was caused by a number of factors and, in particular: "the consolidation of Soviet power, the liquidation of counter-revolutionary actions of the white guards", so the Bolsheviks had the task to make significant changes to the text of the Constitution of the Turkestan ASSR of 1918 and brought it into full compliance with the Constitution of the RSFSR of 1918" [1]. Some additions were made to this version of the Constitution: lexical expressions related to the concept of "exploiters" were expanded: "the extermination of all exploitation", "the complete elimination of the division of society into classes", "the merciless suppression of the exploiters", "the cancellation (extermination of all loans) concluded by the government of the Tsar, the landlords and the bourgeoisie", "the extermination of the parasitic strata of society", "the break with the barbarous bourgeois civilization that built the welfare of the exploiters in a selected few Nations on the enslavement of hundreds of millions of working people in Asia, in the colonies", "there is no place for exploiters in any authority", "to break the economic and political power of the ruling classes". Analyzing the constitutions of Soviet Turkestan, we should also pay attention to the constitutions created in the early 20-s of the 20-th century for the legal registration of two new States-the BNSR and the KHNSR. It is worth saying that Bukhara and Khorezm were the first declared not as socialist, but People's Soviet republics. This was explained by the fact that "they were extremely backward countries in the pre – revolutionary era, which were in conditions of pre-capitalist relations", so "the successes achieved in establishing a new life in the Bukhara and Khorezm people's Soviet republics had to be fixed in the basic law-the Constitution". The analysis of the Constitutions' content of the BNSR and the KHNSR represent that former Khanates faced the path of new development, despite the special state status at that time, there were already defined the category of persons deprived of voting rights. It is noteworthy that in the Constitution of the KHNSR this issue was developed more thoroughly than in the BNSR [8]. The most amazing thing is that the new authorities managed to find "counter-revolutionaries", "who betrayed the motherland for the interests of imperialist governments", and "people who went against the Constitution" at the time the Constitution itself has been just adopted! In addition, a certain national specificity of the former Khanate was reflected in the social category equated to "exploiters"– "Khan and Khan's descendants".

In the first Constitution of the KHNSR of April 20, 1920, the "enemies" of the new state were the Russian autocracy that oppressed the Khivan people", and "former servants of the Russian autocracy", as well as a number of social categories such as "European imperialists and capitalists", "former Khan administration of Khiva", "former servants of Russian capital", "Russian capitalists", "Russian Tsar", "reactionaries, the Khan, Khan's relatives" [8, 96]. The Constitution of the KHNSR, approved a year later, at the second Khorezm Kurultai of Soviets on May 23, 1921 [9, 102], stipulated the liquidation of movable and immovable property owned by former Khans and Khan's relatives, "acquired from the people by taxes" and their transfer for public needs" [9, 102].

It should be noted that in all three versions of the KHNSR's Constitutions there were some general social groups that were deprived of voting rights, and in the first and second ones, one can define their social strata: usurers, the Khan and his relatives. Most fully, as can be noted, social categories were designated in the second Constitution, where it was possible to distinguish: officials, regional rulers, the military class, the Muslim clergy, large land owners, the national bourgeoisie. All the texts of the constitutions also mention vague wording of "dispossessed", which could include any member of society who did not agree with the new authorities, such as "counter-revolutionaries", "who betrayed the motherland for the interests of imperialist governments", etc. And another nuance that draws attention to itself and absent, for example, in the constitutions of the TASSR, and being in the 3 Constitution of the KHNSR – this is an opportunity to restore the rights of former Khan's officials.

In General, the third version of the of the KHNSR's Constitution, approved at the third Khorezm Kurultai of Soviets on July 23, 1922 [10, 103-111] was an evidence of Soviet power consolidation in Khorezm republic underscoring inconsistency of comparison of Soviet power with former Russian empire. "The extent of Russian imperialism's odious for Khorezmian people as much as the predatory union of Tsarist Russia and Khiva Khanate oppressed the people of Khorezm, the Russian proletariat, which suffered terrible oppression from Russian tsarism and capitalism, hates its own Russian capitalists and Khan's arbitrariness. The Russian proletariat concluded a common fraternal labor Union with the workers of Khorezm"[10, 104]. The first Chapters of the Constitution declared policy of confiscation of "movable and immovable property of the Khans and Khan's major officials", [10, 105] according to the requisition of private property for "exceptional and urgent" needs of the Republic: "National heritage of KHNSR were recognized the factories, plants, gold, silver, raw materials, cotton, and among premises – the palaces and houses of the Khan and high officials"[10, 105].The propertied class was also tax fixed, which had to "bear the brunt of it" to raise funds to "satisfy local and national needs". In the Constitution of the already transformed KHSSR, published on October 23, 1923 [11, 318-323], one of the first chapters declared the prevention of "inequality of wealth"... while someone live in luxury, and others work hard to get a piece of bread"[11, 318]. The politics of "socialization of the land", the liquidation of private ownership of the entire land Fund and declaring it public, "forests, sand and water, as well as the property of former Khans and Khan's high officials, that were looted by them from the population of the KHSSR" was declared "national property" [11.318].

The BNSR adopted three constitutions between 1920 and 1922 (October 8, 1920, September 23, 1921, August 18, 1922), and one – the BSSR (September 20, 1924) [7, 112; 113-119;120-126; 324-325], but they differed in content and scope from the Constitutions of the KHNSR and the KHSSR. They do not contain specific paragraphs and chapters that would declare and define the politics of new authorities concerning "exploiting classes", except for a few phrases that emphasized the importance of the historical event – the fall of the Emir's power and the establishment of a new social order. In particular, there were declared that "useful and worthy sons of the Fatherland are considered to be farmers and artisans, all persons who earn for life by their own labor" [7, 112, and that "the fetters of the Emir's despotism were forever destroyed, Bukharan people became

emancipated from foreign capital and imperialism, which opened a bright era for the people in its own history, and further in historical events in the East" [7.112]. In the texts of the 3 Constitutions of the BNSR, it is possible to identify those social groups of society that were considered as a possible threat to the new social development, so they were included in the category of "deprived people". The analysis of presented data allows, to a certain extent identify the General social framework for restricting the right to vote, both in the KHNSR and the BNSR: from certain General lexical characteristics (despotism of Emir, foreign capital, imperialism), to specifying specific social strata (Emir, bankers, merchants, clergy, etc.).

The next stage of Soviet policy formation towards the former privileged classes in Soviet Uzbekistan is reflected in the Constitutions of 1927 and 1932 [2, 3, 4]. These and subsequent constitutions already had a territorial relationship to the new state-the Uzbek SSR, created on the site of the TASSR, BSSR, and KHSSR, thus reflecting the political and administrative changes that occurred in Central Asia during the delimitation in 1924 securing the legal status of the new state. The constitutions of 1927 and 1931 duplicated each other in their main parts, and set their tasks for "ensuring the dictatorship of the proletariat, in order to completely suppress the bourgeoisie, to suppress the exploitation of man by a man", which was spelled out in the general provisions of both Constitutions. We do not find in the content of these versions of the Constitution specific instructions on the requisition of property, or justification for punitive policies against privileged groups of society, except for those chapters of the Constitution that dealt with disenfranchisement. It can be assumed that by the time these versions of the Constitution are drawn up, many issues such as the requisition of property, land, jewelry, as well as the elimination of estates and ranks have become irrelevant. References to specific social groups of society that remained an "unfavorable element" in Soviet Uzbekistan in the late 20-s and early 30-s of the 20-th century I find in the chapters of the Constitutions that stipulated "Active and passive suffrage".

As can be noted from the content of articles of both Constitutions for 1927 and 1931 in terms of disenfranchisement, they duplicated each other: "using wage labor, interest on capital, private traders, clergy, "former people": employees of the gendarmerie department, police officers, officials, employees of the native administration, former ruling dynasties in the Khanates and representatives of the house of Romanovs". It seems very doubtful that even at the time of the late 20-s, these social groups continued to pose a threat to Soviet society, because most of them were already punished for their "past". The turning point in this issue occurs in the second half of the 30-s of the 20-th century. The "Stalinist" Constitution of 1936 removed all restrictions for Soviet citizens to exercise their right to vote and to be elected. According to Article 135 of the Constitution of the USSR and Article 134 of the Constitution of the Uzbek SSR of February 14, 1937, universal suffrage was declared, regardless of "social origin, property status and past activities". In the Constitution of the Uzbek SSR, published in 1941, with additions and amendments adopted on July 23, 1938, July 14, 1939, May 8, 1940, and March 24, 1941, this problem is close to its ending. It can be considered as the final stage in formation of attitudes towards the former privileged strata of society in Soviet Uzbekistan. Article two, Chapter one of this Constitution stated that the political basis of the Uzbek SSR – the Soviets, "grew and strengthened as a result of the overthrow of the power of landlords and capitalists, bays, Emirs and Khans, the liberation of the Uzbek people from the national oppression of tsarist rule, the Russian imperialist bourgeoisie and the defeat of the nationalist counter-revolution" [4, 3].

Why in the Soviet society and the Soviet leadership in the late 30-s made such a turn to the rights of "former people"? This problem is still poorly studied. Russian historian T. M. Smirnova, in the course of her research, came to a conclusion that the big role in this process had played by the VII Congress of Soviets of the USSR, held in 1935. At this Congress it was stated that as soon as "Russia from the NEP period had become socialistic, and the new correlation of class forces in the country must comply with the new electoral system: the

replacement of not quite equal elections – by equal suffrage – our elections changes by direct ones, open election by closed ones. It was decided to make a proposal for the TSIK of the USSR to elect a Constitutional Commission to draft the text of the new Constitution and hold the next regular elections of Soviet authorities on the basis of a new electoral system," [5, 235] but "consistently adhered to the search of enemies" [5, 238].

CONCLUSION

While analyzing the question of how the politics of the Soviet power was created and developed to the former privileged classes of society in Soviet Turkestan-Uzbekistan, one should pay attention to their first Constitutions. In the texts of first Constitutions published in the period from 1918 to the 1930-s in Soviet Turkestan-Uzbekistan, we find the declared policy of the Bolsheviks in relation to certain exploitative classes, which can be considered as "former people". A number of chapters and sections of the constitutions allow to indicate who the Soviet authorities referred to as "outcasts" of the Soviet society. First, I can distinguish the main parts and first chapters of the considered constitutions, which discussed the importance of establishing Soviet power and the need to fight the enemies of the revolution. The "enemies of the Soviet power" were classified as: specific social categories "Tsar", "landlords", "bourgeoisie", "large landowners and capitalists", "Emir and his family", "Khan's dignitaries", and categories that have a broad social framework: "exploiters", "banking and financial capital", "classes of property owners", "parasitic strata". In relation to these social categories, there were declared the politics of "requisitioning and confiscating their property", "exclusion from power", "merciless suppression", "abolition of previous economic and political acts of the former tsarist government" One of Constitution's articles on active and passive suffrage could be considered as "indicator" of authority's loyalty to various social groups in post-revolutionary society. This article, in fact, gave a detailed answer to the question – who is the enemy of the Soviet government? The enemy of the new power were those groups of society that were deprived of this right. At some years, the voting rights were deprived: "reigning Emirs and former high state officials of the Emir", "counter-revolutionaries", "traitors of freedom and peoples interests who betrayed the motherland for the interests of imperialist governments", "moneylenders", "supporters of oppression and diminution the rights of national minorities", "Ishan and Akhund", "merchants", "high officials and large-scale plutocrat strata", "private traders", "trade and commercial intermediaries", "monks and clerics of Church and religious cults", etc. Perhaps apart, from this, was the Constitution of the BSSR of September 20, 1924, in which this Chapter was absent at all.

Initiated people's revolutions in the former Bukhara and Khiva Khanates under the aegis of the Soviet power, influenced the Constitutions of the people's democratic republics –the BNSR and the KHNSR. In the texts of the first constitutions I do not find any division into "hostile" classes of society, but we find sections where declared the politics of property requisitioning of the former Khan and his relatives, as well as taxing class of property owners in favor of the people. Thus, the study demonstrated the "turn" of the Soviet authorities with respect to the former privileged strata of society occurs in the mid-30-s of the 20-th century, with the adoption of the so-called "Stalinist Constitution" in the USSR, when this article was excluded from the Constitutions of all the Union republics and all Soviet citizens, regardless of their former social origin, received the right to vote and to be elected. However, in fact, this changed little in the continuing policy of the Soviet state to search for and purge society of "enemies of the people".

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