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The Emergence of Agricultural Cooperative Law in the First Phase of Village Collectivization until 1953[1]

Abstract

The author here presents an informative study offering a brief synthesis of the significant legislative and political steps during the first years of the collectivization and socialisation policy of the Communist Party of Czechoslovakia (KSČ) and its plans for the overall transformation of law from bourgeois to socialist, particularly in relation to property laws regarding land and the cooperative movement. In the reality of post-war Czechoslovak cooperatives and agriculture, these processes insensitively and destructively affected independent farmers and non-socialist cooperative forms of business. After the communists rose to power in Czechoslovakia after February 1948, a vigorous collectivization process began in the first phase of the collectivization of Czechoslovak rural areas from 1949 to 1953 (or at least until the beginning of 1953), and as a result of the concentrated communist pressure on the existing agriculture and cooperative movement, new socialist cooperatives and agricultural cooperative law were established, the basic legal framework of which and its problematic implementation during the first years of communist totality are presented by the author.

Keywords: collectivization of the village, land reform, agrarian-cooperative law, cooperative movement, United Farmer Cooperative (JRD), village rich ("kulak")

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Introduction

Turning to the Czecho-Slovak context of the cooperative movement before February 1948, let us begin by noting that the original concept of the cooperative as an entrepreneurial, self-help and popular entity that performed both economic and non-economic tasks[2] witnessed its deformation in the post-war collectivization and socialization of the village under the Soviet model, initiated by the emerging communist regime. The legal-historical developments often diverged sharply from the ideological factors and principles of the pre-February cooperativism as there was:

(a) the idea of increasing social security and meeting certain needs of cooperative members, and not only primarily to make a profit (cumulatively, it was also about the material upliftment of members and the promotion of the cultural and moral aims of the cooperative);[3]

(b) the self-management model in the scope of cooperative democracy and in the essential feature of voluntariness and solidarity (freedom to join and remain in the cooperative, creation of its bodies exclusively by the members of the cooperative, freedom of entrepreneurship or other cooperative activity).[4]

Farmers had been economically and socio-culturally shaped by centuries of property relations to land (forming part of private law), and the specific relationship to land had been derived from understanding it as a sui generis commodity.[5] However, in modern history, state authorities have always claimed a certain degree of public law regulation in relation to its owners or users, in particular by limiting ownership and rights of use to the land (e.g. in the interests of securing agricultural products for the population, the profitability and renewability of the land, environmental protection, etc.). The fundamental structural changes in the post-war agriculture were associated firstly with the new land reform (Act No. 46/1948 Zb.[6]) and, in its wake, with the adoption of the Soviet model of collectivization, incorrectly referred to as association.[7] The aim of the land reform, already carried out under the strong influence of the Communists (the then Minister of Agriculture was Július Ďuriš, a long-standing member of the Communist Party of the Czechoslovak Republic and of the Communist Party of the Soviet Union), was to further

[2] Němcová, *Družstevní principy*, 49.

[3] In predominantly Christian (Catholic) Slovakia, the intention to establish a cooperative was based ideologically also on the social teachings of the Catholic Church.

[4] Houdek, *Storočnica*, 46; Hůlka, *Ideové a právní základy*, 9; Slezák, *Úspěchy a prohry*, 10 and 13; Němcová, *Družstevní principy*, 49–52.

[5] Soil is not the result of human labor but is an indivisible part of nature and the landscape. Traditionally, indigenous farmer populations have strongly perceived their mission as rudimentary cultural and economic capital: to generate a basic material and cultural heritage, inherited and cultivated from generation to generation. For centuries, the inhabitants have linked their continued existence to it, without changing their socio-cultural patterns of behavior towards the land.

[6] Its title was: on the "permanent regulation of the ownership of agricultural and forest land." It limited private ownership of land to 50 hectares of land for an individual, if he also worked on it. The remaining land became subject to compulsory purchase in return for compensation, which was then allocated by the state according to certain principles to small communes, cooperatives, farmers, landless farmers or workers. Kuklík [et al.], *Dějiny*, 142–5.

[7] Burešová, *Združstevňování*, 223–4.

fragment the land fund and optimize small-scale agricultural production into socialist cooperatives.

The future legal interventions of the state in agriculture and legal relations to land were outlined already by the so-called Hradecky program, which was presented by Minister Ďuriš in April 1947 as the ideological-legislative basis for the outlined legal interventions in agriculture and cooperative farming.[8] He formulated the main principle of the relation to land: "land belongs to the one who works on it" which was translated into all related legislation on land and future collectivization after February 1948, and in the first place it was the basis for the fundamental law of the new land reform – Act No. 46/1948 Zb., limiting private ownership of land up to 50 hectares for an individual.[9]

Since the communists did not forget to include the large and influential stratum of the farmery into the creation of a socialist society, therefore, in the general line of building socialism, the chairman of the Central Committee of the Communist Party of the Czechoslovak Communist Party, Klement Gottwald, at the IX Congress of the Communist Party of Czechoslovakia[10] on May 25, 1949, emphasized the policy of collectivization of the countryside:

> We must win the village, the small and medium farmer and isolate the rich for reaching socialism. For so the question stands: there will be no socialism in our country without the transition of the village to socialism. And there will be no transition of the village to socialism in our country without the union of the working class with the basic mass of small and medium farmers.[11]

The following legislative and political plans and actions of the Communist Party in agriculture were tied to the primary goal of collectivization – the establishment of collective farms was thereby accompanied by many illegal practices, which I will explain in more detail in this study. As a consequence of the transformation of the former agricultural cooperative movement into large-scale collective farming units labeled as JRDs along the lines of the Soviet kolkhozes, together with interventions into the legal relations to land, a new branch of law was created in 1953 at the Czechoslovak Academy of Sciences – agricultural-cooperative law.[12]

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[8] In 17 points he developed far-reaching reforms in agriculture, e.g.: in land ownership and land rationing, land distribution above the maximum of 50 hectares per farmer, mechanization of agriculture, financial and tax concessions for farmers, and facilitation of the status of women in agriculture. Kuklík [*et al.*], *Dějiny*, 59–60.

[9] 50 hectares of land should have been enough to satisfy the social and economic interests of the smallholders as well as the interests of the state. Kuklík [*et al.*], *Dějiny*, 142–8; Soukup, *Kolektivizace*, 457–8; Pernes, *Kolektivizace*, 1–10.

[10] Referred to as the key congress at which the so-called general line for the construction of socialism was adopted. Martuliak, *150 rokov*, 135; Pernica, *Prínos družstevníctva*, 79.

[11] Officially, the socialist association of agriculture promoted in every possible way the concentration of enterprises, cooperatives and the transition to socialist large-scale production, which competed with the considerable fragmentation of the land fund (especially in Slovakia), solved first by land reform, then by the association of medium and small farmers. Cambel, *Päťdesiate roky*.

[12] It regulated the relations arising between cooperative farmers and JRDs and some other relations between JRDs and other cooperative entities. Suchánek, Špirk, *Právní regulace í*, Fábry, *Zemědelskodružstevní právo*.

1. Fundamental changes after February 1948 in the process of collectivization in the Soviet manner

The developmental breakthrough of the political coup d'état of the Communist Party of Czechoslovakia on 25 February 1948 established new axioms for the emerging socialist cooperativism, and brought about a real revolution and a departure from the original and pluralistic, non-state-run cooperative system that had been formed over more than one hundred years.[13] According to the ideological and political conclusions of the congresses and internal deliberations of the Communist Party, all ownership of the means of production had to be transferred to socialist organizations – state or cooperative organizations, with the addition that the latter were to have a lower, secondary status, which was in principle the case until 1990.[14] The concept of a class society, with its primary Stalinist theme of the downgrading of the class struggle, actually affected almost every inhabitant of the countryside, and fundamentally affected the richer farmers, labeled as "class enemies."[15]

The aforementioned political imperative of the rapid changes in agriculture and co-operatives – in a process called **association** – had already been formulated by the Constitution of 9 May 1948 (Constitutional Act No. 150/1948 Zb.[16]), according to which cooperative ownership was recognized as a part of socialist ownership, though state ownership was prioritized.[17] Thus, there was an ideological distinction between state and cooperative ownership, and the co-operative type was to be secondary to the prioritized state type. In the spirit of the established slogan of land ownership only for those who work on it, the Constitution also characterized the innovative concept of the so-called people's cooperative (§157 constitution) – associations of the working people for the purpose of joint agricultural and associated activities, which were to achieve an increase in the standard of living of the entire population. The above-mentioned cooperative concept was intended to ensure integrated farming in a cooperative form of ownership.[18]

Primarily, the regime pursued the goal of a comprehensive transformation of agricultural policy through the liquidation of the remnants of capitalism, private ownership and entrepreneurship in agriculture (based mostly on small and medium farmers). During the stage of building socialism (1948–1960), cooperativism was given a new mission by various party resolutions and was to be an organizational tool for the liquidation of private ownership in the countryside, while at the same time representing one form of socialist ownership (only temporary, according to Marxist doctrine). The Communist

[13] Soukup, *Kolektivizace*, 457.

[14] This was in principle the case until 1990 with the adoption of Constitutional Act No. 100/1990 Zb., which changed the status quo in favor of equivalence of all types of ownership.

[15] Hlavová, *Kulak*, 8.

[16] § Section 159 of the Constitution, 9th May: "(1) The maximum permissible area of land that may be privately owned by an individual or by co-owners or a jointly farming family is 50 hectares; (2) Private ownership of land is guaranteed for farmers who work the land themselves up to an area of 50 hectares."

[17] Cooperative ownership was directly promoted by the state in Article 157 of the Constitution of 9 May 1948. It was additionally enacted by the 1960 Constitution in Article 8: "Socialist ownership has two basic forms: state ownership, which is the property of all the people (national property), and cooperative ownership (property of people's cooperatives)."

[18] Soukup, *Kolektivizace*, 459.

Party's idea of the socialization of the village was to facilitate collectivization following a Soviet-type cooperative economy. Cooperativism was then seen as a means of transition to "socialist large-scale production" in agriculture.[19]

Although the ideological-political program of the Communist Party openly articulated the transitivity of cooperative forms (party leaders could not even agree for a long time on the most appropriate form of collectivization, or socialist-type of association), the so-called "socialist-type" cooperatives[20] were in the end entrusted with a new mission of collectivization – as a fundamental organizational and legal form of the transformation of the primarily private agricultural sector with individually farming farmers into large-scale agricultural production with a cooperative legal form (primarily in the JRD), managed by the state authorities.[21] The process of collectivization is historically connected with the years 1949–1960. Within its first phase, we may distinguish the years 1949–1951 – the so-called voluntary phase of the establishment of JRDs, and the years 1951–1953 – the forced establishment of JRDs, but both periods are characterized by various forms of legal and extra-legal repression.[22] For the Communist Party of Czechoslovakia (KSČ), collectivization was intended to fulfill two political goals: (a) to gain support among landless women and small farmers; and (b) to disrupt the ownership of large landowners and more prominent farmers.[23] A large archival base (including valuable oral history sources) has already documented its typical feature – forced collectivization using various forms of coercion and KSČ-organized violence against village collectivity or the resisting individual farmers.

In Czechoslovakia, collectivization was based on the local traditions of pre-February cooperativism, which, however, when viewed in the light of its democratic legal foundations, structure and cooperative principles (voluntarism, self-management, cooperation, self-help, social solidarity, equality of members, collective management), were completely distorted by the communists; only some formal features of cooperatives were preserved in the sense of the declared legal regulation, which, however, were denied or ignored by the real practice on a daily basis.[24]

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[19] Kuklík [*et al.*], *Dějiny*, 148.

[20] Pešek, *Peripetie*, 195–204; Pešek, *Premeny*, 98–9.

[21] From small-scale production to large-scale production, accepting cooperatives to achieve that goal. Štefanovič, *Právne aspekty*, 45. Other goals of collectivization became: increasing production and the standard of living of the population and freeing up labor for industry and accelerating industrialization. Fiamova, *(De)formovanie*, 1.

[22] Němcová, *Vybrané kapitoly*, 143.

[23] Kuklík [*et al.*], *Dějiny*, 148.

[24] For the differences between Western European and socialist cooperatives, see Burešová, *Združstevňování*, 223–5; Hesková, "heslo: družstevnictví," 192.

2. The legal basis of the new agricultural cooperativism – the establishment and existence of the JRDs in the early 1950s

To begin with, I will emphasize an essential feature of the socialist law, based on which all legal norms were interpreted purposively and by which, moreover, in agriculture the political-economic directives of the Party and of the Government had priority. Therefore, the range of sources of the newly created agrarian-cooperative law was expanded beyond the adopted legal framework – by extra-legal acts (recommendations and conclusions of the Central Committee of the Communist Party), which openly demonstrated the nature of socialist cooperativism in the interests of the dictatorship of the proletariat[25] and which routinely and openly often circumvented the law. It is a historically true statement that not all the actions and decisions of the Party and the Government were the result of their own concepts and plans; they were often born under the pressure of actual development (and the recommendations and orders of the Soviets).[26]

Among the first and most effective legislative instruments of collectivization was Act No. 69/1949 Zb. on Unified Farmer Cooperatives (JRD).[27] Although it had many shortcomings, it cardinally changed relations in agriculture and the countryside.[28] JRDs in the Czechoslovakia state were built on the model of Soviet kolkhozes, which were centrally controlled collective agricultural organizations – therefore we cannot speak of association in the true sense of the word, because neither JRDs nor their predecessor – kolkhozes – were ever true democratic cooperatives. The cooperative workers themselves were not equal members, but *de facto* only employees of the cooperative. In relation to land, cooperatives became the owners of the land rather exceptionally, and the ownership was either retained by the state (which left it to the JRD for "permanent and free use") or remained in the private ownership of the cooperative members with the right of the cooperative to cultivate it.[29]

When the JRD was established, it was supposed to follow the older cooperative forms, but the reality was again much more complex. Immediately from 1949, the Ministry of Agriculture set up a special department to implement an "action plan for the establishment of JRDs," based on initiatives from both above and below.[30] The main principle of the Act No. 69/1949 Zb. on the establishment of cooperative collective farms was the intention of unifying small-scale agricultural production, while the ownership of farms (homesteads) of small or larger farmers was to be transferred to group (cooperative) ownership by the so-called association – by putting movable and immovable property

[25] Soukup, *Kolektivizace*, 468. Also Václavů, *Ke sporům*, 1; Cf also: Suchánek, Špirk, *Právní regulace*, 55; Drobník, *Zemědelskodružstevní právo*; Suchánek, Špirk, *Zbližování třídy*.

[26] Pernes, *Kolektivizace*, 10.

[27] The Act supplemented, for example, the Act No. 27/49 Zb. on the mechanisation of agriculture, as well as other laws and implementing decrees and regulations, which were primarily intended to break the resistance of the farmers.

[28] Immediately after its adoption, the Ministry of Agriculture issued the implementing Decree No. 75/1949 Zb. of 17 March 1949, and in the same year the first model statutes of the JRD were issued; the subsequent ones were then approved by the Government of the Czechoslovak Republic in 1953.

[29] Burešová, *Združstevňování*, 223–4; Burešová, *Prosazování*, 395–402.

[30] Kuklík [*et al.*], *Dějiny*, 150.

into a cooperative. Based on the constitutionally guaranteed cooperative form of ownership, it was to create new types of cooperative ownership, where the socialist method of large-scale production was to be applied (i.e. in the contemporary understanding – collective labor without the exploitation of one man by another).[31]

In addition to JRDs, the state-owned estates, which farmed on nationalized land and on land acquired by the state, also became a complementary collective form of agricultural production. They were established based on Act No. 312/1948 Zb. on the organization of state forests and estates, in connection with Act No. 82/1951 Zb. on the organization of state estates. They functioned as national enterprises, engaged in agricultural production in accordance with the national economic five-year plan and were fully subject to the control and management of the state authorities (the Ministry of Agriculture, regional and district administrations of state estates, and partial control of the national committees).

The establishment of the JRD was to be carried out in principle in accordance with Article 1.1 of Act No 69/1949 Zb., based on the declared voluntariness of membership (Article 7[32]).[33] In the early years of the association, farmers joining the cooperative retained ownership of the assets contributed, and the cooperative acquired only the right to use them.[34] The Act on JRD in Section 2 demonstratively declared the aim of the cooperative activity (e.g. the mechanization of agricultural production, conclusion of contracts on purchase and delivery of agricultural products, care for improvement of agricultural production, facilitation of rural women's work). The establishment of the cooperative was to be done both from above and below – by massive state and party support and specifically by the activities of the preparatory committee in each village (according to Section 4, only one cooperative was to operate in the village, and according to Section 5, the JRD was to be established by the preparatory committee upon the approval of the Central Council of Cooperatives (ÚRD) and the registration of the JRD in the register of cooperatives).

The legal status of members in the pre-February cooperatives was thus based on the principle of voluntary and personal involvement in joint work, but the new type of JRDs preserved this democratic principle in a purely formal way, since the cooperators had the

[31] Štefanovič, *Roľnícko-družstevné právo*, 56.

[32] Section 7 of the law: "Any working landowner or person who can contribute to the fulfilment of the purpose of the cooperative by his participation may voluntarily become a member of a single cooperative."

[33] Section 1.1: "In order to ensure the beneficial development of agricultural co-operative farming and to eliminate the existing fragmentation of co-operative farming as a legacy of the past, unified agricultural co-operatives shall be established on a voluntary basis to unite the various agricultural co-operatives which have hitherto existed and to bring significant benefits to the working farmers. The unitary agricultural cooperatives shall be people's cooperatives within the meaning of Article 157 of the Constitution." https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1949/69/vyhlasene_znenie.html (accessed: 30.11.2024).

[34] This was one of the specific features of the JRD, which included the system of state management, use of the model statutes and other recommendatory legal norms. Cf. Štefanovič, *Právne aspekty*, 45. The farmer, on joining the JRD, pooled his land into the JRD, while his original ownership remained preserved in the so-called nominal or bare ownership (*nuda proprietas*); he also pooled his live and dead inventory (mainly livestock – horses, cows, etc.) and the agricultural machinery; however, these passed into the exclusive ownership of the cooperative, which was to be reimbursed to the farmers.

actual status of employees, while their membership lost its original content and became fictitious.[35]

Gradually adopted principles of the formation of the new type of cooperative were based on the neutral and pleasant-sounding Lenin's cooperative theory.[36] At the turn of 1951–1952, the Ministry of Agriculture issued the operating regulations of the JRDs and distinguished four types of cooperatives:

Type 1 – its members organized joint field work and cooperative machinery without erasing the boundaries, and they preserved the ownership of individual members (by the end of 1951 this type existed no longer);

Type 2 – members farmed together, but livestock farming was still privately owned by the members of the co-operative and there was an obligation to provide their own machinery for the co-operative use;

Type 3 – consisted of a fully productive cooperative, which organized joint crop and livestock production with the possibility for each member to farm on a small plot of land;

Type 4 – differed from Type 3 mainly in the form of remuneration – the distribution of income was made without considering the size of the land brought in, which meant a complete equality of members who worked together.[37]

The character of Czechoslovak agricultural cooperativism was derived from the principles of the regulations of the non-socialist (pre-February) cooperativism. The main principles were set out as follows:

(1) The principle of management was drawn up for cooperatives from the tasks of the national economic plans, especially from the plans of the first cooperative quinquennium in 1948– 1952;[38]

(2) The principle of socialist democracy implied that all fundamental issues were decided by elected collective bodies and these were accountable to those who elected them (in reality, the JRD was managed only by its chairman, preferably a loyal party member);

(3) The principle of democratic centralism, which was required at all levels of the state and socialist organizations and, in practical terms, meant subordination to the decisions of the top party organs. In contemporary theory it was explained in such a way that the resolutions of the higher organs were binding on the lower organs in the whole system of state management. As such, the cooperative unions, namely the Central Council of Cooperatives (ÚRD) and the

[35] Bláhová [*et al.*], *Právnická dvouletka*, 172.

[36] In accordance with the policy of socialist reconstruction of the farmers, the following considerations should have been implemented: (1) gradual involvement of farmers in large-scale agricultural production; (2) only gradually change the consciousness of the farmers from simple, non-productive to higher forms of production; (3) adhere strictly to the principle of voluntarism and avoid administrative coercion, which is inadmissible in the political commitment of the farmers; (4) to provide cooperatives with various benefits and financial assistance; (5) to provide modern machinery for the cooperatives, which could have persuaded the farmer to join the cooperative; (6) to spread the revolutionary ideas of Marxism-Leninism in the village as a prerequisite for political, cultural and professional commitment to communism. See: Pernica, *Prínos družstevníctva*, 78.

[37] From the end of the 1950s, only Type 4 cooperatives were allowed to be set up. Špirk, Novák, Husák, *30 let rozvoje*, 79–83; Pernes, *Kolektivizace*, 14; Burešová, *Združstevňování*, 224.

[38] See *Základy prvej československej päťročnice*.

Slovak Council of Cooperatives (SRD),[39] could issue binding directives within the scope of their competence and, in practical terms, direct or at least guide the activities of specific cooperatives.[40]

The *de facto* nationalization and liquidation of non-socialist cooperativism[41] began with its subordination to the Party-established central government, which had supervisory powers over cooperatives, often going beyond internationally recognized cooperative principles.

The principle of cooperative voluntariness was negated by forced affiliation to higher cooperative centralities: while in the case of the former Slovak Central Cooperative Society (CS) of 1920s cooperatives voluntarily affiliated with it,[42] membership in the ÚRD and SRD was established based on an unfree, external decision of the state and party authorities. The establishment of a new cooperative had to be approved in advance in writing by the ÚRD. In addition, the associated cooperatives had to submit to the state control of the Ministry of Social Welfare. The Act also terminated the activities of several cooperative associations by universal succession of the ÚRD or SRD to their rights and duties without their explicit liquidation (§12).[43]

Inevitably, new legislation was introduced during further development, and political directives and the views of the party organs were gradually reformulated. Among the more fundamental legal norms, one can mention Act No. 27/1949 Zb. on the mechanization of agriculture, which encouraged the establishment of machine-tractor stations (STS), necessary for the smooth running of the innovated mechanized agricultural production, which had almost no tradition in Slovakia.[44] The Act in question definitively anchored STS as the main vehicle for the mechanization of collective farming in Czechoslovakia, but on the other hand it did not take into account the objectives of the collective farming units, which STS were supposed to serve, and therefore the plan for the use of the equipment was hardly implemented by the end of the first five-year period. The original purpose of the STS – to coordinate agricultural work and thus increase labor productivity and yields, in cooperation with the JRDs – was more successful in the western part of the country. In Slovakia, the situation was the opposite. The main problem

[39] Act No. 187/1948 Zb. on the Central Council of Cooperatives (ÚRD) created a central cooperative headquarters, to which the Slovak Council of Cooperatives (SRD) was subordinate in Slovakia, and all other cooperatives and cooperative unions with compulsory membership of the ÚRD or the SRD fell under their subordination.

[40] Kol. autorov. *Príručka*, 10.

[41] Until then, there were several types of cooperatives in the agricultural sector: credit, trade, processing and production cooperatives. See: Hesková, heslo: družstevnictví, 193.

[42] Based on the Czechoslovak response in the form of Act No. 210/1919 Zb. z. a n.

[43] E.g. the Slovak Union of Employee Cooperatives and their liabilities were transferred to the SRD. Smrčka [*et al.*], *Vývoj*, 73.

[44] Miroslav Sabol states the following about the post-war problem of agricultural mechanization: "The gradual transition of workers from agriculture to other sectors of the national economy further accentuated the problem of mechanization and put the brakes on the accelerated replacement of human power by the power of machines. Difficulties increased especially in the peak season of harvesting work, in cutting hay, harvesting sugar beet or harvesting potatoes. It was during the periods in question that the loss of labor from agriculture most exposed the weakness of the mechanization of the JRD." The care of the entrusted machinery "had long been unsettled, which was reflected in the attitude of the workers towards the entrusted machinery. Their operation was also adversely affected by high staff turnover and a persistent shortage of professionally qualified tractor drivers." [Sabol, *Strojové-traktorové stanice*, 85].

was the absence of modern machinery and educated cadres, so that by the end of the first five-year period the yields of the JRD were far behind the pre-war level.[45]

Slowly but surely, the focus of agricultural cooperatives was shifting to the sphere of production cooperatives, i.e. activities aimed at joint agricultural production (crop or livestock), represented by type 3 and 4 JRDs and state-owned estates, which, however, was in stark contrast to the philosophy of the past cooperatives focused on non-productive purposes.[46]

3. The flip side of collectivization – criminal and other legal sanctions for boycotts and resistance to the establishment of JRDs

The stated intention of the JRD Act was far from being implemented, and the everyday reality in almost every locality was from the beginning that of resistance and ignorance on the part of the farmer population.[47] In attempts at breaking the resistance, the regime divided the population into two groups: the village rich (kulaks[48]) and the others. Since the process of establishing collective farms on a voluntary basis had not been carried out by February 1951, the party authorities proceeded to issue instructions for the establishment of collective farms wherever these had not yet been implemented, and it was at this stage (1951–1953) that unprecedented brutality and coercion (even criminalization) became strongly visible in the practice of the communist regime against the farmers, which is a reversed and sad chapter of collectivization.[49]

In addition, the Communist Party Central Committee made a political decision in February 1950 with a directive to exclude the local rich from the JRDs, because the large group of the first cooperatives were the wealthier, older farmers who, due to their age, could not cultivate their land and meet the forced production limits.[50] Similarly, the Ministry of Agriculture discussed the material "Restriction and suppression of the village rich" in March 1951, and in October 1951, directives were adopted at the government level to regulate the living conditions of family members of the convicted village rich.[51]

In pursuing the collectivist policy, the communists fearlessly applied repressive activities and actions, for which they also used the existing penal and administrative legislation, to accelerate collectivization; the appropriate norms turned out to be

[45] *Ibid*., 86–7.

[46] Fabricius [*et al.*], *150 rokov*, 147.

[47] Burešová, *Združstevňování*, 223–8.

[48] In designating an individual as a "kulak," the decisive factors were "his past, his position in the village, his previous and present exploitation," but gradually this definition was blurred in terms of the flexibly interpreted features of the status, especially at the time of mass collectivization in 1952. Quoted by Hlavová, *Kulak*, 19.

[49] The JRD was perceived as the basic organizational and production unit of agriculture. Štefanovič, *Právne aspekty*, 41–2.

[50] Soukup, *Kolektivizace*, 492.

[51] Pernes, *Kolektivizace*, 17, Hlavová, "Fenomén," 35–55.

Act No. 231/1948 Zb. for the Protection of the People's Democratic Republic, Act No. 247/1948 Zb. on forced labour camps, Act No. 612/1946 Zb. on the regulation of the right of sharecropping, Act No. 15/1947 Zb. on the prosecution of the black market, or the penal administrative law – Act No. 88/1950 Zb. and others.[52] On the basis of Act No. 27/1949 Zb. on the mechanization of agriculture, the State confiscated agricultural machinery and draught cattle to make field work more difficult for private individuals.[53]

Punitive sanctions were mainly implemented by imposing fines (e.g., for the non-fulfillment of contractual deliveries), taking away clothing vouchers (for the purchase of textiles and footwear), etc. Extra-legal coercive actions were also common: cutting electricity, increasing compulsory deliveries of agricultural products or extending the compulsory purchase of products for small farms up to 2 ha, introducing forced administration and forced leases. Finally, the harshest penal methods were used: illegal detention, sentencing to imprisonment, conscription to the army to the auxiliary technical battalions, forced labor, prohibition of residence in the home village, and there were also trials ending with the death penalty. In the criminal trials against the kulaks, the Minister of the Interior emphasized the political dimension of each trial and the motive of the "collective presumption of guilt."[54]

From 1951 onwards, other forms of targeted repression were used: by decisions of local national committees[55] or party organs, kulaks were expelled from existing JRDs, or children of resistant farmers were expelled from schools and had to take up designated auxiliary labor positions.[56] The criminalization of kulaks usually meant the imposition of harsh prison sentences or forfeiture of property and, in addition, the displacement of their families to other villages and towns, in an action known as "Action K" (kulak), launched in November 1951. By November 1952 it affected only Bohemia and Moravia, but after this period it affected also Slovakia and ended only with the Soviet instruction after Stalin's death.[57]

Other legal and non-legal means of "class struggle against the capitalist elements in the countryside," besides constant propaganda, were also disadvantageous pricing, the increase of the agricultural tax and the abolition of tax concessions, the increase of interest rates and the abolition of state price interventions.[58]

The violence against the farmers undoubtedly upset the established social order of village society; it also significantly reduced agricultural output and tied up the supply of food and other products, which the regime sought to blame on the kulaks. Numerous

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[52] These norms were supplemented by Act No. 89/1950 Zb., the Administrative Code of Criminal Procedure, entrusting criminal jurisdiction to the National Committees in their persecutory interventions against farmers and kulaks. Hlavová, "Fenomén," 43.

[53] Hlavová, *Kulak*, 31–2.

[54] *Ibid*., 29; Hlavová, "Fenomén," 46–7.

[55] In the three months of 1951, the Slovak National Committees in the Czechoslovak Republic dealt with 146,747 offenses (e.g., black cutting of meat, failure to meet the stipulated deliveries, disturbance of public order, etc.), and among those punished were 20,726 farmers and 4,861 village rich men. On the repressive activities in Slovakia in favor of collectivization see: Žatkuliak, *V mene zákonov*, 22–84.

[56] Pernes, *Kolektivizace*, 14–5.

[57] From November 1951 to the summer of 1953, 1.629 kulak families were displaced in Slovakia and more than 1,800 families were displaced in Bohemia. Hlavová, *Kulak*, 64; Kuklík [*et al.*], *Dějiny*, 154; Pernes, *Kolektivizace*, 18.

[58] Hlavová, "Fenomén," 42.

tragic consequences on individual families and individuals affected by and resisting collectivization can be confirmed (suicides, premature deaths, mental illness, family breakdown, widespread alcoholism, etc.).

4. The liquidation of the pre-February cooperatives as an essential step towards the successful collectivization and socialization of the village

A significant revival of the idea of corporativism took place immediately after World War II, but since the regime decided to either liquidate the original cooperatives or to subordinate them to the socialist model, after 1949 (after the first JRD Act) the other forms of pre-February agricultural corporativism were to assist the newly founded and party-preferred JRDs.[59] As the then SRD dictionary stressed, the original cooperatives were to understand the "demands of the times" and were to strive to "build socialism in the countryside and thus work for a better future, a fifth piece of bread for the workers and for the preservation of permanent peace."[60] Quoting from Section 10 of the SRD[61] constitution, the cooperative "becomes a part of the national movement of the working people, which is directed towards the fulfillment and enforcement of the task of the Five--Year Plan and the establishment of a new relationship of man to labor" and therefore part of the collectivization plans of the Communist Party was to liquidate the existing cooperatives or merge them with the socialist cooperative sector. The Czechoslovak village was supposed to see its prosperity in joining the JRD (especially its higher types).[62]

The initial intervention was the immediate personnel changes that affected the pre-existing cooperatives and their headquarters, as seen in purging of the top organs of the ÚRD after 1948 (the trusted party man Antonín Zmrhal was appointed to its presidency).

Newly appointed cooperative officials in smaller cooperatives were already vetted by the communist-formed action committees of the local national committees (in Slovakia, after the SRD's statement), thus violating the appointing rights of the general assemblies (GAs) of the cooperatives. This whole tactic was intended to lead to the liquidation of the cooperatives and their incorporation into the socialist cooperative sector, and – to preserve the appearance of smoothness and democracy of the whole process – the model of voluntary merger under the then commercial law was preferred.

The author's research on a selected pre-February cooperative type included food cooperatives (PD) in western Slovakia, Trnava region, at the turn of the 1940s and 1950s.[63] The PDs in question were assigned only one task by the people's democratic regime: to facilitate or directly contribute to the socialization of village trading and retail – i.e. to nationalize every private form of ownership and business in the above-mentioned

[59] Vojáček, Schelle, Knoll, *České právní*, 611, 614.
[60] Švecová, *Právne postavenie*, 200.
[61] State Archive Trnava, PD Žlkovce fund.
[62] Štefanovič, *Roľnícko-družstevné právo*, 64; also see: Vojáček, Schelle, Knoll, *České právní*, 612.
[63] Švecová, *Právne postavenie*, 110–97.

area in favor of the newly formed district consumer cooperatives (OSD) Jednota.[64] This meant that the PD assisted the JRD in harvest, spring and autumn field work, pest and weed removal, spraying of fruit trees, planting of fruit and forest crops, etc., for which it organized work groups or trained the youth. Similar activities facilitated artificial involvement in public life, whereby the communists pursued the aim of creating new social relations, guided by the spirit of socialist morality.[65]

From the moment the aforementioned Act No. 187/1948 Zb. came into force, the Slovak PDs were still working relatively unhindered in 1948–1849, although they had been controlled by the SRD since 3 August 1948. The already rather complicated situation was aggravated by the dual management of the cooperatives – by the regional cooperative headquarters[66] as well as by the state authorities (national committees); but alongside them the SRD headquarters remained the main coordinator of the planning and management of the cooperative sector.[67]

The establishment of OSD Jednota at the level of districts, in which only one OSD could operate and to which the network of its branches and already functioning PDs was subordinated, became an important fact for the demise of the PDs.[68] This step started a gradual process of legal as well as *de facto* liquidation of the PDs through mergers according to the former Hungarian Commercial Law – Article No. XXXVII/1875. During the years 1948–1952 (until the end of the first five-year period), 1421 PDs with 1,672 outlets were incorporated into Jednota cooperatives in Slovakia, some of them voluntarily, others by various forms of coercion.[69]

The initiation of voluntary merger was verbally presented by the communists in the same way as in the creation of the JRD – for the benefit of the PDs and for the good of the developing socialist society. After unsuccessful methods of persuasion, agitation, and the organization of various awareness-raising lectures, they proceeded directly to admittedly unofficial, but all the more effective, psychological pressure, especially on the PD functionaries.[70] The pressure also grew stronger through the setting of unattainable quotas in the implementation of the economic five-year plan.[71] Therefore, even in the final

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[64] OSD Jednota in individual districts in Slovakia were established no later than during 1950. Smrčka [*et al.*], *Vývoj*, 22–3, 42.

[65] Švecová, *Právne postavenie*, 108.

[66] Without legal regulation, since *de iure* Act No. 187/1948 Coll. was still in force.

[67] In November 1952 the Slovak Union of Consumer Cooperatives and the Central Union of Consumer Cooperatives were finally established, enforcing asymmetric management on the state level, with the central unions being divided into regional and, only from 1957, district unions. Cf. Pešek, *Premeny*, 103.

[68] The ultimate statement of the Central Committee of the Communist Party was proclaimed in early 1950 – that only one OSD Jednota cooperative should operate in each district and no other cooperative outlets were allowed to operate there, which meant the merging of the existing PDs with the OSDs. Fabricius [*et al.*], *150 rokov*, 177.

[69] Chapter III: The activity and disappearance of food cooperatives in the districts of Trnava, Hlohovec and Piešťany in 1945–1952. Švecová, *Právne postavenie*, 110–97.

[70] The example of the village of Pastuchov can be introduced here, where the long-time chairman of the cooperative was a local authority – the parish priest Štefan Havran. Apparently, the fact that the cooperative buildings were in the ownership of the parish caused that the local parish priest remained the head of the cooperative until the merger. Cf. in State Archive in Nitra, fund of the Regional Court in Nitra, Food Cooperative Pastuchov B-X/13, carton 292.

[71] Sloboda, Petráš, Bosý, *Dejiny*, 34.

act of voting, in the individual General Assembly it was not possible to give up the use of coercive methods by the party and state authorities again.[72]

The merger itself was usually decided at an extraordinary meeting of the General Assembly, but it was not always a smooth and simple process. According to the archival minutes of the General Assemblies, it can be deduced that the process took place from the autumn months of 1950 until November 1951. In the case of long-term effective PDs, the merger was only accepted during 1951, when collectivization pressure intensified. In some cases, the members expressed neither for nor against, but informally, outside of voting, supported the preservation of their original cooperative. In Ostrov, the General Assembly voted up to three times. Still, it was clearly only a declaratory, formal decision of the General Assembly in the presence of party officials and a small number of cooperative members (on average, 20–30% of the entire membership).[73]

Furthermore, in accordance with the provisions of the Commercial Code (Sec. 203 of the still valid Hungarian Commercial Code), the PD officials were to remain in their posts until their erasure from the Commercial Register. From the legal point of view, all goods were enlisted, an inventory of immovable and movable property and a final balance sheet were made, and then the personnel of the receiving OSD of the Jednota present took *de iure* possession of all the assets of the cooperative. From that date, the PDs' autonomous activity and independence *de facto* ceased.

In the merged PDs with the OSD Jednota, only party-loyal, new officials were then appointed to the cooperative bodies, and old business managers were dismissed and replaced by unqualified workers (often housewives). The economic performance of many cooperatives therefore declined quickly, but similarly the involvement of the cooperative members declined markedly, which eventually resulted in the complete disappearance of the formally maintained independence of the cooperatives. The final *de iure* liquidation step (not always fully implemented without complications) was the deletion of the PD from the commercial register and the registration of the ownership rights to the cooperative property in favor of the OSD Jednota in the land register during the 1950s (by 1958 at the latest, on the proposal of the ÚRD[74]).

5. Interference into the property rights of farmers

In addition to the existing criminal sanctions, other restrictions on property rights were escalating, primarily to the detriment of local kulaks. Among the fundamental legal regulations one can mention, for example, the laws applied to the "village rich" – Act

[72] Formally, Section 247 of the Hungarian Civil Code on the voluntary decision of the General Assembly on the merger was to be observed.

[73] According to the imposed model statutes of the SRD (§22), should the General Meeting approve voluntary dissolution, at least two thirds of the members of the cooperative had to be present at the General Meeting, and a two-thirds majority of the votes of the members present was necessary for the resolution to be valid. In case of missing attendees, if the AGM was reconvened one hour later, it was capable to vote on the dissolution regardless of the number of persons present.

[74] SNA, URD Liquidation Centre Fund, cartons 135, 143, 146. See also: Sloboda, Petráš, Bosý, *Dejiny*, 34.

No. 55/1947 Zb. on assistance to farmers in the implementation of the agricultural production plan, on the basis of which the local national committees (MNV) could impose national administration on the bankrupt farms of kulaks and those who failed to fulfill contracts for the supply of agricultural products, put them to forced lease, or transfer them gratuitously into the use of the JRD or state. The so-called consolidation Act No. 47/1948 Zb. on certain technical and economic land adjustments allocated the "village rich" some compensation in the form of land of inferior quality or on the edges of the village cadaster.

The free transfer of land ownership was practically impossible (according to Article 110 of the Civil Code (CC), Law No. 141/1950 Zb.) and the provisions of the CC could be applied to land ownership only if special regulations were not provided otherwise. The transfer of land ownership to the JRD was approved directly by the Ministry of Agriculture. Land leases in favor of children, spouses and close relatives were regulated. These interventions in ownership relations were regulated by Act No. 65/1951 Zb. on transfers of immovable property and on leases of agricultural and forest land, which, moreover, allowed retrospective examination of "speculative" leases by local national committees back to 1946. The law made all relevant ownership and use relationships conditional on the local national committee's consent, which could be withheld in the vaguely worded public interest. Guidance on this was provided by the directives to Act No. 65/1951 Zb., directly referred to as "class interpretation" of the concept of public interest.[75]

Farmers were similarly restricted in inheritance proceedings, when the passing on of inheritance of real estate and agricultural holdings was covered by Act No. 139/1946 Zb. on the division of estates with farmer holdings and on preventing the fragmentation of farmer land.[76] The Act defined the so-called land minimum.[77] Section 1.1 of the Act allowed for free inheritance or contractual division between co-owners of larger estates, but under section 1.2 it gave the court the option of determining the smallest possible land area (5, 8, 10 and 15 ha) according to the actual soil fertility and the statutory or sub-statutory regulation of designated farming areas. The significance of the law lies in the fact that for the first time the courts or the notaries public as court commissioners were not allowed to certify the division of real estate in favor of individual heirs so as to prevent unwanted land fragmentation.

The law left it first to the agreement of the heirs to decide as to which one of them would take over the farm or how and among which heirs the immovable estate would be divided. Otherwise, the notary public proceeded in accordance with section 5 of the Act and determined the person of the heir. However, the very first amendment – Act No. 45/1948 Zb. – made it more difficult to transfer inherited farms (the total area of which could be up to 50 ha) limiting this possibility only to the nearest relatives, i.e. the designated legal heirs (descendants, spouse, parents, siblings and relatives of the deceased).

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[75] Kuklík [*et al.*], *Dějiny*, 153.

[76] This law also served the main objective of collectivization – the establishment of collective farms. Holub [*et al.*], *Komentár k Občianskemu zákonníku*, 277–341; Holub, *Správnym užívaním*, 268.

[77] Luby, *Ochrana*, 6.

Section 17 of the Act served to prevent the fragmentation of the land in relation to Slovakia by prohibiting the division of the land into areas smaller than 0.5 ha, otherwise such a legal act would remain absolutely null and void. [78]

Conclusion

The relatively successful collectivization of the countryside through the establishment and existence of the first JRDs by 1953 cannot hide the objective historical and legal view of the forced collectivization of the Czechoslovak countryside and the liquidation of non-socialist, pre-February cooperativism and self-managed farmers. This totalitarian policy was in complete contradiction to the original democratic principles of the former cooperative movement: voluntarism, self-help and personal initiative.[79] The documented legal practices in collectivization fulfilled the characteristics of legal formalism, in which the action formally conformed to the letter of the law, but unprecedentedly contradicted the purpose of the legal norm. Or, *vice versa*, the law was completely circumvented. For the aim of achieving collectivization as soon as possible, quite usual methods of enforcing the political goals were the illegal acts of state and administrative bodies that clearly violated and abused the contemporary legislation, interfering with the fundamental rights of citizens (acts *contra legem, in fraudem legis*).

All of the key transformations of cooperativism that have been discussed, followed the goal of subordination to the state and to the Communist Party, whose main priority was the liquidation of private property surviving in the countryside. The ethos of the former cooperativism was misused to the detriment of the independent farmers, and specially from the class perspective, collectivization negatively affected the bullied and criminalized farmers, or kulaks (in the spirit of the slogan: "for only an impoverished farmer, pushed to the wall, will join a cooperative").[80] From 1948 until the end of 1952, the ruling organs also maintained the limited existence of non-socialist cooperatives, but they were directed or guided from above in every major issue by the party organs or by local party exponents.

Still, there was an open collectivization crisis at the end of its Phase I.[81] In fact, at the beginning of 1953, the first collective farms were spontaneously disintegrating, agricultural production was declining, the supply of the population was deteriorating, and the country was heading towards a serious economic crisis. After the death of Stalin and Gottwald, and within the framework of a slightly redefined agricultural policy, new paths and more acceptable (less violent) instruments towards the farmers were sought, that would consider and learn from the failures of collectivization taking place up to that time. The government of Antonín Zápotocký finally realized that without concrete support from the state, the goal of successful collectivization would not be permanent and the

[78] Holub [*et al.*], *Komentár*, 333–41.
[79] Bláhová [*et al.*], *Právnická dvouletka*, 171.
[80] Hlavová, "Fenomén," 49.
[81] Rychlík, *Obecné a specifické rysy*, 24.

JRDs had no chance of sustaining themselves, and therefore, on the basis of several decisions of the Central Committee of the Czechoslovak Communist Party and the 10th Party Congress of the Czechoslovak Communist Party, it was made possible in 1953–1955 to relax the rigorous requirements to collectivize the whole of agriculture, and a new wave of collectivization began in 1955 – by supporting the third type of JRDs.[82]

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[82] Pernes, *Kolektivizace*, 18–23; Hlavová, *Kulak*, 66–9.

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