

Washington Law Review

Volume 23 | Number 2

5-1-1948

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Lawrence Krader, Far Eastern Section, *Mongol Law—Later Developments*, 23 Wash. L. Rev. & St. B.J. 178 (1948).

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principles. But the state unification of the Mongols, built on clan principles, was not stable and clan relations served continuously as an obstacle to the creation of a strong state.

In the sphere of private law, individual property among the Mongol tribes was developed only in connection with movables. Individual property in movables slowly separated itself from clan and family property. In its original form it represented property acquired by the personal labor or exploit of its possessor, *e.g.*, in war, in the hunt, etc. In regard to immovable property, there was no general recognition of individual property in Mongol law, and immovable property was used in the common (clan and tribal) interests of pastoral economy. The theory of the successive development of the matriarchal, the patriarchal, and the mutually equal family finds confirmation in the materials of Mongol law. In general, the origin and development of the basic institutions of Mongol private law (the property, family, inheritance, responsibility for damages, the development of contracts) were subject to the general principles of this process as they have been established by the sciences of sociology and comparative jurisprudence.

MONGOL LAW—LATER DEVELOPMENTS

LAWRENCE KRADER*

(Professor Riasanovsky's article carries us up to the year 1924. A new constitution for the Mongol People's Republic was adopted in 1940. It is an extraordinary document, and is reprinted herewith in order to complete the picture. By way of introduction the following additional facts are given.)

In 1924, the history of Outer Mongolia entered a new era. De facto Soviet control had been established, and China had agreed to recognize the autonomy of Outer Mongolia in the Sino-Russian Treaty of that year. Russia felt sufficiently secure of her control to undertake the withdrawal of troops. The year before, the northwesternmost section of that land, Tannu-Tuva, had cut herself off and had become more closely attached to the Soviet Union than the body of Outer Mongolia. This attachment became definitive in August, 1944, when Tannu-Tuva gave up her status as a republic to become an autonomous region of the R.S.F.S.R. The remainder of Outer Mongolia underwent a different fate. The last Khutukhtu, the reincarnation of the living Buddha, died in 1924. At the same time, the country was involved in

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a revolution of the arats—the penurious herders. Soviet troops in Outer Mongolia, which had been there from the time of the defeat of Baron Ungern-Sternberg in 1921, assured, prior to their withdrawal, an outcome to the revolt favorable to the USSR.

With the People's Revolutionary Party in control, the power of the nobles and the lamas declined. The lamas had numbered 117,000 in 1917; by 1939 the high clergy had been reduced to zero, the low clergy to 80,000. The wealth of the lamas in cattle was reduced from 20 per cent to 1 per cent of the country's total by 1935. The population as a whole increased. The Party, on the other hand, which had a membership of 160 in 1920, reached a total of 42,000 in 1932, which dropped to 7,000 in 1934. The sharp drop was the result of a series of party purges the significance of which will be immediately seen.

The fate of the lamas was reflected by that of the nobles and the wealthy. Between 1924 and 1929, both were being expropriated gradually. Between 1929 and 1931, the process was speeded up—a shift to the left on the part of the pro-Soviet government. There were uprisings against this policy of collectivization, which resulted, in 1932, in its abandonment. A period of stabilization ensued, which lasted until 1936, followed by the policy of strengthening the pro-Soviet forces and the further elimination of the possessing classes.

Wealth in cattle, which forms one quarter of the total wealth of the country, increased sharply between 1918 and 1927, from 3.4 million head to 5.4 million, 70 per cent owned by the princes and lamas. By 1938 it had reached 6.2 million, mostly in the hands of the arats. The cause of the relatively lower rate of increase in the 1930's as compared to the 1920's is to be found in the troubled period from 1929 to 1931 following the turn to the left. The arats themselves objected to collectivization. A parallel process in politics was going on in the Soviet Union, a policy of forced collectivization was being imposed on the peasantry from 1928 on, following the period of the relaxation of the drive toward socialization in the mid-twenties, known as the NEP. This collectivization was successful in Russia, however, while it failed in Mongolia.

Chinese sovereignty in Outer Mongolia was recognized throughout this era, until January, 1946, but a paradoxical situation arose through effective Russian control in the region. A protectorate had not been established; Professor Riasanovsky's term is probably too strong. The

USSR was in fact pursuing a policy whose meaning has become clearer on the world arena today

A state was established in Outer Mongolia whose structure roughly paralleled that of the USSR, and whose ideology, party formation, and foreign policy did likewise. The analogy to the present status of Poland, Czechoslovakia, Yugoslavia, etc., is apparent. Although denying this, the Soviet Union was in control of Outer Mongolia through the domination of a political party whose policy was identical with that of the Soviet Union. The presence of Russian agents in Outer Mongolia, the presence of Soviet troops on its borders (and at times within) ensured the realization of these policies. Michael Borodin, a Russian agent fresh from the ill-fated Chinese revolutions, appeared in Outer Mongolia to impose the policies during the three following years.

In 1936, relations between the USSR and Japan were particularly strained. In March, 1936, the USSR signed a protocol with Outer Mongolia confirming the existence of a defense pact concluded in the form of a gentlemen's agreement two years earlier. If Japan attacked Outer Mongolia, "as she did in 1921," the USSR would take counter measures. By 1936, the appearance of Russian troops in Outer Mongolia to implement this pact was not regarded by the Soviet Union as a violation of Chinese sovereignty, the pretense of which was maintained. Japan never entered Outer Mongolia from Manchuria which she had recently taken over.

The contrast between the old and the new in Outer Mongolia is brought into sharp focus when comparison is made with Inner Mongolia. This territory, lying directly to the east and south, is under actual Chinese sovereignty and rule. The nobles and lamas are still the upper strata, although the Chinese are in control. The Mongol rulers were nevertheless able to wrest a measure of local autonomy from the Chinese.

The Pan-Mongol, or nationalist, movement, presuming to embrace the entire Mongol territory, Tannu-Tuva, Outer and Inner Mongolia, has been utterly crushed. It exists today only in the minds of intellectuals in Inner Mongolia as an ideal whose supporters are without political influence. The movement was strong, however, toward the end of the first World War and shortly thereafter. It never received the undivided support of the nobles, divided among themselves, while the presence of the USSR ended the effectiveness of the cause.

The vast, unbroken, partly desert plains of Outer Mongolia alone are unified. The nomad arats have seen the power of the nobles and lamas broken, while the failure of the collectivization attempt of 1929 has had the result of increasing their personal wealth. Their situation during and after the second World War is not known, but according to the Constitution of 1940, they may own and bequeath their livestock, the property which forms the core of their economic life. Everything else is socialized, which may be of military or economic use to the Soviet Union. natural resources, means of communication, transport, foreign trade, etc.

Outer Mongolia today is removed from the conflict the center of which she occupied when the Soviet Union was weak and both Japan and China strong. The internal situation of the country is stable. The Russians have made an attempt to westernize the region, although the attitude of the people toward their new masters is not known. In any case, the process of inversion of history has been completed: the Mongols who set out to conquer Russia now have the Russians as their rulers.

CONSTITUTION OF THE MONGOL PEOPLE'S REPUBLIC

Ulan-Bator, June 30, 1940

APPROVAL OF THE CONSTITUTION (FUNDAMENTAL LAW) OF THE MONGOL PEOPLE'S REPUBLIC*

Resolutions of the VIIIth Great People's Khural

1. That the draft of the new Constitution (Fundamental Law) of the Mongol People's Republic be approved in the form in which it was submitted by the drafting committee elected by the VIIIth Great People's Khural.
2. That the Little Khural be authorized to revise all laws and regulations in conformity with the principles of the newly adopted Constitution.
3. That, in commemoration of the adoption of the new Constitution of the Mongol People's Republic, June 30 of each year be declared Constitution Day—a national holiday

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