

The Revolutionary Courts

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Just after the Bolsheviks seized power in Petrograd in October 1917, they abolished the whole court system in the First Decree on the Courts, replacing it with informal “proletarian” courts. They also tossed aside the existing civil and criminal legal codes in favor of ruling by proletarian conscience. These were some of the most revolutionary, far-reaching acts of the young Communist regime, kicking the legal legs out from under the state. In the countryside, these brash declarations to destroy the bourgeois courts left both judges and peasants in a quandary wondering where, and how, to resolve legal disputes. For over fifty years, Russia's peasants had integrated township (*volost'*) courts into their lives. Individual peasants sought out the township courts to mediate disputes within the village and hut that customary law would not, or could not, resolve.¹ Peasants, as scholars of the pre-revolutionary township court have argued, had a mature legal culture in that they used the legal opportunities available to them, they used them voluntarily, and they collectively used them often.² The administrative upheaval of the revolution and civil war certainly tested this vibrant peasant legal culture.

Amidst the chaos of revolution and civil war, the new Soviet court system that emerged would be revolutionary in scope and tone by promoting revolutionary justice and the overthrow of the old social order. People's courts (*narodnye sudy*) quickly took over the role of township courts as the courts of first review in the countryside. These new courts quickly became integral to the lives of everyday citizens, as seen in the tens of thousands of claims that they filed even as

¹ Jane Burbank, *Russian Peasants go to Court: Legal Culture in the Countryside, 1905-1917* (Bloomington, 2004);

² Burbank, *Russian Peasants*, esp. 247-51.

they struggled to survive in a period of economic breakdown and interventionist state policies.³ People's courts were the most widely used courts in the countryside (and across the Soviet lands) and served as the foundation for the country's court system until its end in 1991. At the same time that it abolished the old courts, the Bolsheviks established revolutionary tribunals to fight counter-revolutionary crimes. These were state prosecutorial bodies that were designed to offer swift judgment upon the accused. The tribunals lasted until the end of the civil war and were important legal institutions at the local level for both the state and its citizens.⁴ It was in these courtrooms where the Soviet state asserted authority and attempted to begin to build socialist values, although what that actually meant was still open for debate during the revolution.

Studying the early Soviet local courts reveals the importance that officials and the people placed on a shared public legal arena. For Soviet leaders in the center, courts were places to assert state authority and build socialist values. For local judicial officials, courts were a place to maintain the local social fabric. For citizens, local Soviet courts continued a nascent legal tradition started in the late Imperial era to right wrongs. But they became something more with the revolution. Law and the courts became tools used by both the state and citizens to engage in a paradoxical situation—to overthrow the existing social system while maintaining order and stability. The court system is a perfect window to view how different actors had their own visions of what the new state should be and how they came together to create a workable, if chaotic, legal system.

Early Soviet courts in the countryside were tools of the revolution, but they were not entirely new institutions. In fact, what appears to be a complete transformation of the courts with

³ For more on the destructive power of Russia's Civil War, see Donald J. Raleigh, *Experiencing Russia's Civil War: Politics, Society, and Revolutionary Culture in Saratov, 1917-1922* (Princeton, 2002).

⁴ See Eugene Huskey, *Russian Lawyers and the Soviet State: The Origins and Development of the Soviet Bar, 1917-1939* (Princeton, 1986).

new socialist aims, structure, and personnel was in fact much more complex and emphasized stability—bureaucratic and at times legal—alongside, and sometimes contradicting revolutionary aims. Courts, especially people’s courts, were designed to continue the tradition of informal mediation between state and people. Moving from the February Revolution through October and the Civil War, it is possible to see how local courts remained important mediators between state and population even if the state order changed. The revolutionaries of February created the pattern for local courts that continued after October and even the decree that abolished the courts to provide the underskirt for the new Soviet courts in the countryside. As with other Soviet administrative structures there was not a complete break from the past.⁵

Both people’s courts and revolutionary tribunals asserted state values and brought peasants into the Soviet world, one gently and the other one more forcefully. Peasants used the people’s courts to continue their legal culture and they began to assume new Soviet legal norms in their suits. While revolutionary tribunals punished those that the Soviet state defined as criminal, they were performative arenas that forcefully displayed Soviet norms and proletarian power to the people. The courts then served as tools used by both the state and citizens to engage in a paradoxical situation—to overthrow the existing social and political system while maintaining order and stability.

The February Revolution and the Law-Based State

The revolution in the courts began not in October but in February 1917. The February Revolution was a legal revolution in that the Provisional Government recognized popular demands for equal civil rights and fought to make Russia into a law-based state “where the rulers

⁵ For a broad picture of Russia’s legal system that emphasizes continuity from the Imperial to Soviet system, see A. S. Gondarenko and I. V. Zozuliia, *Sudebnaia sistema v Rossii: Sravnitel’noe issledovanie razvitiia na rubezhakh XIX-XX i XX-XXI vekov (na primere Kuban i Stavropol’ia)* (Stavropol’, 2002).

were subordinated to – and not above – the law.”⁶ In the spring of 1917, citizens of all social stripes called for equal rights and a fair court system. The First Congress of Soldiers and Workers Deputies of Petrograd of the Western Front Army demanded equal rights for all soldiers and the end of special disciplinary courts and unequal punishment of soldiers.

Provisional Government leaders were betrothed to legal order. In a series of decrees in March, the new government ended the estate (*soslovie*) system, granted suffrage for women, and democratized local administration, abolishing “all restrictions based on religion, nationality and class.”⁷ The justice system was a particular focus as the organ of tsarist political oppression. Led by member of the bar and new Minister of Justice Alexander Kerensky, the Provisional Government initiated a series of reforms to democratize the courts. On March 5, as the Provisional Government was still being formed, Kerensky ordered the establishment of temporary courts in Petrograd to handle immediate disputes and criminal acts among soldiers and workers.⁸ Justices of the peace were supposed to serve on these provisional courts alongside a representative from the army and a representative of the workers. The Ministry of Justice also brought important high-level court reforms including the abolition of special civil courts, the Supreme Criminal Court, and special political courts. The reforms were done in part to restore the judicial system back to the 1864 Judicial Charter. Lawyers and jurists came together to promote judicial independence, and bring back full trial by jury (this time to include women) and

⁶ William Pomeranz, “The Provisional Government and the Law-Based State,” p. 2.

⁷ From *izvestiia*, March 12, 1917, p. 4 [quoted in Browder and Kerensky].

⁸ “Prikazy ministerstva iustitsii,” No. 2 *Vestnik vremennago pravitel'stva*, no. 1 (46) (March 5, 1917), p. 2; “Prikaz ministra iustitsii,” 31 (April 14, 1917), p. 2. The courts were extended to Gatchina, Petrograd province but were abolished on July 19. A. B. Nikolaev, “Iz istorii vremennykh sudov (Petrograd, 1917 g.),” *Izvestiia vyssikh uchebnykh zavedenii* 2 (2009): 223-35. Nikolaev argues that the courts functioned as popular courts without specific reference to the written law and functioned, at least in Petrograd, as an important educational tool for the people to learn about the legal process. See also A. V. Vereshchagina, *Ugolovnaia iustitsiia mezhrevoliutsionnogo perioda (fevral'-oktiabr' 1917 goda)* (Moscow, 2016), 56-73.

public trials.⁹ Court reforms were part of the transformation of the justice system into one that promoted Liberal ideals from 1864 and expand them to promote more social and gender equality.

Kerensky's Ministry of Justice moved away from basing local justice on the township court system that Liberals and socialist legal reformers had viewed with suspicion. With the end of the estate system and the emphasis on legal equality, the peasant dominated township court could no longer claim a legal spot in Russia. The Ministry of Justice empowered the court of the justice of the peace (*mirovoi sud*), which would supersede the township court's administrative position. Like the township courts, justices of the peace were created in the 1864 legal reforms. They decided cases beyond the reach of the township court using both customary and statutory law in an informal court.¹⁰ He was replaced in 1889 by the land captain during the counter-reforms only to be brought back slowly in 1912 with the abolition of the land captain. The new local courts finally offered all citizens equality under the law regardless of social status. Already on April 14, Kerensky announced that local zemstvo administrations should elect justices of the peace. In Taganrogsk district (*okrug*), in the Don, justices of the peace already held a congress and announced their support of elections of the justices of the peace by all estates. In flowery language in fashion in the spring of 1917, the congress declared its support of freedom and the justices' own "social responsibility to continue their work and give all of their strength to serve the nation (*rodina*) and construct its legal order. They believe that a court will shine over the Russian people that will be true, quick and merciful, and will fully support the law." This court

⁹ "Administrativnyia izvestiia," *Vestnik vremennago pravitel'stva*, no. 31 (April 14, 1917), p. 2. Pomerantz discusses the connection to the 1864 Charter in depth. "The Provisional Government and the Law-Based State."

¹⁰ For more on the Justice of the Peace see A. D. Popova and S. V. Lonskaia, eds., *Mirovaia iustitsiia v Rossii: Sozdanie, deiatel'nost', istoricheskaia missiia* (Moscow, 2016), who tie them to institutions of public mediation in Western Europe and North America, and Joan Neuberger, "The St. Petersburg *Mirovoi Sud*," in *Russia's Great Reforms, 1955-1881*, edited by Ben Eklof, et al. (Bloomington, 1994), 231-46.

will “serve to guarantee the people’s cultural prosperity and develop the legal consciousness of free citizens of new Russia.”¹¹

The May 4th decree on the temporary organization of local courts marked the triumph of Liberal jurisprudence in the locales, at least on paper. It placed justices of the peace as the main arbiters of civil and criminal cases at the local level, giving them full jurisdiction of minor acts beyond title and notary deeds. Justices did not have estate or gender limitations—they could be male or female who were 25 years or older and elected by the zemstvo. The only important restriction was that they needed to have training—either secondary school or correspondence exam or with three years in a post that taught them judicial procedure. Showing the Provisional Government’s fondness for the bar, any lawyer active within the past three years was invited to serve.¹² A decree on the reorganization of the township zemstvo administration later that month fleshed out the Provisional Government’s idea of a completely new elected zemstvo body.¹³ While the township courts were not specifically abolished by decree, the Provisional Government was clearly moving away from them. The jurisdiction of the Justices of the Peace courts with township courts and the decrees called for the end of current zemstvo administrative units and current personnel.¹⁴

Peasants were already reorganizing the local administrations following the February Revolution—creating new democratic bodies and replacing personnel at raucous meetings. The decrees’ ambiguity only furthered the confusion at the local level. In Saransk district, Penza province, some newly empowered township committees replaced their judges while other

¹¹ “Ot s’ezda mirovykh sudei Taganrogskago uezda,” *Vestnik vremennago pravitel’stva*, 31 (April 14, 1917), p. 3.

¹² “Deistviia pravitel’stva. Postanovlenie vremennago pravitel’stva. O vremennom ustroistve mestnago suda,” *Vestnik vremennago pravitel’stva* 51 (May 9, 1917), 1-2.

¹³ “Deistviia pravitel’stva. Postanovlenie vremennago pravitel’stva. O volostnom zemskom upravlenii,” 62 *Vestnik vremennago pravitel’stva* (May 25, 1917), 1.

¹⁴ *Russkiiia vedomosti* interpreted the May 13 proclamation as abolishing the township court. (May 13, 1917), p. 3, republished in Kerensky, Browder, vol. 1, pp. 235-36.

committees began hearing cases themselves. The head of the district complained that replacing judges unilaterally was illegal and so the Saransk township committee brought back its old judges. Local peasants disagreed. In a strongly worded decree by a popularly attended township meeting (*volost' skhod*), they demanded that the newly elected judges be returned. The matter remained unresolved. Nobody in the district government could clarify who should sit as judge and so nobody did. Meanwhile civil claims and land disputes piled up unresolved.¹⁵

Unlike district and local administrations that saw a rapid turnover of personnel after the February Revolution, the local courts reorganized slowly. The courts across the provinces of Russia would take several months to find new jurists and reconstitute themselves. They began with the regional court and then trickled down to the local ones.¹⁶ In late June, provincial courts across Russia reported the selection of new judges, or that old judges moved to new positions.¹⁷ The zemstvo of Nolinsk district, Viatka province held a conference at the end of May to organize its new court and divide its district into seven court precincts (*uchastki*) from its 25 townships. Only at the end of July did the zemstvo congress choose judges. All who put their names forward received a court. The only two men, N. V. Prokof'ev and V. F. Chirkov, who did not receive a majority of votes were still awarded judgeships because one elected judge was called to serve in the military and the other left on a business trip. Even then, the courts took time to start functioning. The judges met together for the first time on August 22nd and then found secretaries

¹⁵ As recounted by V. V. Barinov, "Organizatsiia i deiatel'nost' volostnykh sudov v zemliakh Mordovii (1861-1917 gg.)," *Candid. Diss. (Saratovskaia Gosudarstvennaia Iuridicheskaia Akedemiia, 2016)*, pp. 153-55.

¹⁶ "V ministerstve iustitsii," *Vestnik vremennago pravitel'stva*, 31 (April 14, 1917), p. 2.

¹⁷ *Prikaz po vedomstvu ministerstva iustitsii 104 Vestnik vremennago pravitel'stva* (June 14/27, 1917), p. 1.

and other staff to begin hearing cases. It was only in October 1917 that the Sarapul' district justice of the peace courts began functioning.¹⁸

The township courts played the central role in actually adjudicating local cases through 1917, but justices of the peace usurped the legal tradition. These courts had a much longer influence than their short lives as many of the personnel and the even jurisdictional boundaries lived on into the Soviet period. Judges chosen by the zemstvo in 1917 became the first generation of Soviet jurists in the local people's courts. Justices of the peace were mediators in the truest sense of the word. The Bolsheviks embraced undergirding ideas of the justices of the peace when they institutionalized their own courts, including favoring technocrats selected by allies of the state who could tie the state to the people. The Soviet state through the end of the 1930s would oscillate between experimenting with popular justice and harnessed, trained judiciary answerable to the law.

By the late summer of 1917, as the political and social revolution got away from the Provisional Government and the soviets grew in popularity, the limited legal and court reforms were outpaced by popular demands for greater justice. Russia's court system was already under stress from the war before 1917. The courts, especially local courts, hobbled along and judges might have had a sense of impending doom as the state administrative structure collapsed. War continued to take specialists and resources dwindled with the collapse of the economy.

If the structure withered away, the ideas and personnel of the courts remained. The heads of the court and the officials' idea of the relationship of courts and the people carried through to the Soviet regime. The Provisional Government experiment, then, was crucial to shaping the

¹⁸ *Viatskaia izvestiia vremennago pravitel'stva* (Viatka), no. 33 "Obiavleniia," (August 9, 1917), pp. 5-6; no. 43 "Obiavleniia" (September 13, 1917), p. 4; no. 50 "Postanovleniia" (October 7, 1917), p. 2; no. 52 "Prikaz" (October 14, 1917), p. 2; no. 54 "Postanovlenie" (October 21, 1917), p. 1.

formative years of the Soviet courts and almost guaranteed that the courts would stabilizing forces, or at least brakes, to revolutionary changes around Russia.

Revolution in the Courts

Courts had an ambiguous place in Bolshevik dreams for the socialist state revealing the tensions between the destruction of the state and the need to build a proletarian dictatorship. V. I. Lenin and other Russian Marxist jurists had attacked tsarist law as an instrument of class oppression. In utopian terms, they spoke of destroying the old order completely and having socialist justice rise organically, allowing the people to right social wrongs in informal courts. In January 1918, Lenin dismissed the former court system as “claiming to maintain order but which in actuality was a blind, dull tool for the ruthless suppression of the exploited, a tool which defended the interests of the money bags.” In grandiose terms, and a bit prematurely, Lenin proclaimed that the Soviet government “didn’t reform the old court but instead immediately threw it into the scrap heap. By doing so, we paved the way for a real people’s court that acts not so much by the force of repressive measures as by massive example, the authority of the working people, and without formalities; we transformed the court from a tool of exploitation into a tool of education on the firm foundations of socialist society.”¹⁹ These were utopian ideas of destroying the old state to release the creativity of mass popular justice.

Lenin at the same time described the court as a weapon of the proletarian state to further the revolution, a point he made in *State and Revolution*. Courts would not simply punish enemies of the state. According to Lenin in his notes for “The Immediate Tasks for the Soviet Government” from early 1918, courts would educate and incorporate Soviet allies into the state administration and empower them against exploiters and counter-revolutionaries. Lenin saw the

¹⁹ V. I. Lenin, “Doklad o deiatel’nosti soveta narodnykh komissarov 11 (24) ianvaria” (1918). *Polnoe sobranie sochinenii*, (Moscow: Gosudarstvennoe izdatel’stvo politicheskoi literatury, 5th ed, 1969), t. 35, p. 270.

courts as a way to attack class enemies and also maintain “strict discipline and self-discipline of the working people.” Soviet law could therefore be seen as a weapon for class warfare but it did not legitimate mob violence.²⁰ A new Soviet court was an important weapon of the proletarian state to spread the spirit of revolution. Courts would punish enemies of the people and state but they would also educate and incorporate Soviet allies. They would empower these allies against former exploiters and help them to create new social relations. There would be a performative aspect to justice—the courts would become theaters to showcase socialist principles, something taken even further in agitation trials and in and show trials both big and small.²¹

Lenin saw the law (and courts) as instrumentalist, as a tool of the state and its allies. One scholar has written that, “once Lenin came to power he promptly transformed justice into the handmaiden of politics.”²² That is only partly true. As much as Lenin talked about the creation of a justice system to punish class enemies and educate, he also promoted the creation of a new legal code; a code that could be used by all citizens. Jane Burbank makes a strong argument that Lenin’s attacks on bureaucratic justice and bourgeois legality made it impossible to create a “magnificent” socialist legality; one that was proletarian and non-bureaucratic and that everyone could trust as a system that brought justice.²³ It was true that the Soviet state would struggle against bureaucratic justice and the Soviet leadership complained that the justice system did not

²⁰ V. I. Lenin, *Polnoe sobranie sochinenii*, t. 36, 163-65, 197 (April 1918). Quote on p. 163. According to Isaac Steinberg, Lenin saw justice as a form of “bourgeois parliamentarianism.” *In the Workshop of the Revolution* (New York, 1953), 79. On Soviet law as mob justice, see Orlando Figes, *A People’s Tragedy: The Russian Revolution, 1891-1924* (New York, 1998), 534. On the Bolsheviks’ early views on law, see Peter Solomon, Jr., *Soviet Criminal Justice under Stalin*, 18-27. On the complicated evolution of Lenin’s legal thought, see Jane Burbank, “Lenin and the Law in Revolutionary Russia,” *Slavic Review* 54 (Spring 1995): 23-44. James Ryan discusses Lenin’s mixture of ideology and practicality in his conceptions of the proletarian state, *Lenin’s Terror: The Ideological Origins of Early Soviet State Violence* (New York, 2012). On the courts’ relationship to Bolshevik violence, see Aaron B. Retish, “Controlling Revolution: Understandings of Violence through the Rural Soviet Courts, 1917-1923,” *Europe-Asia Studies* 65 (October 2013): 1789-1806.

²¹ For more on agitation trials, see Elizabeth Wood, *Performing Justice: Agitation Trials in Early Soviet Russia* (Ithaca, NY, 2005).

²² Richard Pipes, *Legalised Lawlessness* as quoted in Kathy Hendley’s work.

²³ Jane Burbank, “Lenin and the Law in Revolutionary Russia,” *Slavic Review* 54 (Spring 1995): 23-44.

do enough for the proletariat and its allies. However, in practice, there was a continuation of legal culture and a nascent socialist legality, no matter what Lenin thought.

The First Decree on the Courts, published on November 24, 1917, went a long way toward destroying the old order. Sovnarkom resolved, “to abolish the existing judicial institutions (*sudebnye ustanovleniia*).” Local justices of the peace and district courts up to the Senate were suspended or abolished; it did away with the system of prosecution and defense based on lawyers and court investigators. It also declared all laws that stood against the decrees of the head of the state or against either the Bolsheviks or SR Party platforms invalid, which if interpreted broadly, would have cast aside most statutes of the capitalist state on the books. The Decree actually reordered the court system rather than destroying it. The decree emphasized that the issue for the courts was who should elect the judges to oversee the courts. The new judges must be democratically elected by the people, so it suspended the justice of the peace courts whose judges were elected by the zemstvo and replaced them with local courts with judges democratically elected. The decree specifically recognized that justices of the peace could still serve if they were chosen provisionally by the soviets and then permanently by the people.

Local courts (*mestnye sudy*) replaced the institution of justices of peace courts and were soon given the title people’s courts (*narodnye sudy*). Local people’s courts reviewed civil suits of up to 3000 rubles as well as criminal matters subject to under a two-year prison sentence, which itself was confusing since the decree put standing criminal codes and court procedure into question. A popularly elected permanent judge oversaw the court and was helped by two rotating lay magistrates who were also elected to a list of candidates chosen to attend court by the local soviet.²⁴ Anyone, either male or female, in good standing with the state could act as prosecutors

²⁴ Dekret o sude’, *Sobranie uzakonenii i rasporiazhenii raobche-krest’ianskogo pravitel’sтва*

or defenders. The aim of the decree was to democratize the courts even more than they had since February.

The decree directed local courts to follow the laws of the old governments when they did “not contradict revolutionary conscience and revolutionary legal beliefs.” This was not an order to turn away from the old laws—just the opposite. Judges were to use the existing laws unless they went against revolutionary beliefs and most judges during the revolution and civil war years did not wrestle with this slippery idea revolutionary conscience in their rulings; the old statutes were concrete reference points and gave more weight to rulings. The old civil and criminal codes stayed largely in place. As discussed below, court personnel were directed to remain at their posts and court procedure was not yet overturned. While revolutionary on its own, the reform in fact followed a trend toward a decentralization of power that began with the February 1917 Revolution.²⁵

RSFSR, no. 4, December 12, 1917 (Moscow: Narkomiust, 1917), 49–51. The lay magistrates (*ocherdeny zasedateli*) were rebranded people’s magistrates (*narodnye zasedateli*) with the transition to people’s courts.

²⁵ N. Maier, “Sluzhba k komissariat iustitsii i narodnom sude,” *Krasnyi arkhiv* vol. 8 (1923): 85-86. He compared it to Order Number 1 for the Army after the February Revolution. For a broad picture of Russia’s legal system that emphasizes continuity from the Imperial to Soviet system, see A. S. Gondarenko and I. V. Zozuliia, *Sudebnaia sistema v Rossii: Sravnitel’noe issledovanie razvitiia na rubezhakh XIX-XX i XX-XXI vekov (na primere Kuban i Stavropol’ia)* (Stavropol’, 2002). Led by the work of jurist Mikhail Kozhevnikov, Soviet historians highlighted the efficacy of the early Soviet court system in punishing class enemies. *Istoriia sovetskogo suda, 1917-1956* (Moscow, 1957). Under *glasnost’*, scholars began to note the problems of the early courts. See V. P. Portnov and M.M. Slavin, *Stanovlenie pravosudiia sovetskoi Rossii (1917-1922 gg.)* (Moscow, 1990). Western and post-Soviet scholarship on the early Soviet courts has dwelled on the chaos of the early Soviet courts, especially local courts. See John Hazard, *Settling Disputes in Soviet Society* (New York, 1960), 1-3; I. I. Oleinik, *Organy iustitsii sovetskoi Rossii v 1917-1936 gg.* (Ivanovo, 2003); Samuel Kucherov, *The Organs of Soviet Administration of Justice: their History and Operation* (Leiden, 1970), 3-77. I. A. Kossov, “Stanovlenie narodnykh sudov i Narkomat iustitsii RSFSR (1917-1922 gody)” (Moscow: kandidat diss., 2006) has a more favorable impression of the early Soviet courts. Several provincial histories have recently appeared including: Tracy McDonald, *Face to the Village: The Riazan Countryside Under Soviet Rule, 1921-1930* (Toronto, 2010); A. A. Ambrovskii, “Stanovlenie sovetskoi sudebnoi sistema na Urale v 1917-1918 gg.” (Cheliabinsk: Kandidat diss., 2004); O. V. Kostrova, “Sudebnye preobrazovaniia v Rossii v 1917-1922 gg. (Na primere Nizhegorodskoi gubernii)” (Nizhegorod: Kandidat. diss., 2008). I. I. Oleinik and Peter Solomon discuss revolutionary courts and the procuracy through the window of the Stalinist apparatus. See Oleinik, *Organy iustitsii sovetskoi Rossii v 1917-1936 gg.*; Solomon, *Soviet Criminal Justice under Stalin* (New York, 1996). V. A. Bukov argues that the deficiencies of late Imperial Liberal legal culture helps explain why the Soviet courtroom became an apparatus of Soviet repression. *Ot rossiiskogo suda prisiashnykh k porletarskomu pravosudiiu: u istokov tatalitarizma* (Moscow, 1997).

A March 1918 amendment (Decree Number 2) filled out the structure of the court system. It instituted a district people's court that was elected by local soviets and set up a cassation court. Once again it focused on democratizing the courts. Threads of the old system remained. It reiterated that courts should retain the 1864 court procedures.²⁶

Despite the fanfare of abolishing the old system, the first decrees on the court left much of the court the same. The seeming contradictions of old and new reflected the internal tensions of Lenin and Russian legal Marxists who dreamed of encouraging popular justice and using the courts to punish class enemies through informal court sessions but who also desired to build an effective and stable state.²⁷

The central People's Commissariat of Justice (Narkomiust) went through a period of rapid turnover from 1917 to 1918, working through four Commissars. That unsettled the plan for the new court system. D. I. Kurskii, who would actually hold the position from 1918 until 1928, bemoaned how the Judiciary Department (*sudoustoistvo*) in the spring of 1918 was riddled with Left SR's while Isaak Shteinberg, a Left SR himself, was Chair. After the Left SR's withdrew from governing with the Bolsheviks, they left only one employee in the Department and the department had to rebuild from scratch with Communist loyalists.²⁸ While this was probably an exaggeration, the weakness of central authority in the first six months of Soviet rule only encouraged the haphazard development of courts across the provinces.

The Bolsheviks controlled the head of the court system, but the body of justice had a life of its own. Narkomiust oversaw the court reforms and the Commissariat was filled with Bolsheviks and non-Bolsheviks in the first few years of Soviet rule. Rank and file members of

²⁶ 'O sude (Dekret no. 2),' *Sobranie zakononii i raspriazhenii raboche-krest'ianskogo pravitel'stva RSFSR*, no. 36, March 7, 1918 (Moscow, 1918), 337–40.

²⁷ V. I. Lenin, *Polnoe sobranie sochineni*, (Moscow, 1969), t. 35, p. 270.

²⁸ D. I. Kurskii, "Otchet' otdela sudoustroistva Narodnago Komissariata Iustitsii, Aprel'-mai-iun' 1918 g.," *Proletarskaia revoliutsiiai pravo* 1 (1 August 1918), 36.

Narkomiust, both in the center and across the provinces, saw themselves as truly rebuilding Russia's court system and remaking it into a just system. Many legal scholars working with the Soviet regime saw themselves as building a new system that could transform subjects into modern, socialist citizens. The revolution empowered this legal community that had studied social crimes and wrestled with the limitations of the legal system of the late Imperial period. Legal scholars incorporated West European views of the legal system with the conclusion that the socialist world would make the Soviet model even better than the capitalist West. They also championed the larger Liberal dream of jurisprudence training backwards subjects, especially peasants, to become modern integrated citizens in the state also remained from the pre-revolutionary period.

In Viatka province, the new position of provincial Commissar of Justice went through a revolving door of Bolshevik Party members, as personal politics and the beginning of the civil war pushed people in and out. A. A. Vopiiako, a Bolshevik Party member from the Izhevsk factory in the southeast of the province held the position from January to April 1918 before he had to return to Izhevsk to try to put down growing dissent from Socialist Revolutionary Maximalists. He was later killed. I. M. Zyrianov held the post for a month before being forced out and replaced by the Red Army veteran I. A. Farafonov who later headed up the provincial revolutionary tribunal.²⁹ The Viatka provincial ispolkom closely guarded the leadership and direction of the justice department, especially as it used revolutionary tribunals to control dissent by the middle of 1918.

At Viatka's higher-level regional courts (*okruzhnye sudy*), tsarist-era judges remained at their posts and selected one of their own, N. A. Gigor'ev, as the chair of their congress in April

²⁹ K. A. Palkin, *K istorii stroitel'stva sovetskoj sudebnoj sistemy v Viatskoi gubernii god 1917-1918* (Kirov, unpublished manuscript), 29-33.

1918. When the Viatka executive committee (ispolkom) reconstituted the regional court in October 1918 as a smaller organ and one presumably friendlier to the Soviet ideals, the members again selected a tsarist-era judge K. S. Petropavloskii as the chair. Neither the provincial Narkomiust nor ispolkom complained; in fact, they gave the regional court congress more powers. It oversaw people's courts and determined whether or not judges were deciding cases in line with the Soviet legal perspective. If the central Narkomiust favored administrative order, over its rhetorical devices of revolutionary zeal, Viatka's provincial ispolkom was happy to oblige, favoring administrative stability over chaos.

Narkomiust oversaw the whirlwind of court reforms in the first four years of Bolshevik rule that quickly centralized and formalized the courts, moving away from utopian popular justice, and toward a conscious drive to use the courts to build the revolutionary state's authority. In July 1918, local courts began to review suits up to 10,000 rubles (although with the Civil War's runaway inflation these amounts were more symbolic) and most non-violent criminal matters with the power to impose a penalty of up to five years of imprisonment. Local people's courts were also given investigatory units.³⁰ In November 1918, Narkomiust ended the short experiment of popular election of judges and decreed that township executive committees alone could select judges from a list of candidates drawn up by local soviets to guarantee some degree of political allegiance.³¹ Over the next four years, Narkomiust tightened regulations overseeing the court—establishing jurisdictional boundaries for local people's courts, a process of cassation of disputed cases, limits to penalties a judge could issue, and special sessions for severe criminal cases—and distributing circulars to explain how judges should be adjudicating cases.³²

³⁰ 'O sude (Dekret no. 3),' *Sobranie uzakonenii i rasporiazhenii raboche-krest'ianskogo pravitel'stva RSFSR* (Moscow, 1918), [need full cite].

³¹ D. Kurskii, "O edinom narodnom sude," *Proletarskaia revoliutsiia i pravo* no. 1 (1919), 16-19; Hazard, 51.

³² These filled the pages of *Materialy Narkomiusta* by 1921. See also GA RF, f. A-353, op. 4, d. 76, ll. 128-129.

The courts at the end of 1918 might have seemed very much the same as they had been before the revolution to rural observers. They met at the same building as the old courts, used the same documents (usually just crossing out the word Imperial), used the same procedure and were overseen by a judge selected by the local state administration. The old courts were abolished but the new courts had not fully come into their own, despite Lenin's proclamations to the contrary. Continuity from the previous courts should not be pushed too far. People's courts were not reincarnated township courts. New judges sat on the bench and they, or at least those above them, espoused new reformist ideas of the power of the courts and socialism. Even the precincts were different from the township courts—in some places they matched the justices of the peace from 1917.

The People's Courts: Judges and Personnel

Local courts announced in November 1917 were established in most provinces by the middle of 1918. The number of rural courts in a province appears to be connected to the strength of the Soviet state as well as local conditions with Perm, Saratov, Moscow, Tambov, and Voronezh, housing the largest number of courts.³³ Overall, there was a gradual, rather than a revolutionary, transformation of the local courts. Their creation reflects the shaky hold on power by the Soviets and the slow transition to soviet, not to mention Bolshevik, rule that can be seen in other local administrative departments.

In most areas, soviet-led provincial governments passed orders down to the districts and townships to reorganize their courts in the beginning of 1918, although the details varied widely across the provinces. In Samara province, the newly installed Soviet government set up a

³³ "Svedeniia o deiatel'nosti mestnykh narodnykh sudov i sovetovo narodnykh sudei v guberniakh respubliki," *Proletarskaia revoliutsiia i pravo*, no 8-10 (November 15-December 15, 1918), 73-78. There were 3,267 local people's courts and 337 soviets of local judges established, according to the report. Perm had 161 people's courts while Chernigov lagged with 17.

revolutionary court in the city of Samara on November 18th made up of three Bolsheviks and two non-Party workers to try speculators and thieves and ruled on cases through December before the receiving the decree on courts. On January 2, the revolutionary court became the province's first revolutionary tribunal and it helped the new provincial Commissar of Justice N. N. Lotov seize the records of the old court. Two days later the revolutionary tribunal began hearing cases in the former regional court building. The first members of the tribunal soon moved off the bench—F. I. Ventsenk, who had legal experience, replaced the chair V. M. Zubkov, a printer who had never sat on the bench before. The other members mobilized to defend Soviet power in the region against the Czechs and SRs.³⁴ In the spring, with help from peasant representatives of the 3rd provincial peasant congress, the commissariat pushed through the elections and reorganization of the local courts.³⁵ The transition to the new court varied even within the same area. In the 8th circuit of Samara district the largest changes came to the court just before the Bolshevik takeover, while in the 11th circuit of the same district change came much slower. It continued to refer to itself as the Provisional Government-era court of the justice of the peace until November 8, 1918, as the Red Army reasserted control of the region after the fall of anti-Soviet Komuch regime.³⁶ Samara's anti-Bolshevik movement shaped its first years of its judicial administration. After the fall of Komuch, Soviet leaders used the establishment of courts and revolutionary tribunals to rebuild state power. It had limited success. In March 1919, administrators in Bugul'minskii district reported that it simply could not rebuild the Soviet administration because

³⁴ M. I. Martynov, "Pervyi revoliutsionnyi sud," *Oktiabr' v Samare: Vospominaniia* (Kuibyshev, 1957), 210-15. It was common for the provincial revolutionary tribunal to meet in the former regional court building, as happened in Simbirsk province. "K sessii revoliutsionnogo tribunala," *Izvestiia Simbirskogo RSKDP* 29 (February 7, 1919), 3.

³⁵ "Deiatel'nost' Samarskogo gubernskogo Komissariata Iustitsii," *Proletarskaia revoliutsiia i pravo* (February-April 1919), 86-87.

³⁶ TsGASO, f. R-183, op. 1, d. 1, ll. 1-20.

it did not have enough experienced clerks.³⁷ As in several other provinces on the front lines of the civil war, the Soviets prioritized military success over everyday administration.

In Viatka, the provincial executive committee announced the establishment of local people's courts in January 1918 and by the spring of that year many township courts had transformed into people's courts with larger districts and legal jurisdiction.³⁸ In the void of centralized power in the winter of 1917-1918, however, it is difficult to determine the effect of such encouragement as locales determined the direction of their courts at this time. In Malmyzh district, township courts transitioned to people's courts even before the Viatka Narkomiust received Decree Number 1 in January 1918.³⁹ In Viatka district, almost all of the judges on the justice of the peace courts under the Provisional Government continued on as local people's court judges and one, Nikolai A. Popov, became the chair of the district congress of jurists. In fact, Prokof'ev, the justice of the peace from Nolinsk from 1917, would reappear in 1919 at a provincial congress for people's court judges to criticize the fact that all of the judges in his district, save one, were former justices of the peace!⁴⁰

Local grassroots efforts pushed through the transfer to the new courts. A few districts and villages in January 1918 even decreed their own people's courts at first, with their own interpretations of the court's jurisdiction.⁴¹ One path was for the courts to be created at the district level. A typical scene occurred in Morshansk district, Tambov province on April 8, 1918. The Commissariat of Justice met in the former district building and selected judges to the new courts and inspectors. Twenty candidates stood for eighteen judgeships; most had higher

³⁷ TsGASO, f. R-193, op. 2, d. 141, l. 6.

³⁸ Sud," *Viatskaia pravda* 19 January 1918 (1).

³⁹ GAKO, f. R-398, op. 1, d. 50, ll. 3, 14-15; "Sud," *Viatskaia pravda* 19 January 1918 (1).

⁴⁰ GAKO, f. R-398, op. 1, d. 4, l. 5.

⁴¹ Kuznetskii district (Tomsk province) gave broad aims of its courts (which still consisted of a court of the justice of the peace), such as serving in the interests of all citizens. The Kamyshevskoe village court gave very specific instructions on running its court and penalties it could issue *Materialy Narkomiusta*, vyp. II (June 1918), 39-40, 50-57.

education or experience in the courts.⁴² The parallel to the selection of justices of the peace a year earlier is striking, with the same proportion of candidates and selection based on the same criteria as the Provisional Government. Broken communication between center and the regions reflective of the withering away of the administration in the winter months of 1917-18 was a major problem cited by Narkomiust leaders and local judicial officials. Representatives from Penza cited poor communication with the center, and even between the locales and provincial towns, as the main cause of their delays, although local obstruction also played a role.⁴³

Tver also experienced a widely varied transition from township to local people's court across its lands with little relation to central decrees as representatives reported at the 10 March congress of district Commissars of Justice. Some districts by March 1918 had not yet made the transition to Soviet justice. Justice officials were still waiting for instructions from the center to establish local courts in Ves'egoosk, Tver, Zubtsovsk, and Kashin districts; the latter two still had its justices of the peace and court inspectors continue on as they had before the revolution. Other districts had fully functioning courts. Rzhev district had already elected five people's court judges and a soviet of judges and Staritskii district had established local people's courts in every township and a district court of people's court judges to oversee cases. Vyshnevolotskii district represented a third path in which the district and local administration creatively interpreted new decrees. In the district town a mixture of a people's court and revolutionary tribunal, named a "people's revolutionary court, heard cases regarding "counter revolution,

⁴² "Vybory narodnykh sudei i chlenov sledstvennykh komissii po Morshansku i ego uezdu," *Izvestiia Morashanskogo soveta rabochikh i soldatskikh deputatov* 25 (April 14, 1918), 4.

⁴³ GA RF, f. R-393, op. 3, d. 1, ll. 29ob, 72. Representatives from Saratov and Western Siberia reported to the central Narkomiust that local people's courts in the region began to hear cases as early as December 1917. *Materialy Nakomiusta*, vyp. I (Moscow, 1918), pp.5, 20-29.

sabotage, looting, speculation, as well as criminal matters *and divorce*.” Former justices of the peace and two members of the soviet for the time served as the judges.⁴⁴

Narkomiust encouraged the gradual transition to a new court when it invited the current staff to continue on. Most local and district clerks agreed and they helped the courts run a daily schedule in the transition period of the first years of Soviet rule. They knew court procedure, how to keep records, write out decisions, and collect fees. They were supposed to help the new judges who were supposed to be allies of the Soviet regime and, by and large they did. This did not always happen. In Tobolsk province, former judges simply continued in their positions and, in April 1918, were still issuing rulings in the name of the Provisional Government.⁴⁵ Suspected sabotage by the former staff and “intelligentsia” unhinged the new courts in Tver’ and Astrakhan, according to reports from the provincial Commissar of Justice.⁴⁶ Unlike other regions, much of the staff of the courts and advocacy (*advokatura*) supposedly decided to leave after October. One staff worker, “with tears in his eyes” said, “I have served the court for forty years, but under the current conditions I can serve no longer, for there will not be justice (*pravosudie*) carried out in the new courts.”⁴⁷ This was just the beginning. In March 1918, some members of the provincial regional court and lawyer’s division formed an organization called the

⁴⁴ “Organizatsiia i zhizn’ narodnago suda po gubernii,” *Narodnoe pravo* 1 (1918), 87-90. Quote on 88. Italics in original.

⁴⁵ “Protokol Vserossiiskogo s’ezda gubernskikh i oblastnykh komissarov iustitsii,” *Materialy Narkomiusta*, vyp. I (April 1918), 4-5. 22-23. The *okruznyi* court would be replaced by the soviet of people’s court judges. The lawyers in the Novo-Andron’evskii district of the city of Moscow also went on strike in December 1917 in protest to the Soviet takeover of the courts. The new court staff then moved all of the property of the justice of the peace court to a new location under escort from the Red Guard and set up a people’s court. A. R. Kadich’, “O narodnom sude,” *Proletarskaia revoliutsiia i pravo* 2 (August 15, 1918), 22-30. Lawyers in Vitebsk also boycotted the new people’s court. Speranskii, “Narodnye zasediteli (Lichnye vpechatleniia),” *Proletarskaia revoliutsiia i pravo* 5-6 (October 1-15, 1918), 28.

⁴⁶ GA RF, f. A-353, op. 5, d. 27, ll. 1-2; *Materialy Narkomiusta*, vyp. I, 85.

⁴⁷ As reported in n. Trusevich’, “Chem zanimaiutsia sabotzhniki iuristy,” *Narodnoe pravo* (Tver’) no. 1 (15 September 1918), 75-78. Quote on p. 75. The former prosecutor Vladimir Stepanovich Vats’ was actually shot on 4 September 1918 by the Cheka in Moscow for participating in a White Guard conspiracy. *Sudebnaia khronika: Tverskoi gubernskii revoliutsionnyi tribunal’. Delo ob otrkrytii v gor. Tveri iavochnym poriadkom ‘iuridicheskago biuro’;*” *Narodnoe pravo* 2 (1918), 189

Judicial bureau (*iuridicheskoe biuro*). The bureau was closed and in September 1918, they were dragged before the Tver' Revolutionary Tribunal, which tried them for contesting Soviet power and sabotage. In a lengthy hearing led by a prosecutor and defense attorney and several witnesses, the tribunal in essence put the old court staff and their view of the courts on trial.⁴⁸ Likewise, judges and procurators of the district court in Omsk refused to transfer court property and funds in December 1918 and began to sabotage the courts. They were released from service by the provincial department of justice but other court personnel were invited back.⁴⁹ Provincial-level Soviet court officials tried to balance rooting out suspicious jurists with the need to staff courts. This was a problem in places lacking a strong imperial court infrastructure like Tersk province in the Caucasus, where the lack of qualified jurists made simply running the courts difficult.⁵⁰ The Turkmen ASSR Justice Department faced a similar shortage of able staff and quickly filled positions with experienced personnel from the Provisional Government or tsarist-era courts, especially if they knew local languages.⁵¹

Almost all members of the early Soviet courts with judicial training or administrative experience had served in the courts under the tsars, including judges.⁵² A typical picture of the newly selected people's court is seen in Verkhotur'e district, Perm province. In February 1918 the court included an official who had served as a secretary for forty years in the local tsarist administration, a secretary of the local zemstvo, and three former justices of the peace (one who was a former land captain and another a former cook). In the neighboring district of Kungur,

⁴⁸ The case featured prominently in the journal *Narodnoe pravo* and the transcript was published across three issues. The Judicial Bureau was part of a larger group formed by the local intelligentsia called the First Tver Workers' Artel of the Intelligentsia.

⁴⁹ "Doklad predstavitel'ia Zapadnoi Sibiri i Stepnogo kraia," *Materialy Narkomiusta*, vyp. I (April 1918), 19-20.

⁵⁰ GA RF, f. A-353, op. 5, d. 26, ll. 160-171ob. Tiumen province in the Far East also had this problem, l. 77.

⁵¹ TsGARK, f. R-1443, op. 1, d. 6. The whole *delo* is filled with correspondence with people requesting positions.

⁵² On former court bureaucrats continuing in the Soviet courts, see, *Materialy Narkomiusta*, vyp. I. 73, K. A. Palkin, *K istorii stroitel'stve sovetskoii sudebnoi sistemii v Viatskoi gubernii, 1917-1918* (Kirov, unpublished manuscript, 1966), 86-87. This was the case in people's courts across Sarapul' district, Vitaka province where former tsarist court officials sat on tribunals hearing cases of counter revolution. GAKO, f. R-382, op. 1, d. 111, ll. 8-12.

eight of the thirteen judges selected in the early spring of 1918 had served as scribes in township courts.⁵³ In Orlov district, Viatka province a majority of people's court judges had worked for the township courts as scribes or as courtroom assistants. During the Revolution they left the court to serve the Soviet administration and then returned to preside over the new people's courts. The secretaries of the old courts in the district held their positions. Local literate women became the assistant secretaries, while teenage boys acted as courtroom correspondents.⁵⁴

The one local court official that was an ally of the proletariat was the newly created elected lay magistrate (*narodnyi zasedaetl'*) who sat alongside judges on cases and was supposed to be of the people and breath proletarian consciousness into court rulings. Magistrates by the mid-1920s would be chosen through mass campaign elections, but selection of magistrates in the revolutionary era was done informally at the local level. A close examination of Malmyzh district in 1918 and Nolinsk district, in 1921 shows that the Soviet state got its wish-- almost all the magistrates worked the land as peasants. One came from the factory and three were cobblers. The average magistrate in these districts was a thirty-eight year old male peasant with primary school education and without any party affiliation, but some were as young as nineteen.⁵⁵ This conforms with a larger Narkomiust survey that found that 72 percent of all people's court lay magistrates were home schooled or had only primary education.⁵⁶ They were not paid and only served temporarily on the bench. There is no evidence that lay magistrates actually influenced the decision of cases or even actively participated in proceedings. The judge and secretary guided the proceedings and decisions. Being able to follow the law and legal proceedings trumped proletarian consciousness in the proceedings of the Soviet people's courts.

⁵³ GA RF, f. A-353, op. 2, d. 59, l. 13; op. 5, d. 60, ll. 13-14.

⁵⁴ GAKO, f. R-398, op. 1, d. 14, ll. 2-51. This was also true in Glazov district. GAKO, f. R-398, op. 1, d. 104, l. 1.

⁵⁵ GAKO, f. R-479, op. 2, d. 2, ll. 2-3, 8-9ob.

⁵⁶ "Lichnyi sostav i repressiia revtribunalov," *Ezhendel'nik sovetskoi iustitsii* (March 16, 1922), 6-7.

Soviets selected local people's court judges for their circuit and each district then chose a representative to send to the soviet of people's court judges, which oversaw local courts. These representatives were often more educated than local judges, but did not necessarily have legal training. In 1919, the ten-person Viatka provincial soviet of people's court judges included three representatives with higher education legal training, including one trained at the University of Petersburg, and two others with advanced degrees. None of them were members of the Party and one was even an SR.⁵⁷ Relatively young, most were in their thirties, this group was much different from the largely older, wealthy provincial court officials from the Imperial era.

The judicial system worked remarkably well from the beginning considering the circumstances. In Tobolsk, local people's court judges eagerly organized congresses where they discussed problems they were facing in the new courts, as well as heard cassational cases, and sent questions up the ladder to district judges.⁵⁸ Elsewhere, though, courts were riddled with problems. The chaotic development of laws and instructions from the center that guided court rulings made it nearly impossible to run a court smoothly. Many court personnel did not have the legal experience to manage court functions.

The first peasant judges did not live up to central Soviet officials' dreams and throughout the Civil War era officials bemoaned the lack of qualified people to hear cases.⁵⁹ In language that continued the Imperial Liberal and official critiques of township courts as ineffective institutions run by peasant judges who could not comprehend basic legal procedure, Soviet jurists from the center derided how rural judges' cumbersome processes and questionable

⁵⁷ GAKO, f. R-382, op. 1, d. 35, ll. 4-9ob.

⁵⁸ "Protokol Vserossiiskogo s'ezda gubernskikh i oblastnykh komissarov iustitsii," *Materialy Narkomiusta*, vyp. I (April 1918), 4-5.

⁵⁹ Complaints by provincial Narkomiust officials fill the pages of *Materialy Narkomiusta* for example, vyp. I, p. 29, 86, 89; vyp. V, p. 5. Reflecting the decentralized court system in 1918, the selection process and time of service varied greatly by province. *Materialy Narkomiusta*, vyp. I, p. 73-76.

decisions. The implication of this criticism, as with the Imperial era, was that the courts did not uphold justice and were not incorporating the rural population into the administrative fold.⁶⁰ Upper-level Soviet officials focused on bringing in people loyal to the Soviet cause. So it confirmed the suspicions of a visiting Party representative that peasants did not choose their judges wisely when he saw that the community of Phillipovskaia township, Viatka district elect its former land captain as a judge.⁶¹ Likewise, the Samara provincial Department of Justice was concerned by reports in November 1918, as it tried to build a loyal state infrastructure after Komuch, that locals had elected three men to the people's courts—one was an “ardent opponent of the Soviet state,” another one's wife had supported the Czechs, and the third was crazy (*psikhicheskii nenormalen*).⁶²

The Soviet state quickly tightened the election of judges for rural local courts so that in the People's Court Act of November 1918 it decreed that township executive committees select judges from a list of candidates drawn up by local soviets, ending popular selection and guaranteeing some degree of political allegiance.⁶³ This decree did not solve all the problems. Judges remained untrained and court officials still regularly overstepped their bounds. This included comrade Rashchupkin, a member of the sixth district of Bezul'skii district, Samara province, who the provincial Justice Department convicted for murder in 1922 after he joined other local officials to arrest and execute a local suspected of for brewing moonshine (*samogon*) and engaging in speculation.⁶⁴

⁶⁰ On criticisms of the township court, see Burbank, *Russian Peasants Go to Court*, esp. 5-8; Gaudin, *Ruling Peasants*, 26-27, 91-101.

⁶¹ RGASPI, f. 17, op. 5, d. 17, l. 48.

⁶² TsGASO, f. R-1868, op. 2, d. 1, l. 20.

⁶³ Hazard, 51; D. Kurskii, “O edinom narodnom sude,” *Proletarskaia revoliutsiia i pravo* no. 1 (1919), 16-19.

⁶⁴ TsGASO, f. R-1868, op. 2, d 96, ll. 68-72.

Despite slogans that the Soviet regime favored proletarian, revolutionary consciousness over statute law, in reality judges' inexperience and ignorance of the written law drove Narkomiust officials at the provincial and national level crazy. A typical complaint came from the Votyak (later Udmurt) Autonomous Republic in 1921. "Most people's court judges are completely inexperienced, weak, and are unfamiliar with judicial proceedings, and some of them are even barely literate." In some areas "judges do not know the elementary procedures of formal law."⁶⁵ To compensate, provincial Narkomiust officials set up short courses in the law, but these had few immediate results. In fact, official duties and congresses slowed down the court. In the 5th precinct of Nolinsk district, Viatka province, the judge reported that "it is true that the people's court hasn't decided many cases, but that is not because of me. There is almost no office staff." He continued that he had other duties, for example in April he spent nine days helping the township land commission (volzemotdel) and another nine days attending meetings around the district. He concluded that "I do not have any free days or even hours and the people are always coming to me with issues..." and "I work all the time hungry and I can't get any grain."⁶⁶ In the 11th precinct of Kotel'nich district, Viatka province, the judge noted in his report on court activities that his court shut down in the second half of September 1920 because he travelled first to the district congress of court employees and then to the provincial Congress of court employees and didn't return until October 3rd and then had "to deal with newly arrived court reports while listening to the complaints of inexperienced and often absent court staff."⁶⁷

⁶⁵ GA RF, f. A-353, op. 5, d. 32, l. 4. Stuchka even circulated a memo in the fall of 1918 to the commissars of Justice in the provinces asking them to stop inundating the central Narkomiust with telegraphs on every insignificant matter. The telegraph, he explained, is expensive and they should just use the post. *Proletarskaia revoliutsiia i pravo* 4-5 (October 1-15, 1918), 73.

⁶⁶ GAKO, f. R-398, op. 1, d. 108, ll. 189-191ob.

⁶⁷ GAKO, f. R-398, op. 1, d. 108 ll. 132-123ob.

The tenth district of Iaransk district reported for November 1921, that its lone clerk of the court trained by correspondence and never had time to devote to her job.⁶⁸

Finding qualified personnel was just one of several fundamental problems that plagued the courts. At the end of the Civil War, the people's court still could not hear cases in outlying regions like Tiumen province because banditry and peasant rebellion made it unsafe to hold court.⁶⁹ Lack of heated rooms kept courts from hearing cases in the winter and the endemic paper shortage made it hard to record court proceedings. Courts noted in their August and September monthly reports to their superiors that not much work was done because of the harvest, while another precinct reported that everyone was mobilized to put out a fire during two court days.⁷⁰ Rural districts complained to the center that they did not have basic texts on proceedings and law. Local courts in Kursk province did not even receive *Izvestiia* so they could not account for new decrees in their decisions.⁷¹ In 1921, with the end of the Civil War, the court administration began to ask for more detailed reports on court activity. Judges defensively justified their small case holdings and fired back with a string of complaints about lack of staff and resources.

People's court judges and secretaries served the Soviet state as full time professionals. While not all judges, and especially secretaries, were Party loyalists, they were dedicated to the legal mission. Part of that was upholding the new Soviet legal code in the courtroom. The other aspect, that many embraced, was to promote the socialist cause by educating the public how the new laws could benefit allies of the Soviet state.

In the Courts of Revolution

⁶⁸ GAKO, f. R-398, op. 1, d. 108, l. 270.

⁶⁹ GA RF, f. A-353, op. 5, d. 26, l. 71.

⁷⁰ GAKO, f. R-398, op. 1, d. 108, ll. 42, 71, 136ob.

⁷¹ GA RF, f. A-353, op. 3, d. 81, l. 13; "Ocherednaia zadacha Narkomiusta," *Ezhendel'nik sovetskoi iustitsii* (March 16, 1922), 7.

The court system was meant to bring citizens into the Soviet system, building a new proletarian legal world symbolically. Those who turned to the court with claims legitimized the state by accepting its legal norms. In this way, the courts were an important tool of the Soviet state in building an accepted value system and established relationship with the population. Popular use of the courts would suggest that Russian legal consciousness that was emerging before 1917 developed through the revolutionary period.⁷²

The people's courts handled an astounding number of criminal cases and civil suits, considering their organizational difficulties. Narkomiust had already made a key decision in 1917 that ordered courts to hear cases from the tsarist and Provisional Government eras left on the docket, providing more evidence of a sense of transition rather revolution in the courts. People's courts waded through piles of inherited cases from the previous regime in their first year of service. When the local courts across Novorzhev district in Pskov began to meet in early 1918, they were welcomed with a pile of nearly 2700 cases to be adjudicated. Less than half (43%) came from the township courts. The same number of cases had been waiting to be decided by the land captain, with the remaining matters from the district courts and court inspectors. While the courts decided over 800 cases (30% of the cases they inherited) by the end of April, they still had a huge pile to get through.⁷³ The people's courts held a larger jurisdiction than the township courts that weighed down their progress getting through new cases. Holdover

⁷² Richard Wortman, *The Development of a Russian Legal Consciousness* (Chicago, 1976); see also Girish Bhat, "The Rule of *Zakon*: The Criminal Cassation Department and Legality in Late Imperial Russia, 1866-94," *The Russian Review* 72 (October 2013): 622-46. I am not arguing that the tsar, his administration or Soviet leaders and officials felt constricted by the law. On the Imperial law, see Jorg Baberowski, "Law, The Judicial System and the Legal Profession," in *The Cambridge History of Russia* vol. 2, edited by Dominc Lieven (Cambridge, 2006), 344-68; E. A. Pravilova, *Zakonnost' i prava lichnosti: Administrativnaia iustitsiia v Rossii, vtoraiia polovina XIX v. – oktiabr' 1917* (St. Petersburg, 2000). For a critical assessment of the literature on post-reform law, see Richard Wortman, "Russian Monarchy and the Rule of Law: New Considerations of the Court Reform of 1864," *Kritika* 6 (Winter 2006): 145-70. He concludes that the reforms did not set up Russia for an independent legal culture

⁷³ D. L. Kurskii, "Otchet' otdela sudoustroistva Narodnago Komissariata Iustitsii. Aprel'-mai-iiun' 1918 g.," *Proletarskaia revoliutsiia i pravo* 1 (August 1, 1918), 42-43.

cases dominated the docket as late as 1919 when local people's courts in Astrakhan province still had to resolve 1,544 remaining cases and in Nizhegorod they wrestled with 5,655 cases.⁷⁴ Some cases dated back to 1915.⁷⁵ The 8th circuit court of Samara district in late 1919 was stuck reviewing civil cases of the justice of peace court from the transitional period after the October 1917 Revolution to confirm that decisions adhered to proletarian consciousness and Soviet law. Most of these cases were locals' minor monetary claims against their neighbors. These ranged from 25 rubles for the non-payment for lumber (approved by the court) to 503 rubles for the use of their storage hut (reduced to 5 rubles and 34 kopeks by the court).

Courts then dealt with the storm of new filings that continued through the Civil War years. Local people's courts gained jurisdiction over more serious civil suits in 1919 and so took on even more cases. By the beginning of 1920, local people's courts in the countryside of Arkhangel'sk province heard 2,374 cases in a three-month period, while Viatka's ruled on 14,133 non-criminal cases alone in 1920.⁷⁶

The new Soviet courts decided the suits that came before it in the same manner as the tsarist-era courts. Soviet judges continued to use tsarist-era laws that "did not contradict revolutionary consciousness" to decide their cases, which kept the legal code largely in place and the March 1918 Decree Number 2 reiterated that courts should retain the 1864 court procedures. While Decree Number 3 in July 1918 forbid use of tsarist laws to base decisions, courts largely ignored this point and continued to cite legal codes in their decisions.

Soviet people's courts resolved commercial suits from before the revolution. For example, Nikifor Permnikov brought suit against the whole village of Andrevska for 300 rubles

⁷⁴ GA RF, f. A-353, op. 2, d. 87, l. 20.

⁷⁵ GAKO, f. R-1824, op. 1, d. 6, ll. 1-22. The case involved a claim for 15 rubles for the use of a farm tool. The claimant had died and her children wanted to continue the case. It was eventually dropped.

⁷⁶ GA RF, f. A-353, op. 4, d. 106, ll. 14, 80.

owed to him for wood. This claim reached back to 1904 and the courts in 1916 and 1917 both supported Permnikov's claim. The Soviet court did as well.⁷⁷ The 8th circuit court of Samara district in late 1919 even reviewed civil cases of the justice of peace court from the transitional period after the October Revolution to confirm that decisions adhered to proletarian consciousness and Soviet law—they invariably supported all of the decisions. Most of these cases were locals' minor monetary claims against their neighbors. These ranged from 25 rubles for the non-payment for lumber (approved by the court) to 503 rubles for the use of their storage hut (reduced to 5 rubles and 34 kopeks by the court). Varvara Budnova, in another suit against her sister, demanded the return of an unnamed sum of money that she had given her for safekeeping (affirmed by the court). Some of the cases were quite complicated and went beyond the jurisdiction of the court such as a suit brought by the Syzran city government to seize land of Gregorii Vasil'ev, who had established an independent farm on land that the city also claimed. The court defended Vasil'ev's ownership based on a 1916 land commission document.⁷⁸

Central Narkomiust publications highlighted the good work of the fifth district court of Nizhegorod district for its sound procedural work and its decisions based on the tsarist civil code. The court heard, on May 26, 1918, a claim by the peasant Bazhenov toward the Vshivskii village commune for trampling his clover (*potrava*) with its herd of livestock. It denied his claim because he could not prove that it was the commune's livestock that damaged his clover and not an individual animal and “while the patch of clover, was fenced in, the fence was dilapidated and it impossible not to note the claimant's negligent attitude toward their property.” This was not the only suit in which a claimant accused the Vshivskii village commune of trampling crops. The peasant Kormakov, of the neighboring village of Borisov, had filed suit earlier accusing the

⁷⁷ GAKO, f. R-1824, op. 1, d. 119, ll. 107-107ob.

⁷⁸ TsGASO, f. R-183, op. 1, d. 1, ll. 1-6.

commune trampling his oats with their herd claiming 140 rubles in lost crops. In this case, the court determined that the commune's herd did indeed graze at night nearby and it found footprints of the herd near the field. On top of that a witness came forward to recount that villagers of Vshivka said that their cows trampled the oats. With such overwhelming evidence—physical and oral—the court awarded Kormakov 140 rubles.⁷⁹ Other local people's courts used tsarist codes and established evidentiary procedures. In the 7th district of Nizhegorod district, citizen Omonina filed a claim against the villager Kaliaganov over a horse that she purchased that turned out to be “exhausted and weak.” While Kaliaganov tried to argue that the horse was weak because Omonina didn't feed it enough, the court brought in a witness who supported the plaintiff's claims. The court found that Kaliaganov took advantage of the inexperience of Omonina and sold her a bad horse. It nullified the agreement (using sections 129 and 81 of the civil code) and ordered Kaliaganov to return the 90 rubles and Omonina the horse.⁸⁰

These cases also show how peasants used the new local courts. They turned to them to follow up commercial suits regarding disputes with their neighbors and the courts responded using the old laws and established procedures of investigation and weighing of material and oral evidence. Courts also became mediators for the new Soviet order. We can get a general sense of typical types of civil cases from legal reports and archival records. They show that divorce, inheritance and household divisions dominated the civil dockets in the first years of Soviet rule.⁸¹ Peasants especially relied on the courts to resolve disputes within the home.

Peasants' petitions for divorce flooded the courts to take advantage of the December 1917 Family Law Code, the only Soviet laws on the books when most courts began hearing cases liberalized divorce by granting either party the right to divorce or annul the marriage. This

⁷⁹ *Proletarskaia revoliutsiia i pravo* 2 (1918), 19. It based its decision on statute 129.

⁸⁰ *Proletarskaia revoliutsiia i pravo* 2 (1918), 19-20.

⁸¹ GAKO, f. R-882, op. 1, d. 3356, ll. 28-28ob, 36.

issue far outnumbered other civil matters as peasants rushed to end their unhappy marriages.⁸² In Imperial Russia, divorces went through restrictive and expensive ecclesiastical courts (not the township courts) and traditional cultural mores and Imperial law made divorce nearly unheard of.⁸³ From 1918, peasants turned their backs on traditional restrictions and happily grabbed hold of the liberal divorce codes.⁸⁴ In the first few months, according to one study, almost all of the applications were simple divorcees who wanted to go separate ways. Many petitions (just over 24% of all suits) asked for a divorce because they didn't know the whereabouts of their spouse. This is not surprising in the social dislocation of war and revolution and men going the front and not returning, although 43% of applicants were still men who lost touch with their wives who lived elsewhere, a still common occurrence in Russian migratory labor patterns. The court printed a call in the newspapers for the missing person and after a short time granted the divorce.⁸⁵

Divorce cases became more involved after this first wave. Applicants did not need to supply a reason for divorce, but some still did. Kirill Ionovich Sterkhov, for example, asked for a divorce from his wife in December 1919 because he was seeking a fresh start, away from a church-based marriage to a woman with a different disposition than himself. He had also left her six months prior. The court granted his request.⁸⁶ In another case, Koz'ma Nikulin was so intent

⁸² For men seeking divorce, see GAKO, f. R-398, op 2, d. 27, l. 20; f. R-1062, op. 1, d. 5, l. 39. See the explanation of the family law code in *Proletarskaia revoliutsiia i pravo*, no. 1 (August 1918), 29-32. On the historical context of the family law code and popular urban responses to it, see Wendy Goldman, *Women, The State and Revolution: Soviet Family Policy and Social Life, 1917-1936* (Cambridge, 1993), 1-59.

⁸³ Worobec, *Peasant Russia: Family and Community in the Post-Emancipation Period* (DeKalb, 1995), 196-98.

⁸⁴ In the whole of Moscow province, including the city of Moscow, individuals filed 4913 applications for divorce in the first seven months of 1918. Men filed 30.1 per cent, women 68.8 per cent. Unfortunately, the report does not differentiate between urban and rural regions. A. G. Goikhbarg, "O brakakh i razvodakh," *Proletarskaia revoliutsiia i pravo*, no. 5-6 (October 1918), 11-13.

⁸⁵ TsGA UR, f. R-278, op. 1, d. 59, l. 2; d. 19, ll. 1-9; for some examples of calls to spouses to appear at court see, *Derevenskii kommunist* (Viatka), September 18, 1919, p. 5; September 23, 1919, p. 5; "Ob'iavlenniia," *Bor'ba* (Morshansk) August 3, 1918, p. 4; August 4, 1918, p. 4. The calls were evenly split between men and women. Published calls were required by law (Decree on Divorce, sections 4-5). Goikhbarg "O brakakh," 14-15.

⁸⁶ TsGA UR, f. R-278, op. 1, d. 11, l. 1.

on divorcing his wife Varvara that he sent his petition directly to the district people's court since his local court could not grant his request as it had just been taken over by anti-Soviet forces.⁸⁷

Peasant women especially petitioned the court for divorce. Opportunities for divorce were new, but the issues for most female litigants remained unchanged from the Imperial era. They turned to the courts to free themselves from abusive and personally unfulfilling unions. Anasiia Trubitsyna petitioned the court for a divorce from her husband Ivan Ivanovich. At the center of her claim was a dispute over property and abuse. Anasiia wrote that she and her husband fought constantly. During the summer fieldwork, she went mushroom hunting in the forest. When she returned home her in-laws and husband cursed her for leaving during such an important time, beat her, and kicked her out of the house. For the next three years, she lived alone until Ivan returned and told her, "I was an idiot and will never hit you again. Please come live with me again." She returned, but four months later he and her father in-law started beating her again. Anasiia fled her husband once again and petitioned for divorce and the return of money and property that she left in the hut. Not to be outdone, her husband filed his own petition for divorce the next month. He asked the court for a divorce so he could quickly remarry. The court refused Anasiia's request for the return of her property and simply granted the divorce.⁸⁸ Such cases, then, continued the trend found in the township courts of daughters-in-law bringing abuse from within their adopted household to court. In another case, from Nizhegorod province, a wife turned to the court to help with her divorce. Her husband had kicked her out of the house and she did not want to reconcile. The village commune had ordered her father to pay 1500 rubles to her husband in compensation for damages incurred to him for the wedding and her husband agreed that after he was paid off, that he would allow the divorce. The

⁸⁷ TsGA UR, f. 613, op. 1, d. 13, l. 37.

⁸⁸ TsGA UR, f. R-290, op. 1, d. 1, ll. 1-13. Quote on l. 1ob.

court simply granted the divorce without the payment.⁸⁹ In this case, the court explicitly went against the traditional patriarchal power of the commune. When a wife filed suit for divorce, it usually involved claims to alimony for children or seeking rights to property.

Familial tensions did not always center around divorce. In several cases, soldiers' wives (*soldatki*) sent complaints to the court that their inlaws stole all of their state aid.⁹⁰ The court also heard cases involving physical violence against daughters-in-law, incest, and drunkenness. In a telling case, Kseniia Kazakova brought her father-in-law to court because he swore and hit her. The court put him under arrest for three days, and the land section later used his unsavory behavior to help justify favorable terms for her division from the household.⁹¹

While divorce laws were straight forward, local courts struggled with the new laws from April 1917 that eliminated inheritance. Inheritance had far reaching implications, as so many cases in this apocalyptic time of violent war and revolution revolved around the property that a now deceased family member left behind. Problems with the decree began with its announcement, or lack thereof, as many local court judges never even saw its publication. Local jurists flooded the central Narkomiust office with questions about the decree leading Kurskii to issue an explanatory memo in late 1918 reminding judges that the decree actually did call for the abolition of inheritance, even below 10,000 rubles.⁹² Courts largely put aside the details of the first inheritance decrees in the villages and continued to resolve household divisions after the death of a family member as if the decree didn't exist.

Many cases also focused on granting proper paperwork that defined the new system including written permission to build a dwelling or to relocate. Local courts also heard adoption

⁸⁹ *Proletarskaia revoliutsiia i pravo*, 2 p. 21

⁹⁰ TsGA UR, f. R-613, op. 1, d. 1; GAKO, f. R-3238, op. 1, d. 22, l. 82.

⁹¹ GAKO, f. R-2506, op. 1, d. 37, l. 34.

⁹² *Proletarskaia revoliutsiia i pravo*, Oct. 1-15, 1918, 73-74.

cases. As in the Imperial era, relatives brought in children whose parents had died, or elderly widows adopted a young family to take over her home. The court uniformly granted the adoptions.⁹³ In other cases, the courts had to determine the value of an orphan's property when they were adopted by a family or commune.⁹⁴

Local people's courts handled more criminal cases than civil suits as the state expanded the local courts' jurisdiction, a stark contrast to the dockets of the township courts after 1906.⁹⁵ Most criminal cases involved petty theft, robbery, brewing moonshine, refusing to obey officials, drunkenness, and family neglect, representing over half of the court system's criminal cases in 1919.⁹⁶ To give but one example, the 5th district people's court of Nizhegorod district heard the case of citizen Iakhonov accused of stealing rye and his fellow villager Kashina for taking stolen goods. Witnesses attested that Kashina knew the rye was stolen and hid it during a search by the militia. Kashina justified not admitting to her crime because her husband was sick. The court charged them with violation of the criminal code section 180 and fined Kashina 20 rubles or three days in jail but Iakhonov was a week from turning 16 and so still a minor on the day of his crime, and he was released.⁹⁷

The number of criminal cases grew with the establishment of the Soviet state and also could match the activity of revolutionary tribunals. There are several possible explanations for the predominance of criminal cases. Some civil suits like land disputes and family divisions that had accounted for over 25 percent of civil cases of the township courts in some provinces, were

⁹³ See, for example, TsGA UR, f. R-876, op. 1, d. 1; d. 5; f. R-1013, op. 1, d. 2; TsGAMO, f. 3966, op. 1, d. 268, ll. 1-18ob. For more on peasant adoptions, see Worobec, *Peasant Russia* and Burbank, *Russian Peasants*, 17.

⁹⁴ GA RF, f. A-353, op. 3 d. 100, l. 30. Criminal cases in some courts outnumbered civil cases by six to one.

⁹⁵ GA RF, f. A-353, op. 4, d. 106, l. 80; TsGA UR, f. R-613, op. 1, d. 9, ll. 32-33. "Ugolovnaia repressiia v pervye gody revoliutsii," *Ezhnedel'nik sovetskoi iustitsii* (22 January 1922), 3-4.

⁹⁶ Calculated by a survey of the cases with the defendants with the last name of A in *Vedomost' spravok o sudimosti za 1919 god* (1923).

⁹⁷ D. Kurskii, "Zametki o narodnom sude," *Proletarskaia revoliutsiia i pravo* 2 (August 15, 1918), 18-19. These were illustrative cases to prove that the people's courts were making good decisions.

now heard by village communes and land committees.⁹⁸ There was also confusion of court jurisdiction and more crimes fell to the people's courts during the revolution, so inspectors and the police could even turn over serious offenses such as murder to the new courts. This happened several times. The case would be brought by the local militia and the court inspector (*sledovatel'*) would gather evidence, and present it with a proposed sentence to the court. For example, in 1922, the inspector of Samara district presented one case of I. Akupin accused of murdering a Evgeniia Ilianova. Ilianova had caught Akupin climbing into her courtyard and confronted him while for a guard to arrive. They fought and she later died. However, the inspector found that she "didn't suffer from any beatings" and was weakened by the famine. Akupin was found guilty of code 145 of the 1903 criminal code, on violence or threats against an individual, which carried a prison sentence, but was amnestied in honor of the five-year anniversary of the October Revolution.⁹⁹

Many judges were lenient in their sentences and often gave the guilty party the minimal fine. The court penalized a peasant who refused to obey his township executive committee a mere five rubles, a meaningless punishment in a time of high inflation and the devaluation of money itself. He still tried to appeal, but the law did not permit it. Other petty criminals had only to pay two rubles.¹⁰⁰ Judges favored fines over incarceration or forced labor. When judges gave the guilty party a prison sentence it was minimal and the prisoner would often quickly be amnestied.¹⁰¹ The books of the 8th precinct in Samara province from March to December 1919 give a detailed picture of what fines judges imposed. Out of 249 cases with monetary fines, the

⁹⁸ Gaudin, *Ruling Peasants*, 107-08; Retish, *Russia's Peasants in Revolution and Civil War*, ch. 4.

⁹⁹ TsGASO, f. R-3572, op. 1, d. 5, l. 10. For more on violent crimes before the court see Retish, "Controlling Revolution: Victims of Social Violence and the Rural Soviet Courts 1917-1923," *Europe-Asia Studies* 65 (November 2013): 1789-1806.

¹⁰⁰ GAKO, f. R-439, op. 2, d. 2, ll. 12-18.

¹⁰¹ GA RF, f. A-353, op. 5, d. 26, l. 154. Matthew Rendle, "Mercy Amid Terror? The Role of Amnesties during Russia's Civil War," *Slavonic and East European Review*, 92, no. 3, (2014): 449-78.

court issued the most fines for making moonshine (300 rubles), followed by crimes such as slander (150 rubles) and unauthorized felling of trees (50 rubles). The following year's collections reflected the court's shifted to asserting state control. Most of the fines were for citizens who "did not receive authorization" for everyday activities from storing and buying a ship to harvesting potatoes. Along with penalizing crimes as the previous year, it also issued fines for speculation and buying tobacco above the fixed price. Most of the money that the court collected, though, came from court fees—appeals petitions, stamps and certifications, and other official markers that everyday people needed to survive in a Russia with a burgeoning bureaucratic state. The court brought in 17,978 rubles during in the nine months in 1919, which climbed to 345,447 rubles from a nine-month period the following year.¹⁰² Citizens were not only turning to the court to resolve their claims, they were also paying it for its important bureaucratic functions in their lives.

The Revolutionary Tribunals

The revolutionary tribunal was the other arm of the Soviet legal system during the Civil War. Styled upon the tribunals of the French Revolution, the Bolsheviks designed the tribunal to try counter-revolutionaries. Like the people's courts, revolutionary tribunals began as a way of imposing proletarian justice, rather than written law, while educating the masses on correct Soviet behavior through public trials. Unlike the people's court, the tribunal was largely a top-down prosecutorial body that judged cases that the state brought upon its population. Tribunals were established by the first decree on the courts in November 1917, but Narkomiust quickly issued an instruction the following month that clarified and expanded the tribunals' scope to include, among other crimes, all acts of counter-revolution broadly defined, crimes of office,

¹⁰² TsGASO, f. R-183, op. 1, d. 9, ll. 1-31ob.

sabotage, hoarding, black marketeering, speculation, and any anti-Soviet activity, regardless of the defendant's class origins.¹⁰³

The Soviet leadership gave birth to the tribunals and the Civil War fostered their growth. Revolutionary tribunals, then, manifested out of the Soviet leadership's view of the possibilities of the justice system to punish enemies of the state and empower its allies during the revolution. Tribunals, though, are best known for their sweeping powers to enact quick justice, including capital punishment, that fostered state violence during the Red Terror. Were the revolutionary tribunals the real foundation for the later Soviet court system or were they fleeting and impromptu reactions by the Soviet leadership and Narkomiust to the instability and violence of the revolution and civil war? Soviet historians described them as fleeting and necessary components of the legal system during the Civil War, while Western scholarship during the Cold War portrayed them as the polar opposite—the foundation of Soviet justice in which decisions were made quickly, without reference to law, and serving to promote violence and terror.¹⁰⁴ Late Soviet scholars tried to tie the two together by showing how the tribunals committed excesses, while also serving justice.¹⁰⁵ A study of the regional archives reveals a more complex tribunal system, in which most revolutionary tribunals worked carefully through cases and actually limited Soviet terror by providing a counter to repressive arms of the state like the Cheka (the extraordinary commission for combatting counter revolution and sabotage).¹⁰⁶ The Narkomiust leadership saw tribunals and people's courts as the two arms of the court system and the two

¹⁰³ See for example, "Revoliutsionnyi tribunal'," *Izvestiia Saratovskogo soveta* 9 January 1918 (no. 5), p. 3.

¹⁰⁴ Pipes, *Legalised Lawlessness*; Kucherov, *The Organs of Soviet Administration of Justice*, 45-55.

¹⁰⁵ Iu. P. Titov, *Sozdanie sistemy revoliutsionnyi tribunalov uchebnoe posobie* (Moscow, 1983); *Sovetskoe revoliutsionnye tribunaly v mirnye gody stroitel'stva sotsializma: Uchebnoe posobie* (Moscow, 1988); Portnov and Slavin, *Stanovlenie pravosudiia sovetskoi Rossii (1917-1922 gg.)*.

¹⁰⁶ This section builds upon the work of recent scholarship. The most significant work is being done by Matthew Rendle, "Revolutionary Tribunals and the Origins of Terror in Soviet Russia," *Historical Research* 84 (November 2011): 693-721; Rendle, "Defining the 'Political' Crime: Revolutionary Tribunals in Early Soviet Russia," *Europe-Asia Studies*, vol. 65, no. 9, 2013, 1771-1788; and Christy Jean Story, "In a Court of Law: The Revolutionary Tribunals in the Russian Civil War, 1917-1921" (Ph.D. diss., University of California, Santa Cruz, 1998).

organs worked in parallel and often collaborated. They were also inseparable components of the legal experience of the peasantry.

Divisions of Justice across the provinces established revolutionary tribunals by the beginning of 1918, and they began functioning by early spring. Moscow's opened as early as December 21, 1917.¹⁰⁷ Viatka's Commissariat of Justice established a revolutionary tribunal at the same time as it did people's courts, on January 19, 1918, and it began hearing cases immediately, finding the member of the militia Ivan Izotov and soldier Vasiliï Dumbanze, who were accused of hiding weapons and anti-Soviet activity, guilty and sentencing Izotov to a month of public service and Dumbanze to a year's deprivation of civil rights.¹⁰⁸ In the summer of 1918, the Bolsheviks enlarged the powers of the tribunals after the Left SR's, who had been serving to brake excess force, left the coalition government and turned to active opposition against the Bolshevik state, and civil war erupted.¹⁰⁹

Soviet-held provinces quickly organized at least one provincial-level revolutionary tribunal that could move throughout the region to try cases. Most district soviets also organized tribunals. In Voronezh, revolutionary tribunals were set up in the provincial capital as well as all of the district towns and in a majority of large villages and even in some township soviets in March 1918. In the northern provinces of Olonets and Arkhangel'sk, the revolutionary tribunal was the only functioning court in the first months of Soviet rule. The tribunal even heard civil claims. In Ufa, in the Urals, the revolutionary tribunal was exceptionally active and had already

¹⁰⁷ "Khronika," *Proletarskaia revoliutsiia i pravo*, 78. By the end of July the Moscow revolutionary tribunal had reviewed an amazing 2,022 cases. As in other places, the largest category of cases was crimes of office, followed by speculation. A quarter of the cases were transferred to other divisions.

¹⁰⁸ "Obshchee sobranie Viatskago soveta rabochikh i soldatskikh deputatov," *Viatskaia Pravda* 19 January 1918 (4); "Narodnyi sud. Revoliutsionnyi tribunal," *Viatskaia pravda* 21 January 1918 (4).

¹⁰⁹ Steinberg, *In the Workshop of the Revolution*, 65-83.

ruled on 275 cases by April.¹¹⁰ The Bolsheviks enlarged the powers of the tribunals after the Left SR's, who had been serving to brake excess force, left the coalition government and turned to active opposition against the Bolshevik state, and civil war erupted.¹¹¹ Not insignificantly, Lenin was disgusted that the tribunals gave lenient sentences in their first trials and demanded that their harshest punishment, which at that was four years of imprisonment, include capital punishment. This happened in mid-1918, as part of the Red Terror, when the state gave tribunals power to sentence the death penalty and it also expanded their purview to include cases of hooliganism, forged documents, and mass disturbances. Instructions from the center directed to a provincial revolutionary tribunal summarized the enlarged powers by ordering it to fight against all "general instances of wrong doing."¹¹²

The first notorious revolutionary tribunal show trials of famous figures, such as the case against Countess S. V. Panina, were actually more orchestrated and orderly than consequent provincial trials.¹¹³ Tribunals reflected the chaotic nature of Soviet governance during the Civil War. They proceeded without systematic procedure or routine of administrative justice. Tribunals handled and weighed evidence arbitrarily, judges often disregarded or took loose interpretations of Soviet law, and many judges designed their decisions to carry the most political weight. Provincial tribunals met as military and criminal courts and often heard cases in several of the main towns of the region. They were composed of an inspection unit and six

¹¹⁰ "Protokol Vserossiiskogo s'ezda gubernskikh i oblastnykh komissarov iustitsii," *Materialy Narkomiusta*, vyp. I (April 1918), 6-7. In Ufa, the cases included homebrew, speculation, and counter-revolutionary activity. Titov, *Sozdanie sistemy revoliutsionnyi tribunalov*, 41. "Khronika," *Proletarskaia revoliutsiia i pravo* 7 (1918), 70-71.

¹¹¹ Steinberg, *In the Workshop of the Revolution*, 65-83.

¹¹² GAKO, f. R-1322, op. 1, d. 1, ll. 1-2ob (instructions to the revolutionary tribunal, January 27, 1918. Quote on 2ob. See Kucherov, *The Organs of Soviet Administration of Justice*, 45-49. On the initial confusion in establishing tribunals, see Rendle, "Revolutionary Tribunals," 304.

¹¹³ Rendle, "Revolutionary Tribunals," 12-39. Adele Lindenmeyer, "The First Soviet Political Trial: Countess Sofia V. Panina Before the Petrograd Revolutionary Tribunal," *The Russian Review* 60 (October 2001): 505-25; Alexander Rabinowitch, *The Bolsheviks in Power: The First Year of Soviet Rule in Petrograd* (Bloomington, 2007), esp. ch. 12-13.

members, although it was routine to have only three members oversee cases. Members of the revolutionary tribunal were almost without exception members of the Communist Party.

The people's courts and the revolutionary tribunals were separate arms of the judicial system under the auspices of Narkmoiust and they interacted largely without conflict. The main problem was the continued undefined jurisdiction of all the various courts, including regional courts, military courts, and the railroad and waterway tribunals. Jurists had trouble deciding in which court cases should be placed. Changing legislation also confused the issue. Decree number 3 on the Courts expanded the jurisdiction of people's courts to cover all criminal crimes except the most violent. It also transferred crimes of speculation and bribes from the revolutionary tribunals to district courts, something that the Viatka provincial Commissariat of Justice did in August of 1918, clearing 55 criminal cases off the docket of the provincial tribunal and moving 50 of them to the local people's courts.¹¹⁴ The lighter caseload helped the tribunals in August 1918, with the Red Terror in full stride and peasant resistance to forced grain requisitioning in full swing. However, the tribunal regularly transferred cases that came before it to the people's court.

The courts never fully resolved the difference between a counter-revolutionary and criminal crime. The consequences could be dire considering that people's courts often gave meager financial penalties while tribunals could impose long prison sentences for the same type of crime. People's courts often heard criminal cases that seemingly should have been heard by the revolutionary tribunal. So, for example, the case of Nikolai Semenov of Slobodskoi district,

¹¹⁴ GAKO, f. R-398, op. 1, d. 2, ll. 1-13. Three cases involving Red Army soldiers transferred from the tribunals to the courts, rather than the military tribunals, show the continued confusion over court jurisdiction. One case included a Red Army soldier who fatally wounded another Red Army soldier, the other two involved a Red Army soldier and a citizen accused of trading in overcoats and a soldier who stole a money pouch with bank notes and stamped official forms in it from Shcherbininsk township ispolkom, Viatka district. (l. 8). Other cases, moved in November 1918, included cases that the Revolutionary Tribunal seemingly should have heard: theft of money and hiding arms, sabotage, cursing the Red Army and agitation against Soviet power (l. 9).

Viatka province, on trial for refusing to serve in the Red Army for religious reasons, went to the people's court when it should have gone to the revolutionary military tribunal. To confuse the situation, the revolutionary tribunal took on cases involving moonshine (which diverted grain) when grain shortages peaked, but at other times passed them along to the people's court. The local people's court heard cases of peasants not complying with requisitioning of foodstuffs that were clearly in the domain of the revolutionary tribunal. One typical case went first to the military which reviewed it and, rather than passing along to the overburdened revolutionary tribunal, gave it to the local people's court.¹¹⁵ The judicial system struggled to keep track of the accused that it transferred from one court to the other.

Tribunals, like people's courts, suffered from poor infrastructure and trained personnel as well as more basic problems such as lack of paper and security. In Voronezh, for example, partisan groups destroyed the revolutionary tribunal office so the tribunal could not hear cases in early 1920.¹¹⁶ Samara's investigator, a comrade Vark, did not even know Russian and the Justice Department pleaded with the provincial Party leadership to replace him.¹¹⁷ Nevertheless, tribunals tried a huge number of cases considering this poor infrastructure. While accurate composite numbers for the whole period are difficult to determine, partial numbers show how active tribunals were. Viatka's revolutionary tribunals heard over 5,000 cases between 1918 and 1921, Nizhegorod province tribunals heard 3,889 cases between June 1919 and June 1920, and

¹¹⁵ GAKO, f. R-439, op. 2, d. 2. ll. 1-18 (matter of A. Stefanov, August 1917-January 1919). The court summoned Stefanov to the court, but he never appeared. On a trial of moonshine, see GAKO, f. R-1322, op. 1a, d. 2059, ll. 1-26 (materials and decision of revolutionary tribunal case of peasants Zonov and Sergeev, August-November 1920) where the Cheka referred a case of a son and his father-in-law to the tribunal for brewing *kumyshka* (an alcoholic Udmurt ritual drink) and burning down ten des. of forest in the process. The tribunal sentenced them to a work house but they were immediately amnestied.

¹¹⁶ GA RF, f. A-353, op. 3, d. 156, l. 19. The Voronezh Narkomiust report defined the partisans as bands. (report from Jan. 13, 1920.)

¹¹⁷ SGASPI, f. 1. op. 1, d. 150, l. 1. From 3 May 1919.

Azerbaijan's tribunals heard 2,142 cases between May 1920 and April 1921.¹¹⁸ Local conditions certainly shaped the number and type of cases, a point that I discuss below.

Cases could come in waves directed by the center or military necessity, such as the Red Terror in mid-1918, occupation of conquered territories during the Civil War, and campaigns against specific crimes like speculation. The majority of cases heard by the tribunals, though, was the daily, or at least episodic, crimes. According to official figures from Narkomiust, counter-revolution amounted to only 15.4 per cent and speculation only 5.2 per cent of cases heard before the tribunal between 1920 and 1921.¹¹⁹ While the categories and numbers need to be questioned, they still show that the tribunals dealt with a broad set of crimes.

Like the people's courts, tribunals waded through cases from the pre-revolutionary period. More were added to this stack every day from complaints from prisoners hoping to be released.¹²⁰ Many of these cases were passed along to the revolutionary tribunal. In one rather complicated case, Gavril M. Bochkin, a peasant migrant worker from Kaluga province, petitioned the Moscow provincial revolutionary tribunal in April 1918 to release him from prison. He had been arrested by the Provisional Government in July 1917 as a member of the Bolshevik Party and had been sitting in a Moscow prison ever since. Things became more complicated when the tribunal found out that Bochkin was also wrapped up in charges of murdering a worker at a political meeting. After weighing whether or not the murder was

¹¹⁸ Number from Viatka calculated by cases in GAKO, f. R-1322, op. 1, 1a, 2, and 3; GA RF, f. A-353, op. 4, d. 51. 12; op. 3, d. 156, l. 65. According to official Narkomiust reports between 1920 and 1921 revolutionary tribunals across Soviet Russia heard at least 51,700 cases. *Otchet IX vsrossiiskomu s'ezdu sovetov. Narodnyi komissariat iustitsii* (Moscow: Narodnyi komissariat iustitsii, 1921), 21. To show the problems in reporting numbers, another source reports that revolutionary tribunals heard 167,162 cases in 1920 out of a total 1,187,169 cases heard by all the courts. See Hazard, citing E. Tarnovskii in *Proletarskaia revoliutsiia i pravo* (December 15, 1921), 155.

¹¹⁹ *Otchet IX vsrossiiskomu s'ezdu sovetov*, p. 21-22. 7,962 cases regarding counter-revolution and 2,583 cases of speculation out of 51,703.

¹²⁰ K. Palkin, "Komissary iustitsii," *Sovetskaia iustitsiia* 21 (November 1967): 18.

politically motivated, the tribunal sentenced him to five years at the Moscow labor colony.

Bochkin never served his sentence; he fled during the transport from prison.¹²¹

Revolutionary tribunals, like people's courts in 1918, enforced the order--payment of rent, property rights of separators from the village commune, and even freeing a village policeman (*uriadnik*) who had been accused in 1916 of striking a peasant and failing to do his job.¹²² A glance at the cases before the Morshansk district revolutionary tribunal on May 10, 1918 reveals how many matters involved simply keeping order. Alongside hearings of those accused of speculation of tobacco and trying P. I. Karn'ev, a member of the executive committee of the revolutionary court itself for disgracing the institution by his drunken behavior, the tribunal resolved matters that came from the revolution but were not socialist in spirit. These included a dispute between the Bogoiavlensk village commune and the land committee after the committee upheld the right of villagers of another township to gather firewood from the nearby forest, a case of the Gagarin township foodstuffs committee illegally seizing rye from villagers, and the matter of Timofei Grigor'ev Lipeshev, who was accused of leading a pogrom against the villager Churitin who established an individual farm established during the controversial Stolypin reforms.¹²³ In a telling case, the revolutionary tribunal in Viatka brought seventeen peasants to trial for their participation in an uprising during a local market in March 1917.

According to the regional inspector's report, a group of soldiers provoked peasants at the market to demand that merchants sell their goods at non-fixed prices. The soldiers ran through the

¹²¹ GA RF, f. R-1005, op. 1a, d. 6, ll. 1-49. For a similar petition, see GA RF, f. R-1005, op. 1a, d. 19 (case of Ivan Stepanovich, April-June 1918).

¹²² GAKO, f. R-1322, op. 1a, d. 1, ll. 1-25ob (case, materials, and decision on F.F. Bazhin, May 1916-April 1918).

¹²³ "vypuska del Morshanskago revoliutsionnago tribunal naznach. k slushaniiu na 23/10 maia 1918 goda," *Izvestiia Morshanskogo* 36 (May 17, 1918), 4. Need to double check the details in this case. There were ten cases before the tribunal that day: two cases on speculation, one sackmanship, one attempted murder by firearm, and one stealing of a horse from a factory and attempting to sell it. Karn'ev was sentenced to six months in prison. The horse was returned to the factory and had to pay a 400 ruble fine. The township foodstuffs committee had to pay the villagers 4 rubles 80 kopeks per pud for the rye. "Revoliutsionnyi tribunal", *Izvestiia Morshanskago* 43 (May 31, 1918), p. 4.

market yelling “Hooray! Sale!” while scattering merchants’ goods. Local peasants joined the uprising. The merchants called the hamlet elder (*starshina*), but when he arrived, the crowd grabbed his revolver and began to beat him. The crowd then turned on the hamlet administration building, knocking down its doors.¹²⁴ The Provisional Government inspector had interviewed the merchants about the uprising, and the Soviet revolutionary tribunal used their testimony to try seventeen peasants. When the Soviet court reviewed the case, it accepted the merchants’ testimony as true--as memory more credible than memory of peasants and soldiers, who were supposedly the Bolsheviks’ natural allies. The court found all of the accused guilty of disorder, but specifically not “organized disorder,” and had to pay fines ranging from 100 to 300 rubles. The tribunal privileged order over class struggle and tried the peasants even though the defendants had not acted against the Soviet state. The trial was held in the spring of 1918, when the national grain crisis was becoming apparent, and the defendants’ past action threatened the nation’s food supply, and in turn state power. Alongside championing the proletariat and fighting counter-revolutionary crimes, the tribunal also worked to solidify order in these early cases.

By mid-1918, though, the tribunals began effectively to try citizens who threatened local Soviet state programs and quickly charged themselves with promoting class warfare. In August 1918, the Viatka province revolutionary tribunal brought Igant’e Antonovich Akulov and his son Fedor before the court on charges of counter-revolutionary activity. In July, they had heard of the village provisions committee’s intent to requisition their grain and locked the gate to their homestead. When the committee arrived to take the grain, a gunfight ensued. The tribunal went to great efforts to categorize and condemn the Akulovs as kulaks. The court report explained that they were known in the village to be wealthy and owned more land than fellow villagers, “made a fortune from buying and selling to all the unfortunate poor peasants,” resisted the

¹²⁴ GAKO, f. R-1322, op. 1a, d. 30, ll. 1-161ob.

redistribution of land, and had denounced Soviet power.¹²⁵ The tribunal record described them through commonly-held images of the kulak--the village strong-man, “the agent of manipulation and exploitation within the peasant community,” “the embodiment of evil,” and “an expression of the features of a money economy.”¹²⁶ The court sentenced Ignat’ie to ten years in prison and deprivation of all rights as a citizen and sentenced his son to execution.

For their part, defendants understood the emphasis Soviets put on class and fashioned themselves to match official visions. In several cases, the accused emphasized their poverty. One peasant on trial for siding with the Whites in the spring of 1919, stressed that he was a poor peasant (*bedniak*) and could not be an enemy of the working people. The tribunal agreed and gave him a light sentence.¹²⁷ Dmitrii Usdanov and his son, appearing on charges of grain speculation, pleaded that they worked “hand in hand with the interests of the proletariat” and fought for “the oppressed masses” in 1905.¹²⁸ A peasant brought before the tribunal for inactivity as the head of the local Committee for the Poor Peasantry (*kombed*) asked to be freed since there were only two workers in his family of eleven, while Mihail Rybakov, a member of a district food stuffs brigade asked to be let off from his crime of drunkenness to enter the ranks of the Red Army.¹²⁹ Tribunals accepted the defendants’ confessions of deviation from Soviet norms and the adaptations of Soviet definitions of self-identity based on class. The guilty party had merely been temporarily tempted by bourgeois enemies and could be rehabilitated with ease.

Again, tribunals emphasized order and did not always fully side with allies of the Soviet state. In August 1918, the Vologda revolutionary tribunal heard a case referred to them by the

¹²⁵ GAKO, f. R-1322, op. 1a, d. 41, ll. 1-45. Quote on l. 6.

¹²⁶ Cathy Frierson, *Peasant Icons: Representations of Rural People in Late Nineteenth-Century Russia* (New York, 1993), 139. For more on the image of the kulak, see ch. 7.

¹²⁷ GAKO, f. R-1322, op. 1a, d. 652, ll. 63, 69.

¹²⁸ GAKO, f. R-1322, op. 1, d. 202, l. 194.

¹²⁹ GAKO, f. R-1322, op. 1, d. 202, l. 224 ; GA RF, f. R-1005, op. 3, d. 102, ll. 48-49.

district executive committee about suspected “open counter-revolutionary activity” by kulaks, including arson of three homes. Leaders of the newly formed local kombed in Vysokovskaia township, Vologodskii district accused village “kulaks” of burning down homes as revenge against the kombed while making threats to hide their grain from the rest of the village. The kombed had ordered the confiscation of all of the kulaks’ property, both moveable and fixed, and evicted those who resisted the most from the borders of the village. However, the tribunal inspector decided that there was no material evidence that kulaks burned down the homes. The tribunal chastised the kombed for not defending the well being of all of the village citizens.¹³⁰

The tribunals heard a wide range of cases and based their decisions on the specific context of the case. Tribunals were rarely drumhead trials. Three illustrations-- tax shirkers, a violent deserter, and religious denouncement of the Soviet regime--highlight the diversity in the cases that the revolutionary tribunal heard and the punishments they imposed. In January 1922, the Viatka provincial revolutionary tribunal heard a case where four peasants were accused of “categorically refusing to pay their tax in kind.” One of the peasants, Semen Baburin, also hid 22 *puds* of flour and grain. The three judges were incensed by the “malicious” nature of the lack of payment. In their decision, the judges noted that by their actions “all of the accused presented an example to other citizens and undermined worker-peasant power and doomed the millions of children of workers and peasants who were starving in the Volga region.” The tribunal confiscated the peasants’ personal property and sentenced them to between two and three years in a workhouse.¹³¹ The same tribunal also tried Grigorii Shuklin, a twenty-year old peasant who deserted from the Red Army and then turned to robbery. In August 1920, “he came upon the citizen Krychkov in a field and beat him with a walking stick until he was senseless and bloodied

¹³⁰ GA RF, f. R-1005, op. 1a, d. 58, ll. 1-27.

¹³¹ GA RF, f. R-1005, op. 3, d. 102, ll. 39-39ob. Quotes on l. 39.

and then robbed him of his documents and clothes, leaving him on the road” to suffer. The tribunal sentenced him to four years in a workhouse.¹³² Four months later, the tribunal heard the case of the peasant miller Nikita Permiakov and the priest’s wife Elena Desnitskaia, who were accused of agitating against the Communist Party and passing bribes to free her husband from jail. Worst of all, Desnitskaia spread rumors during a popular religious procession that during a recent hail storm a stone had fallen from heaven on which was inscribed “hail will fall where there are many Communists.” The tribunal sentenced both of them to time in a workhouse, but since she was ill and Permiakov old and delusional, it let them both off with a warning.¹³³

The Revolutionary tribunal promoted Soviet ideals. This can be seen in its attack on religion, arresting priests and other church personnel who openly protested Soviet power. In one of its earliest cases, in March 1918, the Viatka provincial revolutionary tribunal tried two village priests--Fathers Malinovskii and Prokov’ev from the village of Zagor’e, who it accused of agitation against the Soviet state. Supposedly, on March 24, 1918, they both stood at the church pulpit (*ambon*) and read a message from the Church council and Patriarkh Tikhon slandering the Soviet state and calling on the people to stand against Soviet power. They said, “You citizens can stand one last time in the church... and witness Christ and the gospel.” While I am not sure which message the priests actually read, it could have been Tikhon’s condemnation of killings on the eve of the separation between church and state (the “anathema” statement) or his more recent attack on the Peace Treaty of Brest Litovsk. The provincial church leaders had publicly announced to their clergy to stay out of politics and to serve their parish in the spring of

¹³² GA RF, f. R-1005, op. 3, d. 102, l. 47. His sentence was immediately reduced to two years, eight months by an amnesty.

¹³³ GA RF, f. R-1005, op. 3, d. 102, ll. 161-161ob. In a similar case the Moscow revolutionary tribunal sentenced Bishop Viktor Astravidov for agitating against the Communist Party. In a sermon he said that claimed that the typhus epidemic was caused by the sins of the Communist leaders. If people prayed and threw holy water on themselves and their homes, they would regain their health. The tribunal sentenced him to prison until the end of the war as a danger to the state. GA RF. f. R-1005. ll. 2-5.

1918. Nevertheless the priests laid fear into their parishioners that the Soviet state was closing the church and taking away their religion. The Soviet state actually did not do that, yet; as three months later it allowed a popular pilgrimage in the area, which was even reported in the local newspaper. Of equal importance to the Revolutionary Tribunal, on May 1st, International Workers Day, citizens asked the priests to hold a requiem for those who had fallen in the fight for freedom and a service in honor of laborers, something that many priests in the area did in 1917, but the priests reportedly refused, saying that that “we do not recognize Soviet power; we have our own power.”¹³⁴ The tribunal imprisoned both priests.¹³⁵ This case was but one of several revolutionary tribunal cases heard against priests in the spring and that escalated in the fall of 1918 in the area and was part of a larger systematic attack by the Soviet state on the Church that included confiscation of church property and the arrest, imprisonment, and execution of several priests.

A parallel case occurred in Orlov district in which Father Mikhael was brought to the tribunal in February 1918, after reading the anathema statement of Tikhon, which the local leaders interpreted as encouraging popular disobedience and condemning Soviet power in his sermon. Mikhael defended himself by stating that this was a call for brotherhood. This was done as the First District Congress of Soviet Representatives was staged after the transfer of power and, in contrast to the case above, the tribunal went out of its way in its Accusatory statement: to condemn not just Mikhael but Tikhon and the church in basic class terms for flaunting its wealth against the people. At the trial itself, several witnesses came forward and insisted that he simply was following orders and reading Tikhon’s appeal that called for peace and did not resist Soviet power and that Mikhael was old and had loaned bread to his flock. He

¹³⁴ George Kosar diss. on resistance from church and state executions of priests.

¹³⁵ GAKO, f. R-1322, op. 3, d. 9, ll. 3-37. Another priest in the district was also accused of speculation. He said that he in fact bought ½ a pud of honey in fall of 1917 and resold it honey in the fall of 1917. Ibid, l. 38.

was found guilty of agitation against the state but, considering his old age, gave him a public censure and let him free on time served. In early September 1918, when the front of the civil war moved closer the province was under martial law, the Cheka came to his home under orders to arrest him. This time, Mikhael did not have the opportunity to defend himself publicly. From his jail cell, he petitioned the Cheka to release him, reminding his captors that he was never involved in politics—that he urged his people to “subordinate themselves to the state”; that he was not an enemy of the Soviet cause since he, and the Church believed that “the rich should share with the poor” and he looked at the rich with sadness when they “eat and sleep well.” Finally, he called for trial. Despite a last minute plea from his wife to spare an old, senile man (the reason that the tribunal used to free him in the spring), Father Mikhael was shot by the Cheka on September 20, 1918.¹³⁶

Local cases against the church were complicated messy affairs. At almost the exactly the same time as the case above, the same tribunal heard a case from a nearby township—the last case to be examined. A village priest (*sviashchennik*) Nikolai Berezovskii, was also accused of agitation against the Soviet state for calling the Bolsheviks “robbers” and urging villagers not to submit to Soviet power. This should have been a straight forward case of agitation against Soviet power, like the case above. However, things quickly became more complicated, as the priest Berezovskii spoke/adopted with revolutionary language, proclaiming his faith in Soviet power to defend himself and attack his enemies. Employing a fascinating interplay between religious and revolutionary codes, Berezovskii told the tribunal (in a refutation of the accusatory act) that he had attacked the gang of thieves who had taken over the village under the “mask of Bolshevism.” He had seen Bolshevism as a “a sign of a true (*istinno*), strong, powerful, and

¹³⁶ Documents are published in full in E. N. Chudinovskikh, “Sledstvennoe delo na protoiereia goroda Orlova Viatskoi gubernii Mikhaila Tikhonitskogo,” *Gertsenka: Viatskie zapiski* vyp. 13 (Kirov 2008), pp. 51- . Introduction by Father Andrei Dudin. Need full archival cite.

most importantly, equitable power (*vlast'*).” While not many priests had this view of the atheistic Bolsheviks, Berezovskii’s ideas were not that radical. There were many local priests who promoted socialist revolution and his belief that Russia needed a strong, just state power at the end of 1917 fit other political thinkers views.¹³⁷ The problem for the priest Berezovskii, ironically, was the local Bolshevik—Petr Gushkov. Gushkov was a Judas—a former township zemstvo scribe who became the secretary of the township executive committee after November. Berezovskii had some “unpleasant” dealings with Gushkov after the priest at a well-attended meeting accused him of holding his nose to the political wind, supporting the tsarist regime and then being the first at the gates to bring it down and join the Provisional Government. After that point, according to the priest, Gushkov would go out of his way “to get revenge on me and be the most unpleasant. But he couldn’t because he only had ill intentions and I had the truth (правда) on my side.” The priest continued his denunciation by calling a Gushkov a “sworn enemy” of Bolshevism, that is the essence of (*istinno*) Bolshevism—of the people (*narod*).” He was wearing the kadet’s cloak and when he saw that the Bolsheviks were coming to power, he switched to a Bolshevik cloak. Gushkov had “always hated the masses (*narod*) because he saw himself as an intelligent and he brazenly hated with all of his might his role as a scribe and had brutally abused people.” In his written defense, Berezovskii contrasts his denunciation of Gushkov’s sins and Gushkov’s attack on him. Gushkov went after him at a sparsely attended meeting and accused Berezovskii of neglecting his priestly duties and spreading political propaganda but nobody from his parish was there to defend their priest. Gushkov, according to Berezovskii, wanted to replace him with another priest-deacon, a father Vereshchagin, who was a friend of Gushkov. The next day, armed guards arrived at Berezovskii’s house with an order

¹³⁷ See Lars T. Lih, “‘Bolshevism’s Service to the State’: Three Russian Observers,” *Revolutionary Russia* 28 (December 2015): 118-39.

signed by 92 of the township meeting (*skhod*) to kick him out of his congregation and to banish him but then they arrested him. Berezoskii stated that his over 27000 parishioners “love him and won’t let him go”. He also asked for more time to collect his things, especially the ten icons that he needed to care for. The tribunal took away his political rights (something that was already taken from him in the 1918 Constitution) and sentenced him to social work during the war, but even that was delayed when, upon further review in August 1918, nine months later, it was decided that the case needed further review at the College level.

The tribunals tried Soviet officials as well as citizens. Citizens often brought these abuses to the court’s attention in petitions and complaints.¹³⁸ Scores of abuses by untrained personnel who had used the Bolshevik revolution as an opportunity for personal power left the government exasperated. The revolutionary tribunal convicted rogue officials and soldiers for engaging in a wide range of illegal acts from petty crimes such as drunkenness, and fighting, to more serious crimes such as brewing and selling homebrew, abuse of power, illegal searches, and even incest.¹³⁹ To give but a few examples from Viatka province, the provincial tribunal convicted Vasilii Efimov, the head policeman of the second district of Slobodskoi region, for taking a 100,000 ruble bribe from a citizen who had been arrested for speculation. Efimov was given eighteen months in a correctional workhouse. It also put fourteen members of the Urzhum city administration in the workhouse for selling grain on the black market. In a rather stunning case, Ivan Fomnykh, Egor Poliakov and Mikhail Shirlov, members of the Pilinsk township executive committee of Urzhum district, were sentenced for stealing flour and oats. In this case, the three met a crowd of 131 local starving peasants who gathered to demand to take grain from

¹³⁸ GA RF, f. R-1240, op. 1, d. 125, ll. 22-33.

¹³⁹ GAKO, f. R-1322, op. 1, d. 1, ll. 20-20ob; op. 1, d. 202, l. 1 Decision of Viatka provincial revolutionary tribunal sentencing D. A. Koraev to five years of community service for abuse of power. June 22, 1919. His sentenced was overturned on November 6, 1919 so he could fight at the front.

a passing state convoy. The three men did nothing to stop the villagers and, it would seem wisely, told the crowd to take what they needed. The officials were sentenced to death but had their sentence reduced to five years in a workhouse.¹⁴⁰

Cases of officials who were tried for excess violence in their duties are especially interesting because they underscore how the tribunals controlled excess state violence and defined what violence was acceptable. Even as the Bolshevik government encouraged its agents to use decisive, violent force, tribunals tried to rein in officials who did not comply with Soviet political norms. These representatives of state power enforced state control, but in such an egregious manner that the tribunal found them criminal.

By the end of the Civil War, crime of office dominated the docket as the largest single category of crime (28.4 per cent of cases heard in 1920-21).¹⁴¹ In November 1919, the case of Mikhail Ivanovich Mochalov and Georgii Stepanovich Moriakhin came before a regional tribunal. In October 1918, Mochalov was the secretary of the Kadamskaia township committee of the kombed. When local peasants refused to pay a special tax, he led the kombed's resolution to take harsh measures, including executing the worst offenders. A Red Army regiment led by Moriakhin came to the hamlet to support the local government. Mochalov and Moriakhin disregarded regional instructions on conducting tax collection. According to the tribunal report, "in every village they beat up non-payers, including women and the elderly." They instructed the detachment to kill every non-payer and the troops complied. The leaders themselves also killed several people. When some members of the kombed refused to kill detained non-payers, Mochalov and Moriakhin executed them along with the civilians. In the course of ten days, "several tens of people were killed, making the hamlet uneasy. As a result of such barbaric and

¹⁴⁰ GA RF, f. R-1005, op. 3, d. 102, ll. 45, 51-51ob, 56-59ob.

¹⁴¹ *Otchet IX vsereossiiskomu s'ezdu sovetov*, 21.

illegal activity on the part of Mochalov and Moriakhin, the peasants were furious and stood against Soviet power.” The leaders were arrested and kept under guard.¹⁴²

It is significant that the Revolutionary Tribunal brought the leaders of the brigade to task, rather than the whole regiment. Both leaders and soldiers committed violent offenses, the latter against fellow villagers. The court apologized for the soldiers’ actions by arguing that they were simply following orders, “Since the orders came from learned (*soznatel’nye*) people, for example Mochalov is a teacher, [the soldiers]... submitted blindly.”¹⁴³ In this case, the court forgave the ordinary men because they did not have the intellectual ability to question the orders. Mochalov and Moriakhin, however, were politically conscious and had the duty to act according to Soviet norms of behavior. Even though Mochalov, Moriakhin, and the soldiers clearly were trying to fulfill orders from above to meet tax quotas. The leaders became responsible for the criminal acts committed by both themselves and their troops since they fitted into the state’s category of conscious, intellectual elite. Such violent abuses were common in the tribunal transcripts. In Rakalevskaia township, Sloboodskoi district, Barodavkin, a local official, was brought before the tribunal for imposing the extraordinary tax on all peasants, including the poor, and shooting those who did not pay.¹⁴⁴

Revolutionary tribunals did indeed serve as a display of political terror and violence. The public staging of the trial was an important aspect of the revolutionary tribunal, especially as it established itself. Creating the symbols of power, legality, and Soviet authority in the open displayed Soviet justice. Reports of the first tribunal in Saratov noted that it was held in the former district court building, shifting one legal authority to the next. Emphasizing the orderly nature of the courtroom, the report stated that “at exactly twelve noon,” the three judges, led by

¹⁴² GAKO, f. R-1322, op. 1a, d. 1574, ll. 1-345. Quotes on ll.1-2.

¹⁴³ Ibid., l. 1ob.

¹⁴⁴ GAKO, f. R-1322, op. 1, d. 202, l. 128.

A. F. Pavlov', entered the courtroom. After reviewing each case the tribunal would retire for twenty minutes to deliberate and present a verdict. Reports highlighted public interest in cases and that the courtroom was packed with spectators. If public staging of cases established authority in the early months of 1918, by the Red Terror of 1918, public trials underscored Soviet power.

Tribunals issued sentences of execution for actions that the regime feared the most: desertion from the army, fomenting unrest against the Soviet regime, dereliction of duty, theft of public goods, and speculation.¹⁴⁵ For example, in 1921-22, tribunals made examples of deserters and "bandits" in part as a reaction to popular unrest in places like Tambov province. The tribunal in Nerchinsk district of the Zabaikal province sentenced to death three peasants who were accused of deserting the army to form a large criminal band that survived by robbing locals, while killing bystanders and terrorizing individuals sympathetic to communism.¹⁴⁶

In Azerbaijan, the revolutionary tribunals sentenced 456 people and shot 116 of them (or 25.4%) between May 1920 and April 1921, while the Samara tribunals shot nearly half of those who even came up to trial (235 of 518 cases) in the first half of 1919. That compares to relatively lenient tribunals of Viatka province where only 39 of the 746 sentenced in 1919 were shot and Novgorod province where the tribunal refused to execute anyone who they found guilty in the first half of 1919.¹⁴⁷ As documented elsewhere, revolutionary tribunals committed massive violent repression and engaged in summary executions when the Soviet state attempted to destroy perceived immediate threats. In 1921, amidst growing partisan resistance in the

¹⁴⁵ GA RF, f. R-1005, op. 1, d. 8.

¹⁴⁶ GA RF, f. R-1005, op. 1, d. 35, ll. 1-189. The file details dozens of examples of executions that extend to 1923 and involve military courts and the Supreme Court of the RSFSR.

¹⁴⁷ GA RF, f. A-353, op. 4, d. 51, l. 12; f. A-353, op. 3, d. 156, l. 26, 97, 105. Azerbaijan had a robust court system in place by 1920. There were 36 people's courts functioning in the countryside. Like other courts, the judges had to get through thousands (3,476) of cases left from pre-revolutionary era.

provinces and the famine, there were several cases of citizens sentenced and immediately executed for banditry or stealing or hoarding food. For example, Aleksei Staradubov had been a state agent who salted meat but was shot for stealing and hoarding nearly 900 *puds* of meat. Semen Chetverikov of the Crimea was also shot for secreting weapons and leading other peasants on an organized crime spree against a local state farm.¹⁴⁸ Representatives of the court were aware of the dangers of relying on executions to maintain control. In Rostov in the fall 1922, the provincial government and tribunal faced the dilemma of continuing its campaign to collect taxes in the face of a wave of popular resistance to taxes and corrupt tax collection. The tribunal had been executing tax shirkers but the provincial Narkomiust reversed course and prohibited further threats of capital punishment. It now ordered officers to get written permission from tribunals for arrests and only allowed tribunals to give jail sentences.¹⁴⁹ Likewise, there were several cases when tribunals had decreed a death sentence only to commute it through amnesty or because of the family situation of the defendant.

Sentencing also varied greatly by judge, circumstance and local concerns, reflecting the decentralized nature of the court system. For example, in October 1919, the Viatka revolutionary tribunal heard the case of Udmurt peasants Dimitrii Kudriavtsev and Stepan Petrov, who were accused of trying to arrest the head of the district Cheka and harassing his wife while they were fighting on the side of the Whites. Such a crime would often see a sentence of the death penalty, but the tribunal let them off without punishment. Not only was the regional Soviet state attempting to regain support of the local population after they drove out the Whites,

¹⁴⁸ GA RF, f. R-1005, op. 3, d. 87b, ll. 4 and 241. The whole file is telegrams to Moscow from tribunals explaining who and why they decided to execute a citizen.

¹⁴⁹ GA RF, f. R-1005, , ll. 21-24.

but the justices also decided that the peasants “lacked consciousness (*malosoznanye*)... as Udmurts and so they do not understand the aims of Soviet power or the stated crimes.”¹⁵⁰

Despite administrative limitations, revolutionary tribunals still tried a startling number of cases efficiently and rationally. Part of this must have been legal expediency of the process as tribunals offered quick trials in an overloaded and chaotic court system. The tribunals’ broad reach could have had horrible consequences of rampant state terror, but in fact the tribunals deliberated and often meted out limited punishments. The deliberations were not based on a close reading of the law, which was part of the original design of the tribunal, but judges on local people’s courts also decided cases on untrained ideals of what the law should say.

Tribunals worked as members of Narkomiust originally intended them--as alternatives to the Cheka. To most Narkomiust leaders, the Cheka represented uncontrolled violence and they battled over jurisdiction over individual cases. They uniformly criticized its overreach, especially in the provinces. Petr. A. Lebedev, the Commissar of Justice of Saratov province disdainfully criticized the Cheka as “pretending to function as a judiciary.”¹⁵¹ Revolutionary tribunals were significant as a mediator between state and populace and as a temporary judicial dyke both to the violent state and the flood of perceived counter-revolutionary crimes during the civil war. The tribunals’ focus on order and procedure blocked the Cheka’s influence, making the Cheka bristle. In a March 1919 memo regarding cases that the two agencies were fighting over, a regular occurrence at the time, the provincial Cheka concluded that the provincial soviet of people’s court judges was simply “continuing the unnecessary bureaucratic red tape of the old formalities,

¹⁵⁰ GAKO, f. R-1322, op. 1a, d. 894, ll. 1-53, quote on l. 1.

¹⁵¹ “Zhurnal zasedaniia 2-go Vserossiskogo s’ezda oblastnykh i gubernskikh komissarov v gorode Moskve,” *Materialy Narkomiusta*, vyp. III (July 1918), 13-17. Quote on p. 13. See also Rendle, “Revolutionary Tribunals and the Origins of Terror.”

something which has fully saturated the whole Commissariat of Justice.”¹⁵² In a way, the Cheka was right—in contrast to the Cheka’s quick justice, the tribunals were taking time to resolve cases and were following procedure laid out by the previous regime. In this way, the revolutionary tribunal, like the people’s court, served an important function for the Soviet administration by helping to establish a sense of order and rational justice.

Conclusion

People’s courts and revolutionary tribunals acted both as agents of revolution and as stabilizing forces during the revolutionary years. People’s courts continued tsarist-era procedures and personnel and worked as mediators between the old and new and smoothing out the revolutionary changes. They also regulated how peasants engaged in and were affected by violence around them. The courts and tribunals were still revolutionary. Bolshevik leaders and judicial experts hoped that the courts could further class warfare in the village and serve the new state’s move toward socialism. This was part of a larger movement that extended the state into personal and economic lives more than in the past that had begun before the revolution and was championed by Liberal reformers.

If the court structure established itself in the locales, did peasant legal culture from the late Imperial period continue through the revolution? The answer is a qualified yes. Peasants voluntarily used legal opportunities to get their wishes, be it in family law, property, or state aid. They also learned laws and what legal opportunities worked, thanks in part to the court’s social outreach programs. There was certainly overlap between how peasants used the township and people’s courts—property and commercial disputes were frequent in both courts and show peasants’ willingness to rely on the courts to resolve business and household conflicts. The continuity should not be pushed too far. Soviet organs of justice had different goals than the

¹⁵² GAKO, f. R-398, op. 1, d. 2, l. 49.

Imperial ones. Already during the civil war, peasants adopted the language and norms of the Soviet regime inside the courtrooms and before the tribunals. If peasants were drawn into the Soviet legal matrix, they often did so voluntarily. They held a deep understanding of legality and drew on it when negotiating with the state and arguing with their family and neighbors.

In 1922, Narkomiust disbanded the revolutionary tribunals and jurists within the commissariat finished writing new civil and criminal codes. People's courts became the dominant legal institution in the countryside. With the end of the civil war, the courts shifted even more toward mediation and building socialist norms in a slow and deliberate fashion. The days of justice through revolutionary consciousness were over. The Soviet court system took on the message made by the justices of the peace in the spring of 1917, acting quickly and supporting the law fully. The people's courts in the 1920s were supposed to promote Soviet values develop legal consciousness, so peasants would know what benefits they had as citizens of Soviet state