

THE SOVIET SYSTEM OF JUSTICE: FIGURES AND POLICY

by

GER P. VAN DEN BERG

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LIST OF ABBREVIATIONS

abs.	absolute
ACCTU	All-Union Central Council of Trade Unions
ACEC	All-Russian Central Executive Committee
Adm. Vestnik	<i>Administrativnyi Vestnik</i> (Administrative Journal)
ACP(b)	All-Union Communist Party (of the bolsheviks)
ASSR	Autonomous Socialist Soviet Republic
BOIS	Bundesinstitut für ostwissenschaftliche und internationale Studien
Biull. Goskomtruda	<i>Biulleten' Gosudarstvennogo Komiteta SSSR po trudu i sotsial'nym voprosam</i> (Bulletin of the State Committee of the USSR for Labor and Social Questions)
BVS	<i>Biulleten' Verkhovnogo Suda</i> (Bulletin of the Supreme Court)
CDSP	<i>Current Digest of the Soviet Press</i>
CEC	Central Executive Committee
CM	Council of Ministers
CPC	Council of People's Commissars
CI-SU	Communist Party of the Soviet Union
decree	decree (<i>postanovlenie</i>) of the Council of Ministers
edict	edict (<i>ukaz</i>) of the Presidium of the Supreme Soviet
ESL	<i>Encyclopedia of Soviet Law</i>
GDR	German Democratic Republic
GPU	see: OGPU
gos. un-t.	gosudarstvennyi universitet (state university)
hyp.	hypothetical
ICLQ	<i>International and Comparative Law Quarterly</i>
Izv.	<i>Izvestiia</i> (daily newspaper)
KGB	Komitet Gosudarstvennoi Bezopastnosti SSSR (Committee for State Security of the USSR)
Koms. pravda	<i>Komsomol'skaia pravda</i> (daily newspaper)
L.	Leningrad
Lit. Gaz.	<i>Literaturnaia Gazeta</i> (weekly newspaper)
MVD	Ministerstvo Vnutrennikh Del (Ministry of the Interior)
M.	Moscow

XII

Nar. Khoz. SSSR	<i>Narodnoe Khoziaistvo SSSR za ... gody</i> (the official statistical yearbook of the USSR)
NKVD	Narodnyi Kommissariat Vnutrennykh Del (People's Commissariat (Ministry) of Internal Affairs)
no.	number
OGPU	Obshchesoiuznoe Glavnoe Politicheskoe Upravlenie (All-Union Chief Political Administration)
ON v SSSR	<i>Obshchestvennye nauki v SSSR. Referatnyi zhurnal. Seria 4. Gosudarstvo i pravo</i> (Social Sciences of the USSR. A Reference Journal. Series 4. State and Law)
ON v Uzbekistane	<i>Obshchestvennye nauki v Uzbekistane</i> (Social Sciences in Uzbekistan)
Pr.	<i>Pravda</i> (a daily newspaper)
Problemy sov. zak.	<i>Problemy sovershenstvovaniia sovetskogo zakonodatel'stva. Trudy VNIISZ</i> (Problems of the Improvement of Soviet Legislation. Papers of the All-Union Scientific Research Institute of Soviet Legislation)
PSS	Presidium of the Supreme Soviet
Rev. Soc. Law	<i>Review of Socialist Law</i>
Sbornik Zakonov	<i>Sbornik zakonov... (i ukazov Prezidiuma Verkhovnogo Soveta) (i postanovlenii pravitel'stva)</i> (Collection of Laws ... (and Edicts of the Presidium of the Supreme Soviet) (and Decrees of the Government))
SGiP	<i>Sovetskoe Gosudarstvo i Pravo</i> (Soviet State and Law)
SLG	<i>Soviet Law and Government</i>
Sots. stroitel'stvo	<i>Sotsialisticheskoe stroitel'stvo</i> (the statistical yearbook in the 1930s)
Sots. Zak.	<i>Sotsialisticheskaia Zakonnost'</i> (Socialist Legality)
Sov. Iust.	<i>Sovetskaia Iustitsiia</i> (1920s: <i>Ezhenedel'nik</i> ...) (Soviet Justice (1920s: Weekly ...))
SP	<i>Sobranie Postanovlenii Pravitel'stva</i> (Official Gazette of the Government)
SP Ukr. SSR	<i>Sobranie Postanovlenii Ukrainskoi SSR</i> (Official Gazette of the Government of the Ukrainian SSR)
SSD	<i>Soviet Statutes and Decisions</i>
Stat. Sprav. SSSR 1928	<i>Statisticheskii spravochnik SSSR za 1928 god</i> (Statistical Directory of the USSR for 1928)
SU RSFSR	<i>Sobranie Uzakonenii i Rasporiazhenii Rabochego i Krest'ianskogo Pravitel'stva</i> (Collected Laws and Regulations of the Workers' and Peasants' Government of the RSFSR)

SWB SU	<i>Summary of Worldbroadcasts Soviet Union</i>
SZ SSSR	<i>Sobranie Zakonov i Rasporiazhenii SSSR</i> (Collection of Laws and Decrees of the USSR)
Ten Years	<i>Ten Years of Soviet Power in Figures</i>
TU	trade union(s)
Ukr. SSR	Ukrainskaia SSR
UZ	<i>Uchenye zapiski</i> (Scientific Papers)
Ved.	<i>Vedomosti Verkhovnogo Soveta</i> (Official Gazette of the Supreme Soviet)
Vestnik MU	<i>Vestnik Moskovskogo universiteta. Seriia pravo</i> (Journal of Moscow University. Series Law)
Vestnik VS SSSR	<i>Vestnik Verkhovnogo suda SSSR</i> (Journal of the Supreme Court of the USSR)
VIIuN	Vsesoiuznyi Institut Iuridicheskikh Nauk (All-Union Institute of Legal Science)
VIuZI	Vsesoiuznyi Iuridicheskii Zaochnyi Institut (All-Union Legal Correspondence Institute)
VMU	see: Vestnik MU
VNIISZ	Vsesoiuznyi nauchno-issledovatel'skii institut sovetskogo zakonodatel'stva (All-Union Scientific-Research Institute of Soviet Legislation)
VS	Verkhovnyi soviet (Supreme Soviet)
VTsSPS	Vsesoiuznyi Tsentral'nyi Sovet Professional'nykh Soiuzov (All-Union Central Council of Trade Unions)
Y.	year(s)
Zbirnyk zakoniv	see: Sbornik zakonov

Note: A I or II following a year signifies the first or second half of the year.

INTRODUCTION

During the past fifty years,¹ judicial statistics have not been published systematically in the Soviet Union. Only scattered data may occasionally be found, such as the number of civil cases in various years, or trends in the number of criminal sentences.

The situation in the field of judicial statistics has frequently been deplored² but even the rather limited wishes on the part of some Soviet scholars have not been fulfilled by the authorities. So, in a speech at a meeting of the USSR Procuracy Methodological Council on 24 September 1973 S.S. Ostroumov, a specialist in this field, demanded that the authorities, "make available to research staff even a limited amount of statistical information without which elements of scholasticism and dogmatism, being out of touch with practice, are unavoidable in research and teaching activities."³

But nothing has changed, and the situation even seems to be deteriorating. Thus, it is rather easy to give a rather detailed reconstruction of criminal statistics for the years between 1958 and 1968, but much more guess work is needed for later years. However, in the field of civil law rather more information has been published during the past five years than was the practice during the preceding 50 years.

Outside the Soviet Union, the absence of Soviet criminal law statistics in particular has caused much speculation on crime rates, the annual number of sentences, and especially the number of prisoners. David Dallin and Boris Nicolaevsky remarked in 1947 that one of the effects of the secrecy surrounding the labor camp population during Stalin's reign was to exaggerate the number of victims of the purges which led to figures above the actual number of camp inmates. According to them, such secrecy has done the Soviet Union more harm than the real figures would have done, however large those figures may have been.⁴

Examples of such exaggeration may also be found in recent times concerning the crime rate, or the total population of penal institutions in the Soviet Union. Thus, according to Avraam Shifrin, the total population of the 3000 places of imprisonment existing in the Soviet Union was "not less than five million" at the end of the 1970s.⁵ However, other sources have put this number at only 1.5 million in the mid-1970s.⁶

A scholarly example of this kind may be found in Walter D. Connor's study *Deviance in Soviet Society*. The author, very cautiously, extrapolates figures for the whole of the USSR from data of a small, predominately rural, area in Belorussia (the Lida district) in the ten years after Stalin's death. Registered crime grew during that period by 160% (per 10,000 of the population), but the number of prosecutions by

only 6%. Connor remarks: "Is Lida district a deviant case? We cannot tell, but such internal evidence may encourage scepticism about claims that could paint a different picture of the country as a whole."⁷

Actually, in Belorussia the number of criminal sentences decreased between 1953 and 1963.⁸ Although trends in the number of sentences cannot be equated with trends in the number of crimes, a decreasing number of sentences may encourage scepticism about a spectacular growth of criminality. Moreover, the Lida district is a rural district and criminality is increasing in the rural areas of the USSR as compared with the cities.⁹

At times, evidence published in the Soviet Union has been neglected. For example, Avraam Shifrin¹⁰ and Steven Rosefielde¹¹ do not comment on a 1960 statement by the RSFSR Minister of Justice, V.E. Boldyrev, saying that the number of prisoners decreased by 45% between 1957 and 1960,¹² nor do they take into account that the number of prisons and labor camps decreased rapidly during the same period, as was declared in 1961 by the Head of the CPSU Central Committee Department of Administrative Agencies, N.R. Mironov.¹³

In his *The Great Terror*, Robert Conquest¹⁴ quotes from a 1957 interview by Harold J. Berman with the Deputy Procurator General of the USSR, P.I. Kudriavtsev, who asserted that two-thirds of the camps had been abolished; Berman made further mention of Kudriavtsev wanting "to convey the impression" that there were only 800,000-900,000 camp inmates in 1957.¹⁵ These figures are incompatible with the statements quoted *supra*.

On the other hand, these statements are evidence for Rosefielde's estimates for 1956 (4-6 million prisoners in the whole of the USSR)¹⁶ and for the early 1960s (not less than 2.5 million).¹⁷

At a session of the Latvian Supreme Soviet in 1970 it was declared that the total amount of industrial production in Latvian labor colonies reached "more than 62 million rubles",¹⁸ i.e. 1.7% of Latvian industrial output.¹⁹

It is difficult to assess whether such a figure is compatible with a total number of prisoners in the USSR of about 4 million or 10% of the total industrial labor force,²⁰ but we may pose the question as to why authors do not comment on pertinent figures published in the Soviet Union.

Other authors have accepted figures published in the Soviet Union without placing them in the necessary context. In 1940²¹ John N. Hazard quoted from an article by B. Man'kovskii,²² who stated that the number of sentences diminished sharply during the 1930s. Zigurds Zile commented on this uncritical quotation in 1970.²³

Peter Juviler did pioneering work in collecting scattered data in Soviet publications on trends in the number of crimes and in the number of sentences.²⁴ According to our calculations, his estimates of the number of sentences seem reliable for some years. However, the incompleteness of the data collected by Juviler lays his results open to occasional questions. According to Juviler, the number of sentences in 1940 was nearly 1.4 million while, in 1962, nearly 1.1 million individuals were sentenced. However, Mironov has stated that the total number of sentences in 1962 was only 24.6% of the 1940 number.²⁵

The question arises as to how such a state of affairs is possible. But what was

deemed to be a “sentence” in 1940 – one of the years of the period of the “cult of personality” in the Soviet Union? We suggest that such differences result from the omission of some forms of petty crimes (esp. criminal labor cases) from one set of figures and their inclusion in other figures.

Even during the period when absolute numbers of civil cases, criminal cases, and sentences were being regularly reported, we may find quite different numbers for the same year, although Soviet authors do not seem to be bothered about this.²⁶ It is possible that figures labelled as the number of sentences for “all courts of the RSFSR” are actually only for sentences by the ordinary courts of the territory of the RSFSR minus the autonomous republics,²⁷ and also excluding the military tribunals, other tribunals, and extraordinary courts.

Figures on the number of civil cases in the years before 1966 are only compatible with each other if we assume that these figures include divorce cases twice: the stage before the people’s courts being counted as a non-claim case, the stage before the provincial court as a civil claim.²⁸

Some statements are only compatible with other data if we assume authors sometimes use different entities within one set of figures. In 1973, the criminologist Zvirbul stated that “in comparison with the average seven-year coefficient per 100,000 inhabitants in 1920–1926, the number of sentences decreased by 2.3 times in 1928; 3.2 times in 1935; 2.6 times in 1946; 4.2 times in 1958; 4.8 times in 1962, and nearly 6 times in 1969”.²⁹ However, data for the period 1920–1928 show that for the years 1920–1926 Zvirbul used the average number of persons brought to trial and for 1928 the number of sentences. Another similar statement is rather misleading: the Chairman of the USSR Supreme Court, L.N. Smirnov, declared that “[i]n 1975, sentences decreased by 44.1% compared with pre-war 1940. A comparison of data on sentences in 1975 with the index of 1958 relates to a decrease of 18%.”³⁰ We will prove that this statement is only compatible with other data if the figures Smirnov quoted refer both to the number of sentences per 100,000 inhabitants (with regard to 1940) and to the number of all sentences (with regard to 1958).

In the West, many authors have made an attempt to calculate figures – especially total camp population – on the basis of testimonies delivered by former camp inmates or by former officials who have left the Soviet Union. Such evidence tends to be unreliable as it is based on estimates for rather small areas or on rumors.³¹ Recently, other evidence has become available from individuals testifying that they have had direct access to official figures.

M. Ilin has reported that research officers from the Institute for Research Into the Causes of Crime and the Elaboration of Crime Preventive Measures mentioned a number of about 750 thousand criminal sentences in the RSFSR in 1975. This would entail about 1.5 million sentences for the whole of the USSR.³²

The most impressive and detailed figures of this nature have been published by Fridrikh Neznansky and Ilya Zemtsov.³³ At first sight, Neznansky’s figures would seem to be reliable as they yield proportions to sentences for the various types of crime which are close to those published in Soviet sources.³⁴ However, Neznansky does not go so far as to prove this reliability, for example by comparing his figures with other Soviet sources. Moreover, in his statistics of the number of prisoners on 1

January 1977, he gives both the absolute figures on prisoners sentenced for various types of crimes and percentages. But, his absolute figures for crimes against state and social ownership and for crimes against personal ownership are identical (257,980) which would seem to be impossible, especially when the same phenomenon can be observed for crimes against administrative order and for crimes against justice (64,495). It would appear that Neznansky "knew" the proportions for the various types of crimes and calculated the absolute figures from them. The analysis of Soviet data below, will not yield confirmation of Neznansky's figures, but neither do these Soviet sources enable us to prove that the numbers given by Neznansky, and especially his number of sentenced persons in 1976, are fabrications, though evidence will be presented suggesting that the latter number does not represent the number of sentences in 1976, but rather the number of persons found to have committed a crime.

The aim of this book is to analyze the problems related to the vagueness of the data published in the field of judicial statistics and to draw up a framework for additional data that may be found in Soviet publications or that will be published in the future.

On that basis we will present a reconstruction of Soviet judicial statistics, which is limited to the number of civil, arbitration, and criminal cases, to the number of sentences, to the sentencing policy applied by the regular courts, and to the number of inmates of the camps (the corrective labor institutions as they are called officially).

1. Outline of the Book

This book consists of two parts: an analytical text and an appendix. The first part is wholly based on the appendix which contains reasons for the specific interpretation of the published figures, corrections of misprints in Soviet sources, the calculations, etc. The analytical text starts with the results of the reconstruction of the number of sentences between 1920 and 1980 and it gives an answer to the question of the reliability of these figures. Chapter II examines the impact of the court system on criminal statistics (and more specifically, the role of special courts). Chapter III analyzes the influence of the comrades' courts on criminal statistics and examines the effects of decriminalization Soviet-style – where a criminal act is turned into an administrative offense. In Chapter IV certain types of crime are examined (especially crimes against ownership, homicide and sexual crimes, white-collar crime, traffic offenses, and hooliganism), which have been selected on the basis of the availability of data on their occurrence (as expressed in number of sentences) in the 1920s and in the post-Stalin period. Chapter V deals with the sentencing policy of Soviet courts and Chapter VI with the number of inmates in Soviet corrective labor institutions (labor camps). Chapter VII is concerned with civil law statistics: the total number of civil cases from the beginning of the 1920s to 1980, followed by an examination of some types of civil cases, especially family law, labor law, administrative law cases, and housing law disputes. Chapter VIII provides figures for arbitration cases of the domestic and foreign arbitration agencies of the USSR.

The appendix, which does not follow the pattern of the analytical text, begins with an introductory chapter about population statistics, and then continues with civil

cases, since we need civil law statistics to interpret those in the criminal law field. The chapters of the appendix follow, in general, a chronological order.

The idea that a reconstruction of Soviet court statistics is possible, originated from E.A. Pavlodskii's articles in the Papers of the USSR All-Union Institute of Soviet Legislation. William B. Simons suggested expanding an (unpublished) original paper, typed out by Mrs. Wil Nieuwkoop, into a book. Discussions with F.J.M. Feldbrugge, with Peter Juviler, and Peter Solomon at an early stage of the project together with their assistance in collecting the data, with Stanislaw Pomorski, Serge Levitsky, Yuri Luryi and Ilya Zeldes (about the special courts) have brought this study to its final stage. The Calculating Bureau of the Leyden Law Faculty and especially its director, Aernout Schmidt, were very helpful for the calculations in this study, especially for the estimates of the number of camp inmates in the USSR. I am also very grateful to Hiroshi Oda who provided me with data about the Japanese prisoners of war. But without the typing and composing capacities of Els Cramwinckel, Danka Backer-Goszczyńska, and Ania van der Meer-Krok-Paszkowska – who has turned my English into something which is readable – this book would have been impossible.

NOTES

1. Some collections were published during the 1920s:
 USSR: *Statistika osuzhdennykh v SSSR v 1923-1924 gg.*, Moskva 1927; *Statistika osuzhdennykh v SSSR v 1925, 1926 i 1927 gg.*, Moskva 1930; Gernet's introduction to this collection is incompletely reprinted in Gernet, *Izbrannye proizvedeniia*, (1974), 508-543; *Sovremennaiia prestupnost'*, (1927).
 RSFSR: *Statistika osuzhdennykh v RSFSR za 1926 g.*, Moskva 1928; *Prestupnost' i repressiia v RSFSR*, Moskva 1930.
 Ukraine: *Sud i prestupnost' na Ukraine v 1921-1922 g.*, (1923).
 Only the first RSFSR collection and the Ukrainian collection are mentioned in E.A. Mashikhin, V.M. Simchera, *Statisticheskie publikatsii v SSSR. Bibliograficheskii ukazatel'*, Moskva 1975; according to Khlebnikov, "Sovremennoe sostoianie", (1945), 26, two collections (one compiled by Khlebnikov himself) were published in 1935 and 1937, but the Moscow Lenin Library could not trace them "bibliographically".
 The statistical work done in the Soviet Union in the 1920s was hardly known outside the Soviet Union, Bonger, "Over criminele statistiek", (1950), 144.
2. D.D. Barry, "Soviet Legal Statistics", 14 *Soviet Studies* 1963 No.4, 437; Juviler, *Revolutionary Law and Order*, (1976), 131; O.S. Ioffe, P.B. Maggs, *Soviet Law in Theory and Practice*, London etc. 1983, 283. Some Soviet articles are: Khlebnikov, "Sovremennoe sostoianie", (1945); Rudenko, Ostroumov, "O sudebnoi statistike", *SGiP* 1957 No.3, 15, 60; Pashkov, Chechot, "Effektivnost' pravovogo regulirovaniia", (1965), 8; A.V. Trinitatskii, "Nekotorye voprosy statisticheskogo izucheniia antiobshchestvennogo provedeniia", *Vestnik MU* 1979 No.5, 42; Dan'shin, Onishchuk, Kristich, "Ob organizatsii", (1980), 77-82, and the authors quoted there.
3. Ostroumov, *Sovetskaia sudebnaia statistika*, (1976), 410. The quotation is not contained in the report on the meeting in *Sots. Zak.* 1973 No.12, 72-73.
4. Dallin, Nicolaevsky, *Forced Labor*, (1947), 85.
5. Shifrin, *How Many Camps Are There*, (1978), 4; *id.*, "Eshche o statistike prestupnosti", (1979), 61-62, and Neznansky's rejoinder in: *Posev* 1980 No.3, 59-60.
6. Sakharov, *My Country*, (1975), 12.
7. Connor, *Deviance in Soviet Society*, (1972), 159.
8. The number of sentences in Belorussia decreased during 1960, as compared with 1953, to 47%, Mironov, *Ukreplenie zakonnosti*, (1969), 52-53. Between 1960 and 1963, the number of sentences decreased – over the whole of the USSR – by 27%, see Petrukhin, Baturonov, Morshchakova, *Teoreticheskie osnovy*, (1979), 80, comparing 1960 with 1958 and Kulikov, "K sorokaletiiu", (1964), 9, comparing 1963 with 1958. In Belorussia, the number decreased by 16.5%, cf. Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 23; therefore between 1953 and 1963 it decreased by 60.8%.
9. Shelley, "The Geography of Soviet Criminality", (1980), 121.
10. Shifrin, *How Many Camps Are There*, (1978), 4.
11. Rosefielde, "An Assessment of the Sources", (1981).
12. *Zasedaniia Verkhovnogo Soveta RSFSR*, 25-27 October 1960, 225 (V.I. Kres'tianinov).
13. According to Mironov, the number decreased by about 20% in 1959 and by about 1/3 in 1960, Mironov, "O nekotorykh voprosakh", (1961), 5. Thus, if we take 1958 as 100, it was about 80 in 1959 and about 55 in 1960.
14. Conquest, *The Great Terror*, (1971), 687-688.
15. Berman, "Soviet Law Reform", (1957).
16. Derived from R.A. & Zh.A. Mevedev, *Khrushchev: the Years in Power*, New York 1975, 19-20.
17. Derived from Bukovsky, *To Build a Castle*, (1978), 252. Bukovsky mentions a number of 40,000 camp inmates somewhere in the second half of the 1950s, but this figure is impossible even considering the very soft prison conditions during that time, Bukovsky, *op. cit.*, 109; cf. on the "golden age" in the camp regime the remarks in *Sovetskaia Rossiia* 1960 No.27, 8 (*CDSP* 1960 No.38, 18) and Mironov, "Bor'ba", (1962).

18. *Zasedaniia VS Latviiskoi SSR*, 20-23 December 1970, 250.
19. Latvian industrial output was about 5 billion rubles in 1970; in 1972 it was 5.7 billion rubles or 7% more than the 1971 figure, *SSSR i soiuzyne respubliki v 1972 godu*, Moskva 1973, 229; cf. Rosefielde, *op. cit.*, 56, who gives for the industrial output goal of the labor camps for 1941 1.2% of total industrial production.
20. Latvian industrial labor was 1.3% of the USSR figure in 1972, *SSSR i soiuzyne respubliki*, *op. cit.*, 4, 229.
21. Hazard, "Trends", (1940), 568.
22. Man'kovskii, "Voprosy ugolovnoogo prava", (1939), 88.
23. Zile, "On Law and Force", (1970), 201.
24. Juviler, "Crime and Its Study", (1975); *id.*, *Revolutionary Law and Order*, (1976), 130-133; cf. also Z.L. Zile, "Soviet Advokatura Twenty-Five Years After Stalin", *Soviet Law After Stalin*, III, (1979), 215-216, though Zile supposes that the number of civil cases before the Dagestan courts should be much lower than the average over the whole of the USSR.
25. Mironov, *Ukreplenie zakonnosti*, (1969), 52-53.
26. Cf. *Osnovnye itogi raboty pravitel'stva SSSR 1928-1929*, (1928), 165 (830,206 sentences by the RSFSR people's courts); Gertsenzon, *Prestupnost'*, (1930), 48; *id.*, "Bor'ba", (1929), (940,000 sentences, RSFSR); *Stat. Sprav. SSSR 1928* (964,200; people's courts of the RSFSR minus the Kara-Kalpak and the Iakut ASSR's); Gernet, *Prestupnost'*, (1931), 79 (1,026,084; this figure has been corrected for underreporting); Shliapochnikov, "Likvidatsiia bezrabotnitsy", (1932), 149 (1,073 per 100,000 of the population, which would imply 1,095,000 sentences).
27. Ianson, Speech, (1930), 1.
28. E.g. Reikhel, "Sostoianie grazhdanskikh del", (1937), 27.
29. Due to a failure to notice the difference between civil claims and civil cases, the number of criminal cases estimated upon the basis of the number of civil claims during 1964 in *Justice and the Legal System*, (1968), 133, is at least 15% too low.
30. Smirnov, "Leninskie idei", (1977), 21; the same lines were published in *BVS SSSR* 1977 No.5, 13; cf. also Smirnov, "Velikii Oktiabr'", (1977), 12.
31. Cf. already Dallin, Nicolaevsky, *Forced Labor*, (1947), 85.
32. Il'in, "Neskol'ko shtrikhov", (1979), 38.
33. Neznansky, "Statistika prestupnosti", (1979), 46 ff.; I. Zemtsov, *Partiia ili mafia. Razvorovannaia respublika*, Paris 1976, 43, 44, 46, 48; *id.*, *La corruption en Union Soviétique*, Paris 1976, 90-98, 113, 140; however, we will neglect Zemtsov's figures as they do not seem to be real. See also some figures for Georgia in *O pytkakh v Gruzii*, New York 1976, 5.
34. Juviler, "Some Trends", (1979), 60; Zeldes, *The Problems of Crime*, (1981), 62-63.

CHAPTER I

SOVIET CRIME FIGURES

Soviet authors frequently cite crime figures to show the effects of the reorientation of Soviet man during the building of a communist society. These figures are – invariably – trend figures which show a gradual decrease in the numbers of crimes and criminal sentences, but absolute numbers have not been given during the past 50 years. However, it is possible to calculate or estimate these absolute numbers as the trend figures sometimes compare the crime rate or the number of sentences in recent years with the figures for 1928. This has already been done by Peter Juviler,¹ but he used only a part of the available data as he only needed a rough estimation for his purposes.

1. The Official Number of Sentences and of Crimes

The statistics relating to sentences are not a reliable gauge of real crime, but it does not seem very likely that these statistics themselves are influenced by false reporting. The published figures are only complete with regard to the official courts, i.e. the people's courts, the higher ordinary courts, and the ordinary (military) tribunals.

The analysis of the data proves that they fall into three groups, which can be combined in two sets of figures:

- 1a. in the pre-World War II period, numbers of sentences were published in some detail for the RSFSR or for a region encompassing the major part of this republic up to 1934, although some details are known for 1935-1938. The total number of sentences in the USSR is only known for 1927-1928, but for the other years the RSFSR figures can be used as the approximate trend figures for the entire USSR (table I and II);
- b. a number of data is available which compare the number of sentences by the official courts in 1928, 1940, 1958-1968, 1971 and 1975. This series of numbers enables us to calculate the number of sentences in these years with a margin of error that is low enough for our purposes (table I). In combination with the first group of data, we have a set of figures on the number of sentences passed by the official courts;
2. a second set of data encompasses sentences by the official courts, including cases handled by a people's judge as *unus iudex* on absenteeism from work and illegal quitting of employment (criminal labor cases) – a crime between 1940 and 1956 (table III);

3. a third table is constructed from data about the number of criminals, i.e. perpetrators of a crime or persons whose case was brought to trial (table IV). For nearly 50 years, these figures have been quoted to prove that criminality is a phenomenon alien to a socialist society and in order to convince the reader that the period of the withering away of crime in a mature socialist society has already started. The first statement of this kind was made in 1935 by the Procurator of the USSR, Andrei Vyshinskii.² Such statements were very cynical and hypocritical as administrative measures had replaced criminal law measures, and the number of sentences did not have much in common with the real state of affairs.

After Stalin's death, the doctrine of the withering away of crime was not replaced. On the contrary, a new impetus was given to it by the need to stress the differences between the Stalinist period and the destalinization policies in the second half of the 1950s. The RSFSR Minister of Justice, V. A. Boldyrev, quoted figures to show that the number of sentences in 1954 was two and a half times lower, and in 1956 even three times lower, than in 1947.³

The third Party program, adopted in 1961,⁴ set the task of laying down the material and technical foundations of communism, shaping communist social relations, and educating the citizens of the new society. One of the most important aims was the abolition of criminality and removal of the causes which engendered it. The Soviet criminologist Karpets commented (1965): "For the first time in the history of mankind the problem of abolishing criminality is being stated in concrete terms. The grounds for this statement are, first, that criminality is organically alien to socialism as a social structure: it does not arise from socialism but is rooted in the past. Secondly, there exist prerequisites for the practical achievement of the abolition of criminality which have been prepared by the whole course of Soviet society's historical development."⁵

And, indeed, in those years the figures improved sharply. In three years (1958-1960) the number of sentences was halved. In 1960 and 1964-1965, the number was lower than in any preceding year after the Revolution and it was only one-fifth of the number in e.g. 1924. Although some authors point out that criminal legislation has been changed, which could make figures incomparable, they almost invariably stress that criminality is a phenomenon of a class society, and that "it will disappear from the life of society upon the disappearance of the last remnants of class inequality between men";⁶ and they quote from the figures presented above without making any attempt to derive comparable figures.

As far as one may draw conclusions from these figures, it would seem that the level of criminality per capita did not change much during the past 20 years, though the number of sentences per capita was at a minimum during the second half of Khrushchev's leadership and increased by about 20% in the 10 years after his demise.⁷ This is in agreement with the general impression associated with Brezhnev's leadership. Moreover, as the process of abolition of criminality came to a halt in 1966, the authorities were less inclined to give permission to publish figures.

Due to the strictly criminal law approach, the figures quoted only reflect numbers of crimes which are defined in the Criminal Code and numbers of sentences for crimes defined in that Code and prosecuted in the official courts. However, the Criminal

Table I: Number of Sentences, 1920–1982

	absolute number		p/ 10,000 inhabitants	
	millions	trend 1928 = 100	trend 1928 = 100	
1920	1.1		84	
1921	1.4		105	
1922	1.9		145	
1923	2.0		150	
1924	2.8		202	
1925	1.32		93	
1926	1.46		100	
1927	1.50		101	
1928	1.49	100	98	100
1929	1.95	131	126	129
1930	1.88	126	119	121
1931	2.12	142	133	136
1932	1.76	118	112	114
1933	2.23	150	123	126
1934	1.70	114	107	109
1935	1.35	90	84	86
1936	1.03	69	63	64
1937	0.97	73	59	60
1938	0.97	80	57	58
1940	1.16	78	60	61
1941–4	1.4	94	73	74
1946	1.45	97	85	87
1952	1.27	85	68	69
1956	0.91	61	46	47
1957	0.92	62	45	46
1958	1.03	69	50	51
1959	0.83	56	40	41
1960	0.51	34	24	24
1961	0.87	52	35	36
1962	0.78	52	35	36
1963	0.65	44	29	30
1964	0.59	40	26	27
1965	0.54	36	23	23
1966	0.72	48	31	32
1967	0.75	51	32	33
1968	0.67	45	28	29
1969	0.75	51	31	32
1970	0.81	54	33	34
1971	0.81	54	33	34
1972	0.72	48	29	30
1973	0.88	49	35	36
1974	0.91	61	36	37
1975	0.84	56	33	34
1976	0.80	54	31	32
1977–82	0.7	47	27	27

Table II: Number of Sentences, 1920–1980

	absolute number			p/ 10,000 inhabitants			
	millions	trends		abs. number	trends		
		1920–4 = 100	1928 = 100		1920–4 = 100	1928 = 100	1940 = 100
1920–4	1.8	100		140	100		
1925–9	1.6	84	104	100	75	105	
1930–4	1.9	105	130	120	86	120	
1935–54	1.2	66	82	70	51	72	117
1955–9	0.92	50	62	45	33	46	76
1960–4	0.66	36	44	30	22	31	50
1965–9	0.69	37	46	29	21	29	48
1970–4	0.83	45	56	33	24	34	55
1975–9	0.75	42	50	29	21	30	48

Table III: Number of Sentences, Including Criminal Labor Cases, 1940–1958

	absolute number		trend 1940 = 100	
	total (millions)	p/ 10,000	total	p/ 10,000
1940	2.85	147	100	100
1941–4	3.9	202	137	137
1945	1.79	108	63	73
1946	2.14	126	75	86
1947	2.76	160	97	108
1949	2.28	129	80	87
1950	1.51	84	53	57
1952	1.88	101	66	69
1954	1.11	58	39	39
1955	0.94	48	33	33
1956	0.91	46	32	31
1957	0.92	45	32	31
1958	1.03	50	36	34

Sources: appendix, pp. 264–303; tables 83, 87, 92–99, 104, pp. 274, 278, 282–292, 296; the figures for the period 1941–1944 are based on the assumption that the population did not change during the war.

Codes have been changed quite frequently and certain violations of the rules which were considered to be a crime during certain periods (a felony, but the Soviet concept is broader as the sanction can be a mere fine) were during other periods considered to be a misdemeanor or, in the Soviet parlance, an administrative infraction. If we look at all legal sanctions applied in the different periods, the picture radically changes. In 1928, the total number of criminal and of administrative (mainly fines) penalties was

1,500,000 (criminal law) + 3,000,000 (administrative law) = 4,500,000 million.⁸ Gertsenzon gave data for what he called an “average firm” in Moscow with 1,300 employees, where, in the course of 1960-1961, 18 crimes and 183 administrative infractions (mainly petty hooliganism) took place.⁹ Therefore, in the beginning of the 1960s the relation between crimes and other offenses was 1:10 instead of 1:2 in 1928. This should result in 6 to 7 million sanctions in the beginning of the 1960s, or a number of sanctions per 10,000 inhabitants of about 300 in both 1928 and in 1960-1961. The latter figure is about equal to the Tsarist figure, given as 320 per 10,000 inhabitants (about 4 million) at the end of the 19th century.¹⁰

2. The Reliability of Crime Figures

The crime figures used in the Soviet Union to calculate the trend figures do not reflect the real state of crime – even if defined within the limits of the Criminal Code – as is emphasized by many authors in the Soviet Union as well as in the West.¹¹ According to police officials in the Soviet Union, the statistical reports reflect the state of criminality only within certain boundaries; one-sixth of these same officials believe that they represent criminality “to a very low degree”.¹² Several circumstances are of importance with regard to the reliability of the statistics, especially the question of dark numbers and of local “eyewashing”. Moreover, Soviet figures are based on a

Table IV: Number of Persons Found to Have Committed a Crime

	absolute numbers		trends, 1920–1926 = 100	
	total (thousands)	p/ 10,000	total	p/ 10,000
1920–6	3,060	225	100	100
1935	1,120	70	37	31
1940	1,500	77	49	34
1946	1,480	87	48	38
1956	1,010	51	33	23
1958	1,110	54	36	24
1961	940	43	31	19
1962	1,040	47	34	21
1964	810	35	26	16
1966	950	41	31	18
1967	940	40	31	18
1969	890	37	29	16
1971	1,060	44	35	20
1972	1,060	43	35	19
1973	1,080	43	35	19
1975	1,100	43	36	19
1980	850	32	28	14

Source: appendix, tables 107, 109 at pp. 298–299.

strictly criminal law approach and do not use more general notions such as delinquency.

"Eyewashing" seems to be quite common. According to a poll among investigation officials, conducted in 1971, the most significant factor contributing to the incompleteness of crime registration is that many crimes are not recorded "as they would lead to a deterioration in the rates of crimes and the degree of their detection".¹³ Especially if the chances for detection of the criminal are low, the crime remains out of the reports.¹⁴ According to three-quarters of the investigation officials, the chance for a citizen to get a case of pickpocketing registered as a crime is less than 50% (7.6% even deemed the chance to be zero).¹⁵ As long as the registration of a crime and its detection is in the hands of one agency, this problem will remain.¹⁶ Evidently, this artificial latency was smaller in the 1920s when the number of solved crime is given as 64% (in 1927);¹⁷ as this number is now 95% or more,¹⁸ we may conclude that the problem has become a very serious one. Kuznetsova gives a latency of 80-90% for petty theft, illegal hunting, and receiving stolen property (art. 208 Criminal Code).¹⁹ The figure is also high for other crimes such as bribery, report padding, violations of labor safety rules, deception of purchasers, sex crimes.²⁰

Dark numbers are not always as dark as it appears from the statistics; the term is not only used for crimes which have not been detected, but also for those which remain out of the sphere of criminal law enforcement in general.²¹ Some research in this field is reported by Korobeinikov, based upon a poll in the Procuracy about the official reaction towards economic and official crimes. The staff of the Procuracy held the view that criminal law was only applied in one-third of the cases, but that disciplinary measures (by the competent Minister and/or by the Party) were applied in 90% of the cases. Damages were exacted in 20% of the cases and public censure in 5%. Only 4% of the cases did not provoke any immediate reaction.²² Therefore, in this field the real number of crimes should be three times higher than the figures used in criminal statistics. Especially in cases of theft of socialist property, the differences may be even higher.

Sometimes, a statistical growth of crime is simply a result of diminishing latency, e.g. as an effect of a change in law enforcement policy. In 1966, an edict on the strengthening of persecution of hooliganism (*rowdytum*) brought about a doubling of the number of sentences for this crime, but this was caused by criminalization of certain forms of hooliganism, which previously were handled by administrative agencies, and by a more strict law enforcement.

The real state of crime in the Soviet Union remains unknown, as is the case in all countries of the world. Ilya Zeldes makes use of American figures to show the average disclosure of crime (about 21%).²³ Maybe, this figure also applies for the Soviet Union, but we really do not know. Moreover, even the American figure seems to be much too low, since it does not give the average disclosure of all crimes, but rather of those which are known to the law enforcement agencies.

3. A Comparison With Other Socialist Countries

If we compare the number of sentences in some European socialist countries, one is struck by the remarkable similarity in them: from 1960 onwards, the conviction rates (sentences per 10,000 inhabitants) are nearly equal in the German Democratic Republic and in Bulgaria, with Hungary having joined this group in the 1970s (table V). The reasons behind this similarity in the number of sentences are the similar definitions of crime and petty crime and the handling of criminal cases by the comrades' courts.²⁴ Thus, in the 1960s, the conviction rate in Czechoslovakia²⁵ was at the same level as that in Bulgaria, the GDR, and the USSR, but when in 1969 the comrades' courts disappeared, this level returned to its level of the 1950s.

Table V: Number of Sentences per 10,000 inhabitants in Some Socialist Countries, 1946–1980

	Bulgaria	GDR	Hungary	Poland	USSR
1946–50	49	59	91		86
1951–55	55	42	108		68
1956–60	41	44	64		41
1961–65	28	32	60	94	30
1966–70	32	30	49 (1970)	77	31
1971–75	37	37	38 (1972–5)	59	33
1976–80	34	40	29	49	32

Sources: Bulgaria: calculated from Karakashev, *Problemi*, (1977), 186; Panev, *Skritata*, (1982), 140; GDR: Freiburg, *Kriminalität*, (1981), *passim*; Hungary, Poland: calculated from the reports in the statistical yearbooks; USSR: table I at p. 11.

NOTES

1. Juviler, *Revolutionary Law and Order*, (1976), 133-134.
2. Vyshinskii, "Organy iustitsii", (1936).
3. Boldyrev, "Nash narodnyi sud", (1957).
4. *XXII s'ezd KPSS. Stenograficheskii otchet*, Moskva 1961, Vol.III, 229ff.
5. Karpets, "Some Theoretical and Practical Aspects", (1965), 3.
6. Kuznetsova, *Prestuplenie*, (1969), 174.
7. Juviler's conclusion that the number of sentences decreased over the long run from Khrushchev to Brezhnev ("Crime and Its Study", (1975), 208) is not based on all available data.
8. Cf. Gernet, *Prestupnost'*, (1931), 79; A.I. Elistratov, *Administrativnoe pravo*, M.-L. 1929, 162-163, who give figures for the RSFSR.
9. Gertsenzon, *Vvedenie*, (1965), 193. For 1975-76 Kobets gives 0.8-0.9 crimes per 100 workers in the Mari-Paper Kombinat, N.G. Kobets, *Preduprezhdenie pravonarushenii v proizvodstvom kollektive*, Moskva 1982, 118.
10. Kuznetsova, *op. cit.*, 210.
11. Juviler, *Revolutionary Law and Order*, (1976), 133-134; Zeldes, *The Problems of Crime*, (1981), 72-74; A.M. Larin, "Povyshenie effektivnosti rassledovaniia", *SGiP* 1972 No.3, 109.
12. Kogan, *Sotsial'nye svoidstva*, (1977), 44.
13. Larin, *loc. cit.*; see also I.I. Karpets, *Problema prestupnosti*, Moskva 1969, 109; Kogan, *op. cit.*, 52; Juviler, *op. cit.*, 134; Bulatov, Maiorov, "Pokazatel'nost'", (1969), 64; Ostroumov, "Statisticheskie metody", (1967), 74; B. Protopopov, "Blagopoluchnyi protsent", *Sovetskaia Rossiia* 21 May 1966.
14. Zeldes, *loc. cit.*
15. Larin, *op. cit.*, 111.
16. A.M. Alekseev, A.N. Rosha, "Latentnaia prestupnost' i effektivnost' deiatel'nosti pravookhranitel'nykh organov", *Voprosy bor'by s prestupnost'iu* 1973 No.19, 43; Kogan, *op. cit.*, 55; Ostroumov, "Ugolovnaia statistika", (1977), 28-29; V. Kudriavtsev, "The Legal System of a New Society", *Social Sciences* 1982 No.4, 52.
17. Kuznetsova, *op. cit.*, 183 (RSFSR); Radus-Zenkovich gives 62% in 19271, *Sov. Iust.* 1928 No.30-31, 853; *Vestnik sovetsskoi iustitsii* 1928 No.18, 522.
18. Kuznetsova, *loc. cit.*; in 1966 it was 96% in Belorussia and locally even 100%, *Sots. Zak.* 1967 No.6, 11-17; *Vestnik MU* 1966 No.6, 43; see also Iu. Klarov in *Izv.* 15 Jul.; 30 Sept. 1961 (13 *CDSP* 1961 No.28, 28); V. Liskovskii, in *Izv.* 27 Febr.; 21 Mar. 1964 (16 *CDSP* 1964 No.9, 32); Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 44-49; Kopeiko, "Organizatsiia ucheta", (1982), 25.
19. Kuznetsova, "O nauchnom podkhode", (1975), 155; it is however low in cases of homicide, e.g. only 1.7% of all homicides committed in Lithuania in 1981 remained undisclosed, *Sots. Zak.* 1982 No.7, 23. Cf. also Bulatov, Maiorov, *op. cit.*, 64.
20. Gertsenzon, "Osnovnye polozheniia", (1965), 52; Bulatov, Maiorov, *op. cit.*, 60-61; Kogan, *op. cit.*, 45-48; Alekseev, Rosha, *op. cit.*; A.S. Shliapochnikov, G.I. Zabrianskii, "Vyiavlenie latentnoi prestupnosti", *SGiP* 1971 No.5.
21. Bulatov, Maiorov, *op. cit.*, 60.
22. Korobeinikov, "Bor'ba", (1973), 72; cf. also p.47 below.
23. Zeldes, *op. cit.*
24. See for these similarities especially Schroeder, *Das Strafrecht*, (1983), *passim*.
25. Summary criminal statistics have been published in the statistical yearbook of Czechoslovakia from 1968 until 1980.

CHAPTER II

THE SOVIET COURT SYSTEM: SOVIET CRIMINAL STATISTICS AND THE QUESTION OF SPECIAL COURTS

This chapter deals in particular with questions related to the existence of irregular, extraordinary courts in the USSR. It is generally acknowledged that during Stalin's reign such agencies existed, but the impact of their activities on court statistics is usually neglected due to a lack of reliable data. Recently, some sources have testified to the existence of a network of so-called "special courts" (*spetsstudy*).

In order to avoid misunderstandings, we will use the terms: regular courts to denote the ordinary courts (people's courts and higher courts); official courts to denote the regular courts and the military or other tribunals; extraordinary courts to denote court-like agencies, which are operative outside the system of official courts. According to Soviet parlance, these extraordinary courts do not belong to the court system but are agencies which belong to the administrative apparatus of the state, which may impose sanctions of an administrative order.

The term "special courts" is not very clear. We will define this term in the second paragraph of this chapter. Under the 1936 Constitution, special courts could be created and several have existed: e.g. military tribunals, railway courts, water transport courts, and special camp courts, but all save for the military courts were abolished in the 1950s. In order to avoid confusion, we will not use the term special courts to denote these courts, but we will use terms such as "other tribunals".

1. Military and Other Tribunals, and Extraordinary Judicial Agencies Until Stalin's Death

The legal framework

During the first years after the 1917 Revolution, the repressive agencies of the state were comprised of regular courts and revolutionary tribunals, while the security police (then the *Cheka*) also had – at least from time to time – the legal right of extrajudicial repression (*pravo vnesudebnoi repressii*) or the right to deal with a case "in administrative manner".¹ According to data given by Shirvindt, in 1920-1922 only one-third of the population in places of confinement were sentenced by ordinary courts. The others were convicted by revolutionary tribunals or by the security police without resort to a court.²

In 1922, the court system which had developed in the aftermath of the October Revolution and during the civil war was reorganized, and the revolutionary tribunals disappeared. The new court organization was based on the principle that all civil and

criminal cases would be handled by people's courts, higher regular courts and by military tribunals.³ But the procedure in the higher courts, when they sat as courts of first instance, was established in the same pattern as had previously been created for the revolutionary tribunals.⁴

The competence of military tribunals was restricted to criminal cases with regard to army personnel and spies,⁵ but they also were empowered to consider all criminal cases in districts where no courts other than military tribunals existed.⁶ However, even in the 1920s, these devices were held to be insufficient to cope effectively with political dissent. And already in 1922 a decree was adopted "On Administrative Exile".⁷ Under this decree, individuals who had taken part in counterrevolutionary activities could be exiled to a specified place for a period of no more than 3 years or deported from the RSFSR (in fact, the USSR). The question had to be considered by a Special Board (*Osobaia Komissii*) attached to the People's Commissariat (Ministry) of the Interior, in fact to the *GPU*. After some months, the right of extrajudicial repression was restored, and, still in 1922, the Special Board was empowered to send certain political and other criminals to forced labor camps.⁸ After the creation of the security police of the USSR (*OGPU*) in the fall of 1923, these decrees became effective for the entire USSR. The security police's power of extrajudicial repression remained on the statute books until 1959, but only some glimpses of its existence are known for the years up to 1934. In the second half of the 1920s,⁹ a court attached to the *OGPU* existed. This extraordinary court is sometimes named the court session of the Board of the *OGPU* (i.e. its directing committee, called *Kollegiia*) or simply *Kollegiia*. In some documents, for example in the 1927 amnesty decree, the term "persons convicted by the agencies of the *OGPU*", was used.¹⁰

According to the 1930 Statute on Corrective Labor Camps, such camps were populated by persons sentenced by the regular courts (*prigovorennnye*) but also by persons convicted (*osuzhdennnye*) by "a special decision of the *OGPU*". Such special decisions were pronounced by the *Kollegiia* of the *OGPU* or by a Special Board (now called: *Osoboe Soveshchanie*).¹¹ The competence of these institutions was still governed by the mentioned decrees of 1922-1923, as becomes clear from an official interpretation of these decrees by decision of the USSR CEC of 14 March 1933, which ruled that the *OGPU* could apply all measures of repression including the death penalty in the court sessions of its *Kollegiia* in cases of subversive activities.¹²

More details are known of an institution that existed in the Ukraine between 1922 and 1934 under the name of "extraordinary session". This was in fact a special chamber created within the higher (regular) courts to consider political cases. At first, its jurisdiction was mainly restricted to certain political crimes (e.g. espionage), but later on it considered all cases investigated by the security police of the Ukraine and also criminal cases in which a member of the security police stood as the accused. The chamber had to observe the procedural rules of the Ukrainian Code of Criminal Procedure, but the rights of the accused were severely restricted, as specified in a special Statute on the Extraordinary Sessions of the Supreme Court and the Area (*okrug*) Courts of the Ukrainian SSR.¹³ Nevertheless, the Ukrainian institution was considered an improvement as compared with the system existing in the other parts of the USSR.¹⁴ Although it was conceived as a temporary institution, extraordinary

sessions remained in existence until the liquidation of the *Kollegiia* of the security police of the USSR in 1934.

In mid-1934, the security police was again reorganized and the “court” existing therein officially disappeared.¹⁵ It made way for three new agencies. Within each higher court, a special chamber was created to handle criminal cases investigated by the security police.¹⁶ This meant in effect that the former Ukrainian system became the rule throughout the entire USSR, though this time, officially, no exceptions were made in procedural rules. Next to this, new Special Boards of the People’s Commissariat of the Interior (*NKVD*) were created which could apply “administrative” measures (penalties) which were similar to those of its 1922 forerunner, though now *vis-à-vis* all persons deemed to be “socially dangerous”.¹⁷

From 1934 onwards, the competence of the military tribunals was extended several times and other tribunals were created to consider transport offenses and criminal actions in the labor camps.¹⁸ At first, the military tribunals were only empowered to deal with espionage, treason, etc. committed by civilians, though they could consider all crimes in localities where, due to exceptional circumstances, regular courts were not operative. But especially the military tribunals attached to the armies of the secret police (under its different names in those years) received a much broader jurisdiction.

Until 1938, the jurisdiction of the military tribunals of the armies (i.e. the frontier and internal troops) of the *NKVD* (hereinafter called tribunals of the security police) was restricted to these armies, the security police itself, the militia (i.e. the police) and to some crimes against the state committed by civilians, but – at least under the law in force – they could also try civilians in localities where regular courts were not operative. As in 1927 the *NKVD*’s internal troops were charged with the safeguarding of a part of the industrial enterprises and similar objects of important national significance,¹⁹ it is possible that the civilian staff of such objects came also under the jurisdiction of the tribunals of the security police, but we could not find any further particulars about this.

In 1938, the special chambers of the higher, regular courts, which had jurisdiction over (all other) criminal cases investigated by the security police under the laws of 1934, were dissolved and their jurisdiction of these cases was transferred to the tribunals of the security police which, according to the Ukrainian legal scholar Suslo, “were created in the provinces and union republics”,²⁰ at the end of 1938. At the same time, extrajudicial repression by the special boards was restricted but not abolished.

Thus, in this scheme, from 1938 onwards, the security police directly controlled the prosecution and trial, as well as the execution of the sentence.²¹ Moreover, the above-mentioned decision of the USSR CEC of 14 March 1933, which empowered the security police to issue death sentences in its court sessions in cases of subversive activities was still in force.²²

The relations between the Procuracy and the tribunals of the security police are unclear. Anyway, in 1934 under the USSR Procuracy there already existed a Procuracy for Special Cases (in 1936 transformed into a Department) alongside the regular Procuracy and the Military Procuracy.²³

It seems likely that after 1938 the Special Boards were not very active compared with the tribunals. According to a Soviet author “the repression was executed by the

Special Boards and other extrajudicial agencies in the overwhelming majority of cases".²⁴ This took place by turning ordinary crimes (or what were deemed to be common crimes according to the law) into political ones. At the beginning of World War II, an edict was enacted on criminal liability for the circulation, in times of war, of fabricated rumors that could cause unrest and panic among the population. But, "also in such a case the law on punishing anti-Soviet agitation with counterrevolutionary intent" was applied.²⁵ This does not mean that the Special Boards did not apply administrative sanctions but rather that they did not hold "normal" trials.

The Special Boards disappeared in September 1953²⁶ and the tribunals of the security police were abolished by an unpublished edict of 11 September of the same year²⁷ (the same day on which the competence of the regular military tribunals was publicly restricted).²⁸ Also special camp courts, again created in 1944, disappeared in 1953.²⁹ The other tribunals were abolished in the late 1950s.³⁰ However, the abolition of the security police's courts did not entail the nullity of the sentences. Many persons, sent to the camps by Special Boards or by the tribunals of the security police, remained there for a couple of years.

Number of persons sentenced by tribunals and Special Boards

In the second half of the 1930s, numbers of sentences were published to show the rapid decrease of criminality in the USSR and to prove the advantages of the socialist system. This new trend in interpretation of the tendencies in the number of sentences was inaugurated by the Procurator of the USSR Vyshinskii who, in a speech on "The Agencies of Justice in the Struggle for Socialism", gave some figures on the trend in the number of sentences in 1933-1935 as an illustration of the significant growth of political consciousness, "a feeling of solidarity with the state [*gosudarstvennost'*], a completely new socialist attitude towards their duties in the vast majority of the workers of our country".³¹ Scholars quickly followed up this authoritative interpretation.³² Some months later, Vyshinskii asserted that the number of sentences between 1933 and 1936 had dropped by about a half in the RSFSR and even by about three-quarters in Belorussia.³³ The RSFSR People's Commissar of Justice, I.P. Dmitriev, showed in 1938 that the number of sentences had decreased in the previous year by about 58% as compared with 1930.³⁴ Other figures were also published to demonstrate the "withering away" of crime in the USSR (appendix tables 87ff.).³⁵ These figures were real figures, as is confirmed by our calculations. Between 1929 and 1934, the average number of sentences was about 2 million, and between 1935 and 1940, this number was only 1 million (table I).

Soviet sources do not mention the number of cases handled by extraordinary judicial agencies, such as the Special Boards. Antonov-Ovseenko mentions in his *samizdat* study on Stalin that "from 1935 to 1940 inclusive, 18,840,000 people passed through the Lubianka and its affiliates" (i.e. through the hands of the security police).³⁶ However, he does not provide a detailed description of this data.³⁷ Probably, Antonov-Ovseenko's figure encompasses all people prosecuted in this period.³⁸ From the rehabilitations of the 1950s in the USSR, it has become clear that the files of the "investigations" and the "trials" before the Special Boards were kept in the

archives³⁹ and it seems likely that they still exist.⁴⁰ Therefore, the total number of cases considered by these agencies might be known in high circles in the USSR, but without further information, the figure given by Antonov-Ovseenko cannot be taken as a basis for further calculations.⁴¹

We were unable to find precise data on the number of sentences by military and other tribunals, except for the first half of the 1920s.⁴² In 1924-1925, they heard less than 2% of all criminal cases and during that period they sentenced 20-30 thousand individuals each year.⁴³ In 1928 the number of sentences had increased to about 50,000 in the RSFSR only (or some 5% of all sentences).⁴⁴

With the growth of the size of the Soviet army the number of sentences must have increased. In 1935 Iossel even reported that this number was so high that measures were taken to diminish it. This resulted in a number of sentences in the first half of 1934 that was only half the figure of the corresponding period in 1933,⁴⁵ a much sharper decline than might be observed in the number of sentences by all courts.⁴⁶ Similarly it has been reported that the absolute number of sentences in the mid-1930s by the military tribunals of the Baltic Fleet showed an annual decrease of 30%.⁴⁷ Reports published during 1937 also showed a decrease in the number of sentences by the tribunals for transport offenses.⁴⁸

Details about the case load of the tribunals of the security police have not been published. At the end of 1938, the number of cases tried by these tribunals must have increased sharply when they took over the cases which were previously tried either by the special chambers of the medium-level, regular courts or handled by the Special Boards. Figures about the case load of all tribunals have been given by Voloshchina and Kulikov in reports about research into the level of criminality during the Second World War.⁴⁹

As usual in the Soviet Union, they do not give any absolute numbers, and the figures – apparently based upon the official court statistics of those years – have been adjusted by taking into account population losses and the number of people in the army to make them comparable with “the coefficient of 1940”⁵⁰ (i.e. the number of sentences per 100,000 inhabitants).

According to these calculations, *all* tribunals (of the Army, the Navy, the security police, and transport tribunals) sentenced “during some war years not more than one-fifth to one-seventh”⁵¹ of the number of persons sentenced by the regular courts.

Probably, this statement means that the number of sentences issued by all tribunals was about 200,000 in some war years, without taking into account labor cases with regard to workers in the defense industry, which were tried by the tribunals of the security police (with a possible penalty of five to eight years’ deprivation of freedom).⁵²

The only other published detail is contained in a statement of 1954 of Professor K.P. Gorshenin who claimed that the people’s courts considered more than 90% of all criminal cases considered by all courts including the special ones.⁵³ If criminal labor cases are included, the special courts of that time (i.e. all tribunals) considered about 150,000 cases (tables I and III, pp.11, 12).

2. Military Tribunals and Special Courts From the 1950s Until the Present*

During recent years occasional information has reached the West through *samizdat* sources or from Soviet emigrés concerning the existence in the Soviet Union of a network of so-called special courts (*spetsial'nye sudy*, or *spetssudy*) which consider not only criminal but also civil cases.⁵⁴

The term "special courts" has been used in the Soviet Union to denote those courts existing parallel to the system of regular courts. Such courts could be created under Article 102 of the 1936 "Stalin" Constitution, and several have existed: e.g. military tribunals, railway courts, water transport courts, and special camp courts, but all save the military courts were abolished in the 1950s. The 1977 "Brezhnev" Constitution does not provide for the creation of any special courts (other than military tribunals in the Armed Forces) nor do any other published Soviet laws. The term "special court" is not mentioned in any law, published after 1956,⁵⁵ nor is it used in any literature published legally in the Soviet Union after 1977.⁵⁶ Moreover, in 1956 the name of the Department for Special Cases in the apparatus of the USSR Procuracy was changed to Department for Supervision over the *KGB*, i.e. the security police.⁵⁷

The use of the term special court to denote certain courts in the USSR is not very clear. The term may be used to characterize a network of courts existing alongside the official courts (i.e. the regular courts and the military tribunals), but it may also be used to characterize a system of special chambers existing within the framework of official courts, similar to those chambers which existed between 1934 and 1938, and which heard all cases investigated by the Soviet state security agency.⁵⁸ Therefore, the question as to whether at present "special courts" exist may only be answered after examination of several possibilities: do special courts exist as a separate third network of courts alongside the regular courts and military tribunals, or do special courts function within the framework of the regular courts or military tribunals?

The figures, sometimes cited in Soviet literature concerning the activities of the courts, enable us to prove that special courts do exist within the framework of military tribunals.

Do special courts exist?

During the past 25 years, several Soviet authorities have published statements on the number of criminal and civil cases considered by people's courts (i.e. the first-level regular courts), but upon closer examination these figures show evidence of some rather significant discrepancies.

In 1954, after Stalin's death, Professor K.P. Gorshenin wrote that people's courts consider "more than 90% of all criminal cases, filed at the courts, including the special courts".⁵⁹ Later comparable statements do not explicitly mention special courts (which under the 1936 Constitution included military tribunals). Thus, at a confer-

*This is a shortened and amended version of the article "Special Courts in the USSR: their Nature and Activities", in *Rev. Soc. Law* 1982 No.4.

ence held in 1959, A.F. Gorkin, Chairman of the USSR Supreme Court, asserted that “people’s courts consider more than 80% of all criminal cases”.⁶⁰ In 1966 and 1972, this proportion was declared to be “more than 90%”.⁶¹ In 1973, V.I. Terebilov, USSR Minister of Justice, stated that “nearly 95% of all criminal cases are tried by people’s courts”.⁶²

During the 1960s, a similar assertion was: people’s courts consider more than 90% of all (i.e. criminal *and* civil) cases as courts of first instance.⁶³ Terebilov mentioned in 1980 that the proportion was 90-95%.⁶⁴ E.A. Smolentsev, a member of the USSR Supreme Court, gave a figure of 95-96% in 1976 and he suggested that military tribunals were included in his figures.⁶⁵ Another statement by Terebilov in 1972 is more explicit: “people’s courts decide more than 98% of civil and more than 90% of criminal cases”.⁶⁶

However, another set of assertions mentions that people’s courts consider 97-98% of all criminal cases and 99.8-99.9% of all civil cases (from 1966 on)⁶⁷. These figures are usually for a republic (mainly the RSFSR).⁶⁸

Therefore, there are two seemingly contradictory sets of figures on the proportion of all cases considered by the first-level (people’s) courts. It is our contention that both sets are true, but that one set represents the case load of the regular courts (people’s courts, provincial courts, Supreme Courts), while the other represents the case load of the regular courts plus “other” courts (military tribunals and, possibly, special courts).

In the 1970s, the first-level courts considered about 2.5 million civil and 0.8 million criminal cases.⁶⁹ The data presented *supra* show that 3,000–4,000 civil and 20,000 criminal cases were considered by the higher-level regular courts (acting as courts of first instance) and some 50,000 civil and 90,000 criminal cases were considered by these higher-level courts *and* “other” courts. Therefore, these “other” courts considered some 45,000 civil cases⁷⁰ and 70,000 criminal cases.⁷¹

As has been mentioned, “other” courts do exist in the form of military tribunals and perhaps in other forms as well. Were these military tribunals to hear all cases not considered by the regular courts they would hear not only 70,000 criminal cases but also 45,000 civil cases. For the purposes of this analysis, these 45 thousand civil cases are of special interest: military tribunals may consider civil cases, but only under very specific circumstances.

The nature of special courts

The 1958 Statute on Military Tribunals provides for the jurisdiction of these tribunals in criminal cases with regard to army personnel and spies, but it also states in its Article 10, in agreement with its predecessor of the 1920s,⁷² that “in localities where by virtue of exceptional circumstances regular courts are not operative, military tribunals consider all criminal and civil cases”. In its 1980 version, Article 10 became Article 12, but the wording has not been changed.⁷³

According to the commentary on the 1958 Statute edited by V.V. Borisoglebskii, former Chairman of the Military Chamber of the USSR Supreme Court, this provision “determines the jurisdiction of military tribunals in cases where in a certain

locality or at an object, attended by the Armed Forces, regular courts do not exist or their activity is suspended in connection with exceptional circumstances. The presence of such exceptional circumstances and a list of localities and objects is established by the Presidium of the USSR Supreme Soviet or by the USSR Council of Ministers.”⁷⁴

In the conditions mentioned, a military tribunal considers “all civil cases in disputes between Soviet citizens (including divorce suits) and disputes of citizens with military departments, trade and service enterprises and other organizations”.⁷⁵

Therefore, it is not necessary to acknowledge the existence of a third network of courts in order to explain the observed discrepancies in the data on the number of civil (and criminal) cases. Moreover, the above-mentioned unofficial sources describe the nature and operations of the special courts in terms comparable to those used by Borisoglebskii. According to Document No.75 “*O spetssudakh*” [on special courts] of the Helsinki Monitoring Group: “a secret list of enterprises, institutions, and even separate localities exists, in which all criminal and civil cases of persons working in these institutions and enterprises or living in these localities are exempted from general jurisdiction. [...] this list encompasses leading institutes of the USSR Academy of Sciences such as the Institute for Chemical Physics and the Lebedev Physics Institute.”⁷⁶

According to Yuri Luryi, the special courts “have jurisdiction over matters concerning workers of secret enterprises and institutions. Such establishments are sometimes found in ‘open’ cities and sometimes in settlements with closed access. The latter category would include Dubna, a town which has now become open and is a well-known center of research in physics, and Cheliabinsk-40, a large city in the Urals.”⁷⁷

According to Ilya Zeldes special courts are active in closed districts and in open cities; in the latter only in respect of secret institutions.⁷⁸

However, all these localities mentioned by Luryi and Zeldes may be held to fall within the scope of Article 12 of the Statute on Military Tribunals, in the interpretation given by Borisoglebskii.

Both Luryi and Zeldes argue that the special courts do not bear any relation to the military tribunals.⁷⁹ Their main arguments are: 1) the existence of a department for special courts within the RSFSR Supreme Court, which shows that these courts are not USSR courts as the military tribunals are, but that they are republican courts; 2) the secrecy mania of the Soviet authorities and their predilection for the term “special”.⁸⁰

In my opinion, the involvement of the RSFSR Supreme Court in the handling of cases by the special courts does not necessarily entail the correctness of Luryi’s and Zeldes’ conclusions: it seems possible within the framework of the law in force that special chambers of the RSFSR Supreme Court hear cases investigated by the security police.⁸¹ Moreover, Luryi’s and Zeldes’ view about the nature of special courts would make the court system within the Soviet Union extremely complicated and does not explain why the Statute on Military Tribunals contains a provision as cited *supra*. All activities of the special courts, mentioned by Luryi and Zeldes, are also covered by the definition of the special courts’ jurisdiction in the Statute on Military Tribunals.

If special courts function under an unpublished law, their narrow jurisdiction, as spelt out by the available documents would be illogical, especially in view of the close relationship between the security service and these special courts. It is not in the nature of security services in general to restrict their activities or to use their repressive weapons only in a small number of cases. Moreover, neither the troops of the *KGB* (the frontier troops) nor the internal troops of the *KGB*-related Ministry of Internal Affairs have their own tribunals,⁸² but rather are attended by the military tribunals of the regular Armed Forces⁸³ under the Ministry of Defense.⁸⁴ Therefore, even *KGB*-officials are tried by these military tribunals and not by the tribunals of the *KGB* itself. After all, in September 1953 two unpublished decisions were taken: one to abolish the special boards, and another to abolish the military tribunals of the troops of the security police,⁸⁵ as these agencies carried out repression without any control. If the term special court is in fact only a name used for a military tribunal with jurisdiction over civilians working in secret – military – institutions or living on military bases, the special courts would be under the control of the Ministry of Defense and, then, their narrow jurisdiction seems more logical.

A historical argument for this interpretation of the term “special court” is that the extension of the military tribunals’ jurisdiction to include certain categories of civilians dates back to the first RSFSR Code of Criminal Procedure (of 1922). In the 1920s, this jurisdiction in localities where no courts other than military tribunals existed was explained as giving the tribunals jurisdiction over all (criminal) cases in a “military zone” (*voennaia zona*),⁸⁶ a term which denotes an area used by the army, e.g. a military base. The difference between the extended competence of the military tribunals and their competence on the basis of martial law was also mentioned.⁸⁷

My conclusions are that:

1. Soviet law itself provides for the possibility of creating “special courts” albeit within the system of military tribunals;
2. the authorities have chosen to make of use this possibility;
3. a third network of courts does not exist in the Soviet Union.

Therefore, we will use the term “special courts” for the military tribunals, which function and have jurisdiction over certain cases in localities where by virtue of exceptional circumstances regular courts are not operative. Whether these special courts are nothing more than the military tribunals, functioning in the Armed Forces or whether they function separately from the military tribunals – which would otherwise have jurisdiction if the defendant in a criminal or one of the parties in a civil case were in the armed forces – is unknown. In the latter case, the special courts would exist under the umbrella of the Statute on Military Tribunals.

Activities of the special courts

If our analysis is valid, the special courts in the Soviet Union considered about 40,000-50,000 civil cases annually during the 1970s.

This number of civil cases is confirmed by data given by the specialist in judicial statistics, E.A. Pavlodskii, on the number of divorce suits filed in 1977 (appendix table 35). According to these data, the total number of filed divorce suits in the whole

of the USSR was 867,877, but Pavlodskii also gives the number of cases filed in all republics, which comes to only 847,807.⁸⁸ This means that 20,070 suits were not filed with republican courts (i.e. the regular courts) but with other USSR courts, i.e. the special courts.

In 1977, divorce suits made up about one-third of all civil cases filed at the courts (appendix table 33). This could mean that these "other" USSR courts would have considered some 60 thousand civil cases in 1977, if their case load were similar to the regular courts. It seems likely, therefore, that Pavlodskii did not make an error, but that, due to the existence of the special courts, the number of cases filed throughout the USSR is higher than the number of cases filed with all republican courts.⁸⁹

Three civil cases, considered by military tribunals, have been reported in the *Bulletin of the USSR Supreme Court*.⁹⁰ Other glimpses of the operation of the special courts in civil cases have been reported in *samizdat* sources.⁹¹

We could not find reports on criminal cases considered by special courts. On the basis of the data discussed above, we would suggest that the number of criminal cases considered by special courts is not high. Probably, only 10,000-20,000 cases⁹² out of the 70,000 cases tried by all military tribunals can be attributed to the special courts. Moreover, if this is the case, the military tribunals would handle about 50,000-60,000 criminal cases in which a serviceman stands as an accused; indeed, such a figure would not be impossible for an army of some 5 million people, who are nearly all males.⁹³

3. Conclusions

Between 1918 and 1953 administrative, court-like agencies which had the power to apply administrative sanctions to vaguely defined groups of persons have existed under different names. Usually, these sanctions existed in isolation from society but during some years the death penalty could also be applied under published laws. Therefore, during these years, the number of sentences (criminal and administrative) is higher than the number of sentences pronounced by the courts and figures about sentencing policy and the number of camp inmates based upon the data of Soviet judicial statistics are incomplete.

Since 1953, such court-like agencies have no longer existed, except in the framework of the anti-parasite laws operative between 1957 and 1970.⁹⁴ After 1970, court-like agencies alongside the system of regular courts and military tribunals do not longer exist, except the court-like agencies dealing with petty crime which are treated in the next chapter. Therefore, if Soviet judicial statistics are complete, the figures on the number of sentences, on sentencing policy, and any calculation of the number of camp inmates for recent years based upon such figures are complete. Moreover, the data about the case load of the different levels of the Soviet court system and of the military tribunals give sufficient evidence for the contention that, from the mid-1950s onwards, the number of cases before all courts is only somewhat higher than the number of cases heard by the people's courts.

NOTES

1. *SU RSFSR* 1922 No.16 item 160; No.65 item 844.
2. Shirvindt, Utevsii, *Sovetskoe ispravitel'no-trudovoe pravo*, (1931), 70; cf. also Tarnovskii, "Dvi-zhenie prestupnosti"; Hazard, *Settling disputes*, (1960), 155; Gertsenzon, "Gubernskie revoliutsionnye tribunaly", (1933).
3. *SU RSFSR* 1922 No.16 item 160.
4. Hazard, *op. cit.*, 362.
5. Art.29 RSFSR Code of Criminal Procedure of 25 May 1922, *SU RSFSR* 1922 No.20-21 item 230; Art.27 of this Code in the text of 15 February 1923, *SU RSFSR* 1923 No.7 item 106.
6. *Ibid.*; see also the Statute on Military Tribunals of 20 August 1926, *SZ SSSR* 1926 No.57 item 413.
7. *SU RSFSR* 1922 No.51 item 64; 1923 No.8 item 108.
8. *SU RSFSR* 1922 No.65 item 844; 1924 No.12 item 105; *Vestnik Pravitel'stva SSSR* 1923 No.8 item 225. A.A. Nelidov, *Istoriia gosudarstvennykh uchrezhdenii SSSR 1917-1936 gg.*, M. 1962, 388; *Soviet Criminal Law and Procedure*, (1972), 49. Probably the *Entsiklopediia gosudarstva i prava*, M. 1925-1926, Vol.III, 686, refers to these decrees, cf. on this E.H. Carr, "The Origin and Status of the Cheka", 10 *Soviet Studies* 1958 No.1, 11 (note 16). Cf. for a report on banishment of speculators and others from Moscow in 1923, I.Ia. Trifonov, *Klassy i klassovaia bor'ba v SSSR v nachale Nepa (1921-1925 gg.)*, Part II, Leningrad 1969, 175.
9. Ivanov, "Puti razvitiia", (1949), 371; Heller reports of executions by or upon order of the *OGPU* in 1926, and also in 1927, M. Heller, A. Nekrich, *Geschichte der Sowjetunion*, Erster Band: 1914-1939 von M. Heller, Königstein 1981, 209.
10. *SZ SSSR* 1927 No.61 item 620; cf. also 1925 No.17 item 130.
11. Statute of 7 April 1930, *SZ SSSR* 1930 No.22 item 248 (Para.2, 10); *Sovetskoe gosudarstvo i pravo v period stroitel'stva sotsializma (1921-1935 gg.)*, (E.A. Skripilev, ed.), Vol.II of *Istoriia sovetskogo gosudarstva i prava v trekh knigakh*, (A.D. Kositsyn, ed.), M. 1968, 407.
12. Decree of the USSR Central Executive Committee of 14 March 1933, *SZ SSSR* 1933 No.19 item 108; this decree lost its force by edict of 13 April 1959, *Ved. SSSR* 1959 No.15 item 91 (para.45); cf. also *40 let sovetskogo prava, 1917-1957*, Vol.I, (O.S. Ioffe, ed.), Leningrad 1957, 594; *Sovetskoe gosudarstvo i pravo*, *loc. cit.*, 407; Suslo, *Istoriia sudu*, (1968), 138-141.
The *Kollegiia* sentenced 36 persons to death on 11 March 1933, 3 days before the enactment of the corresponding decree, cf. *Izv.* 12 March 1933, quoted in *Government, Law and Courts in the Soviet Union and Eastern Europe*, (V. Gsovski, K. Grzybowski, eds.), Vol.I, London-The Hague 1959, 570-571.
13. *SU Ukr. SSR* 1925 No.82 item 486. Many details may be found in Suslo, *op. cit.*, 87-92, 138-141. Such special chambers also existed under a RSFSR decree of 23 June 1921 that reorganized the system of revolutionary tribunals, *SU RSFSR* 1921 No.51 item 294. Cf. on this decree Krylenko, *Sudoustroistvo*, (1923), 143.
14. Suslo, *op. cit.*, 91-92.
15. *SZ SSSR* 1934 No.36 item 283; Suslo, *loc. cit.*
16. *SZ SSSR* 1934 No.36 item 284. Special chambers to consider specific cases were already created in earlier years. From 1927 until 1929, Azerbaidzhan had a system of "People's Courts for Very Important Cases", but this replaced the earlier medium level (*okruzhnye*) courts, Movsumov, *Sovetskaia sudebnaia sistema*, (1970), 147-151. In Belorussia and elsewhere special chambers existed (between 1933 and 1937) to consider cases of shoplifting, Koriagina, "Spetsializatsiia sudei", (1960), 23; *Istoriia gosudarstva Belorusskoi SSR*, Vol.1, (1970), 507; *SZ SSSR* 1933 No.13 item 76; 1937 No.48 item 199.
17. *SZ SSSR* 1934 No.36 item 283; 1935 No.11 item 84.
18. *SZ SSSR* 1934 No.12 item 78; No.36 item 284; No.64 item 459; 1937 No.61 item 266. Other tribunals encompassed courts such as the railway tribunals, water transport tribunals, etc.; special labor camp courts were set up by an unpublished USSR edict of 30 December 1944, cited in Golunskii, Karev, *Sudoustroistvo*, 119, but see already a decree (unpublished) of 17 November 1934, as amended publicly on 8 August 1936, which established sections (*otdeleniia*) of the medium

- level courts (consisting out of 3 judges) attached to the camps. Vyshinskii explained that these were not sections of the special chambers of these courts "as they call themselves in some places", *Sots. Zak.* 1936 No.10, 91-92.
19. *Sovetskaia voennaia entsiklopediia*, M. 1976, Vol.2, 164-165; they were charged with this task by (unpublished) governmental decree. In 1922, they were only charged with protection of railways and waterways. See also V.P. Artemev, in *The Soviet Secret Police*, (S. Wolin, R.M. Slusser, eds.), New York 1957, 249.
 20. Suslo, *op. cit.*, 174.
 21. See on the jurisdiction of the tribunals Golunskii, Karev, *op. cit.*, 143-144. Cf. for the defense industry, the edict of 26 December 1941, *Ved. SSSR* 1942 No.2. According to Suslo, *op. cit.*, 167-174, their jurisdiction also encompassed cases investigated by the security police.
 22. Cf. note 12 and *Ved. SSSR* 1959 No.15 item 91.
 23. See an Order of 25 March 1934, *Za sotsialisticheskuiu zakonnost'* 1934 No.4, 45; a decree of 5 November 1936, *SZ SSSR* No.59 item 450. Cf. also the order of 10 April 1956, *Sovetskaia prokuratura v vazhneishikh dokumentakh*, M. 1956, 497.
 24. Dobrovol'skaia, *Verkhovnyi sud*, (1964), 37.
 25. *Ved. SSSR* 1941 No.32; *Istoriia velikoi otechestvennoi voiny*, Vol.VI, M. 1965, 105; cf. also A. Solzhenitsyn, *Arkhipelag GULag. 1918-1956. Opyt khudozhestvennogo issledovaniia*, Vol.I, Paris 1973, 89.
 26. *Soviet Criminal Law and Procedure*, (1972), 50; *Partiinaia zhizn'* 1957 No.4, 68; "Rezultaty pravil'noi politiki", (1957). They were only occasionally mentioned in literature, cf. *Les conditions de la liberté en URSS. Le rôle de la décision administrative dans la procédure soviétique*, Paris 1951, 87-91.
 27. Published in *Ugolovno-protsessual'noe zakonodatel'stvo*, (1957), 28.
 28. *Sbornik zakonov SSSR (1938 – iul' 1956 gg.)*, M. 1956, 420.
 29. They are mentioned in Para.1 of the edict of 11 September 1953, quoted in note 28 *supra*. Suslo, *Istoriia sudu*, (1968), 199, remarks on their disappearance in 1953. However, Boris Vail remarks that the special camp courts (*spetslagsud*) still existed in 1958, *Osobo opasnyi*, London 1968, 247, but later on they had disappeared.
 30. Cf. Suslo, *op. cit.*, 199; G. Ginsburgs, "Structural and Functional Evolution of the Soviet Judiciary since Stalin's Death: 1953-1954", *Soviet Studies* 1962 No.3, 281-302; G. Ginsburgs, "The Reform of Soviet Military Justice: 1953-1958", in *Soviet Law After Stalin*, Part III, (1979), 34-35.
 31. Vyshinskii, "Organy iustitsii", (1936).
 32. E.g. Leplevskii, "O sostoianii", (1937); cf. also M. Pankrat'ev, "Zadachi po bor'be s prestupnost'iu", *Sots. Zak.* 1940 No.6, 2; I. Kaganovich, "Bor'ba s prestupnost'iu v Moskve", *Sots. Zak.* 1940 No.6, 14.
 33. Vyshinskii, "O nekotorykh vazhneishikh voprosakh", (1936); *id.*, Speech, (1936).
 34. Dmitriev, Speech, (1938).
 35. The last figures in this series may be found in Man'kovskii, "Voprosy ugovalnogo prava", (1939); Pankrat'ev, *op. cit.*, 2; Kaganovich, *op. cit.*, 14; cf. also Hazard, "Trends", (1940).
 36. Antonov-Ovseenko, *Portret tirana*, New York 1980, 261.
 37. Rosefelde attributes them to E.G. Shirvindt, Rosefelde, "An Assessment", (1981). See however Wheatcroft, "On Assessing the Size", (1981), 277.
 38. Then, they are about twice as high as the figures given in the USSR, cf. tables I-III, pp.11-12.
 39. Some rehabilitation decrees, published in the West, refer to the files of the "case", see e.g. Pashukanis' rehabilitation decree published by D. André Loeber in 6 *Soviet Union/Union Soviétique* 1979 No.2, 213.
 40. In 1962, Mironov remarked that the Department of Administrative Agencies of the CPSU CC was studying these materials, Mironov, "Bor'ba", (1962), 233-234.
 41. Cf. also Wheatcroft, *loc. cit.*
 42. "Sudebnaia rabota voennykh tribunalo", (1925), 33-34; (1926), 33-34.
 43. Appendix table 63, p.248.
 44. In 1930, Khal'fin reported that this figure on the number of sentences in 1928 in the RSFSR (about

- 1 million) was based on 94.8% of all files. Probably, the missing files were those of the military tribunals, Khalfin, "Zhiznennost", (1930).
45. Iossel, "Na strazhe oboronosposobnost", (1935), 46.
 46. The total number of sentences decreased by 21% in the RSFSR minus the ASSR's, appendix table 87, p.278.
 47. *Sots. Zak.* 1936 No.8, 58.
 48. *Sots. Zak.* 1937 No.2, 71; No.6, 14.
 49. Voloshchina, "Rol' moral'no-politicheskikh faktorov", (1975), 98; Kulikov, "Pravosudie", (1975).
 50. But Voloshchina does not report how this was done and the part of the USSR occupied by the enemy was rather large.
 51. Voloshchina, *op. cit.*
 52. If they are not included, the tribunals handled 1/7-1/5 of the number of cases handled by the ordinary courts or some 150,000-200,000 cases each year. But, then, criminal labor cases have to be added to this figure. If they are included, the tribunals handled some 300,000-400,000 cases.
 53. According to Gorshenin in 1954, the people's courts considered more than 90% of all criminal cases, filed at the courts, including the special courts, Gorshenin, *Sovetskii sud*, (1954), 55; cf. for the number of cases tables I-III.
 54. *Khronika tekushchikh sobytii* 1976 No.43, 93-95; Luryi, "The Right to Counsel", (1977), 107; Document No.75 of the Public Group to promote the Observance of the Helsinki Act in the USSR, (The Helsinki Monitoring Group), *O spetsudakh*, *Arkhiv samizdata* 1979 No.3521, reprinted in *Sbornik dokumentov obshchestvennoi gruppy sodeistviia vypolneniiu Khel'sinskikh soglashenii* No.6, New York 1979, 48-50.
 55. In 1956, the legislator still used the term "special courts" in current legislation, cf. *Ved. SSSR* 1956 No.12 item 250.
Professor D. André Loeber kindly draw my attention to this decree. In the law on the organization of the courts of 1957, the term "special courts" was not used, but only the term "military tribunal", *Ved. SSSR* 1957 No.4 item 85. The apparatus of the USSR Supreme Court did not contain a department for special courts under the organizational scheme adopted in 1957, at least if the published scheme is complete, *BVS SSSR* 1957 No.4, 13.
 56. See also V.M. Semenov, *Sud i pravosudie v SSSR*, M. 1976, 162.
 57. Cf. *Ved. SSSR* 1956 No.8 item 186 and an order of the Procurator General of 10 April 1956, *Sovetskaia prokuratura. Sbornik dokumentov*, M. 1981, 149.
 58. See *supra*, pp.18-19.
 59. Gorshenin, *loc. cit.*
 60. See his statement in *Vazhnyi etap*, (1960), 119.
 61. *BVS SSSR* 1966 No.1, 3; 1972 No.6, 9.
 62. V. Terebilov, *The Soviet Court*, Moscow 1973, 108, cf. also p.67.
 63. *Organizatsiia suda i prokuratury v SSSR*, (D.S. Karev, ed.), M. 1962, 97; Boldyrev, *Sovetskii sud*, (1966), 22; Rivlin, *Organizatsiia suda*, (1968), 95; Smirnov, "Vosploshchenie v zhizn", (1970), 8; Dobrovol'skaia et al., *Kak ustroeny*, (1978), 38. An exception is *Organizatsiia suda i prokuratury v SSSR*, (B.A. Galkin, ed.), M. 1967, 84, which mentions a percentage of 95%; such a figure is also given in *Radians'ke pravo* 1980 No.1, 17.
 64. *Sov. Iust.* 1980 No.1, 17.
 65. Smolentsev, *Sovetskii sud*, (1976), 16; but in 1977, he gave "more than 90%", *Komsomol'skaia pravda* 6 December 1977.
 66. "50-letie obrazovaniia SSSR", (1972), 9.
 67. Appendix tables 66 and 27, pp.253, 208.
 68. Before the changes in divorce proceedings of 1965 the proportion was much lower: appendix table 33, p.213.
 69. Tables XLII and I, pp.11, 145.
 70. The people's courts considered 2,500,000 civil cases or 98% of all civil cases. Therefore $(2,500,000 \div 0.98 =)$ 2,551,000 cases were filed at all courts. The higher level regular courts considered less than 0.2% of all civil cases. Therefore, they considered $(2,500,000 \times 0.002 =)$ 5,000 cases. This leaves

- (51,000 - 5,000=) 46,000 cases for the "other" courts. As these figures are only rough estimates, we have taken a number of 45,000 cases considered by the "other" courts.
71. The people's courts considered 800,000 criminal cases or 90% of all criminal cases. Therefore, $(800,000 \div 0.90=)$ 890,000 cases were filed at all courts. The higher level regular courts considered 2-3% of all criminal cases. Therefore, they consider about $(800,000 \div 0.975 - 800,000=)$ 20,000 cases. This leaves $(90,000 - 20,000=)$ 70,000 cases for the "other" courts.
 72. Cf. *supra* p.18, and notes 5 and 6.
 73. *Ved. SSSR* 1959 No.1 item 14; this Statute was amended, and a new text was confirmed by a law of 25 June 1980, *Ved. SSSR* 1980 No.27 item 546. The articles have been renumbered and in the article under discussion the words "civil" and "criminal" were interchanged. Therefore, all remarks on the 1958 Statute are still valid. Cf. also Article 28 of the Law on the USSR Supreme Court, *Ved. SSSR* 1979 No.49 item 842. The Statute on the Military Procuracy of 4 August 1981 contains a corresponding article as did its 1966 predecessor. Civil cases are mentioned in Articles 26, 28, and 29, *Ved. SSSR* 1981 No.32 item 956.
 74. *Nauchno-prakticheskii kommentarii k polozheniiu o voennykh tribunalah*, (V.V. Borisoglebskii, ed.), 2nd ed., M. 1960, 31. The provisions of article 10(12) are also applied to Soviet armies, based outside the Soviet Union, but, on the basis of treaties concluded by the USSR, the courts of the country in which the army is based usually have jurisdiction over all civil and over the majority of criminal cases, cf. Van den Berg, "Special Courts", (1982), and H. Hülsbergen, "Zur Rechtsstellung eines sowjetischen Militäranghörigen, der auf dem Territorium der DDR einen Kraftfahrzeugunfall erleidet", *Osteuropa Recht* 1979 No.1, 49.
 75. *Nauchno-prakticheskii kommentarii, op. cit.*, 31-32. The tribunals also consider civil claims about the recovery of losses caused by crime. These provisions, introduced in 1980, have to be interpreted in connection with the tribunal's jurisdiction over criminal cases. On the basis of the treaties concluded with the GDR, Poland, Hungary, and Czechoslovakia all civil cases of Soviet service personnel based there are considered by the local courts according to local law, see note 74 above.
 76. Document No.75, *op. cit.*
 77. Luryi, "The Right to Counsel", (1977), 107.
 78. Zeldes, *The Problems of Crime*, (1981), 72.
 79. Another objection could be that in 1974, according to Luryi, Mr. A.A. Pozdniakov was the Chairman of the "Leningrad City Special Court", Luryi, "The Right to Counsel", (1977), 107. However, in 1967 the same Pozdniakov was deputy chairman of the Leningrad city court (*BVS RSFSR* 1967 No.6, 6). We would suggest that either Pozdniakov was transferred to the military system after 1967, or that he continued two jobs or that reference was made to a so-called "spetskollegia" of the Leningrad city court. Cf. also, *The Shcharansky Appeal: Petition to the Procurator-General of the USSR from Avital Shcharansky on Behalf of Herself and Her Husband, Anatoly Shcharansky, by Her Attorney Professor Irwin Cotler*, Montreal 1980, 45.
 80. Luryi, "Special Courts", (1982); Zeldes, "About Special Courts", (1984).
 81. Such a construction existed in 1922 with regard to the military tribunals, by absence of the USSR Supreme Court, see S.N. Orlovskii, V.I. Malkis, *Sovetskoe voenno-ugolovnoe pravo, obshchaia chast': uchenie o material'nom i protsessual'nom voenno-ugolovnom prave*, M. 1928, 178.
 82. *Nauchno-prakticheskii kommentarii, op. cit.*
 83. The USSR Constitution only mentions the military tribunals of the Armed Forces.
 84. The Statute on Military Tribunals only mentions the Ministry of Defense apart from the Ministry of Justice.
 85. Cf. notes 26 and 27.
 86. S. Kanarskii, *Ugolovno-protsessual'nyi kodeks sovetskikh respublik. Tekst i kommentarii*, Khar'kov 1927, 39.
 87. Orlovskii, Malkis, *op. cit.*, 210.
 88. However, other family law disputes do not show such discrepancies, appendix tables 33ff., p.213ff.
 89. In my article about Special Courts, I suggested that the special courts consider a number of eviction cases, though the evidence seems inconclusive, cf. appendix tables 55 ff., p.233.
 90. *Case of Military Detachment v. Senior Lieutenant A.Ia. Rozhok*, Military Chamber of the USSR

- Supreme Court, 7 February 1961, *BVS SSSR* 1962 No.2, 37-38. Case of *N.E. Eremenko v. Editorial Board*, Military Chamber of the USSR Supreme Court, 1 February 1962, *BVS SSSR* 1962 No.6, 40-42. Case of *M.V. Konstantinova v. E.A. Muratov*, Military Chamber of the USSR Supreme Court, 13 August 1981, *BVS SSSR* 1982 No.5, 27-28; *Rev. Soc. Law* 1984 No.1, 70-72. Compare the case of *Khudrei v. Military Unit*, Civil Chamber of the USSR Supreme Court, *BVS SSSR* 1964 No.5, 34. This case is commented by D.D. Barry in *Governmental Tort Liability in the Soviet Union, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania and Yugoslavia*, (D.D. Barry, ed.), *Law in Eastern Europe* No.17, (Z. Szirmai, ed.), Leyden 1970, 62-63; and also by N.S. Malein, "Vozmeshchenie vreda prichinennogo provrezhdeniem zdorov'ia voennosluzhashchikh", *SGiP* 1965 No.8, 89-95; cf. also *BVS RSFSR* 1961 No.5, 2.
91. Cf. *Khronika tekushchikh sobytii* 1976 No.43, 93-95; Document No.75, *op. cit.*, note 51. G.P. van den Berg, "The Right to Work and Politically Motivated Discrimination in Soviet Labor Law", 5 *Rev. Soc. Law* 1979 No.3, 259-262.
 92. As the special courts consider 2.3% of all divorce suits, 2-3% of the adult Soviet population comes under the jurisdiction of special courts. If annually 0.8 million criminal cases are filed (appendix table 72) the number of cases tried by special courts cannot be higher than 20,000 cases. Probably, it is much lower due to a strict selection of personnel for those organizations, which are "attended" by special courts.
 93. In 1970, the number of males between 15 and 44 was about 46 million.
 94. Under the anti-parasite laws, persons were convicted to exile by local soviets or by the people's courts, acting as an administrative agency. See also an Uzbek edict of 25 April 1968 about special training and labor institutions quoted in I.V. Shmarov, "Preduprezhdenie prestupnosti sredi osvobozhdennykh ot nakazaniia", *SGiP* 1973 No.4, 67.

CHAPTER III

POLICY TOWARDS PETTY CRIME

Another problem in the interpretation of Soviet judicial statistics is posed by the treatment of petty crime. A differentiation between ordinary crimes and administrative infractions was first made in the 1920s. In 1925, it was decided to treat home distilling and illegal woodcutting as administrative infractions.¹ At first, sanctions (fines) were imposed by state or local authorities, but later on administrative commissions were set up to hear some of these cases.

This was first done in the RSFSR in 1929, when the establishment of such commissions was allowed.² In 1931, these commissions were made mandatory and they were created in the whole of the RSFSR.³ The organization of similar commissions was envisaged in other republics, but it was not until 1961⁴ that such commissions were made mandatory in the entire USSR.⁵

The occurrence of administrative infractions is of crucial importance to understand the figures on the number of sentences published in the USSR, as it is beyond doubt that such offenses are not included in these figures.⁶ However, certain categories of administrative infractions, mainly created after 1955, are not considered by administrative commissions but by a people's judge, acting as *unus iudex*. This occurs in borderline cases between administrative infractions and crimes; the penalties for such offenses are more serious than for administrative infractions in general (they may include e.g. administrative arrest for up to 15 or, until 1978,⁷ 30 days instead of the usual fines). We will call such offenses considered by the people's judge: administrative crimes.

A second approach of the treatment of petty crime is the handling of criminal cases by comrades' courts, also active in 1919-1921, in the first half of the 1930s, and again from 1959 on. Criminal cases are also considered by the commissions for the affairs of minors, active until 1935 and revived in 1961.

1. Competence of the People's Judge to Deal With Petty Crime

The policy towards petty crimes has varied widely. During Stalin's reign the policy was to consider petty crime as a criminal offense and to deal with it as harshly as with ordinary crime. Petty crimes were sometimes specifically mentioned in the Criminal Code or another statute,⁸ but this did not affect their status as a crime. Therefore, the policy towards petty crime in general did not have any influence on the number of sentences. We can have doubts, though, in some cases of petty crime, e.g. the

unauthorized quitting of employment and absenteeism were made crimes under a USSR edict of 26 June 1940,⁹ but the cases were tried by a people's judge as an *unus iudex* under another USSR edict.¹⁰ It is not known whether this means that illegal quitting was therefore considered to be an administrative crime.¹¹ We know that sentences for this crime were differently treated in the statistical reports according to a simplified form. Also sentences under an edict of 15 April 1942 (which made it a crime to refuse to engage in agricultural work) were treated in this way.¹²

Suslo appears to have included these crimes in figures on the trend of criminal cases considered by Ukrainian courts (appendix table 97, p.288). These figures suggest that the number of prosecutions for these petty crimes was rather high in 1940, but was already insignificant in 1947.¹³ However, this seems very unlikely. Suslo's figures seem to comprise only the cases considered by the courts, i.e. the people's judge plus his two assessors. Therefore, he could not trace the criminal labor cases. In fact, in 1947 the people's judges considered more than 1 million criminal labor cases in the entire USSR (tables I and III, pp.11, 12).

As a part of the liberalization after Stalin's death, the number of criminal labor cases sharply decreased, but it was not until 1956 that illegal quitting disappeared as a crime.¹⁴ In the same year, the boundary between crimes and administrative infractions was defined anew.

In 1956, petty hooliganism became an administrative crime;¹⁵ in 1957, petty speculation;¹⁶ in 1960, the illegal construction or use of broadcasting equipment;¹⁷ in 1962, disobeying legal orders of the police (*militsiia*) or a people's guard;¹⁸ and in 1966, actions contrary to the rules on administrative supervision over former convicts.¹⁹ Between 1961 and 1970,²⁰ parasitism was held to be an administrative crime, though it was dealt with by the people's court and not by the people's judge as is the case with all other administrative cases. It became a crime in 1970.²¹

Sometimes, one or more republics created a special kind of administrative crime²² – in 1973 the home distilling of alcohol was made an administrative crime in the Ukraine.²³ Petty theft (officially: petty stealing), mainly an administrative infraction between 1924 and 1940, was a crime between 1940 and 1955.²⁴ Then the lawmaker partly returned to pre-war practices, but petty theft as such remained in the Criminal Code, although such cases were usually considered by comrades' courts after 1959. From 1969 onwards, some republics again gradually changed their approach and petty theft was locally excluded from the Code. This was done in 1969 in Lithuania,²⁵ in 1970 in Estonia²⁶ and Kazakhstan,²⁷ in 1973 in the Ukraine,²⁸ but not until 1977 in the RSFSR.²⁹ As in the USSR, petty thefts made up about 10% of all sentences in 1959 (and in Lithuania 15%, against only 1.5% in 1965)³⁰ and petty theft of state property about 3.3% in Belorussia in 1974³¹ the transfer of such crimes to the administrative category must have had a significant impact on the number of sentences.³²

In 1977, the dividing line between ordinary and administrative crimes was defined in another way: the courts were given the power to free an individual from criminal liability where he does not represent a great social danger, and to try such an individual upon an administrative charge before a single judge. This diversion became possible for all crimes with a maximum penalty of one year's deprivation of freedom.³³

In 1978, a USSR edict restricted the imposition of administrative arrest to "exceptional cases" for a maximum of 15 days and then only for cases of petty hooliganism (for this offense, arrest³⁴ was imposed in 44% of all cases in the beginning of the 1970s)³⁵ and disobeying orders of the police or a people's guard.³⁶

In the first years after 1978 the courts used the possibility of diversion especially in cases of light injuries caused through negligence, petty theft of state property, hooliganism, driving while intoxicated, home distilling of alcohol, and in cases upon private accusation. The frequency of application is lower in cases of illegal trading of alcohol, disobeying orders of the police, vagrancy and begging, joyriding and in other (unspecified) cases.³⁷

It has locally been reported that 40-70% of all petty crimes have been handled administratively (as an administrative crime) after the enactment of the 1977 edict and that in 1978 12% of all criminal cases were diverted by the courts from the regular to the administrative (single-judge) courts for imposition of an administrative sanction.³⁸ The usual sanction (in 1978) is a fine (75%); corrective labor is applied in 23% of cases, and administrative arrest in 2% of all cases.³⁹

Administrative crimes are usually considered by a people's judge, sometimes by the people's court.⁴⁰ The judge does not act as a court but merely as a part of the administrative machinery. The rules of the Code of Criminal Procedure do not apply, but there are special rules, usually enacted in the edict creating the specific form of administrative crime; cassation appeals may not be lodged.⁴¹

The Principles of Legislation on Administrative Violations of 1980⁴² maintain the system developed during the past 25 years.

Figures on the number of administrative crimes considered by the people's judges are collected in the USSR, though the registration of data connected with such petty crimes has been qualified as "extremely primitive".⁴³ Such figures have occasionally been published, but they always refer to rather small areas and merely relate to some years. We could only find one absolute number: in 1964 the people's judges of the Moscow province considered 35,905 administrative crimes. Extrapolating from this number, the total should equal 1.5 million in the entire USSR.⁴⁴ A similar number can be obtained from data on the number of administrative crimes detected by the police in Armenia in 1964-1965.⁴⁵

More general figures may be derived from data about the case load of the people's judges. Between 1963 and 1968, administrative cases made up one-third to one-quarter of the case load of the people's courts in Lithuania.⁴⁶

A 1973 study asserts that in one month, an average people's judge considers 3-20 criminal cases and 10-90 civil cases;⁴⁷ a 1977 study gives 3-25 criminal cases, 10-60 civil cases and 5-50 administrative criminal cases.⁴⁸

This could entail that in the 1960s the number of administrative criminal cases was about one half of the number of civil cases, and in the 1970s, it was nearly equal to the number of civil cases (and twice as high as the number of criminal cases). Therefore, these figures result in 2-2.5 million administrative criminal cases in the 1970s (table XLII, p.145).

A similar general figure on the number of petty crimes administratively considered

by a people's judge can be derived from an assertion of Ostroumov and Iakovleva who stated in the January 1978 issue of *Sotsialisticheskaia Zakonnost'* that the case load of "the courts" was composed of 15% criminal cases and 85% civil and administrative criminal cases.⁴⁹ This statement could mean that the total number of administrative cases would be about 2.5 million if we compare it with statements for 1975: in that year the number of criminal cases was about 800,000. Therefore, the total number of cases was $(800,000 \div 0.15 =) 5.3$ million and the number of administrative criminal cases was $(5.3 - 2.7 \text{ million} =) 2.6$ million.

In 1981, the Ukrainian scholar Suslo remarked that "the people's courts examine a significant number of files about administrative crimes. They make up more than half of all cases, which the courts decide. This must leave its mark upon the quality of the judicial agencies' work in the examination of criminal and civil cases".⁵⁰ If this remark were a reflection of the state of affairs in the entire USSR, the number of administrative criminal cases would have grown to 3-4 million cases in 1980. However, it is certain that not all republics have the same policy of making a crime into an administrative crime or an administrative offense into a crime. E.g. home distilling is an administrative crime in the Ukraine, but not in other republics.

In the first 10 months of 1981, one people's court in Lithuania considered 286 civil cases and only 131 administrative criminal cases. Thus, in this people's court the relation of civil and administrative cases did not change as compared with the 1960s.⁵¹ Notwithstanding large differences in the calculated figures, this analysis proves that the number of administrative criminal cases considered by the petty crimes' court is at least two to three times the number of criminal cases, and locally this number may be considerably higher.

2. The Comrades' Courts

A second approach towards the treatment of petty crime, is the handling of criminal cases by comrades' courts. These courts, which had been in favor in the years of war communism (1919-1921), were revived in 1928, at first on an experimental basis.⁵² At the end of 1929, more than 9,000 comrades' courts were in operation in the countryside (under the name of village social courts), hearing five to six cases a month, of which one-third concerned criminal matters. In 1931, 40,000 village courts operated in the RSFSR, hearing only one to two cases a month.⁵³ Nevertheless, this means that these courts may have handled 200,000-300,000 criminal cases each year (the comrades' courts in the cities and factories did not consider criminal cases).⁵⁴ The comrades' courts especially considered certain criminal cases filed upon private accusation of the victim in cases of insult, defamation, and minor bodily injury (now art. 27 RSFSR Code of Criminal Procedure). In the mid-1920s such cases made up about 40% of all cases filed at the regular courts;⁵⁵ however, many cases were terminated upon reconciliation of the parties. Therefore, they made up only 16% of all sentences (in 1927).⁵⁶

After the establishment of the village social courts in 1929,⁵⁷ the number of sentences upon private accusation was being halved each year and in 1933 this

number was only 6.5% of the 1929 number (appendix table 67). As all these cases concerned crimes against the person in the definition of the criminal codes, sentences by the regular courts for these crimes decreased – if we take 1929 as 100% – to 18% in 1933 and 1934 (table VI). In 1931, the comrades' courts also considered, besides cases upon private accusation (35% of the filed case load), petty thefts (7%) and cases of petty hooliganism, arrogation, and bootlegging (less than 25%).⁵⁸

The creation of the comrades' courts in 1928-1929 did not cause a decrease in the total number of sentences by the regular courts (as happened when they were revived in 1959): that number increased by 50% between 1928 and 1933; however, without the comrades' courts it would have been more than 70% (table VI).

The comrades' courts also considered civil disputes, which meant that a considerable decrease in the number of civil cases filed at the people's courts was brought about – from somewhat over 2 million in 1928-1929 (in the RSFSR) to about 800,000 in 1930-1931 (table XLII, p. 145); and it was not until 1936-1937 that the number of civil cases again reached the levels of the second half of the 1920s.

As Peter Solomon has remarked, the comrades' courts of the pre-World War II period were created to relieve the congestion in the courts,⁵⁹ and this goal has especially been achieved in the field of civil disputes and criminal cases filed upon private accusation.

The revival of the comrades' courts in 1959 took place in a much more ideological context and in quite different political circumstances. The Stalinist years had caused an accumulating case load in the courts, which had to consider 8-9 million cases both in 1940 and from 1945 to 1952, against only some 6 million in 1928.⁶⁰ However, in the second half of the 1950s, this number had already decreased to about 5-6 million cases,⁶¹ due to the abolition of criminal responsibility for labor cases,⁶² the creation of the single judge court in 1956,⁶³ the redefinition of the role of the labor disputes commissions (*KTS*)⁶⁴ in 1957, and the abolition of the system of compulsory deliveries of agricultural produce by the peasants (in 1958).⁶⁵

Table VI: Number of Sentences, Taking Into Account Diversion to Comrades' Courts, 1928-1935 (in millions)

	all sentences		crimes against the person	corrected number of sentences	
	abs.n.	trend	abs.n.	abs.n.	trend
1928	1.49	100	0.39	1.5	100
1929	1.95	130	0.42	2.0	130
1930	1.88	125	0.23	2.1	140
1931	2.12	140	0.15	2.4	160
1932	1.76	120	0.10	2.1	140
1933	2.23	150	0.074	2.6	170
1934	1.70	115	0.075	2.1	140
1935	1.35	90	0.10	1.7	110

Sources: table I; appendix tables 67 and 87, pp. 254, 278.

In his report to the XXI Party Congress (January 1959), Khrushchev called for the reactivation of the comrades' courts as one of several society agencies of "prophylaxis and educative work" assisting in preventing certain kinds of violations of the law.⁶⁶ These courts should also play a role in the policy of transfer of functions from the state to society itself, in the gradual process of the withering away of the state.⁶⁷ In the fall of 1959, the Commissions on Legislative Proposals of the USSR Supreme Soviet published a draft model Statute on Comrades' Courts; initially, they were based on the provisions of a statute dating from 1951,⁶⁸ although in practice the jurisdiction of the reactivated comrades' courts was no longer restricted to labor discipline (as was the case under the 1951 statute), but also encompassed criminal cases and other violations of the law.⁶⁹ Due to this reactivation of comradely justice, the number of criminal sentences during 1960 was only half the 1958 number (table I, p.11).⁷⁰ Contrary to the 1930s, the number of civil cases was hardly affected (tables VIII and XLII, pp.40, 145).⁷¹

It was not until 1961 that new – republican – statutes on the comrades' courts were adopted.⁷² Under these statutes the comrades' courts are a voluntary creation of a group of persons working within an organization (institutional comrades' courts) or living in a certain area (territorial courts) and their members are elected by the group. Cases are heard according to a simple, rather informal model.⁷³ The statutes have been changed at times⁷⁴ and were replaced by new statutes in 1977,⁷⁵ but these changes only affected the jurisdiction of the comrades' courts in criminal cases.

A reconstruction of the statistics on comrades' courts is impossible as figures are collected only locally,⁷⁶ and are not aggregated at federal level.⁷⁷ The number of comrades' courts has increased from about 200,000 in 1963 to 280,000 in the mid-1970s and to more than 300,000 in 1978.⁷⁸

The total number of cases considered by comrades' courts has varied considerably. In 1963, this number was given as more than 4 million,⁷⁹ which means a yearly case load of 20 cases on average. However, figures for the Rostov province for 1967 give 5-6 cases per comrades' court each year.⁸⁰ A similar number may be derived from Poliakov's data: 8 comrades' courts considered 309 cases in the years 1968-1974.⁸¹ In 1973, the 1,852 Estonian institutional comrades' courts considered 9,202 cases, while 44 courts did not have any trial at all.⁸² According to Kriger, writing in 1980, each year the comrades' courts consider cases concerning 5-6 persons, who have committed a violation of the law or a transgression.⁸³ These data give an annual number of 1,500,000 cases. Figures from Belorussia for 1972 and from Tartu on the number of cases in the period 1965-1973,⁸⁴ give an average annual number of 650 cases per 100,000 inhabitants or about 1,500,000 million cases in the entire USSR. These figures can be checked by the statistical developments in the number of cases upon private accusation before the people's courts (table VII). Kriger gives a breakdown of the criminal cases considered by the comrades' courts (29% of their total case load), and taking a sample of 6,000 cases, he concluded that cases upon private accusation make up 39.2% of all criminal cases.⁸⁵ This data would result in about 170,000 cases upon private accusation in the 1970s. In 1958, before the revival of the comrades' courts, about 400,000 cases upon private accusation were filed at the people's courts (31.3% of all cases), but the number of considered cases was only

Table VII: Trend in The Number of Sentences Upon Private Accusation (USSR, Poland), 1957–1980

	USSR	Poland		USSR	Poland
1957	84		1969	14	27
1958	100		1970	12	25
1959	88		1971	9	26
1960	42		1972	8	30
1961	31	100	1973		26
1962	24	81	1974		18
1963	19	70	1975		22
1964	12	56	1976	15	18
1965	12	54	1977	12	10
1966	12	60	1978	11	12
1967	11	53	1979		11
1968	13	45	1980		11

Sources: appendix tables 69–70, pp. 256–259; see for Poland, the statistical yearbooks. The assumption is made that in the USSR fines are meted out in 70% of all sentences, a figure estimated on the basis of the data for 1958. This may have caused the figures for the period 1963–1972 to be somewhat too low.

160,000–180,000 (16.2% of all cases) and the number of sentences about 150,000 (appendix table 69, p.256). In the second half of the 1970s, the people's courts sentenced only about 15,000–20,000 persons upon private accusation (2.1–3% of all sentences, table VII). Therefore, the majority of the cases had been passed from the people's courts to the comrades' courts, but the total number of cases would have remained roughly equal, if the case load of the comrades' courts was about 1,500,000 considered cases.⁸⁶ On the basis of the number of considered cases and the data presented by Kriger, we can reconstruct the case load of the comrades' courts (table VIII).

An idea of the impact of the comrades' courts on the number of sentences of the regular courts can be obtained from Lithuanian figures, if we assume that such figures are representative for the entire USSR. In 1959, 4 types of crimes, mainly petty crimes, accounted for about 50% of all sentences, but in 1965 this was only 15%. Therefore, while between 1959 and 1965 the total number of sentences decreased by 42.7% without taking into account diversion to comrades' courts, the number of sentences for the more serious crimes increased by about 10% (table IX). In the 1970s, this situation has not fundamentally changed (table VIII).

The number of sentences given in the official statistics for the late 1970s is some 400,000–500,000 lower than would have been the case were all crimes, if tried, handled by the official courts. However, in the late 1970s, the number of criminal sentences per 10,000 inhabitants was at the same level as in the late 1950s (about 40–50 per 10,000 inhabitants). The figures show that the reactivation of the comrades' courts has been successful, since the regular courts have been released of about one-third of

Table VIII: Case Load of the Comrades' Courts, 1970s

	types of cases	fines
crimes ⁸⁷	440,000	
private accusation	172,000	45,000
insignificant crime	132,000	25,000
petty theft	117,000	60,000
theft personal property	3,000	
others	15,000	
administrative criminal cases	510,000	220,000
petty hooliganism ⁸⁸	300,000	
drunkenness	100,000	
other violations of public order	80,000	
others	30,000	
disciplinary violations ⁸⁹	340,000	9,000
absence from work	280,000	
drinking in work time	20,000	
others	40,000	
immoral behavior	180,000	
civil cases ⁹⁰	30,000	
total	1,500,000	360,000

Sources: Boikov *et al.*, *Tovarishcheskii sud*, (1980), 41, 45, 46, 62, 101, 105, 107, 108; calculated on the basis of 1,500,000 considered cases. In the 1960s, 37.7% of all cases were about crimes, *Sovetskoe ugolovnoe pravo*, (1981), 416. In the beginning of the 1970s, 40% of all criminal cases were about petty theft, Kuznetsova, "O nauchnom podkhode", (1975), 345.

all criminal cases,⁹¹ but they also show that criminality has not decreased in the past 20 years if we include the comrades' courts in the calculations.

The figures about cases upon private accusation – in which the victim approaches the comrades' court on his own initiative, albeit after some pressure on the part of the people's judge who frequently refuses to institute a criminal case before the people's court⁹² – prove that the revival of the comrades' courts did free the courts of cases which the professional courts themselves consider to be trifles.⁹³ Moreover, although the number of sentences in the courts for cases upon private accusation may have increased somewhat in the 1970s, this number seems to have never been higher than 20% of the number of cases in the 1950s (table VII). The number of cases upon private accusation considered by all courts, including the comrades' courts, has remained quite stable in the past 25 years. Thus, the revival of the comrades' courts did not fundamentally change the citizens' willingness to go to a court.

In a criminal case, the sanction usually (55% of the cases) is only a reprimand, a fine is exacted in 30% of all cases;⁹⁴ in 7% of all cases, the comrades' courts decide to ask the management of an organization to dismiss the worker,⁹⁵ which they are only allowed to do with regard to teaching personnel or persons who are entrusted with money or valuables.⁹⁶ If our estimates about the number of administrative criminal cases are right, the comrades' courts consider about 19% of all such petty cases;⁹⁷ in 44% of these cases a fine is meted out.⁹⁸

Table IX: Sentences for Petty Crimes in Lithuania in 1959 and 1965 (% of all sentences of regular courts)

	1959	1965	if representative for the USSR (abs. number)	
			1959	1965
petty theft	14	1.5	130,000	8,000
speculation	12	3	110,000	16,000
home distilling	14	7	130,000	37,000
cases upon private accusation	<u>11</u>	<u>3</u>	<u>100,000</u>	<u>16,000</u>
subtotal	51	15	470,000	80,000
hooliganism	12	13	110,000	70,000
other crimes	<u>37</u>	<u>72</u>	<u>340,000</u>	<u>380,000</u>
total	100	100	920,000	530,000

Sources: Kondrashkov, "Issledovanie statisticheskikh dannyykh", (1969), 19; cf. also Kuznetsova, "Uchastie obshchestvennosti", (1962), 310.

3. Juvenile Delinquency

Another factor that has had its impact on the number of sentences is the policy toward juvenile delinquency. Under the slogan "for children no court and no prison",⁹⁹ special Commissions for Juveniles were created some months after the October Revolution to handle all cases of socially-dangerous actions by children up to 17 years (later 18 years¹⁰⁰) of age.¹⁰¹ The RSFSR Criminal Code of 1922 made children subject to criminal liability and criminal penalties when they had reached the age of 16.¹⁰² Children between 14 and 16 years of age could be tried by a court upon decision of the Commission for Juveniles if medical-pedagogical measures were inapplicable, but in 1929 this power of the court was abolished (in the RSFSR).¹⁰³

However, in 1935, the Commissions for Juveniles disappeared and children could be tried under criminal law for a number of serious crimes if they had reached the age of 12 and without any restriction if they had reached the age of 14.¹⁰⁴ These measures, attributed to the impact of the "personality cult",¹⁰⁵ were related to Stalin's idea that a strengthening of judicial repression should result in the liquidation of criminality in the country.¹⁰⁶ Therefore, all criminal penalties (except the death penalty¹⁰⁷) could be applied to children of 12 years of age and older. After Stalin's death, a number of measures were adopted to enable schools and public committees to prevent juvenile delinquency. With the enactment of the Principles of Criminal Legislation, criminal responsibility starts at the age of 14 for the most serious (and also the most frequent) crimes. Full responsibility starts at the age of 16.

In 1961, Commissions for Minors' Affairs were again created. They also serve as juvenile courts for a limited range of crimes for the 14-16 age group. They have an exclusive jurisdiction over children under 14; moreover, the Commissions may deal with all administrative cases and they handle all other cases referred to them by the

Procuracy and the courts with regard to juveniles between 14 and 18.¹⁰⁸

The figures published on the number of juveniles sentenced by the courts show large differences in the past 35 years (table X).

Apart from the changes in the liability of minors under criminal law, the enormous differences in the birth rates play a large role in trend figures. The birth rates were very low during collectivization (1931-1935) and during World War II.¹⁰⁹ Therefore, the number of juveniles (14-17 years) as a percentage of the entire population has varied widely during the period 1946-1980 (table X). The decrease in the number of prosecutions and sentences in the 1950s has to be attributed, at least partly, to these low birth rates. However, Soviet authors use this decrease¹¹⁰ (from 5.6% of all prosecuted persons in 1955, to 4.9% in 1958, and to 2.9% in 1960; appendix table 130, p.320) to demonstrate the superiority of their (socialist) system as compared with the capitalist world.¹¹¹ When the first post-war baby boom came of age, juvenile delinquency increased accordingly, but due to the activities of the Commission for Minors' Affairs which was created in 1961, and also due to the state of the general law enforcement policy, the number of sentences remained rather low.¹¹²

From 1966 on, the reported level of juvenile delinquency varies between 9 and 12% of all crime in the entire USSR; this increase was partly due to the 1966 measures against hooliganism which accounted for more than 36% of all sentences of minors in 1966-1967,¹¹³ but only for 6.2% in 1961-1963.¹¹⁴ Due to the existence of the Commissions for Minors' Affairs,¹¹⁵ which handle more than one-quarter of all juvenile crime,¹¹⁶ the proportion of juveniles in the number of sentences must be much lower, but we could not find pertinent data. During the past 10-15 years, crimes committed by girls grew faster than those by boys.¹¹⁷

As Walter D. Connor already remarked "the courts seem to favor deprivation of freedom rather markedly".¹¹⁸ In Estonia in the 1960s, 70-80% of all juveniles were sentenced to a term in a labor colony (on average: about 2 years in 1964 and 1967).¹¹⁹

Table X: Juvenile Delinquency, 1936-1980 (number of court sentences)

	all minors		<16 years		16-17 years	
	total	p/ 10,000	total	p/ 10,000	total	p/ 10,000
1936			10,000			
1939			50,000			
1945-6	160,000	95	60,000	82	100,000	115
1954-6	50,000	28	10,000	13	40,000	43
1957-8	50,000	43				
1959	27,000	29	5,000	12	22,000	36
1960	15,000	14	3,000	7	12,000	29
1963	40,000	35				
1966-70	70,000	45				
1971-4	75,000	38				
end 70s	85,000	45				

Sources: appendix table 132, p. 322 (criminal labor cases are not included).

Figures for Kazakhstan are quite similar (appendix table 134, p.324). In 1968, Babaev gave a percentage of 60-70.¹²⁰ Since in the 1960s 50% of juvenile crime was not processed through the courts,¹²¹ the actual level of deprivation of freedom was lower than for adults, but the differences were rather small: if the criminal was detected, a juvenile had a chance of one in three (in 1964: four¹²²) of being sentenced to a labor colony, and an adult had a chance of two in five.¹²³ These differences remained stable in the 1970s, when only one-quarter to one-third of all cases were processed by the Commissions for Minors' Affairs.¹²⁴ In 1977, the number of minors sentenced to deprivation of freedom decreased to about 55% (appendix table 134). However, we must take into account the possibility for the Commissions to send minors to special schools for terms of up to 3 years. In the Sverdlovsk province, such measures amounted to 22.5% of all measures of the Commissions in the mid-1960s.¹²⁵

In Estonia 10% (1964) to 13% (1967) of all sentenced minors were sentenced to imprisonment for more than 3 years, against about 15% for all sentenced persons (appendix table 133, p.322). Very heavy sentences are being applied: Babaev analyzed 150 cases, handled in cassation by the Criminal Chamber of the RSFSR Supreme Court, of crimes of banditry, murder, rape under aggravating circumstances, and robbery in 1965. He found that in this group: 10.7% was sentenced to a term up to 3 years; 18% to 3-5 years; 19.6% to 5-7 years; 48.7% to 7-10 years (4% got a suspended sentence).¹²⁶ The number of short-term sentences is low: in the Sverdlovsk province in the beginning of the 1970s, they constituted between 4 and 8% of all sentences.¹²⁷

The number of suspended sentences for juveniles has always been much higher than is usually the case for adults, although it decreased remarkably in 1966 as a result of the campaign against hooliganism. In 1976, the number of suspended sentences again increased to 20%-30% of all sentences (appendix table 133, p. 322).

In 1977, a variant of suspended sentences was introduced by way of a sentence to deprivation of freedom for a term up to three years with a stay of the execution of the sentence.¹²⁸ This penalty is harsher than a suspended sentence, since a suspended sentence is never executed: only after committing a new crime within the probation period, the court assigns a new punishment for both crimes together. Stay of execution entails that the original punishment will be executed upon decision of the court if the sentenced person does not fulfill the duties imposed on him. The introduction of this new form of suspended sentence resulted in a decrease of penalties of deprivation of freedom (from about 60% of all sentences in 1976 to about 51% in 1977, and 53% in 1980), and also in a decrease of suspended sentences proper (from 32% to 21% of all sentences), although in the opinion of the RSFSR Supreme Court, stay of execution only should be an alternative to deprivation of freedom proper.¹²⁹ Exile labor, the other variant of a suspended sentence, may not be applied to minors. Other penalties, and especially corrective labor, are only rarely applied (appendix table 133, p.322).

4. Other Administrative Infractions

Many petty crimes in the USSR, heard by single judge or by a comrades' court, are

also considered to be crimes in a number of other countries which divide all offenses into crimes and regulatory offenses. The criterion for a certain type of misconduct to be qualified as a crime or as a regulatory offense is usually the nature, and not the seriousness, of the misconduct itself. In Soviet law, one type of misconduct may have several forms depending upon the degree of social dangerousness: theft is a crime unless its spoils are minimal, it is then not considered to be a crime, but rather a petty, or administrative crime, or handled by disciplinary procedure. Other forms of misconduct are divided into several types: hooliganism is, depending on its seriousness, either a crime, an administrative crime, or an administrative infraction. This makes the number of crimes extremely fluid as the qualification of hooliganism depends on the opinions of the prosecuting agencies and also on the law enforcement policy during any given period.

Other offenses which are sometimes classified as a crime, are at other times considered as administrative infractions, and heard by administrative commissions or by officials empowered to do so. A first example hereof is the unauthorized felling of trees (*lesoporubka*). This was a crime under the 1922 Criminal Code. In 1924, if we take RSFSR figures as being representative for the entire USSR, 670,000 persons were sentenced for this crime.¹³⁰ From 1925 on, it was held to be an administrative infraction if the damage was less than 15 rubles. In 1926, this amount became 30 rubles, in 1927 100 and in 1928 50 rubles.¹³¹ The number of sentences for this crime among all sentences decreased from 24% in 1924 to 6% in 1925; in 1928 it was 1.5% and in the 1930s less than 1%.¹³² In 1934, the number of sentences was only 0.1% of the figure for 1924.¹³³ Thereafter, this figure remained insignificant. Under the 1960 Criminal Code, the illegal felling of timber is only a crime if the loss is 300 rubles (or less under some circumstances, art. 169). If the loss is less than 300 rubles, it is recovered under the law on torts (art. 444 RSFSR Civil Code). A similar policy is used for violations of hunting and fishing rules.¹³⁴

A similar phenomenon may be observed for the widespread¹³⁵ home distilling of alcohol. This was also a crime under the 1922 Criminal Code which, in 1924, came to nearly 30% of all sentences. In 1926 this figure was only 3.3% due to the decriminalization policy of those years.¹³⁶ In 1948, home distilling again became a crime,¹³⁷ but in 1959 in the RSFSR, criminal prosecution became optional as it could also be treated as an administrative infraction.¹³⁸ As a result, the number of sentences decreased if we take 1958 as 100, to 78 in 1959 and only 2 in 1960 (appendix table 102, p. 294). The rules for the prosecution of home distilling have been changed more than ten times¹³⁹ in the RSFSR alone and home distilling is widespread. Therefore, the criminal policy towards this offense has a large impact on the trend in the number of sentences (table XI).

Another point that has to be raised in this connection concerns the nature of the penalties for administrative infractions. As may be expected, the usual penalty is a fine, but other measures are also imposed, such as suspension of a driver's license.¹⁴⁰ For the second or third gross violation of traffic regulations within one year¹⁴¹ or for drunken driving, the usual sanction is administrative deprivation of the driver's license for a period of up to 6 months or 1 year respectively,¹⁴² with a maximum of 3 years.¹⁴³ It is not until a driver who has been deprived of his license drives a motor

Table XI: Number of Sentences in Belorussia, 1958–1974, Corrected for Home Distilling and Cases Upon Private Accusation

	all sentences	without home distilling	without cases upon private accusation
1958	100	100	100
1961	57.1	61	
1962	66.2	61	
1963	59.4	58	
1964	47.7	52	
1965	45.3	50	
1966	61.4	61	75
1967	59.1	62	80
1968	60.0	65	81
1969	66.1	73	92
1970	71.0	79	101
1971	70.9	79	101
1974	78.2	89	

Sources: appendix tables 102–103, pp. 294, 295.

vehicle while intoxicated that a crime is deemed to have been committed.¹⁴⁴

For many years, persons classified as “socially dangerous” or as “parasites” could be exiled for terms of up to 5 years under an administrative order.¹⁴⁵ Therefore, the harshness of the sanctions did not correspond with the “pettiness” of the case. Moreover, this type of measure was not a sanction for a specific type of misconduct clearly defined in a statute.¹⁴⁶

The normal administrative infractions are considered by an administrative commission of a local soviet, by officials empowered to impose administrative penalties on the spot, or by a police officer.

I have not been able to find any data on the number of cases handled by administrative commissions, apart from some regional data: the administrative commission of the Vasileostrov district of Leningrad considered 567 cases in the 4th quarter of 1952 (480 were violations of public order and safety);¹⁴⁷ the 55 commissions of the Gorkii province handled about 8,000 cases in 1970 and 10,000 in 1971¹⁴⁸ or between 150 and 180 cases per commission. As there were 7,000 commissions in the USSR in the beginning of the 1970s,¹⁴⁹ the Gorkii figures would yield 600,000–800,000 cases for the entire USSR. Although the commissions may consider many kinds of cases, the most frequent cases seem to be those involving violations of passport rules¹⁵⁰ (except in Moscow and Tashkent where the police may consider such cases¹⁵¹). However, in 1968, petty hooliganism was said to be the most frequently occurring case, followed by cases concerning illegal hunting (28,467 filed cases).¹⁵² In some parts of the country at least, the number of cases heard by administrative commissions had fallen considerably by the 1960s.¹⁵³ Taken together, these figures suggest that administrative commissions considered many cases in the 1950s, but that this number did not exceed 1 million in the 1960s. In any case, the administrative

commissions consider only a small portion of all administrative infractions. E.g. in 1981, the total number of traffic offenses in Belorussia was 1,050,504¹⁵⁴ and such a figure – if representative – would result in 25-30,000,000 cases in the entire USSR; 69% of these offenses (724,636) were committed by car drivers and their license was suspended in 34,464¹⁵⁵ cases; the other offenses were committed by pedestrians. In 1982, throughout the entire USSR, 800,000 citizens were deprived of their driver's license for driving while intoxicated.¹⁵⁶ If in the entire USSR the level of the repressive policy is equal to the Belorussian figures, we then find more than 40 million offenses committed by drivers alone.

In 1979, 400,000 fines were exacted for violations of sanitary rules.¹⁵⁷ In 1979, in Belorussia alone, 185,000 fines were exacted from persons who did not pay the fare in public transport.¹⁵⁸

For all these reasons, the total number of detected and sanctioned administrative offenses may amount to some 50,000,000 cases annually as compared with some 4-5,000,000 at the end of the 1920s¹⁵⁹ and some 6,000,000 at the beginning of the 1960s. The increase in these cases has, to a great extent, been caused by the increasing use of motor vehicles, but the number of offenses has also grown considerably in other fields, e.g. offenses against sanitary rules.

The most common administrative penalty is a fine. Until 1961, any citizen who did not want to pay a fine could – under a law of 1937 – simply wait until the authorities instituted a civil proceeding in court.¹⁶⁰ In 1961, the procedure was reversed, and now a citizen has to approach the people's court and ask it to verify the correctness of the act of the appropriate administrative organ or official (art. 236-239 RSFSR Code of Civil Procedure).

The number of civil court cases regarding administrative cases is known for the period 1940-1977 (table XII). The interpretation of these figures raises some difficulties, but in any case they show that the number of fines imposed was considerable in the 1940s and 1950s, notwithstanding Stalin's policy of criminalization. The decrease in 1962 was the result of the reversal of the procedure and this caused a 80-fold decrease in the number of cases involving fines, although the number of fines imposed remained rather stable.¹⁶¹ During the 1960s, the number of complaints did not change

Table XII: Complaints at People's Courts About Administrative Fines, 1940-1977

	trend	abs. number		trend	abs. number
1940	100	750,000	1963	1.5	11,000
1950	68	510,000	1964	1.4	10,000
1943-5	67	~500,000	1965	1.3	10,000
1957-9	100	750,000	1966	1.4	10,000
1960	107	797,000	1967	1.3	10,000
1961	101	750,000	1972	0.1	1,000
1962	6	45,000	1975	0.1	1,000
			1977	0.1	1,000

Source: appendix table 24, p. 205.

(about 10,000 complaints annually), but in the 1970s the number decreased to some 1,000 cases each year.

There is no explanation for this further reduction to be found in Soviet literature.¹⁶² The most probable reason is the decrease in the number of cases considered by administrative commissions. When an administrative infraction is fined on the spot by officials empowered to do so, the fine must be paid immediately and only a few people will take the time and trouble to go to court thereafter to recover the fine.

5. Other Means of Combatting Crime and Petty Crime

Disciplinary sanctions and civil law means are used to combat petty crime in addition to the normal criminal law-like sanctions. In his research on the treatment of white-collar crime, Korobeinikov found that criminal liability for such a crime was not enforced in all cases (table XIII).

His figures are in accordance with data from court statistics.¹⁶³ The numbers of sentences for producing substandard goods or report padding are low, but neglect and abuse of official position are more frequently prosecuted: in the beginning of the 1970s, about 0.5 sentences occurred per 10,000 inhabitants (some 10,000-15,000 sentences).¹⁶⁴

The most common course of action against a white-collar crime is the institution of a disciplinary procedure, which, however, seems to be a rather ineffective measure,¹⁶⁵ although we do not know any details, such as the frequency of the action. Action by the Party against the culprits is rather common.¹⁶⁶ From a legal point of view, the institution of civil liability is more interesting.

Based on Article 41 of the RSFSR Code of Civil Procedure, a procurator may lodge claims in court for the defense of the rights and legally protected interests of others if this is required to protect state or public interests, or in defense of the rights or legally protected interests of citizens. This enables the Procuracy to sue for damages in all cases where damage is done to the state or to an organization,¹⁶⁷ to recover illegally adjusted premiums (e.g. as a result of padding the accounts), or to demand that the court declare a contract or a fictitious marriage null and void, etc.

Table XIII: Prosecution of White-Collar Crime (type of sanction per crime in %)

	criminal liability	discipl. liability	civil liability	party liability	public liability	nothing done
producing goods						
of bad quality	7.5	65.5	17.5	30.5	4.5	5.5
report padding	14.5	54.5	17	50	4	4
neglect	35	41.5	37	26	7	2
abuse of official position	53.5	31	17	35	3.5	1.5

Source: Korobeinikov, "Bor'ba", (1973), 72.

The initiation of such cases by a procurator is sometimes considered to be more effective than issuing general supervision protests or presentations, but other authors warn that it may not lead to a replacement of the real parties or to superfluous guardianship over other officials who themselves have to protect the rights and interests of the organization concerned.¹⁶⁸ In the 1970s, the number of such actions by the Procuracy rapidly increased. In Zaporozhe province, the number of damage claims increased six-fold in six years in cases of uneconomic activities.¹⁶⁹ In Orenburg province, the number of damage claims increased “several fold” in the 1970s.¹⁷⁰ In Saratov province, procurators lodged 400 damage claims (with a value of 0.7 million rubles) in the first nine months of 1972; in 1973, the number of such claims increased by 40.9%.¹⁷¹ In Kirgizia, in 1980, 1,025 claims were filed (with a value of 1 million rubles); in 1981, this number had increased to 1,334 claims with a value of 1.3 million.¹⁷² If we assume these figures to be representative for the entire country, then about 0.1 million cases were filed throughout the USSR in the mid-1970s and 0.2 million or more in 1980 and 1981 (see table XIV).

The total number of all claims lodged by the Procuracy increased from 4.1% of all considered cases in 1976 (about 113,000 claims) to 4.6% in 1977 (127,000 claims), and 5.5% in 1978 (154,000 claims).¹⁷³ The average value of the claims was 1,750 rubles in Saratov (1972)¹⁷⁴ and 980 rubles in Kirgizia in 1980-1981.¹⁷⁵ In 1978, the Procuracy was said to have collected, through the courts, 40,000,000 rubles for reimbursement of losses,¹⁷⁶ apart from all damages paid voluntarily.¹⁷⁷

Stanislaw Pomorski, who has analyzed prosecution policy for the crime of report padding (*ochkoviratel'stvo*), comes to the conclusion that relations between culprits, the local procurators and the local Party committee, as well as the common group interests of the local bureaucracy, render the procurators powerless.¹⁷⁸ For this reason, the gap between the number of crimes committed and the number of

Table XIV: Civil Damage Cases Initiated by the Procuracy, 1972-1981

	Tula province	USSR	all civil cases initiated by Proc.
1972		53,000	
1973		75,000	
1975	840	110,000	
1976			113,000
1977	883	119,000	127,000
1978			154,000
1979	1,282	176,000	
1980	1,655	230,000	
1981	1,973	278,000	

Sources:

col. 1: Kopeiko, “Organizatsiia eta”, (1982), 25.

col. 2: based on col. 1 and other local figures, mentioned in notes 171-172. See for all damage cases under labor law, appendix table 51, p. 228.

col. 3: *Konstitutsionnye osnovy*, (1981), 299 and table XLII, p. 145.

sentences is significant. However, this gap appears to be smaller if we look at the total number of reactions to the detection of this crime or other crimes of the white-collar type, since it is – at least partly – filled by instituting damage claims against the white-collar criminal instead of commencing criminal prosecution. In the 1970s this type of action was widely applied and thus the number of criminal law sentences for official crime may have decreased significantly in the 1970s. According to Ostroumov and Iakovleva, in 1977 it came to only 1/8 of the number for 1967.¹⁷⁹

6. Conclusions and Comparisons

The practice of extrajudicial repression in the 1920s does not bar fruitful comparisons in criminological research, yet such comparisons seem nearly impossible due to the many changes in the policy towards petty crimes. In any case, any comparison requires the utmost caution. Louise Shelley has compared the “conviction rates” for American and Soviet cities and the USSR national average.¹⁸⁰ She has used the number of court sentences for large Soviet cities, which has resulted in 442 sentences per 100,000 inhabitants. But the national Soviet average, based upon Neznanskii’s figures which include petty crimes, is given as 1,045, and the conviction rate for a number of American cities is based upon the number of persons formally charged by the police. Thus, Shelley has taken the lowest figure for large cities in the USSR, a medium size figure for the entire Soviet Union, and the highest possible figure for American cities. Then, of course, Moscow appears to be an extremely quiet city, even compared with the average figure for the Soviet Union. However, if Shelley had taken the actual 1968 figure for Moscow, the number of court sentences would have been more than 50% higher than the national average number of sentences by official courts. A comparison can, therefore, only render results after sorting out a crime, or a group of crimes, which are not affected by decriminalization policies, or by a change in sentencing policy without a corresponding change in the law.

Table XV: Sanctions of a Penal Character Upon Unwanted Behavior, 1928 and 1970s (summary)

	1928		1970s	
	abs. no. millions	p/ 10,000 inh.	abs. no. millions	p/ 10,000 inh.
crimes (sentences)	1.5	98	0.8	32
criminal cases handled by comrades’ courts	–	–	0.5	20
administrative criminal cases, cons. by judges	–	–	2.5	100
crimes	1.5	98	4	150
cases, cons. by admin- istrative commissions	–	–	1	40
other adminis. violations	4	260	40	1,600
total	5.5	360	45	1,800

Another point is that in the USSR recidivism seems to be low (about 25%), but this phenomenon is also caused by the division of criminal law into criminal law proper and administrative criminal law. Thus, in Moscow in the mid-1960s, only 43.7% of all sentenced persons were recidivists in the sense of criminal law as they were previously sentenced for the crime of hooliganism (24.9%) or for another crime (18.8), but we must include the 37% who had been sentenced for the administrative violation of petty hooliganism¹⁸¹ or for other administrative crimes to find a more relevant figure.¹⁸²

Other socialist countries follow the same pattern as the Soviet Union; they have divided the violations of law into crimes, petty offenses, and administrative violations. The borderline between these three groups can vary considerably over a period of time;¹⁸³ also for petty offenses, deprivation of freedom (*arest*) is possible, although only of short duration,¹⁸⁴ and the usual sanction is a fine. The system of the exaction of fines on the spot is widely used for administrative violations. Moreover, the prosecution of crimes may be transferred to comrades' courts in most socialist countries.¹⁸⁵

Only Hungary publishes data about the prosecution of petty offenses and administrative violations on a regular basis. These figures show that the differences in the application of sanctions of a penal nature between Hungary and the Soviet Union are rather small.¹⁸⁶ With regard to the activities of comrades' courts, comparisons of Soviet practice with other socialist countries also show striking similarities. In Bulgaria, comrades' courts were introduced in 1961, and as a result the conviction rate dropped by 43% in 1962 as compared to 1961 (from 40 sentences per 10,000 inhabitants to 23);¹⁸⁷ in the Soviet Union, the conviction rate decreased by 39% due to the revival of the comrades' courts in 1959 (from 40 sentences per 10,000 inhabitants to 24).¹⁸⁸ In both countries, the conviction rates of the period before the comrades' courts became active were reached again in 1973 (Bulgaria: 40 sentences per 10,000 inhabitants; the USSR: 35).¹⁸⁹ However, at the beginning of the 1970s Bulgarian comrades' courts considered about 30% of all criminal cases.¹⁹⁰

NOTES

1. *SU RSFSR* 1924 No.8; No.79.
2. *SU RSFSR* 1929 No.42 item 452.
3. *SU RSFSR* 1931 No.17 item 186.
4. *Ved. SSSR* 1961 No.35 item 368; 5 *SSD* 1968 No.1, 7.
5. See for the commissions especially J. Giddings, "Administrative Commissions of Local Soviets", 3 *Rev. Soc. Law* 1977 No.1, 53 ff.
6. The Special Boards, who could apply penalties "in administrative order", *SZ SSSR* 1934 No.36 item 283, are not included either. They are treated in Chapter II.
7. At that time employers were sometimes empowered or exhorted to take disciplinary actions, cf. e.g. an RSFSR decree of 26 August 1929 "On the Struggle Against Petty Crimes in Enterprises and Institutions", *SU RSFSR* 1929 No.65, which empowered employers to refuse to pay wages during periods of detention.
8. Cf. e.g. Art.162 sub e of the RSFSR Criminal Code in its redaction of 16 August 1940, *Izv.* 17 August 1940.
9. *Ved. SSSR* 1940 No.20; No.25 ;No.42.
10. *Sov. Iust.* 1940 No.14, 5; see on this edict Ivanov, "Puti razvitiia", (1949), 332-333.
11. Petrukhin has excluded such cases in statistical comparisons with 1949, Baturov, Petrukhin, Morshchakova, *Teoreticheskie osnovy*, (1979), 8.
12. Khlebnikov, "Sovremennoe sostoianie", (1945), 22.
13. Suslo, *Istoriia sudu*, (1969), 196.
14. *Ved. SSSR* 1956 No.10 item 203; see also an unpublished edict of 1951, mentioned in Art.8 of the 1956 edict.
15. RSFSR edict of 19 December 1956, *Khronologicheskoe sobranie zakonov, ukazov Prezidiuma Verkhovnogo Soveta i postanovlenii Pravitel'stva RSFSR*, Vol.5, Moskva 1959, 673; cf. for other republics Bartykov *et al.*, *Administrativnye pravonarusheniia*, (1964), 39; *Sots. Zak.* 1963 No.5, 51. From 1966 onwards, this matter has been regulated by a USSR edict of 26 June 1966, amended later on: *Ved. SSSR* 1966 No.30 item 595; 1977 No.7 item 116; 1981 No.23 item 782. See for procedural details the relevant chapters in the Code of Criminal Procedure.
16. RSFSR edict of 12 September 1957, *Ved. RSFSR* 1957 No.1, 5; other republics also enacted such edicts, e.g. the Ukraine: *Zbirnyk zakoniv Ukrains'koi RSR 1938-1973*, Vol.II, Kiev 1973, 666 with later amendments.
17. RSFSR edict of 7 April 1960, *Ved. RSFSR* 1960 No.13 item 177.
18. USSR edicts of 15 February and 4 April 1962, *Ved. SSSR* 1962 No.8 item 83; No.14 item 148.
19. RSFSR edict of 4 August 1966, *Ved. RSFSR* 1966 No.32 item 770.
20. RSFSR edict of 5 May 1961, *Ved. RSFSR* 1961 No.18 item 273, cf. also *Ved. RSFSR* 1963 No.18 item 320. All other republics enacted a similar edict.
21. RSFSR edicts of 25 February 1970, *Ved. RSFSR* 1970 No.14 items 255, 256; cf. also *Ved. RSFSR* 1975 No.33 items 698, 699.
22. Cf. some examples in Bartykov *et al.*, *Administrativnye pravonarusheniia*, (1964), 4. Cf. also *Ved. Estonskoi SSR* 1973 No.37 item 327; 1978 No.30 item 367.
23. *Ved. Ukrainskoi SSR* 1973 No.40.
24. USSR edict of 10 August 1940, *Ved. SSSR* 1940 No.28; 4 June 1947, *Ved. SSSR* 1947 No. 19; 10 January 1955, *Sbornik zakonov SSSR . . . , 1938-1958*, M. 1959, 546; G.A. Mendel'son, Iu.M. Tkachevskii, *Ugolovnaia otvetstvennost' za melkoe khishchenie gosudarstvennogo i obshchestvennogo imushchestva*, M. 1957; B.M. Dubrovinskii, "Razvitie zakonodatel'stva o bor'be s melkimi khishcheniiami", *SGiP* 1974 No.4, 83.
25. *Ved. Litovskoi SSSR* 1969 No.12 item 114; cf. on its application, A. Kirichenko, B. Dubrovinskii, "Novye mery v bor'be s melkimi khishcheniiami", *Sots. Zak.* 1970 No.7, 10-13.
26. *Ved. Estonskoi SSR* 1970 No.41 item 388; 1978 No.30 item 367.
27. *Zakonodatel'nye i normativnye akty Kazakhskoi SSR ob administrativnoi otvetstvennosti*, Alma Ata 1977, 283.

28. *Zbirnyk zakoniv Ukrains'koi RSR 1938-1973*, Vol.II, Kiev 1973, 697. Uzbekistan and Georgia followed the Lithuanian example in the early 1970s, Dubrovinskii, *op. cit.* note 24, 86.
29. RSFSR edict of 13 December 1977, *Ved. RSFSR* 1977 No.51 item 1215, 1216. See for later edicts *Ved. Latvii* 1978 No.10; 1982 No.52 item 494-495; *Ved. Moldavskoi SSR* 1978 No.3 items 30, 31; *Ved. Kirgizskoi SSR* 1978 No.9 item 63; *Ved. Turkmenskoi SSR* 1978 No.18 item 105; *Radians'ke pravo* 1978 No.5, 101; and A.A. Barbiniagra, "Sovershenstvovanie zakonodatel'stva ob otvetstvennosti za melkoe khishchenie", *Izvestiia Akademii Nauk Moldavskoi SSR. Seriiia obshchestvennykh nauk*, 1981 No.3, 46-50. In some republics at least, the administrative measure of corrective labor could be applied (e.g. in Latvia).
30. Kuznetsova, "Uchastie obshchestvennosti", (1962), 310; Kondrashkov, "Issledovanie statisticheskikh dannykh", (1969), 19. Probably, the 1965 number was low due to the strengthening of the role of the comrades' courts at the beginning of 1965, cf. the RSFSR edict of 19 January 1965, *Ved. RSFSR* 1965 No.4 item 83; Dubrovinskii, in *Sots. Zak.* 1968 No.3, 33.
31. Appendix table 141, p.331.
32. At the beginning of the 1970s the usual penalty was a fine or corrective labor; deprivation of freedom (up to one year) was applied in 21.1% of all (criminal) cases of petty theft, R.D. Rakhunov, "Differentsiatsiia ugovolno-protsessual'noi formy po delam o maloznachitel'nykh prestupleniakh", *SGiP* 1975 No.12, 63-64.
33. USSR edict of 8 February 1977, *Ved. SSSR* 1977 No.7 item 120.
34. Then, with a maximum of 30 days.
35. L.L. Popov, A.P. Shergin, "Issledovanie effektivnosti administrativno-pravovykh sanktsii za narusheniia obshchestvennogo poriadka", *SGiP* 1974 No.8, 22; Litvinov, "Rassmotrenie", (1982), 264, gives 50.2% for 1979, 45.5% for 1980, 36.2% for 1981; the USSR edict of 5 July 1981, *Ved. SSSR* 1981 No.23 item 782, called for further restrictions in the imposition of arrests, but apparently without results, cf. Orlov, "Vysokaia otvetstvennost", (1983), 7.
36. USSR edict of 14 April 1978, *Ved. SSSR* 1978 No.16 item 252.
37. Iu. Mel'nikova, T. Vorob'eva, "Praktika osvobozhdenii ot ugovolnoi otvetstvennosti s primeneniem mer administrativnogo vyznaniia", *Sov. Iust.* 1981 No.4, 7.
38. G. Iasinskii, "Primenenie novykh norm ugovolnogo i ugovolno-protsessual'nogo zakonodatel'stva", *Sots. Zak.* 1979 No.2, 23. In 1977, one offender out of ten was punished with a light penalty, Filatov, *SWB SU/5923/B/2*, 22 September 1978.
39. Mel'nikova, Vorob'eva, *op. cit.*, see also Kirichenko, Dubrovinskii, *op. cit.*, note 25.
40. This was the case under the antiparasite laws of the 1960s.
41. See also the USSR edict of 5 July 1981, *Ved. SSSR* 1981 No.23 item 782. The cases usually are considered in breaks in or between criminal trials, cf. M.M. Gamidov, O.F. Muramets, *Pravovoe vospitanie trudiashchikhsia i rol' zakona v ego osushchestvlenii*, Kazan 1976, 164.
42. *Ved. SSSR* 1980 No.44 item 909.
43. Ostroumov, Panchenko, Shliapochnikov, "Uchet", (1969); S.S. Ostroumov, S. Panchenko, N. Kondrashkov, "Neotlozhnye zadachi ugovolnoi statistiki", *Sots. Zak.* 1972 No.5, 68; Ostroumov, "O nekotorykh aktual'nykh problemakh", (1976), 108.
44. M.S. Studenikina, "Mery administrativnoi otvetstvennosti, primeniamye neposredstvenno narodnym sudom (sud'ei)", *Problemy sovershenstvovaniia zakonodatel'stva ob administrativnoi otvetstvennosti. Uchenye zapiski VNIISZ*, Vol.5, M. 1965, 119; the population was 5,287,000 at 1 January 1965, *Nark. Khoz. SSSR* 1964, 14; the number of petty crimes decreased in the RSFSR by 10% between 1963 and 1964, *BVS RSFSR* 1964 No.11, 3.
45. The Armenian police detected 18,200 administrative crimes in 1964 and 13,455 in 1965, N.A. Apiian, *Na strazhe pravoporiadka i zakonnosti*, Erevan 1979, 199.
46. Appendix table 32, p.211.
47. *Pravo i sotsiologiya*, (1973), 286; cf. also T. Morshchakova, "Organizatsiia truda i rabocheho vremeni sudei", *Sots. Zak.* 1970 No.9, 25-27.
48. *Organizatsiia sudebnoi deiatel'nosti*, (G.P. Baturonov, ed.), M. 1977, 108; the number of judges was 9,230 in 1976 (appendix table 64, p.251).
49. Ostroumov, Iakovleva, "Pravovaia statistika", (1978).

50. D.S. Suslo, "Shtodo sudovogo rozgliadu sprav pro administrativni prostupki", *Radians'ke pravo* 1981 No.7, 44; cf. for the RSFSR, where petty hooliganism made up the vast majority of such cases, *BVS RSFSR* 1978 No.9, 1.
51. Iotsius, Speech, (1981), 132.
52. See on the history of the comrades' courts, especially Solomon, "Criminalization", (1982), 123ff.
53. Solomon, *op. cit.*, 136; cf. also *Sov. Iust.* 1931 No.29, 49; 1935 No.5, 12-13.
54. The trade unions opposed this.
55. Appendix table 67, p.254.
56. *Ibid.*
57. Solomon, *op. cit.*, 135.
58. P. Volodarskii, "Kak rabotali sel'skie obshchestvennye sudy za 1-iu polovinu 1931 goda", *Sov. Iust.* 1931 No.29.
59. Solomon, *op. cit.*, 143; however, according to Volodarskii, they considered only 1/3 of the filed cases.
60. Appendix tables 26, 62, and 74, pp.207, 248, 264; cf. *Yearbook USSR* 1982, 56.
61. Cf. appendix tables 26 and 62, pp.207, 248.
62. USSR edict of 1956, cf. note 14.
63. To try cases of petty hooliganism, see the previous paragraph.
64. See below, pp.150ff.
65. See below, p.157.
66. *XXI s"ezd KPSS. Stenograficheskii otchet*, M. 1959, Vol.1, 104.
67. See also the decree of the CPSU CC and the USSR CM of 2 March 1959, *SP SSSR* 1959 No.4 item 28.
68. USSR Decree of 14 July 1951, text in *Khronologicheskoe sobranie zakonov Litovskoi SSR . . .*, Vol.3, Vilnius 1958, 313. Cf. also Art.7 of the USSR edict of 25 April 1956, *Ved. SSSR* 1956 No.10 item 10.
69. A draft law on the comrades' courts, published on 24 October 1959, was the sign for the broadening of the factual jurisdiction of the comrades' courts.
70. Cf. for some Armenian figures, A. Aleksanian, "Profilaktika, vospitatel'naia rabota – glavnoe v deiatel'nosti sudov", *BVS SSSR* 1960 No.3, 28 ff.
71. In Tartu, civil cases made up only 3% of all cases considered by the comrades' courts between 1965 and 1973, Tynismagi, "Ot pravovogo prinuzhdeniia", (1974), 441, 444; I.N. Poliakov, "O sovershenstvovanii zakonodatel'stva o tovarishcheskikh sudakh (grazhdansko-protsessual'nyi aspekt)", *Problemy sov. sovetskogo zak. Trudy* 18 (1980).
72. E.g. by RSFSR edict of 3 July 1961, *Ved. RSFSR* 1961 No.26 item 371.
73. Cf. e.g. A. Boiter in *Encyclopedia of Soviet Law*, (1973), 146-147.
74. *Ved. RSFSR* 1962 No.9 item 121; 1963 No.43 item 750; 1965 No.4 item 83; 1972 No.51 item 1209.
75. RSFSR edict of 11 March 1977, *Ved. RSFSR* 1977 No.12 item 254; see about this edict F. Gorlé, "The Latest Developments in the Area of Comradely Justice", *Perspectives on Soviet Law*, (1982), 171-180.
76. E.g. in Estonia, Tynismagi, *loc. cit.*; cf. also *Sovetskoe pravo* 1974, 239. In 1980, statistical reporting has started within the trade unions, Feoktistov, *Uchet*, (1983), 110.
77. Ostroumov, Panchenko, "Aktual'nye zadachi", (1971), 105; Ostroumov, "O nekotorykh aktual'nykh problemakh", (1976), 108; Ostroumov *et al.*, "Uchet i statistika", (1969); Boikov *et al.*, *Tovarishcheskii sud*, (1980), 7. The precise figure given for 1976 by Neznansky (805,070 considered cases) could be the number of cases transferred to the comrades' courts through police and procuracy, as this number must be known at the federal level; it is a mistake to call all cases considered by the comrades' courts "cases upon private accusation" as Neznansky does; see his "Statistika prestupnosti", (1979), 47, 50.
78. A. Kazin, "Sud tovarishchei", *Pr.* 13 November 1963; G. Bulatov, "Statistika administrativnykh pravonarushenii", *Sov. Iust.* 1972 No.13, 28; Ostroumov, "O nekotorykh aktual'nykh problemakh", (1976), 108; Baturov, "Increasing Use", (1977), 15; S. Borodin, "Uchastie obshchestvennosti v preduprezhdenii pravonarushenii", *Sov. Iust.* 1978 No.10, 14.

79. Kazin, *loc. cit.*
80. The "more than 4,000" courts of this province considered "more than 22,000 cases", V. Mazovka, "Mestnye sovety deputatov trudiashchikhsia na strazhe sotsialisticheskoi zakonnosti", *Sov. Iust.* 1968 No.22, 2; 60% of these cases were on labor discipline, petty theft and other violations of the law.
81. Poliakov, *op. cit.*, 187.
82. *Sovetskoe pravo* 1974, 239.
83. Boikov *et al.*, *Tovarishcheskii sud*, (1980), 129. However, Martinovich gives only 2-3 cases per court, see his *Obshchestvennye sudy*, (1978), 47.
84. The 9,000 Belorussian comrades' courts considered "more than" 60,000 cases during 1972, Poteruzha, *Sud i obshchestvennost'*, (1974), 47. In Tartu, a city with 94,000 inhabitants in 1970, the comrades' courts considered during 1965-1973 615 cases if we leave out 502 odd cases in 1965 which were related with a stay in a sobering-up station, see the figures given in Tynismiagi, *op. cit.*, 441. In a Lithuanian district, the comrades' courts considered 250 cases in one year (1980) while also about 350 civil cases occurred, Iotsius, Speech, (1981), 132.
85. Boikov *et al.*, *op. cit.*, 41.
86. The number of filed cases is probably much higher, but many cases end up in a reconciliation of the parties before they are heard by the comrades' courts.
87. Private accusation: Kat'kalo, Lukashevich, *Sudoproizvodstvo*, (1972), 16-17: 13% in Leningrad; Tynismiagi, *op. cit.*, 444, gives 6% for Tartu, but his data do not include beatings (Art.112, RSFSR CC). Petty theft: Tartu: 15%, Tynismiagi, *op. cit.*, 442.
88. Leningrad: 16%, Kat'kalo, Lukashevich, *loc. cit.*; Tartu: 11%, Tynismiagi, *op. cit.*, 443.
89. Estonia 1973: 22%, *Sovetskoe pravo*, 1974, 239; Tartu: 18%, Tynismiagi, *op. cit.*, 442.
90. Tartu: 3%, Tynismiagi, *op. cit.*, 444; Poliakov gives 2.5% for 1974 (1,500 comrades' courts) but locally figures of 15-20% occur, Poliakov, *op. cit.*, 186.
91. In the beginning of the 1970s, the comrades' courts considered between 25 and 37% of the number of criminal cases considered by the people's courts, Kuznetsova, "O nauchnom podkhode", (1975), 57; *Sovetskoe ugovolnoe pravo*, (1981), 416, gives 37.7% for the 1960s.
92. Cf. e.g. Boikov *et al.*, *op. cit.*, 51.
93. Cf. already P. Skomorokhov in *Izv.* 27 July 1960 (12 *CDSP* 1960 No.30, 30); Kat'kalo, Lukashevich, *Sudoproizvodstvo*, (1972), 13, 198.
94. Boikov *et al.*, *op. cit.*, 108.
95. *Ibid.*
96. Under Art.16 of the 1977 Statute on Comrades' Courts, *Ved. RSFSR* 1977 No.12 item 254.
97. Cf. table VIII and the previous paragraph.
98. Boikov *et al.*, *op. cit.*, 107.
99. Boldyrev, *Mery preduprezhdeniia*, (1964), 12.
100. *SU RSFSR* 1920 No.13 item 83.
101. *SU RSFSR* 1917-1918 No.16 item 227; 1918 No.34 item 453; see also the Leading Principles of Criminal Law of 1919, *SU RSFSR* 1919 No.66 item 590.
102. Art.18 RSFSR CC of 1922; Art.12 RSFSR CC of 1926; cf. also *SU RSFSR* 1922 No.72-73; 1923 No.48.
103. *SU RSFSR* 1929 No.82 item 796.
104. *SZ SSSR* 1935 No.19 item 155; *SU RSFSR* 1936 No.1. See also the USSR edict of 31 May 1941, *Ved. SSSR* 1941 No.25.
105. Boldyrev, *op. cit.*, 26.
106. *Ibid.*, 27; I. Averbakh, "Zakon 6 apreliia i prestupnost' nesovershennoletnikh", *Sots. Zak.* 1935 No.8, 10.
107. Van den Berg, "The Soviet Union", (1983), 153.
108. Cf. the statutes of the commissions of 1961 and 1962, e.g. the RSFSR statute of 29 August 1961, *Ved. RSFSR* 1961 No.35 item 484; 1967 No.23 item 536; see about the commissions: B.A. Ochs, "Procedural Rights of Juvenile Offenders Before Soviet Courts and Commissions for Juvenile Affairs", *Rev. Soc. Law* 1983 No.1, 61 ff.

109. Appendix tables 2, 4 and 15, pp.177, 180, 192.
110. E.g. by Gertsenzon, Smirnov, "Klevetnicheskie izmyshleniia", (1961).
111. Boldyrev, *Mery preduprezhdeniia*, (1964), 7.
112. See also Solomon, *Soviet Criminologists*, (1978), 191-192 (note 16).
113. N. Gukovskaia, E. Iakovlev, "Izuchenie prichin prestupnosti nesovershennoletnykh", *Sots. Zak.* 1968 No.12, 20 (based on a sample of 1,000 cases); see also *Kriminologiya*, (1976), 286.
114. Connor, *Deviance*, (1972), 84.
115. Ostroumov, Panchenko, "Aktual'nye zadachi", (1971), 105.
116. Ostroumov, "O nekotorykh aktual'nykh problemakh", (1976), 108; Ostroumov, Panchenko, Shliapochnikov, "Uchet", (1969).
117. Compare *Kriminologiya*, (1976), 289 with *Kriminologiya*, (1979), 193, and see also T. Koitla, "O prestupnosti devochek v Estonskoi SSSR", *Sovetskoe Pravo* 1975 No.5, 351-352.
118. Connor, *op. cit.*, 127.
119. Randalu, Napa, "O prestupnosti", (1968), 294-295; appendix table 133, p.322; *Primenenie perm. avt. system. metodov*, (1978), 51.
120. Babaev, *Individualizatsiia*, (1968), 85.
121. *Ibid.* It was 60% in Rostov in 1963 and 61.5% in Belorussia in 1964.
122. Babaev, *loc. cit.*
123. About 20% of all detected criminals are not sentenced and deprivation of freedom is applied in about 50% of all sentences.
124. *Kriminologiya*, (1976), 285.
125. N.K. Semerueva, "Kriminologicheskoe issledovanie effektivnosti mer vozdeistviia, primeniaemykh komissiiami po delam nesovershennoletnykh", *Materialy konferentsii po itogam nauchno-issledovatel'skoi raboty za 1967 god*, Sverdlovsk 1968, 160, 163.
126. Babaev, *Individualizatsiia*, (1968), 88.
127. V.M. Sidorova, "Praktika naznacheniia kratkikh srokov lisheniia svobody nesovershennoletnim", in *Sotsial'noe upravlenie i pravo. Sbornik aspirantskikh rabot*, Vol.18, Sverdlovsk 1975, 91.
128. *Ved. RSFSR* 1977 No.12 item 255; Art. 46(1) RSFSR CC.
129. A. Orlov, "Zadachi sudov Rossiiskoi federatsii po usileniiu bor'by s pravonarusheniiami", *Sov. Iust.* 1980 No.2, 2; in Kaliningrad, stay of execution is applied in nearly 60% of all sentences to deprivation of freedom for up to 3 years, *Sots. Zak.* 1982 No.7, 58.
130. Khlebnikov, *Sudebnaia statistika*, (1939), 87-88.
131. Khlebnikov, *loc. cit.*
132. *Ibid.*; cf. also Khalfin, "Zhiznennost", (1930), who gives for 1928: 1.0% (10,319).
133. *Ibid.*
134. See the Statute on Hunting, *SP RSFSR* 1960 No.34 item 164; Fishing, *SP SSSR* 1958 No.15 item 127; Art.38 of the USSR Law of 25 June 1980, *Ved. SSSR* 1980 No.27 item 530; *BVS SSSR* 1977 No.4, 11-16.
135. See "Kharakter dvizheniia prestupnosti", (1930), 54; V. Treml in *RFE-RL* 1981 No.308; *RFE-RS* 1981 No.104, 112.
136. Tarnovskii, "Statistika prestuplenii", (1926); Liublinskii, "Statistika prestupnosti", (1927); cf. also Gernet, *Prestupnost'*, (1931), 76.
137. *Ved. SSSR* 1948 No.14.
138. *Ved. RSFSR* 1960 No.5 item 32; see however, *idem* 1961 No.18 item 274.
139. Cf. N.F. Kuznetsova, *Ugolovnoe pravo i moral*, M. 1967, 16.
140. See for the legislation up to 1983, the RSFSR edict of 19 June 1968, *Ved. RSFSR* 1968 No.26 item 1009; 1972 No.51 item 1208.
141. USSR edict of 15 March 1983, *Ved. SSSR* 1983 No.12 item 174.
142. Arts.2 and 3 of the edict of 15 March 1983.
143. Art.17 of the Principles of Legislation on Administrative Violations, *Ved. SSSR* 1980 No.44 item 909; Art.5 of the edict of 15 March 1983.
144. Art.211-1 RSFSR CC, introduced in 1972.
145. Cf. Chapter II; see about the anti-parasite laws: R. Beermann, "Soviet and Russian Anti-Parasite

- Laws", *Soviet Studies* 1964, 420 ff.; L. Lipson, in *OsteuropaRecht* 1971 No.1, 80 ff.
146. In 1970, parasitism became a crime, but its definition remained vague.
 147. I.I. Karpets, *Administrativnye komissii pri ispolkomakh raionnykh sovetov deputatov trudia-shchikhsia*, M. 1954, 22.
 148. A.E. Lunev, "Problemy administrativnoi otvetstvennosti", *Sots. Zak.* 1972 No.5, 62.
 149. G. Bulatov, "Statistika administrativnykh pravonarushenii", *Sov. Iust.* 1972 No.13, 28; B.B. Khangel'dyev, "Osobennosti kodifikatsiia sovetskogo administrativnogo prava v sovremennyi period", *Materialy konferentsii po itogam nauchno-issledovatel'skoi raboty*, Sverdlovsk 1968, 11, gives "more than 5,000".
 150. A.P. Kliushnichenko, A.P. Shergin, *Administrativnye komissii*, M. 1975, 40.
 151. *Ved. SSSR* 1963 No.20 item 222; 1966 No.23 item 402.
 152. I.M. Tiazhkova, "Otvetstvennost' za nezakonnuiu okhotu i nezakonnyi rybnyi promysel", *SGiP* 1969 No.12, 96; *Pr.* 16 March 1968; 14 November 1970; *Sov. Iust.* 1971 No.21, 7.
 153. N.G. Salishcheva, *Grazhdanin i administrativnaia iurisdiksiia*, M. 1970, 131-134.
 154. *Sovetskaia Belorussia* 13 March 1982 (24 *CDSP* 1982 No.12, 17, 24; cf. also No.9, 11-12).
 155. *Ibid.*
 156. *Pr.* 12 June 1983; compare the data for 1973 given by Kvashin, *Teoreticheskie osnovy*, (1977), 14-16; *ON v SSSR* 1978 No.2, 142.
 157. *Zasedaniia VS SSSR*, 4th session, 10th convocation 22-23 October 1980, 275.
 158. *SWBSU* 6405 B/1, 26 April 1980 (M. Poshchilin); cf. also *Ved. Litovskoi SSR* 1980 No. 15 item 235 for the amount of the fine for this infraction.
 159. Cf. the data for the RSFSR minus the ASSR's given by V. Pirogov, "Chto govoriat chifry", *Adm. Vestnik* 1929 No.9, 10; Gernet, *Prestupnost'*, (1931), 79.
 160. Law of 11 April 1937, *SZ SSSR* 1937 No.30 item 120.
 161. Chechot, *Neiskovye proizvodstva*, (1973), 12.
 162. An increase in the application of fines in 1965 did not have any clear impact on the number of complaints, cf. M.I. Eropkin, L.L. Popov, A.P. Shergin, "O primenenii shtrafov za narushenie obshchestvennogo poriadka", *SGiP* 1971 No.7, 44; see also *SGiP* 1971 No.1, 26. See also Paniugin, "Sudebnaia zashchita", (1977), 240.
 163. Korobeinikov, "Bor'ba", (1973), 72.
 164. See para.2 of Chapter IV.
 165. V.I. Nikitinskii, B.G. Rozovskii, "Povyshenie effektivnosti distsiplinarnoi otvetstvennosti v poriadke podchinennosti", *Problemy sov. sovetskogo zak.*, Vol.8, (1977); B.G. Rozovskii, *Pravovoe stimulirovanie ratsional'nogo prirodopol'zovaniia*, Kiev 1981, 129 ff.
 166. Cf. table XIII and the incidental reports in *Partiinaia zhizn'*.
 167. See Art.7 of the Order of the USSR Procurator General of 22 December 1969, *Sovetskaia prokuratura. Sbornik dokumentov*, M. 1981, 202; V.I. Zamiatin, Iu.A. Zalenskii, "Prokurorskii nadzor v grazhdanskom sudoproizvodstve i okhrana prav grazhdan", *Na strazhe sovetskikh zakonov*, M. 1972, 302 ff.; and also the Statute on Material Liability of Workers, USSR edict of 13 July 1976, *Ved. SSSR* 1976 No.29 item 427.
 168. Iu.I. Lutchenko, "Vozbuzhdenie prokurorom grazhdanskogo dela", *SGiP* 1982 No.8, 102 ff. and other literature cited there; "Sovershenstovat' praktiku pred'iavleniia iskov o vozmeshchenii vreda", *Sots. Zak.* 1982 No.6, 3-5; cf. also *BVS RSFSR* 1983 No.6, 2.
 169. *Sots. Zak.* 1981 No.10, 8-9.
 170. A. Vitiukov, "Ispol'zovanie grazhdansko-pravovykh sredstv v bor'be s pravonarusheniami", *Sots. Zak.* 1982 No.6, 36-37.
 171. *Voprosy teorii i praktiki prokurorskogo nadzora*, Saratov 1974, 145.
 172. *Sots. Zak.* 1982 No.5, 37.
 173. *Konstitutsionnye osnovy*, (1981), 299; see also *Problemy sotsialisticheskoi zakonnosti* No.8, 141.
 174. *Voprosy teorii*, loc. cit.
 175. *Sots. Zak.* 1982 No.5, 37.
 176. *Chelovek i zakon* 1978 No.12, 9.
 177. Cf. about "voluntary" payments: Vitiukov, *op. cit.*

178. S. Pomorski, "Crimes Against the Central Planner: 'Ochkovtiratel'stvo'", *Soviet Law After Stalin* II, (1978).
179. Ostroumov, Iakovleva, "Pravovaia statistika", (1978).
180. Shelley, "The Geography", (1980), 120. See also I. Zemtsov, "Problems of Soviet Youth", Radio Liberty Research No.125, 21 March 1975 and Oshlies, *Jugendkriminalität*, (1979), 1. According to Zemtsov, in 1941 minors committed 81,000 crimes and in 1971 718,000, but we wonder which definition of crime is used by Zemtsov for those years.
181. *Sov. Just.* 1966 No.4, 16.
182. See also Stumbina, "Struktura prestupnosti", (1974).
183. The GDR introduced petty offenses (*Verfehlungen*) in 1968, but there are no data published about the number of prosecuted petty offenders, Freiburg, *Kriminalität*, (1981), 27, 52. Hungary expanded the sphere of petty offenses considerably in the 1960s and 1970s. As a result, petty offenders (*ebból vétség*) constituted 50% of all sentenced persons in 1972, and this had reached 71% by 1981; see the Hungarian statistical yearbooks for the corresponding years.
184. E.g. of 30 days in Hungary. The usual penalty is a fine.
185. See for the comrades' courts in all socialist countries, W. Knüsli, *Die gesellschaftliche Gerichtsbarkeit in Osteuropa*, Bern 1978.
186. In the years 1976-1980, in Hungary the number of persons sentenced for a crime was 30 per 10,000; for petty offenses 32, and for other violations of law 212. However, the number of fines exacted on the spot are not included in the statistical yearbooks.
187. See Karakashev, *Problemi na prestāpnostta*, (1977), 168.
188. Cf. table I, p.11.
189. Karakashev, *loc. cit.*
190. *Ibid.*, 180, 197. They considered between 1967 and 1971 39.4% of the criminal cases tried by the state courts. See for the USSR, table VIII, p.40.

CHAPTER IV

SEVERAL TYPES OF CRIME: FREQUENCY AND SENTENCING POLICY

Some data have been published about the structure of crime, but reliable data on a union wide basis are only available for some types of crime. However, rather detailed recent figures exist for Belorussia. Together with other scattered local data, these figures enable us to adjust the occurrence of a number of crimes in the total number of sentences and also per 10,000 inhabitants.

For reasons of convenience, all references are to the RSFSR Criminal Code (RSFSR CC).

1. Crimes Against the State

Crimes against the state are divided into "especially dangerous crimes against the state" (until 1958 counterrevolutionary crimes) and "other crimes against the state" (Art.64-88 RSFSR CC). Contrary to the period of the late 1930s, when they may have made up about 10% to 11% of all sentences (or about 100,000 sentences in 1937 and the first half of 1938),¹ nowadays these crimes constitute only a small proportion of all crimes. In Belorussia, their proportion of the total number of sentences was between 0.1%-0.3% in 1961-1974; in absolute figures, this is between 20 and 100 each year (it was zero in 1973).² However, in Georgia, in the mid-1970s, the frequency of these crimes was much higher as it was reported to be about 1% of all sentences or about 2.5 sentences per 100,000 inhabitants.³ Probably due to the high level of prosecution for crimes such as smuggling (Art.78) or violations of the strict currency legislation (Art.88 CC).

These figures suggest a number of between 5,000 and 10,000 sentences for crimes of this type annually during the 1970s in the entire USSR.

The number of especially dangerous crimes against the state constitutes, according to a statement of L.N. Smirnov, the Chairman of the USSR Supreme Court, 0.2% of all sentences⁴ or, in absolute figures, about 1,500 sentences.

If we assume an average penalty for this type of crime against the state of some seven years deprivation of freedom, the number of imprisoned people serving a sentence for committing an especially dangerous crime against the state may be estimated at some 10,000. This figure is of the same order of magnitude as the usual estimates for the number of persons sentenced for political or similar reasons.^{4a}

In Belorussia, the most common crimes against the state are violations of the rules for the safe movement and operation of transport by workers of the organizations

dealing with rail, water, or air transport, which have resulted in serious consequences (cf. Art.85 RSFSR CC), and violations of the rules for currency transactions (cf. Art.88 RSFSR CC). Other crimes in this group occurred only in some years: e.g. between 1961 and 1974, banditry made up between 9% and 21% of all sentences for the crimes listed in the chapter 'Other Crimes Against the State', but it did not occur in 1966, 1967, or 1969-1974. In 1964, 4 persons were sentenced for banditry, as against 33 in 1940.⁵

The Belorussian figures do not reveal the incidence of sentences for Anti-Soviet Agitation and Propaganda (cf. Art.70 RSFSR CC), but sentences for this crime must have occurred only rarely.⁶ Dissidents are usually not sentenced under this article of the Criminal Code but under other articles, e.g. religious dissidents are persecuted under religious crimes (Arts.142 and 227 of the RSFSR CC). However, real data about prosecutions for such crimes are also absent.⁷

2. Official Crime and Other Socialist White-Collar Crime

Official crime (malfeasances in office such as abuses, neglect, bribery) seems to have been a typical crime of the Stalinist period. In the 1920s and especially in the 1930s its prosecution was widely spread, which however was partly due to the circumstance that embezzlement by officials was classified as an official crime; in 1947, it became a crime against socialist ownership.⁸ Moreover, the concept 'official' – which is much wider in Soviet criminal law than in Western legal systems since it also includes the managerial staff of enterprises – was used very broadly in the 1930s when also rank-and-file workers (especially kolkhoz-farmers) were held to be 'officials'.⁹

The available figures show that after World War II the number of sentences decreased sharply (table XVI), and that this decline continued after 1966. Thus, in the city of Kazan, in 1962-1972, the annual number of cases was only 0.3 per 10,000 inhabitants.¹⁰ The post-Khrushchev decline in enforcement of the law against official crime has been attributed to the courts' downgrading of the social dangerousness of this crime, although in 1966 the USSR Supreme Court Plenum had instructed the courts "to pay special attention to a tightening up of the struggle against thefts and bribery, and against official crime".¹¹ The textbooks on criminology attribute the decline to the differences between the civil servants of the 1920s who frequently were tsarist appointed officials and the new intelligentsia educated after the revolution and selected under the guidance of the Party.¹²

However, such a theory does not explain the sudden decrease in the prosecution of official crime in the first years of the Brezhnev leadership. Apparently, it was not the courts which downgraded the social dangerousness of official crime, but rather the political leadership itself.

The most frequently prosecuted official crime is neglect (*khalatnost'*, Art.172 RSFSR CC) which makes up (beginning 1970s) more than 45% of all official crimes.¹³ According to data on the number of all non-intentional crimes, this makes up about 2-3% of all crimes,¹⁴ but the number of sentences must be much lower, as only 1/3 of all detected cases are brought to trial.¹⁵

Table XVI: Prosecution of Official Crimes (sentences per 10,000 inhabitants)

	total		bribery	neglect	abuse
	incl. embezzlem.	excl. embezzlem.			
1928	8	5	0.5		3.5
1929	14	10	0.6		
1930-32	23				
1933-34	34	29			
1935	24	18	0.3	9.6	6.8
1948		2			
1959-66	4		0.3	1.2	
1967-74	2	0.7	0.08	0.3	0.2

Sources: appendix tables 80, 86 and 144, pp. 272, 277, 334.

The second place is taken by abuse of official position (1/3 of all registered official crime).¹⁶ In Belorussia, this type of crime delivered about as many sentences as neglect did in the period from 1961-1974,¹⁷ but as it is more frequently prosecuted, the number of registered cases of abuse is much lower than cases of neglect.

Bribery made up only 13% of all official crimes in the beginning of the 1970s¹⁸ (or 1/8¹⁹) or only about 0.2% of all crime.²⁰ But the prosecution of bribery seems to be highly dependent on political circumstances. In 1961, under Khrushchev, an anti-bribery campaign was launched, and as a result the number of sentences for bribery nearly doubled in that year. By 1962, the number of sentences had increased to 14,000 as against only 5,000 in 1960 (table XVII). However in 1963-1965, prosecutions abated and the number of sentences returned to the level of 1960. In 1966, the number

Table XVII: Prosecution of Bribery (% of all sentences and per 10,000 inhabitants)

RSFSR			USSR			Georgia	
	% of all sent.	p/ 10,000		% of all sent.	p/ 10,000	% of all sent.	p/ 10,000
1925	1.2	0.66	1935	0.3	0.25	1971	1.3
1926	0.6	0.44	1960	1.0	0.24	1972	1.2
1927	0.5	0.36	1961	1.1	0.39	1973	0.8
1928	0.5	0.46	1962	1.8	0.63	1974	0.8
1935	0.3	0.25	1963	0.9	0.26	1975	0.7
			1964	0.8	0.21		0.17
			1965	1.1	0.25	<i>Belorussia</i>	
			1966	0.3	0.09	1974	<0.2
							<0.1

Sources: Gernet, *Prestupnost'*, (1931), 80, see also Estrin, *Razvitie*, (1933), 227; Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 80; *Lichnost' prestupnika*, (1972), 82; Kvitsinia, *Vziatochnichestvo*, (1980), 122-124; table I; appendix tables 86, 141, and 144, pp. 11, 277, 332, 334.

of sentences further decreased to 40% of the 1963-1965 level. At the beginning of the 1970s, this level had the same order of magnitude (8 cases per 1 million inhabitants as against 9 in 1966). This low level is also reported for Belorussia where the number of sentences was never higher than 100 between 1961 and 1974, although Gorelik notes an increase from 100% in 1961 to 196% in 1974. Its prosecution is a real incident as "the detection of one group of bribe takers is sufficient to provoke remarkable changes in the sentence statistics".²¹

However, at the beginning of the 1970s, the number of sentences for bribery per capita in Georgia was about two to three times higher than in the entire USSR (table XVII).

During Brezhnev's last years and also after his death, the number of prosecutions for bribery and probably for official crime has increased,²² but pertinent figures have not been published.

Together with some economic crimes (esp. issuance of poor quality products, report padding) and embezzlement by abuse of official position, official crimes could be considered as the Soviet equivalent of white-collar crime. However, in the definition of Sutherland, white-collar crimes are "crimes committed by persons of respectability and high social status in the course of their occupation",²³ and the criminological characteristic of the typical official criminal in the Soviet Union does not fit into this definition. "The vast majority (up to 95%) of the prosecuted officials are representatives of the medium level and lower level of the administrative apparatus. Among them, the first place is taken by low-ranking workers who have the direct financial liability of property entrusted to them – sellers, cashiers, store holders . . . Workers of the administrative apparatus seldom appear in the role of subjects of the considered official crime."²⁴ Women constitute a considerable proportion (abuses: 44%, neglect: 60.5%) of those sentenced for official crime.²⁵ Therefore, white-collar crime under Sutherland's definition is only rarely prosecuted. This is not only a result of high numbers of unreported crimes, but also of a rather lenient policy of the Procuracy in these matters and of the availability of several other sanctions (exaction of the damage, public censure, disciplinary action, party sanctions). According to a poll among the Procuracy, criminal sanctions are only applied in one-third of all cases; for poor quality this number is only 7.5%; for report padding 14.5%; for neglect 35%; and for abuse of official position 53.5%. In recent years, criminal law has never been used for non-performance of economic plans and of delivery/supply contracts.²⁶

Issuance of poor quality products (an economic crime, Art.152 RSFSR CC) is only occasionally prosecuted. Between 1962-1966 only two cases occurred in Estonia and only one in Moldavia, while in Latvia and Lithuania not even one case was raised.²⁷ In the first half of 1965, 28 cases were filed in the entire USSR²⁸ (compare this with the 8,000 sentences of 1935).²⁹ In Belorussia, such cases were not filed in 1962, 1965-1970, or 1973 and in the other years only some cases occurred.³⁰ The same picture may be drawn for the selling of poor quality products. In 1971, the USSR Supreme Court urged "a decisive struggle against criminal production", and it obliged the republican Supreme courts to study court practice and to inform the lower courts about this;³¹ but the Belorussian Supreme Court could not do this as court practice was, according to Gorelik, "so to say absent".³²

Report padding and other distortions in accounting are only rarely brought before the courts. Only during a short period after 1961 (e.g. in the first two months of 1962 37 cases were filed)³³ and in the years 1970-1971 did many cases occur.³⁴ But in other years this number is very low: in some republics not even one sentence occurred in 1971-1972.³⁵ In Belorussia, such cases were "unique" in the years 1961-1974.³⁶

We have shown *supra* that many official crimes are not criminally prosecuted, but that the damage done to the state or to a state organization is recovered by civil law suits lodged by the Procuracy.³⁷ A similar policy is conducted in other types of white-collar crime, such as pollution. Although classified as a crime against public order and health, water pollution and other forms of environmental breaches belong to the group of white-collar crimes from a criminological point of view. The number of criminal prosecutions for water pollution is very low: in the 1960s, only some 5-15 persons have been sentenced each year³⁸ and in more recent years, the relevant articles of the Criminal Code (223 and 223-1) "have not been applied in practice".³⁹ The number of crimes known to the public and to the Procuracy is much higher.⁴⁰ In the past, enterprises have paid considerable amounts in fines for draining unpurified sewage water⁴¹ (e.g. in 1957 in the RSFSR 400.9 million rubles, in 1958: 384.4 million),⁴² but this fine was abolished in 1961 following reforms in the law on administrative fines.⁴³ Thereafter, pollution was usually met by a fine (e.g. in 1971 in Estonia,⁴⁴ 358 fines for a total amount of 8,900 rubles),⁴⁵ or by a civil law suit (in 1971 in Estonia, 54,800 rubles were exacted).⁴⁶ Many cases are filed at the state arbitration agencies by fishery protection agencies against polluting enterprises and cases also occur for ecological damage to land and to forestry. But the total number of such cases is low compared with the total amount of damage. "In the opinion of workers of the RSFSR state arbitration, the number of claims connected with nature conservation filed at arbitration agencies does not exceed 5-7% of the number of all [such] breaches of the law."⁴⁷

Other crimes of the white-collar type are "crimes against the labor rights of citizens": obstruction of trade unions (Art.137 CC); violations of labor law and, especially, illegal dismissal (Art.138 CC); violations of the labor rights of pregnant women or young mothers (Art.139 CC); and violations of the labor safety rules (Art.140 CC).

Prosecutions for the first three types hardly occur; thus in 1976, in Belorussia one or two persons were sentenced under these articles.⁴⁸ In the USSR, one person was sentenced for obstruction of trade union activities in the first half of 1937,⁴⁹ while in Belorussia there were no prosecutions for this crime in the period 1961-1974.⁵⁰ Violations of labor law by employers made up only 0.02% of all sentences in 1940 (some 200)⁵¹ and less than 0.01% in 1943;⁵² in 1950-1954, such sentences did not occur, at least in a number of people's courts in Moscow and Leningrad;⁵³ in 1966 in the RSFSR 7 persons were sentenced under Art.138 of the Criminal Code;⁵⁴ in 1967 14 in the Donetsk province;⁵⁵ the number of sentences varied between 0 and 10 in Belorussia in the period 1961-1974.⁵⁶ Refusals to hire a woman because of her pregnancy or having a child resulted in 10 sentences in the first half of 1937;⁵⁷ in 1940 and 1943, such sentences made up less than 0.01% of all sentences;⁵⁸ in 1961-1974 there were no prosecutions in Belorussia;⁵⁹ in recent years, the Armenian courts have

also failed to apply the corresponding article of their Criminal Code.⁶⁰ Only violations of labor safety rules are more frequently prosecuted, particularly if such a violation has resulted in bodily injuries (Art. 140, section 2), in the death of a person or in grave injuries to several persons (Art. 140, section 3).

Violation of the safety rules without serious consequences (Art. 140, section 1) is hardly ever prosecuted. Between 1956 and 1962, such cases were never prosecuted in Belorussia.⁶¹ In the RSFSR, only 1-2% of all prosecutions under Article 140 of the Criminal Code concerned violations of safety rules *sec* in the mid-1960s (in 1964: 1.4%; in 1965: 0.7%; in 1966: 2.2%).⁶² Prosecutions under the second section of Article 140 (bodily injury) were also uncommon; prosecutions under the third section (entailing the death of a person or grave injuries to several persons) constitute the large majority of cases (91.4% in a sample of the mid-1960s).⁶³ A number of cases is prosecuted as crimes against health under articles of Chapter X of the RSFSR Criminal Code dealing with safety rules in certain branches of the economy (Art. 214, mining safety; Art. 215, construction regulations, etc.).⁶⁴

In 1961, sentences for violations of labor safety rules proper (Art. 140 CC) made up 0.3% of all sentences of Belorussian courts (about 50 sentences); in 1974, this number had increased 3.6-fold to 0.9% of all sentences (about 200 sentences) "due to the steadily increasing attention of the courts" to such crimes;⁶⁵ in 1976 it was 0.8% of all sentences (about 250 sentences).⁶⁶ At the end of the 1960s the Belorussian trade unions' technical inspectorate checked about 2,000 objects. It sent 147 criminal complaints to the Procuracy to initiate a criminal case,⁶⁷ a number compatible with the data derived from the Belorussian court statistics.

In 1980, the sentences for violations of all safety rules (Arts. 140, 214, 215) constituted 13.1% of all sentences for negligent crime in Belorussia, or about 1.5% of all sentences.⁶⁸

Throughout the entire USSR, the number of sentences for violations of labor safety rules (Art. 140 RSFSR CC) made up 0.5% of all sentences in 1967 (about 4,000 sentences).⁶⁹ The Belorussian data suggest that this number has increased somewhat, notwithstanding USSR deputy-Procurator General Rekunkov's remark in 1978 that "more than a thousand criminal cases are filed" about violations of labor law and of labor safety rules.⁷⁰

The number of prosecutions seems to show a rather stable relation with the number of serious accidents.⁷¹ Thus, in Leningrad out of a total of 178 accidents occurring in 1967-1969, a prosecution was not initiated in 85 cases, prosecution was terminated in 61 cases, and in 32 cases (1/6) a trial was held.⁷² In the Ukraine it has been the practice for many years to prosecute in every second case of an industrial accident that had resulted in fatal casualties and every second prosecution resulted in a trial. If the accident had resulted in grave bodily injury, only every fifth or sixth case was prosecuted.⁷³ There are, however, large local differences.⁷⁴

Penalties for violations of labor safety rules are low⁷⁵ and deprivation of freedom, the only penalty for the crime under Article 140 section 3, is rarely applied: Brainin gives 1.8% in a sample (1965);⁷⁶ Belorussian court statistics for 1966 give 7.3%,⁷⁷ but in the 1970s Gorelik and Tishkevich found that only 1.1% of all penalties were for deprivation of freedom.⁷⁸ In the 1970s,⁷⁹ the Armenian courts inflicted deprivation of

freedom in 12-13% of all cases of crimes against labor safety rules (Arts. 140, 215, 216 CC; see table XVIII).

Moreover, in Uzbekistan in a sample of 59 cases, prosecuted in 1966, 60 persons were sentenced, of which 17 to deprivation of freedom. In cassation 9 sentences to deprivation of freedom were commuted in suspended sentences or sentences to corrective labor and one sentence was quashed.⁸⁰

Under Stalin, the number of prosecutions was much lower but penalties were more harsh: in 9 months of 1935, 228 persons were sentenced for violations of labor safety rules in the Ukraine, 44 persons were sentenced to deprivation of freedom of between 3 and 10 years, 58 to lower terms, 115 to corrective labor, and 11 to other penalties.⁸¹ However, in those years, more than 50% of the prosecuted employees were rank-and-file workers⁸² and this may have been the reason for the high penalties. In recent years, most rank-and-file workers who, by their behavior, have caused the death of a fellow worker are prosecuted under the *lex generalis* for negligent homicide or infliction of bodily injury and their penalties are much harsher than those for the official who violates the safety rules.⁸³ Also other types of negligent crime, e.g. violations of traffic rules which result in serious consequences, are met with harsh penalties.⁸⁴ Therefore, the reason for the lenient penalties for violations of labor

Table XVIII: Penalties for Crimes Against Labor Safety, Armenia (1971–1978) and Belorussia (in % of all sentences)

	deprivation of freedom					corr. labor	susp. sent.	amnesty
	≤1 y.	1–2 y.	>2 y.	exile labor	total			
1971	–	–	4.6	32.6	37.2	48.8	14.0	
1972	2.9	–	5.7	25.7	34.3	37.1	28.6	
1973	12	12	12	16.0	52.0	8.0	10.0	28.0
1974	14.3	8.6	8.6	11.5	42.9	40.0	17.1	
1975	6.2	–	–	56.3	62.5	31.3	6.2	
1976	5.3	5.3	5.3	26.3	42.2	52.5	5.3	
1977	–	–	–	52.0	52.0	28.0	8.0	12.0
1978	–	–	–	33.3	33.3	36.7	26.0	3.7
Armenia, 140, 215–216 CC, (1971–1978)					Belorussia			
					140 CC		215–216 CC end 1970s	
					1966	end 1970s		
deprivation of freedom	13.5				7.3	1.1	5.6	
exile labor	33.5				–	7.6	9.2	
corrective labor	37.4				59.2	63	65.5	
suspended sentence	15.2				33.5	24.5	13.9	

Sources: Armenia: Arabian, *Konstitutsiia SSSR*, (1980), 91; Belorussia: V. I. Semenov, *Okhrana truda v SSSR*, Minsk 1970, 260; Gorelik, Tishkevich, *Primenenie*, (1982), 15.

safety rules is not that they are of a negligent character, but either that economic reasons prevail or that the culprit belongs to the higher echelons of Soviet society. For years, Soviet lawyers and the USSR Supreme Court have drawn attention to the mildness of the courts with regard to violations of labor safety rules by officials and many authors have castigated lower courts for their undervaluation of the harm done.⁸⁵ But as a Soviet author puts it, "one can hardly imagine that, in the course of all the years of Soviet power, its judicial agencies have underestimated the social dangerousness of criminal violations of labor safety rules".⁸⁶

Gorelik argues that the purpose of the articles of the Criminal Code is to have a general preventive function and that special prevention is usually not necessary; it is however undesirable to leave the criminal actions without any reactions whatsoever.⁸⁷

The punishment of other white-collar crimes is also lenient. Non-custodial penalties are more common than the average: for report padding (Art.152-1 RSFSR CC) deprivation of freedom is meted out in 12% (1973, 1978) of all sentences and exile labor in 7-8%.⁸⁸ Suspended sentences are imposed in 40% of all sentences, as well as corrective labor, although the corresponding article of the Criminal Code does not provide for this mild punishment. In about half of all sentences for bribery, the penalty is lower than the official minimum penalty established by the Criminal Code.⁸⁹ The occasionally published harsh sentences for crimes of this type seem to be exceptions⁹⁰ and they only give an impression, but they do not show that official crime and related types of white-collar crime are combatted with much vigor. This might have been changed in the last years due to the increasing stress on the necessity to prosecute official crimes and corruption in general by the leadership, but until now pertinent figures have not been published.

3. Crimes Against Ownership

All available data show that, as far as court sentences are concerned, crimes against all types of ownership amount to less than 50% of all crimes: in the 1920s and 1930s, they made up 20-40% of all sentences with a maximum of 38.8% in 1933 during the famine which was a result of the collectivization of agriculture.⁹¹ At the end of the 1950s, property crimes came to some 40%, but in 1966-1967 this was only 30-35%.⁹² According to data of the All-Union Institute for the Study of Causes of Crime and Elaboration of Crime Prevention Measures, published in 1976, thefts, open stealing and robberies totalled 30% of all crimes committed annually.⁹³

Crimes against ownership are divided into crimes against socialist ownership and crimes against personal ownership.⁹⁴ Nearly all crimes against socialist (or public) ownership consist of stealing (*khishchenie*) of property in one form or another, especially theft (*krazha*) or embezzlement by appropriation or by abuse of official position (*rastraty*); open stealing (*grabiozh*) and robbery (*razboi*) are relatively rare.⁹⁵

Figures on the occurrence of these crimes against socialist ownership are highly influenced by policy with regard to petty theft (officially: petty stealing). At the end of the 1950s, when such cases were handled only by the courts, cases about petty theft

made up 40-50% of all cases of crimes against socialist property and about 10% of all sentences.⁹⁶ The creation of the comrades' courts in 1959 resulted in a sharp decrease in the number of sentences for petty thefts, but in 1964 a part of these cases were returned to the courts which in turn brought about a big increase in the number of court cases of persons having stolen socialist property.⁹⁷ When in 1965 the jurisdiction of the comrades' courts over such petty cases was stressed and broadened, this number decreased by some 20-25% and petty thefts made up only about 10% of all crimes against socialist ownership (in 1965, 1.5% of all sentences in Lithuania).⁹⁸ In 1968, the number of sentences for crimes against socialist ownership started to increase⁹⁹ and Belorussian figures indicate that in 1973-1974, the number of sentences for all crimes against socialist ownership was 56% higher than in 1965-1967 (appendix table 139, p.319). This was partly due to a return of cases of petty theft from the comrades' courts to the ordinary courts.¹⁰⁰ According to a 1979 textbook on criminology, over a long period the number of detected thefts has decreased considerably, and in the years 1973-1977 the figures for all types of stealing were nearly half the number in the years 1946-1950.¹⁰¹ A similar decrease (by 22.7%) is reported for stealing of socialist property in 1975 as compared with the year 1940.¹⁰² However, until 1955, petty theft was a crime, punishable even with a minimum of 5 years' deprivation of freedom under legislation dating from 1947. Before the mid-1940s and after 1955, petty theft could be handled disciplinarily by the employer, and after 1959 also by the comrades' courts. Therefore, any comparison between the years after 1960 and earlier years is barred. Moreover, in the past 15 years, many republics have turned petty theft of socialist property into an administrative crime,¹⁰³ handled by a people's judge.

Apart from the problems created by the changing prosecution policy with regard to petty thefts, the number of thefts and embezzlements of state property, as revealed in judicial statistics, is also influenced by campaigns: in March 1962, the CPSU CC issued a decree directed at intensifying the struggle against bribery and squandering of state property. As a result, in 1963-1964, in Uzbekistan the number of registered stealings had increased by some 50% as compared with 1962. However, after 1964 it decreased to a level under that of 1962 and in 1975 the number of thefts per 100,000 inhabitants was nearly 50% of the 1963 level and the level of embezzlements followed the same trend.^{103a}

The trend in crimes against personal ownership is not significantly affected by legal policy as campaigns in this field do not take place; moreover, the comrades' courts may consider only thefts of personal belongings in enterprises, etc.¹⁰⁴ At the end of the 1950s, crimes against socialist ownership occurred more than twice as often as crimes against personal ownership, but in 1966-1967 the number of both crimes was the same. Later on the trend continued and during the 1970s crimes against personal ownership surpassed the number of crimes against socialist ownership.¹⁰⁵

According to the criminologist I.I. Karpets, the number of thefts of personal property per capita decreased by 25% between 1935 and 1964 and he considers this decrease to be sufficient evidence for the thesis that criminality in general has decreased.¹⁰⁶ According to Gertsenzon's data, during 1935 70% of all sentences of the courts of first instance were for thefts of personal property (Art. 162a, b, c, RSFSR

CC of 1922).¹⁰⁷ This would result in 75,000 sentences in 1964 or 13% of all sentences. In 1966, 110,000-120,000 persons were sentenced for all crimes against personal ownership; some 35,000 of those were for robbery and open stealing (appendix tables 136-137, p.326f.). Therefore, Karpets' data seem correct. However, some questions have to be put: 1) do many instances of theft of personal property remain unreported and did they vary between the 1930s and 1960? 2) is theft of personal property indicative of the general level of criminality? In recent years at least, the unreported number seems especially high for pickpocketing as such cases are not registered unless the pickpocket is caught on the spot.¹⁰⁸ But we do not have any details for the 1930s.

On the other hand, crimes against personal ownership have neither been diverted to the administrative judge nor to the comrades' court. Therefore, judicial policy as such does not play a role in the case of theft of personal property.

After 1963-1964, the number of thefts of personal property increased from about 3 instances per 100,000 to 4.5 in 1975.¹⁰⁹ A significant increase occurred also in Belorussia: between 1962 and 1965, theft of personal property came sixth in the list of most common crimes; from 1968-1974 it occupied the third or fourth place (appendix table 138, p.328).

If Karpets' thesis – that the number of thefts of personal property is a good index for the level of criminality – is also applied to later years, one can conclude that in 1964 criminality per capita had decreased by 25% as compared with 1935, but in 1975 it had increased by 50% as compared with 1964 and, if we do not take into account the administrative measures of the special boards, by 10%-15% as compared with 1935.

Notwithstanding the fact that at present crimes against socialist ownership are less frequently prosecuted in the courts than crimes against personal ownership, the penalties for the latter type of crime seem to be harsher. In the late 1970s, in Estonia, deprivation of freedom was assigned in 67.7% of all sentences for crimes against personal ownership and only in 43.9% if the crime concerned socialist property, although in 1956 the percentages had been nearly equal.¹¹⁰

Crimes against personal ownership are most often committed by those who do not usually have access to socialist property – by minors and recidivists; thus, at the end of the 1970s, the Latvian courts sentenced 40% of all recidivists for a crime against personal ownership (3%: socialist ownership).¹¹¹

As nearly all recidivists (96.2%) are sentenced to deprivation of freedom (of these 56% to terms of over 3 years),¹¹² the relatively harsh sentencing policy for crimes against personal ownership might be partly explained by the high frequency of this crime among recidivists.

4. Crimes Against the Person

The number of crimes against the person as a percentage of all crimes has decreased from some 25-27% in the late 1950s to 15-17% in 1966-1967. This has been caused by a diversion of cases upon private accusation (light injuries, defamation, and insults) to the comrades' courts (appendix tables 136-137). In 1957-1959, such cases account-

Table XIX: Penalty Index for Theft, Estonia 1976–1979

theft of socialist property	all sentences first offenders recidivists	1.73 0.95 3.72
theft of personal property	all sentences first offenders recidivists	1.90 1.00 3.36
all types of theft	first offenders second offense third offense fourth offense	nearly 1 3.23 3.88 4.63

Source: Tombak, "O roli sudimosti", (1983). See for the definition of the penalty index, pp. 309–315, below.

ed for some 15% (or more) of all sentences but in 1966–1967 only for some 5% (or less) of all sentences. In the late 1970s, about 2.5% of all sentences were for these petty crimes (appendix table 69). As a result, the absolute level of all sentences for crimes against the person minus cases upon private accusation was about the same at the end of the 1950s and in 1966–1967. In Belorussia, the number of sentences for crimes against the person in 1961–1962 was equal to that in 1973–1974, but in 1961 probably some 50% of these sentences were imposed in cases upon private accusation, while in 1973–1974 this was only 10–20% (cf. appendix table 139, p.329). Therefore, more serious crimes against the person occurred more frequently in the 1970s than in the 1950s.

Crimes against the person are usually divided into grave crimes (homicide, grave injuries, rape) and other crimes. Between 1962 and 1972, grave crimes made up 8–9% of all crimes (about 70–80 thousand cases annually).¹¹³

Precise figures on the occurrence of violent crimes against the person in recent years have not been published, but sufficient figures are available for a reliable estimate to be made of the level of intentional homicide and of rape. In the 1920s, the number of sentences for violent crimes was high: per 10,000 inhabitants 0.7–1 person was sentenced for murder.¹¹⁴ Data for the 1930s give a lower number: according to Piontkovskii, the number of homicides in 1935 and 1939 was only 55%, respectively 32%, of the 1929 number (RSFSR), which means that in 1939 the number of homicides per 10,000 inhabitants was below 0.5.¹¹⁵ During World War II, the number of homicides decreased further.¹¹⁶ It is unclear what the reasons were which caused these changes in the number of homicides in the 1920s and 1930s. In the 1930s especially, denouncing a fellow citizen could have been an alternative to murdering him.

After the war, the number of homicides increased, but it was significantly lower than the level of the 1920s; according to Procurator-General Rudenko, the number of sentences for murder decreased between 1928 and 1955 by 45%.¹¹⁷ This gives about 8,560 sentences in 1955 or more than 0.4 sentenced persons per 10,000 inhabitants.

Later data apply only to some regions. In Latvia, in 1959 the number of sentences for homicide was 7-8 times lower than in 1938; as in 1938, 337 persons were sentenced, this number was about 45 in 1959, i.e. 0.2 per 10,000 inhabitants. In 1958, this number had been twice as high.¹¹⁸ Figures on sentences for intentional homicide in Rostov give 0.56 sentences per 10,000 inhabitants for each year between 1961-1963.¹¹⁹ The Belorussian procurator Dedkov asserted that in 1975 intentional homicide made up less than 1% of all crime.¹²⁰ In Estonia, intentional homicide made up 1.5% of all crime in the period 1976-1980.¹²¹ Therefore, for the USSR the total number is about 10,000 each year or about 0.4 intentional homicides per 10,000 inhabitants (appendix table 145, p.335).

Killing a newborn baby (*detoubiistvo*) is not uncommon: in the 1930s such killings made up about 7% of all homicides and in 1964, when its frequency was only 40% of 1954,¹²² it still was 4% or some 400 cases notwithstanding the liberal approach toward abortions from 1955 onwards. According to a report of 1978, this type of homicide nearly always is committed by women and it accounts for more than half of all homicides committed by women. As females commit 11-16% of all homicides,¹²³ the level of baby killing must have increased somewhat in recent years.¹²⁴

The penalty for intentional murder (Arts.102, 103 RSFSR CC) is either the death penalty (18% in the Rostov province in the beginning of the 1960s) or deprivation of freedom for a term of three to ten years (Art.103) or 15 years (Art.102).

In the first half of the 1960s, about 60% of all intentional homicides were qualified as first-degree murder (murder under aggravating circumstances, Art. 102 RSFSR CC).¹²⁵ Later on, at least in Belorussia, the courts became more reluctant to apply this qualification, since the number of sentences for first-degree murder decreased by 39% between 1961 and 1974 while the number of sentences for simple murder increased by the same amount.¹²⁶ As the death penalty may be applied only in cases of first-degree murder, these figures suggest that – at least in Belorussia – in 1974 the number of death penalties for murder was lower than in 1961.

Table XX: Penalties for Intentional Murder (RSFSR, 1932–1934; Rostov province, 1961–1963, in % of all sentences)

	1930s	1960s
death penalty	0	18
deprivation of freedom		
10–15 years	0	11
8–10 years	26	24
5– 8 years	26	20
<5 years	31	26
other penalties	18	1.2

Sources:

1930s: Calculated from Gertsenzon, "Organy iustitsii v bor'be prestupleniiami", (1935), 31; Shliapochnikov, "Prestupnost'", (1935).

1960s: Pobegailo, *Umyshlennie ubiistva*, (1965); Van den Berg, "The Soviet Union", (1983); appendix table 119, p. 310.

The high number of death sentences is a result of the harsh sentencing policy in murder cases in general. If we compare the harshness of the penalties for murder using the penalty index introduced by the criminologist Khan-Magomedov (cf. appendix, Chapter III, para. 3b), the result is that the average severity of all penalties for murder had doubled in the 1960s as compared with the first half of the 1930s, whereas for all penalties, this index had decreased by 30%. Thus, the current repressive policy is much more directed against violent crime against the person than was the case in the 1930s and in earlier years.

Intentional murder constitutes less than half of all crimes resulting in the death of the victim. Thus, in the early 1960s, cases of unintentional killing amounted to some 60% of all such crimes in Moscow city and province.¹²⁷ Penalties for this type of negligent crime are also very harsh (table XXI) with the exception of those related to labor safety for which penalties are rather mild.¹²⁸

Sex crimes comprised 2-3% of all crimes (in 1967 2.3% in the USSR;¹²⁹ in 1976 2.7% in Estonia,¹³⁰ against 0.4-0.7% between 1925 and 1935).¹³¹ In Belorussia, the level was somewhat lower (in 1961-1974: between 1 and 1.8%) but had a tendency to increase.¹³² Compared with the 1920s, the number of sentences for sex crimes increased from 0.6 per 10,000 inhabitants in 1925-1928 to about 0.75 in 1967-1980.¹³³ The most common sex crime is rape. Precise figures are known for Belorussia (table XXII).

A figure of 1-2% seems representative for the entire USSR. The criminologist Gertsenzon gives a percentage of 1.7 for the entire USSR in 1967;¹³⁴ in Estonia, the number of sentences for rape was between 1.5% and 1.9% of all sentences in the years 1967, 1974 and 1976-1980¹³⁵ and there, during a period of 15 years (1967-1981), 705 persons were sentenced for this crime.¹³⁶ The Belorussian figures show a decrease in the number of sentences for rape in the years 1961-1966, but thereafter the number of sentences increased significantly and in 1970-1974 it was about twice the 1963-1966 number.¹³⁷ In comparison with the years 1932-1934, the number per 10,000 inhabitants in 1967 was twice as high and equalled 0.5-0.6 in the entire USSR.¹³⁸

In 1946-1960, deprivation of freedom was applied less frequently in sentences for rape than during the 1960s, but the length of the inflicted terms was much longer and,

Table XXI: Penalties for Crimes Other Than Murder, Resulting in the Death of a Person (Moscow, 1961-1963; in % of all penalties)

penalty	recidivists	others	total
deprivation of freedom	98.1	72.4	75
5-12 years	50.8	23.4	26.1
3- 4 years	20.9	18	18.3
1- 2 years	26.4	30.5	30.1
short-term	0	0.5	0.5
corrective labor	1.9	19.5	17.7
suspended sentences	-	8	7.2

Source: Serebriakova, "Vtorichnoe ispol'zovanie", (1965), 47.

Table XXII: Sentences for Rape, Belorussia 1961–1974

	% of all sentences	trend 1961 = 100
1961	1.3	100
1962	1.0	89
1963	0.9	72
1964	1.1	71
1965	1.3	79
1966	1.1	72
1967	1.6	127
1968	1.5	121
1969	1.3	116
1970	1.4	134
1971	1.4	134
1972	1.4	119
1973	1.5	155
1974	1.6	169

Source: Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 11, 14.

as a result, before 1960 the penalty index for all such sentences (cf. appendix Chapter IV para.3b) was 50% higher than in the 1960s.¹³⁹ A preference for penalties around the statutory minimum¹⁴⁰ (which is 3 years under the 1960 Criminal Code; under an edict of 1949, it was 10 years¹⁴¹) in the past 20 years can be an explanation for this development in court policy.

However, the average penalty still is very severe: in 1969, it was 6.6 years deprivation of freedom for all committed rapes and 4.2 years for an attempt (50% of all tried cases).¹⁴²

In the late 1970s, deprivation of freedom was imposed in 94-97% of all sentences for rape.¹⁴³ The death penalty can be inflicted in some cases (grave consequences, rape of a child or by an especially dangerous recidivist)¹⁴⁴ but was only enforced with some frequency in 1962-1964; between 1965 and 1975 the Moscow city court did not employ the death penalty for these cases, although this penalty could have been applied in about 1/4 of all sentences for rape. After 1975, the death penalty was applied in at least some cases.¹⁴⁵

Other sex crimes (e.g. forcing a woman to sexual intercourse, sexual relation with children and pederasty) are only rarely prosecuted.¹⁴⁶

We can conclude thereof that, due to the harsh sentencing policy in the prosecution of crime against the person, about 60% or more of all harsh sentences (death penalty, deprivation of freedom with terms over 5 years) are meted out in such cases.¹⁴⁷

5. Economic Crimes

Economic crimes account for 5% (in 1967 and 1971) of all crime in the entire USSR,¹⁴⁸ but locally this number can vary considerably: in Belorussia this percentage

was more than 30% in 1962 and about 15% in 1974 due to the high number of cases related with home distilling in this republic (83-93% of all sentences for economic crimes).¹⁴⁹ At the union level, home distilling comprises less than 2% of all sentences from 1959-1960 on.¹⁵⁰ Therefore, the criminal prosecution of this crime is a typical Belorussian phenomenon and probably 1/3 of all sentences for home distilling are pronounced there (while the population is only 4% of that of the entire USSR). In other republics nearly all such cases are administratively handled (by a people's judge or an administrative commission), although e.g. in the RSFSR home distilling seems to take place much more frequent than in Belorussia.¹⁵¹

Other economic crimes which frequently occur are speculation (1.8% of all crimes in 1962; 1.2% in 1971)¹⁵² and cheating purchasers in shops.¹⁵³ These crimes, which have a high latency, made up half of all economic crimes in the mid-1970s and especially the cheating cases seem to have increased in the 1970s as compared with the 1960s.¹⁵⁴ From 1981 on, bribing purchasers and related crimes in the trade system may also be prosecuted in criminal proceedings.¹⁵⁵ As a result of the new articles in the Criminal Code introducing this kind of crime, many persons – at least in the first year after the introduction – were sentenced accordingly: in the city of Kazan, about 100 cases were filed,¹⁵⁶ or 27,000 (more than 3% of all sentences) in the entire USSR, if Kazan is taken to be representative. Private entrepreneurial activity, speculation, deception of purchasers, and home distilling constituted 90% of all economic crime in the 1960s,¹⁵⁷ which means that all other economic crime only accounted for 0.5% (4-5,000) of all sentences: issuance of poor quality goods and report padding¹⁵⁸ (crimes of the white-collar type), illegally engaging in fishing or hunting, illegal felling of timber, engaging in a prohibited trade and a number of other crimes. Illegal fishing and hunting are frequently prosecuted, but usually in an administrative way: in 1979, less than 1% of all detected cases of illegal fishing (Art. 161 RSFSR CC) resulted in a criminal sentence¹⁵⁹ (the number of administrative fines was 300,000).¹⁶⁰

The annual number of detected violations of hunting rules was 45,000-46,000 in 1967-1970, but in 1967-1968 only 63% of the cases were handed over to the administrative commissions of the local soviets. These commissions considered only half of all filed cases and fines were small.¹⁶¹ In 1979, the number of administrative cases was much higher: 60,000 poachers were fined and 5,000 were deprived of their hunting license.¹⁶² Criminal cases are rare, but when they do crop up the usual penalty is a fine (50% of all cases).¹⁶³

6. Crimes Against the Public Order

The trend in the number of crimes against public order and its absolute number mainly depends on the prosecution of hooliganism, of traffic crimes, and also of joyriding (table XXIII).

Hooliganism

Hooliganism is defined as “an intentional action violating public order in a coarse

Table XXIII: Crimes Against Public Order in Belorussia (1961–1974) and Estonia (1976–1980, in % of all sentences)

	1961	1965	1966	1974	1976–1980
hooliganism	15.1	15.9	24.4	21.1	11.2
traffic crimes	} 3.1	} 4.8	} 3.5	5.4	7.8
drunken driving				~1	
joyriding				2.5	6.1
bringing minor to drinking	} 0.9	} 0.9	0.3	0.3	
parasites*			0.5	1.1	
others			~1	~1	
total	19.1	21.6	29.6	32.4	~28

* a crime after 1970

Sources: Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), *passim*; Leps, “Prestupnaia aktivnost”, (1981), 351; appendix tables 139, 141, 142 and 146, pp. 329–336.

manner and expressing a clear disrespect towards society”.¹⁶⁴ This definition is so sweeping that all kinds of unwanted behavior can be brought under it, from typical criminal actions such as joyriding (before becoming a specific crime in 1965)¹⁶⁵ or illegal broadcasting (radio hooliganism)¹⁶⁶ to improper or uncultured behavior. Therefore, law enforcement policy has a preponderant impact on the number of prosecutions since hooliganism is a typical object of campaigns.¹⁶⁷

Table XXIV: Sentences for Hooliganism, 1923–1981 (per 10,000 inhabitants)

total			forms of hooliganism		
			common	malicious	very malicious
1923–5	2				
1926	11				
1927–8	16				
1929–31	20				
1932–5	12				
1955–8	8	(1958)	2		
1959–61	5				
1962–5	4	(1965)	0.6	3	0.1
1966–76	8–9	(1966, 71)	3	3	0.9
		(1973)	5	1.5	2.5
1977–81	4	(1977)	0.2	3	0.4

Sources: Appendix tables 84 and 147, pp. 275, 337. The figures for 1923–35 are based on RSFSR data; the figures for 1962–74 on Belorussian data. Other figures are estimated from Gorkin, Statement, (1960), 121; Anashkin, “Otchet” (1964), 17; Kulikov, “Vysshemu organu”, (1964), 25; Gorkin *et al.*, *Nastol'naiia kniga*, (1974), 183, 187, 188; *Kriminologiya*, (1968), 440; *id.*, (1976), 374; *Problemy pravosudiia*, (1978), 52; Kalmykov, *Khuliganstvo*, (1979), 87; *Lichnost' prestupnika*, (1972), 175; *Sots. Zak.* 1971 No. 1, 60.

The first campaign was launched in 1925,¹⁶⁸ resulting in a tenfold increase in the number of sentences.¹⁶⁹ A similar campaign, set up in 1966,¹⁷⁰ doubled the number of sentences for this crime (table XXIV).¹⁷¹

Many cases are dealt with by the comrades' courts; their reorganization in 1959 caused a halving in the number of sentences for hooliganism.¹⁷² Precise figures for the cases handled by the comrades' courts or by the people's judges – who may consider cases of petty hooliganism – are lacking, but the available data allow the conclusion that many more persons are now prosecuted as hooligans than under the first anti-hooliganism drive of the 1920s,¹⁷³ when all cases were considered as criminal cases. The number of criminal sentences decreased locally – maybe temporarily – in 1972-1973;¹⁷⁴ but only the depenalization policy of 1977¹⁷⁵ resulted in a number of sentences equal to the pre-1966 years.¹⁷⁶

Criminal forms of hooliganism fall into three categories: common, malicious, and very malicious hooliganism.¹⁷⁷ They are rather loosely defined in the Criminal Codes, which especially becomes clear from the relations between the three in the total number of sentences for hooliganism (or all detected hooligans). These figures show that the 1966 edict not only caused a fivefold increase of criminal sentences for common hooliganism, but also a tenfold increase of sentences for very malicious hooliganism (punishable by deprivation of freedom for a term of 3 to 7 years). Therefore, many cases which used to be labelled as malicious hooliganism, were now considered to be of the very malicious type. On the other hand, the policy of depenalization of common hooliganism inaugurated in 1977 resulted in a more than tenfold decrease of sentences for this crime as well as a sharp decrease in the number of very malicious hooliganism, although the latter remained high as compared with the pre-1966 situation (see table XXIV).

Some publications show that the 1966 edicts on hooliganism involved not only an increase in the number of sentences but also a stronger sentencing policy. In 1965, the Tatar courts applied deprivation of freedom in 67.4% of all sentences, but in 1966 this was already 82% (in Kazakhstan 80%).¹⁷⁸ The Armenian courts were more moderate: deprivation of freedom was meted out in 34.1% of all sentences in the first 9 months of 1965, as against 62.7% in the same period of 1966; during the whole of 1966 such sentences numbered 70.4%, in 1967 75% and in 1968 68.4%. Sentences of up to 1 year constituted about 40% of all sentences.¹⁷⁹ In the entire USSR the average length of terms in sentences for malicious hooliganism increased from 3.2 years before 1966 to 3.8 years after 1966.¹⁸⁰ During the 1970s the courts punished hooliganism with equal severity: in 1965, malicious hooliganism was punished with deprivation of freedom in 75.8% of all cases (in the Tatar republic), but in 1980 a percentage of 94 was mentioned; in 10% of the cases a term of more than 5 years was meted out.¹⁸¹

Property sanctions are seldom applied but suspended sentences (with¹⁸² or without forced labor¹⁸³) are overrepresented in sentences for hooliganism.

Parasitism and vagrancy

Until 1970, parasitism was punishable under administrative law by deportation combined with forced labor or by compulsory assignment to work.¹⁸⁴ In 1970,

parasites became criminally liable if they failed to report at the assigned place of work.¹⁸⁵ Under the 1970 rules, the number of criminal sentences for parasitism and vagrancy sharply increased: in 1971, parasitism made up 2.3% of all sentences in Kazakhstan;¹⁸⁶ and in 1974, in Belorussia, 1.1%.¹⁸⁷ The usual penalty is deprivation of freedom. According to Rakhunov 83% of the sentences consisted of deprivation of freedom up to 1 year, 4.9% up to 2 years. Corrective labor was applied in 12.1% of all sentences.¹⁸⁸

Parasitism is usually not prosecuted as a separate crime but rather in connection with another crime or it is not prosecuted at all.¹⁸⁹ The number of persons criminologically qualified as parasites is very high and seems to be steadily growing: in the RSFSR from 8.7% of all sentenced persons in 1962 to 17% in 1968, a growth of 68%.¹⁹⁰ In 1979 nearly 1/4 (or more than 3 times as much as in 1962) of all persons found to have committed a crime were deemed to be parasites.¹⁹¹ These high figures are, at least partly, a result of the treatment of ex-convicts: according to a Latvian report of 1980 nearly 1/4 of all recidivists are sentenced for vagrancy and another 12% for the refusal to pay maintenance.¹⁹² An Estonian report of 1974 about the practice of one people's court shows that 1/4 of those who were sentenced for vagrancy were earlier released from a labor camp or a 'prophylactorium' (an institution where alcoholists and drug addicts are treated). The remaining 75% were former workers who were dismissed for disciplinary reasons (60%) or upon their own request (15%). Most of these (young) workers were living in barracks of the enterprise (*obshchezhitie*) and became vagrants¹⁹³ when they were evicted from their living space following their dismissal.¹⁹⁴

Traffic crimes

With the gradual increase of the number of private car owners, the number of traffic crimes has also increased. In Belorussia, these crimes made up about 3% of all sentences in the early 1960s, 4.4% in 1966 and about 9-10% in 1974-1975¹⁹⁵ (table XXIII). However, Belorussian and Kazakh data give the impression that the number of sentences for traffic crimes remained rather stable during the 1970s: in Kazakhstan, the number was 2.4% lower in 1978 as compared with 1971.¹⁹⁶ This stabilization may partly be ascribed to a shift from criminal responsibility to administrative measures. According to the published data, the number of sentences for traffic crimes was 70-80,000 in 1973, while in the same year "more than 2 million citizens" were deprived of their drivers' license.¹⁹⁷ When we look at the figures in more detail we find that the number of traffic offenses must have increased rapidly in the 1960s together with the number of traffic crimes. The latter doubled between 1961-1964 and 1969-1970, and increased again in 1971 (in Belorussia) some 30-40%; but figures for Kazakhstan show that this number remained stable between 1971 and 1978 (it varied between 93.8% and 101.2% if we take 1971=100), as did the number of traffic accidents.¹⁹⁸

7. Crimes Against the Administration of Justice

In Belorussia, crimes against the administration of justice amounted to 0.5% of all sentences in 1961-1974.¹⁹⁹ This percentage seems lower than the USSR-level which was given as 1.5% in 1966-1967.²⁰⁰ Such crimes from the side of the authorities (illegal arrest, rendering of judgments known to be unjust, etc.) incidentally did occur in Belorussia, but their number was said to be insignificant.²⁰¹

The number of crimes committed by the parties in court proceedings (false testimony, false reporting, etc.) constitutes 1/3 or more of all crimes against justice.²⁰² This leaves 0.1-0.3% (Belorussia) and about 1% (USSR) for other crimes of this type: i.e. for escapes from prison²⁰³ and similar actions, for concealment of crimes or for failure to report crimes.

8. Conclusions

The prosecution policy in cases of grave crimes, such as murder, rape, the infliction of grave bodily injury and robbery or open stealing has not been affected by policy changes, although especially with regard to the listed crimes against the person, penalties are much higher than was the case in the 1920s and 1930s.

During the past 25 years, the frequency of sentences for murder was lower than at the end of the 1920s, but this decrease had already occurred during the 1930s. In the past 25 years the number of homicides has remained rather stable. The infliction of grave bodily injury shows the same trend.

Other forms of violent crime (e.g. rape, robberies and open stealings) are at present more common than they were in 1927-1928 or in 1935.

As a result of these developments, violent crime as a whole is, at present, less common than in 1927-1928 (3 cases per 10,000 inhabitants as against 4-4.5 in 1927-1928), but compared with 1935 the differences are small.²⁰⁴

In cases of theft of personal property differences between 1935 and the 1970s also seem to be small.

Apart from political crimes, the main differences between the Stalinist years and the 1970s may be found in policy with regard to hooliganism, official crime and crime against socialist ownership. In 1935, these three types of crime accounted for more than 50% of all sentences, and this percentage had not changed in 1966-1967. However, in 1935 such crimes occurred at a level of 40-45 cases per 10,000 inhabitants whereas in 1966-1967 this level was only 15-20 cases. In 1935, hooliganism occurred at a level of 11 cases per 10,000 inhabitants whereas in 1966-1967 the figure was 9. Crimes against the ownership interests of the state had decreased from about 30 cases per 10,000 inhabitants to less than 10, and official crime had nearly disappeared (1935: 18 sentences per 10,000 inhabitants; in 1967, less than 1).

However, these fluctuations seem to be more the result of different policies than of any change in the level of delinquency.

NOTES

1. Appendix table 90, p.280. See also *supra* p.19.
2. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 7; Timoshenko, "Collaboration", (1977), 42.
3. Gabiani, Gachechiladze, *Nekotorye voprosy*, (1982), *passim*.
4. Smirnov, Radiospeech, (1981).
- 4a. Cf. Neznanskii, "Statistika", (1979), 52; *Forced Labor*, (1984), *passim*.
5. Gorelik, Tishkevich, *loc. cit.*; Timoshenko, *loc. cit.*
6. Gernet gives between 133 (1925) and 913 (1928) sentences in the 2nd half of the 1920s, Gernet, *Prestupnost'*, (1931), 81.
7. According to Anashkin, during 1964 only some persons were prosecuted under these articles, and this was less than 1/3 of the figure for 1962, *SGiP* 1965 No.1, 39-45. Between 1924 and 1926, sentences for religious crime made up 0.01-0.1% of all sentences in the RSFSR, *Dva goda raboty pravitel'stva 1924-1926*, 218.
8. *Ved. SSSR* 1947 No.19.
9. Cf. Shliapochnikov, "Prestupnost'", (1935); Juviler, *Revolutionary Law and Order*, (1976), 52, and the sources quoted there; *Sov. Iust.* 1937 No.6, 56; *Lichnost' prestupnika*, (1972), 96.
10. *Lichnost' prestupnika*, (1980), 54; Timoshenko gives for 1973: abuse 1/9 of 1940; neglect less than 1/20, Timoshenko, "Collaboration", (1977), 43. See also M.A. Lysov, *Otvetsvennost' dolzhnostnykh lits po sovetskomu ugovolnomu pravu*, Kazan 1972, 8; Stumbina, "Struktura prestupnosti", (1974).
11. V.I. Kurliandskii, "Neotvratimost' nakazaniia i bor'ba s prestupnost'iu", *SGiP* 1972 No.9, 81; Decree of the USSR Supreme Court Plenum of 1 July 1966, *BVS SSSR* 1966 No.4, 15.
12. *Kriminologiia*, (1976), 395; *Kriminologiia*, (1979), 274; Kuznetsova, *Prestuplenie*, (1969), 195.
13. Zdravomyslov, *Dolzhnostnye prestupleniia*, (1975), 115-116; in Belorussia, it is 30-40% (1961-1974), Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 21; in Tataria (1960s) 44%, *Lichnost' prestupnika*, (1972), 82; half of all sentences for official crime, *Kriminologiia*, (1979), 274; 40%: A.Ia. Svetlov, *Otvetsvennost' za dolzhnostnye prestupleniia*, Kiev 1978, 185.
14. 15-20% of all non-intentional crimes which make up about 15% of all crimes, Kvashin, *Teoreticheskie osnovy*, (1977), 14-16; they make up half of all sentences for official crimes, *Kriminologiia*, (1979), 274.
15. Korobeinikov, "Bor'ba", (1973), 72.
16. Zdravomyslov, *Dolzhnostnye prestupleniia*, (1975), 124.
17. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 21.
18. Zdravomyslov, *Dolzhnostnye prestupleniia*, (1975), 124.
19. *Kriminologiia*, (1976), 356; *Kriminologiia*, (1979), 274.
20. In 1956, bribery was also rarely prosecuted; in Kiev, only 18 cases were filed in the first 9 months of 1956, cf. E. Parkhomovskii in *Izv.* 11 January 1957.
21. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 22; in 1970, a decrease was reported for the entire USSR, *BVS SSSR* 1970 No.4, 4. See also S. Pomorski, "La corruption de fonctionnaires devant les tribunaux soviétiques", *Revue d'études comparatives est-ouest* 1983 No.1, 19; a similar development may be observed for cases of squandering of state property, see for Uzbekistan, Zotov, *Posledstviia*, (1980), 112.
22. Cf. e.g. *SWB* SU/6689/B/1, 2 April 1981.
23. Quoted from Juviler, *Revolutionary Law and Order*, (1976), 154.
24. *Kriminologiia*, (1976), 397.
25. *Ibid.*
26. Korobeinikov, "Bor'ba", (1973), 72.
27. I. Shiriaev, "Bor'by s vypuskom nedobrakechestvennoi, nestandartnoi ili nekomplektnoi produktsii - na uroven' novykh zadach", *Sots. Zak.* 1967 No.5, 33.
28. Anashkin, *Izv.* 2 December 1965.
29. Calculated from Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 203.

30. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 35.
31. *Ibid.*, 31, 35.
32. *Ibid.*, 35-36.
33. *BVS SSSR* 1962 No.3, 11.
34. Kulikov, *Izv.* 18 February 1973.
35. *Ibid.*
36. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 20.
37. Cf. pp.48 f. and Van den Berg, "Judicial Settlement", (1983), 141 ff.
38. In the RSFSR in 1963, 1965, 1966, 1967, and 1970: 3, 3, 10, 12, and 3 resp., T.S. Sushkov, "Pravovaia okhrana prirody", *SGiP* 1969 No.5, 3-10; A.N. Ignatov, "Sovershenstvovanie osobennoi chasti UK RSFSR", *SGiP* 1972 No.5, 96; Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 35, gives 4 cases in Belorussia between 1961 and 1974.
39. N.A. Beliaev, V.V. Orekhov in *Pravo i sotsial'noe planirovanie*, M. 1981, 225; *BVS SSSR* 1983 No.4, 3.
40. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 35; B.G. Rozovskii, *Pravovoe stimulirovanie ratsional'nogo prirodopol'zovaniia*, Kiev 1981, 176 ff.
41. Based on decrees of 1937, enterprises had to pay for releasing unpurified sewage waters, *SZ SSSR* 1937 No.53 item 222; *Khronologicheskoe sobranie zakonov RSFSR ...*, Vol.4, M. 1949, 175; see also a RSFSR decree of 20 August 1931, *SU RSFSR* 1931 No.51 item 385, and a Belorussian decree of 27 May 1935, *SZ BSSR* 1935 No.24 item 128; USSR decree of 15 May 1956, *Zakonodatel'nye akty po voprosam narodnogo khoziaistva*, Vol.2, M. 1961, 87; *Sbornik normativnykh materialov k izucheniiu kursa sovetskogo administrativnogo prava*, M. 1959, 229.
42. M.S. Savel'ev, "O praktike nalozheniia shtrafov", *SGiP* 1959 No.10, 118 ff.; cf. also G.N. Polianskaia, "Rol' obshchestvennosti v okhrane prirody", *Uchenye zapiski VIIuN* 11 (1961), 80, 82; *Zasedaniia VS RSFSR* 25-27 October 1960, 190.
43. USSR edict of 21 June 1961, *Ved. SSSR* 1961 No.35 item 368.
44. *Sovetskaia Estonia* 7 July 1972; *CDSP* 1972 No.27, 24.
45. *Zasedaniia VS SSSR* June 1980, 275. The average fine was only 6.3 ruble in an Ukrainian sample from 1973, Shemshuchenko, Pogorilko, *Administrativno-pravova okhorona*, (1973), 104.
46. Cf. note 44 and also *Sov. Iust.* 1983 No.18.
47. A.E. Lunev, *Priroda, pravo, upravlenie*, M. 1981, 223.
48. Cf. the figures published in *Ugolovnoe pravo BSSR. Chast' osobennaia*, Vol.II, Minsk 1978, 113; *Osnovaniia ugolovno-pravovogo zapreta*, (1982), 256; 0.4% of all sentences under the corresponding chapter of the Criminal Code.
49. Trainin, *Uchenie*, (1946), 122.
50. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 30; cf. also Romashkin, "Ugolovno-pravovye garantii", (1972), 45.
51. Trainin, *op. cit.*, 123 and table I.
52. Trainin, *loc. cit.*
53. A.B. Sakharov, *Ugolovno-pravovaia okhrana bezopasnosti uslovii truda v SSSR*, M. 1958, 24-25.
54. Sergeeva, "Strogo okhraniat'", (1967), 3; nearly all cases are reported in *Kurs sovetskogo ugolovnogo prava*, Vol.V, (1971), 239-243; cf. also Arabian, *Konstitutsiia SSSR*, (1980), 43.
55. "Praktika sudebnogo rassmotreniia", (1968), 37.
56. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 15. As prosecutions under Art.140 CC made up 86-100% of all prosecutions under Chapter IV of the CC, the number of sentences under Art.138 cannot have exceeded 10. Cf. also note 48.
57. Trainin, *op. cit.*, 122.
58. *Ibid.*, 123.
59. Gorelik, Tishkevich, *loc. cit.*
60. Arabian, *op. cit.*, 65.
61. V. Baskov, "Nadzor za sobliudeniem zakonov o trude i pravil tekhniki bezopasnosti", *Sots. Zak.* 1958 No.7, 77-78; S. Kelina, "Razgranichenie otvetstvennosti po st.140 i stat'iam 211-216 UK RSFSR", *Sov. Iust.* 1966 No.5, 17-18; K. Pavlishchev, I. Shiraev, "Reshitel'no presekat' narushen-

- niia zakonov ob okhrane truda", *Sots. Zak.* 1967 No.10; Kulikov, "Za dal'neishee usilenie", (1967); N.A. Mutsinova in *Trudovoe pravo i povyshenie effektivnosti obshchestvennogo proizvodstva*, (S.A. Ivanov, ed.), M. 1972, 391; M.S. Brainin, S.R. Kvelidze, *Ugolovno-pravovaia okhrana bezopasnosti truda v SSSR*, M. 1977, 39, 58-59.
62. N.P. Iablokov, "Obshchee poniatie, sistema i klassifikatsiia prestuplenii svyazannykh s narusheniiami pravil okhrany truda i tekhniki bezopasnosti", *Vestnik MU* 1969 No.2, 41-51; cf. also *BVS RSFSR* 1967 No.10, 11-14.
 63. Kelina, *op. cit.*, 17-18; cf. also Iablokov, *loc. cit.*
 64. In the Ukraine, sentences under Art.135 CC (140 RSFSR CC) made up 1/2 of all sentences for crimes against all labor safety rules (Art.140, 214, 215 RSFSR CC); sentences under Art.218 CC (214 RSFSR CC) made up 1/4 and under Art.219 (215 RSFSR CC) 1/5, Lanovenko, *Okhrana trudovykh prav*, (1975), 169, 171, 172.
 65. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 15.
 66. Cf. note 48.
 67. 120 managers were dismissed, *Trud* 24 June 1970 (Klimchenko). In the first half of 1972, 305 criminal complaints were sent to the Procuracy in Kazakhstan, 559 managers were dismissed and 1,495 were fined; work was suspended in 1,045 objects, *Trud* 6 October 1972.
 68. According to Gorelik, Tishkevich, *Primenenie*, (1982), 15, the conviction rate for negligent homicide or causing injury (106,114 CC) was rather stable in the past 20 years. In 1961-1974, this rate varied between 0.5 and 0.8% of all sentences (Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 12-13). In 1980, violations of all safety rules (140, 215, 216 CC) made up 13.1% of all non-intentional crime, and negligent homicide and causing injury: 5.5%. Therefore, in 1980, sentences for violations of all safety rules accounted for about 1.5-2% of all sentences.
 69. *Kriminologiya*, (1976), 118-119; see also appendix table 137, p.327.
 70. Rekunkov, "Sotsialisticheskaia zakonnost'", (1978), 14. In 1977, Kvashin asserted that violations of labor safety rules (Art.140 RSFSR CC) made up 3-5% of all non-intentional crimes, and such a figure yields some 4,000-6,000 detected crimes against labor safety rules, Kvashin, *Teoreticheskie osnovy*, (1977), 14-16; cf. also *Kriminologiya*, (1976), 410.
 71. This suggests at least a stable or increasing number of work related accidents in the USSR; probably the number increased especially in agriculture, cf. Arabian, *Konstitutsiia SSSR*, (1980), 105; *BVS RSFSR* 1967 No.10, 14; Kulikov, "Za dal'neishee usilenie", (1967).
 72. A.P. Borodankov, L.A. Nikolaeva, "Ob opyte laboratorii po problemam prokurorskogo nadzora i ukrepleniia sotsialisticheskoi zakonnosti Leningradskogo universiteta", *Pravovedenie* 1971 No.1, 132-135.
 73. Lanovenko, *op. cit.*, 298-299.
 74. *Ibid.* At least locally, every lethal accident resulted in a prosecution, Pavlishchev, Shiriaev, *op. cit.*, 34-35; cf. also Arabian, *op. cit.*, 109. Cf. however, Romashkin, "Ugolovno-pravovye garantii", (1972).
 75. Cf. e.g. Kulikov, "Za dal'neishee usilenie", (1967).
 76. M. Brainin, "Usilit' otvetstvennost' za narushenie pravil tekhniki bezopasnosti", *Sov. Iust.* 1965 No.2, 25-26. He found as highest penalty: 1½ year deprivation of freedom. See also, Pavlishchev, Shiriaev, *op. cit.*, note 61, who found as highest penalty: 2 years deprivation of freedom in the case of Lopukhin and Deineko (Presidium of the provincial court of Lugansk), and V. Vlasov, "Usilit' bor'ba s narusheniami pravil okhrany truda", *Sov. Iust.* 1961 No.23, 16; see also Serebriakova, "Vtorichnoe ispol'zovanie", (1965), 45.
 77. V.I. Semenov, *Okhrana truda v SSSR*, Minsk 1970, 260.
 78. Gorelik, Tishkevich, *Primenenie*, (1982), 15-16. However, the number of sentences had increased.
 79. The USSR Supreme Court's decree of 30 March 1973 (*BVS SSSR* 1973 No.3, 10-12; *Sov. Iust.* 1973 No.10, 30) caused a rise in the harshness of the penalties, Arabian, *Konstitutsiia SSSR*, (1980), 192. However, in later years the lightness of the sentences was again deplored, cf. Iu. Mel'nikova, N. Beliaeva, "Otvetstvennost' dolzhnostnykh lits za narushenie pravil okhrany truda", *Sov. Iust.* 1983 No.9, 6.
 80. Kulikov, "Za dal'neishee usilenie", (1976). According to Kulikov, this was not unique for Uzbekistan.

81. *Sots. Zak.* 1936 No.2, 22 ff.
82. *Ibid.* Also in the second half of the 1950s the percentage was given as 40-50%, I.P. Lanovenko, *Kryminal'na vidpovidal'nist' za porushennia pravil tekhniky bezpeky u promyslovosti*, Kiev 1961, 37; Sakharov, *op. cit.*, 110-112. In the 1970s, in Armenian courts, 12% of all prosecutions were against rank-and-file workers, Arabian, *Konstitutsiia SSSR*, (1980), 77-78.
83. In a sample of 337 cases (mid-1960s), Brainin found that 64.4% of all sentences were to deprivation of freedom, Brainin, *op. cit.*, note 76.
84. Cf. p.71 below.
85. E.g. the USSR Supreme Court's decree of 30 March 1973, *BVS SSSR* 1973 No.3, 10-12; *id.*, No.6, 33; *Sov. Iust.* 1973 No.10, 30. This decree caused only a temporary increase in the harshness of the penalties, Arabian, *Konstitutsiia SSSR*, (1980), 191-192; see also the Court's decree of 30 May 1967, *BVS SSSR* 1967 No.4, 8-11.
86. R.Z. Markhasev, *Ugolovno-pravovaia bor'ba s narusheniami pravil bezopasnosti stroitel'nykh rabot*, avtoref. kand. diss., Minsk 1979, 18, as quoted in Gorelik, Tishkevich, *Primenenie*, (1982), 16.
87. *Ibid.*
88. *BVS SSSR* 1973 No.2, 41; *Sots. Zak.* 1973 No.5, 9-11; *BVS SSSR* 1978 No.1, 34.
89. A.Ia. Svetlov, *Orvetstvennost' za dolzhnostnye prestupleniia*, Kiev 1978, 221; cf. also *Pravovedenie* 1968 No.3.
90. See for examples of such harsh penalties F.J.M. Feldbrugge, "Government and Shadow Economy in the Soviet Union", *Soviet Studies* 1984 No.4, 528 ff.; cf. also Pomorski, *op. cit.*, note 22.
91. Shliapochnikov, "Prestupnost'", (1935).
92. Appendix tables 136 and 137, pp.326-327.
93. *Kriminologiia*, (1976), 383.
94. This subdivision dates back to 1932 and 1947.
95. *Kriminologiia* (1976), 332-333.
96. Appendix table 136, p.326; *Sovetskaia kriminologiia*, (1966), 73, 75.
97. The figures given in *Kriminologiia*, (1968), 377 and *Kriminologiia*, (1976), 332 are very confusing as the second edition excludes petty theft from the trend figures while the third edition includes them; those cases which are dealt with by disciplinary measures or handled by the comrades' courts are not included in both textbooks. See also *SGiP* 1964 No.6, 4.
98. Appendix table 136, p.326.
99. *Kriminologiia*, (1976), 332.
100. In the beginning of the 1970s, they accounted for 1/4 of all crimes against socialist property, *ibid.*; Gorkin *et al.*, *Nastol'naia kniga*, (1974), 169 gives 20-25%. In Belorussia it was 13.5% at the end of the 1960s, V.S. Shikunov, *Krazha i otvetstvennost'*, Minsk 1971, 101, and 15% in 1974, appendix table 125, p.315.
101. *Kriminologiia*, (1979), 256; see also Zotov, *Posledstviia khishcheniia*, (1980), 108.
102. Smirnov, "Leninskei idei", (1977), 24.
103. Chapter III, para. 1.
- 103a. Zotov, *Posledstviia khishcheniia*, (1980), 91-92, 112.
104. Art.7 point 6 of the Statute on Comrades' Courts, *Ved. RSFSR* 1977 No.12 item 254.
105. Appendix tables 136-142, pp.326ff.; *Kriminologiia*, (1968), 118 at least as far as the number of sentences is indicative; see Leps, "Prestupnaia aktivnost'", (1981), 351, and Nigola, "Osnovnye vidy", (1982), 84-85.
106. I.I. Karpets, "O prirode prichinakh prestupnosti v SSSR", *SGiP* 1966 No.4, 85; *id.*, "Obshchestvo i pravoporiadok", *Pr.* 21 July 1969; *id.*, "The Fundamental Methodological Principle", (1972), 67; cf. also Kuznetsova, *Prestuplenie*, (1969), 192. Apparently, Anashkin's assertion (in 1965) that the number of thefts of personal property is 1/10 of the number of 30 years ago, is based on other figures than Karpets' assertion, "Vysshaia sudebnaia instantsiia", (1965), 2. A decrease, similar to those reported by Karpets is given by Smirnov for 1975 as compared by 1940, Smirnov, "Leninskie idei", (1977).
107. Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 203.

108. Kogan, *Sotsial'nye svidstva*, (1977), 44; cf. also L. Shelley, *Crime in Moscow in 1923 and 1968-1969. Progress or Not?*, Unpublished Paper, (1970), 12.
109. Cf. Smirnov, "Leninskie idei", (1977).
110. Tombak, "O roli sudimosti", (1983), 74-75; M. Iakubovich, "Ustranit' oshibki sudov v opredelenii mery nakazaniia", *Sov. Iust.* 1957 No.5, 24-25. See also M.G. Minenok, "O pravovykh merakh bor'by s khishcheniiami sotsialisticheskogo imushchestva", *Voprosy povysheniia effektivnosti pravosudiia po ugolovnym delam*, Vol.8, Kaliningrad 1980, 85, who gives 41.4% sentences to deprivation of freedom with an average term of 1.8 years in 1975-1976 in a sample from "a province of the country".
111. B. Azan, "Sudy Latvii v bor'be s retsidivnoi prestupnost'iu", *Sots. Zak.* 1980 No.7, 19-21; see for minors, T. Koitla, "O prestupnosti devochek v Estonskoi SSR", *Sovetskoe pravo* 1975 No.5, 351-352.
112. Tombak, *loc. cit.*
113. The USSR Supreme Court usually refers to Art.24 RSFSR CC for the definition of grave crimes, M. Babaev, "Statisticheskie metody analiza sudimosti", *Sov. Iust.* 1969 No.17, 23. It discerns: grave crimes, hooliganism, other crimes. The number of grave crime was 5% in Belorussia in 1974 (appendix table 141, p.331) and 5.9% in Estonia in 1976-1980 (table 142, p.333), without grave bodily injury; *Kriminologiia*, (1976), 358; cf. also *Kriminologiia*, (1968), 353.
114. Cf. Gernet, *Prestupnost'*, (1931), 79; Shliapochnikov, "Prestupnost'", (1935).
115. According to Piontkovskii, the number of sentences for murder in the RSFSR in 1935 was only 55% of the 1929 figure and in 1939 this was only 32.5%, A.A. Piontkovskii, V.D. Menshagin, *Kurs sovetskogo ugolovnogo prava. Osobennaia chast'*, Vol.1, M. 1955, 514. We do not know whether Piontkovskii has counted these data after correction for the changes in the territory of the RSFSR in 1937. See also Man'kovskii, "Voprosy ugolovnogo prava", (1939).
116. Voloshchina, "Rol' moral'no-politicheskikh faktorov", (1975).
117. Rudenko, Speech, (1957), 268.
118. V.I. Lipins, *Zasedaniia Verkhovnogo soveta Latviiskoi SSR*, 26-27 November 1959, Riga 1960, 152, 379; in 1963, the number of sentences was 1/3 of the 1939 figure. Mironov, *Ukreplenie zakonnosti*, (1969), 53.
119. Cf. appendix table 119, p.310. In 2½ years, 498 persons were sentenced for intentional homicide in the Rostov province (3,512 thousand inhabitants).
120. Dedkov, *Pravonarusheniia*, (1977), 33.
121. Appendix table 142, p.333.
122. Cf. the data in Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 199, 203; Gertsenzon, Vyshinskaia, "Okhrana lichnosti", (1937); Gertsenzon, *Vvedenie*, (1965), 176; *Kriminologiia*, (1968), 415; *Kriminologiia*, (1976), 358.
123. L.I. Timina, "Spornye voprosy kvalifikatsii detoubiistva", *Trudy VluZI* No.60, M. 1978, 41; the penalties are much lower than in other cases of murder. Moreover, after 1-2 years everybody is released, *id.*, 56.
124. One must keep in mind that abortions, for other than medical reasons, in hospitals were allowed until 1936 and from 1955 onwards, USSR edict of 23 November 1955, *Ved. SSSR* 1955 No.22 item 425.
125. See the figures for Moscow (1961-1963) given by Serebriakova, "Izuchenie prichin", (1967), 76-77; *id.*, "Vtorichnoe ispol'zovanie", (1965), 36; for Rostov by Pobegailo, appendix table 119; see also Gertsenzon's data in his *Vvedenie*, (1965), 215, or in "Opyt konkretno-sotsiologicheskogo issledovaniia", (1968), 99. In 1928-1933 it was nearly 80%, Gertsenzon, Vyshinskaia, "Okhrana lichnosti", (1937), but then the maximum penalty for simple murder was 8 years and for first degree murder only 10 years.
126. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976). According to a report published in 1980, the average term was 7 years and one month in sentences to deprivation of freedom for intentional murder without aggravating circumstances, against about 5 years in the 1960s (in Rostov), *Razvitie sotsial'noi deiatel'nosti sovetskogo gosudarstva i prava*, Sverdlovsk, 1980, 145; appendix table 119, p.310.

127. Serebriakova, "Vtorichnoe ispol'zovanie", (1965). If we might combine the data for Rostov and Moscow, we find that in 1961-1963 the death penalty was applied in 7% of all killings, and deprivation of freedom for a term over 5 years in 37%.
128. Cf. *supra*, p.65; Serebriakova, "Vtorichnoe ispol'zovanie", (1965), 45.
129. Gertsenzon, *Ugolovnoe pravo*, (1970), 78; Beermann, "Sex Crimes", (1973), 611-613; cf. also *Sots. Zak.* 1964 No.5, 16; "Za dal'neishee ukreplenie", (1966), 1; *Kriminologiya*, (1968), 418.
130. Marks, "Nekotorye voprosy", (1977), 93.
131. Gernet, *Prestupnost'*, (1931), 80; Shliapochnikov, "Prestupnost'", (1935); Gertsenzon, *Sovetskaiia ugolovnaia statistika*, (1937), 293.
132. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 14, 31.
133. Cf. note 131.
134. Gertsenzon, *Ugolovnoe pravo*, (1970), 78; cf. also Fatkullin, *Obvinenie*, (1965), 38, for unqualified rape.
135. Randalu, Napa, "O prestupnosti", (1968), 292, gives 1.5% for adults and 5.2% for minors; Marks, *loc. cit.*; Leps, "Prestupnaia aktivnost'", (1981), 351.
136. Tynismiagi, "Bor'ba", (1982), 107-110.
137. Cf. also the Estonian trend figures for 1967 (100%), 1970 (72%), and 1972 (60%), Kudriavtsev, "Opyt bor'by", (1973).
138. Shliapochnikov, "Prestupnost'", (1935), gives 2-3 per 10,000 in 1932-1934.
139. Khan-Magomedov, "Metodika", (1972), 44, 48.
140. Prokhorov, "Sanktsii ugolovnogo zakona", (1976), 110, 114.
141. The USSR edict of 4 January 1949 is reprinted in *Ugolovnoe zakonodatel'stvo SSSR i soiuznykh respublik. Sbornik*, (D.S. Karev, ed.), M. 1957, 29.
142. Gorkin *et al.*, *100 otvetov*, (1970), 153.
143. *Sovetskoe ugolovnoe pravo*, (1981), 319.
144. USSR edicts of 25 July 1962 and 7 May 1980, *Ved. SSSR* 1962 No.29 item 449; 1980 No.20 item 535; *Ved. RSFSR* 1980 No.20 item 535.
145. A.P. D'iachenko, "K voprosu o sovershenstvovanii sanktsii za iznasilovanie", *Voprosy teorii i praktiki primeneniia ugolovno-pravovykh norm. Sbornik nauchnykh trudov*, (B.V. Zdravomyslov, A.I. Rarog, eds.), M. 1980; cf. also *id.*, "Nekotorye rezul'taty konkretno-sotsiologicheskogo issledovaniia del ob iznasilovanii", *Trudy VluZL*, Vol.45, (1976).
146. Cf. Trainin, *Uchenie*, (1946), 122, 123; Gertsenzon, *Ugolovnoe pravo*, (1970), 78; Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 14, 31; Marks, "Nekotorye voprosy", (1977), 93. See for pederasty, B. de Jong, "An Intolerable Kind of Moral Degeneration. Homosexuality in the Soviet Union", *Rev. Soc. Law* 1982 No.4, 346-347.
147. See for the number of all harsh penalties, appendix table 123, p.314. On the basis of the figures for homicide (Rostov, Moscow) and rape, the number of harsh sentences for such crimes can be estimated to be about 22,000. As a result, about 3/4 of all sentences to terms over 5 years may be attributed to crimes entailing the loss of a life or other grave crimes against the person.
148. *Kriminologiya*, (1968), 119; Ostroumov, *Sovetskaiia sudebnaia statistika*, (1970), 248; *id.*, (1976), 298; *id.*, *Ugolovnaia statistika*, (1975), 26; appendix table 137, p.327.
149. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 17; appendix tables 102, 139, pp.294, 329; see also Ostroumov, *Ugolovnaia statistika*, (1975), 26.
150. Appendix table 102, pp.294, 329.
151. But Soviet figures do not exist.
152. Cf. *Kriminologiya*, (1976), 353; *BVS SSSR* 1975 No.2, 41; Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 19. The frequency declined considerably between 1958-1962 and 1971-1974. Speculation is usually handled administratively by the people's judge.
153. In 1978, 119 persons were sentenced for violations of the rules of trade in alcoholic beverages (Art.156(1) RSFSR CC), *SWB SU*/6242/B3, 11 October 1979.
154. The number of sentences increased in 1971-1974 as compared with 1961-1966, cf. the figures cited in Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 19; *Kriminologiya*, (1976), 353.
155. RSFSR edict of 21 September 1981, *Ved. RSFSR* 1981 No.38 items 1304 and 1305; Arts.156-2, 156-3 RSFSR CC; *BVS SSSR* 1983 No.2, 7.

156. K. Sadreev, "Korystnaia usluga", *Sovetskaia Rossiia* 17 December 1982.
157. *Kriminologiya*, (1976), 351.
158. Cf. *supra*, p.63.
159. *Sov. Iust.* 1979 No.12, 25 (0.57% in 3 regions and 2 ASSR's); *Radians'ke pravo* 1971 No.2, 59; *Sov. Iust.* 1973 No.8, 10.
160. *Zasedaniia VS SSSR* June 1980, 275. In 1981 in Latvia 3,000 persons were detected for breaking fishing rules, *Sovetskaia Latvii* 11 May 1982. In the beginning of the 1970s, the average fine was between 17 and 21 rubles in the Ukraine, Shemshuchenko, Pogorilko, *Administrativno-pravova okhorona*, (1973), 104.
161. Ia.M. Tiazhova, "Otvettstvennost' za nezakonnuu okhotu i nezakonnyi rybnyi promysel", *SGiP* 1969 No.12, 96; *Pr.* 16 March 1968; *Pr.* 14 November 1970 (22 *CDSP* 1970 No.46, 29); *Sov. Iust.* 1971 No.21, 7.
162. *Zasedaniia VS SSSR*, *loc. cit.*
163. Rakhunov, "Differentsiatsiia", (1975), 63-64.
164. Art.206 RSFSR CC.
165. *Ved. RSFSR* 1965 No.27 item 670; Art.212-1 RSFSR CC.
166. Cf. about this crime Plenum USSR Supreme Court 3 July 1963, *Sbornik postanovlenii . . . 1924-1970*, 515; L. Popov, V. Afanas'ev, "Usilit' bor'by s nezakonnym izgotovleniem i ispol'zovaniem radiopredaiushchikh ustroistv", *Sov. Iust.* 1970 No.13, 14; *Visnyk Kyivs'kogo un-ta*, No.15 (1974); Chalidze, *Ugolovnaia Rossiia*, (1977), 149-156.
167. Cf. also *Kriminologiya*, (1976), 376.
168. Also in 1935 and 1940, campaigns were launched.
169. Appendix table 84, p.275.
170. USSR edict of 26 July 1966, *Ved. SSSR* 1966 No.30 items 595 and 596.
171. Petrukhin, Baturov, Morshchakova, *Teoreticheskie osnovy*, (1979), 85. Cf. also M.P. Maliarov, "Za dal'neishee ukreplenie zakonnosti v bor'be s khuliganstvom", *SGiP* 1967 No.9, 56 (July 1966: 100%; September 1966: 178%; June 1967: 110%).
172. Petrukhin, Baturov, Morshchakova, *op. cit.*, 89; appendix table 136, p.326.
173. Under Art.74 of the RSFSR CC.
174. At least in Estonia, appendix table 142, p.333; R. Rudenko in *Sots. Zak.* 1974 No.5, 3; but Gorkin *et al.*, *Nastol'naiia kniga*, (1974), 183, 187, 188, gives 25% of all sentences in 1973.
175. USSR edict of 8 February 1977, *Ved. SSSR* 1977 No.7 item 116.
176. Cf. *Problemy pravosudiia*, (1978), 52; Kalmykov, *Khuliganstvo*, (1979), 86; appendix table 136, p.326.
177. Cf. art.206 RSFSR CC; V.V. Shubin, *Rassmotrenie ugovolnykh del o khuliganstve*, M.1980, 61-103.
178. Khabibulkin, Levshin, "Bor'ba s khuliganstvom", (1966), 11; Levshin, Khabibulkin, "Otvettstvennost'", (1969), 75-77; *BVS SSSR* 1966 No.6, 14.
179. B. Dzhukusov, "Mery uluchsheniia raboty sudov", *Sots. Zak.* 1967 No.4, 29; Sarkisov, *Preduprezhdenie narusheniia*, (1972), 145.
180. Karpets, *Nakazanie*, (1973), 228-229.
181. Khabibulkin, Levshin, *loc. cit.*; "Bor'ba s khuliganstvom - odna iz osnovnykh zadach sudov", *Sov. Iust.* 1980 No.10, 4.
182. Kolosova and Dyskina found 32.7% sentences for hooliganism in a sample of 1000 sentences to this penalty, *Sots. Zak.* 1973 No.9, 65; in 1974, it was 37.2% in Kazan, *Lichnost' prestupnika*, (1980), 20. See also S.K. Kydyralieva, *Khuliganstvo. Ugolovno-pravovye i kriminologicheskie voprosy*, Frunze 1981, 101.
183. Gal'perin found 34.8% sentences for hooliganism in a sample of sentences to this penalty, *Sots. Zak.* 1969 No.7, 28.
184. See for the anti-parasite legislation of 1957 and latter years, R. Beermann, "The Law Against Parasites, Tramps, and Beggars", *Soviet Studies* 1960, 453 ff.; *id.*, "The Parasite Laws", *Soviet Studies* 1961, 191 ff.; *id.*, "Soviet and Russian Anti-Parasite Laws", *Soviet Studies* 1964, 420 ff.; L. Lipson in *Osteuropa-Recht* 1971, 80-91 and other literature, cited there.

185. RSFSR edict of 25 February 1970, *Ved. RSFSR* 1970 No.14 item 256; RSFSR edict of 7 August 1975, *Ved. RSFSR* 1975 No.33 items 698, 699; RSFSR edict of 11 October 1982, *BVS SSSR* 1983 No.1, 47; Iu.I. Liapunov, *Otvetsvennost' za tuneiadstvo*, M. 1982.
186. Dzhekebaev, *Prestupnost'*, (1974), 90.
187. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 28.
188. Rakhunov, "Differentsiatsiia", (1975), 63-64.
189. Dzhekebaev, *op. cit.*, 90-91.
190. A.S. Shliapochnikov, "Voprosy usileniia gosudarstvenno-pravovogo i obshchestvennogo vozdeistviia v bor'be s paraziticheskimi elementami", *SGiP* 1963 No.9, 52; I.P. Tselodub, A.S. Shliapochnikov, "Sovershenstvovanie pravovogo regulirovaniia bor'by s tuneiadtsami", *SGiP* 1970 No.2, 84; Gabiani, Gachechiladze, *Nekotorye voprosy*, (1982), 133; *Zaria Vostoka* 19 January 1982 (1/3 of all crimes).
191. G.Z. Anashkin, "Lichno k otvete", *Pr.* 16 April 1980.
192. B. Azan, "Sudy Latvii v bor'be s retsidivnoi prestupnosti", *Sots. Zak.* 1980 No.7, 19-21. Therefore, any increase in the number of prosecutions for vagrancy, begging, or parasitism may be due to a decrease in the number of camp-inmates. Such an increase was reported in 1981, *SWB SU*/6689/B/1, 2 April 1981.
193. K. Pikhlas, "O poniatii brodiachnichestva", *Sovetskoe pravo* 1974 No.4, 358.
194. Cf. Art.340 of the RSFSR Civil Code. Under the Principles of Housing Legislation of 1981, this type of eviction is also allowed.
195. *Sovetskaia kriminologiia*, (1966), 73, 75; Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 248. The concept traffic crime is not always used in a clear way, and figures sometimes include also traffic related crimes, such as joy riding, which occurs very frequently, see table XXIII, p.74 and also *Voprosy teorii i praktiki prokurorskogo nadzora*, Saratov 1974, 174-176; T. Koitla, "O prestupnosti devochek v Estonskoi SSR", *Sovetskoe pravo* 1975 No.5, 551-552; Leps, "Prestupnaia aktivnost'", (1981), 351. The actual number of joy-ridings must be much higher than reflected in the statistics – just as other types of crime – since this crime is only registered by the police after detection of the offender. Driving in a state of intoxication makes up about 1/4 of all traffic crimes, *Kriminologiia*, (1976), 414; *id.*, (1979), 292; see also Beisenov, *Alkogolizm*, (1981), 145.
196. Beisenov, *loc. cit.*
197. Kvashin, *Teoreticheskie osnovy*, (1977), 14-16; *ON v SSSR* 1978 No.2, 142.
198. Beisenov, *loc. cit.* See also figures for Belorussia in *Izv.* 14 April 1973; Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 25; *Trud* 8 March 1979; S.B. Benediktov, Iu.N. Popov, *Voditel' i bezopasnost' dorozhnogo dvizheniia*, Minsk 1980, 33-78-79; *Sovetskaia Belorussia* 13 March 1982 and for other recent figures *Sovetskaia Latvia* 27 February 1982; *Kommunist Tadzhikistana* 31 January 1982.
199. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 22; a similar number may be deducted from Sarkisova, *Ugolovno-pravovye sredstva*, (1975), 102, with 0.2% of all sentences for false testimony (Art.177 BSSR CC; 181 RSFSR CC).
200. Appendix table 137, p.327.
201. Gorelik, Tishkevich, *loc. cit.*
202. In Belorussia: false testimony (181 CC RSFSR): 1965: 31.5% (minimum); 1966: 71.2% (maximum); 1974: 51.3%. Gorelik, Tishkevich, *loc. cit.*; in 1968-1970 in the Tatar Rep., false testimony and false reporting made up 35.8%, 32.5% and 32.4% of all crimes against justice, *Lichnost' prestupnika*, (1972), 117.
203. See for escapes from prison, Galiakbarov, "Povyshennuii opasnost'", (1975), 44-45; according to this source, escapes from prison made up 1.21% of all crimes committed in groups (20% of all intentionally committed crimes). As 32.7% of such escapes have been committed in groups, the total number of escapes equals some 0.7% of all crime in the "big industrial province" studied by Galiakbarov.
204. According to *Kriminologiia*, (1976), 358 and *Kriminologiia*, (1979), 238 the level of "grave" crimes was stable, but see especially Smirnov, Radio speech, (1981), about later developments.

CHAPTER V

SENTENCING POLICY

1. Historical Background

The harshness of present-day Soviet sentencing policy is well-known, but during the 1920s this policy was more lenient, due to the complete repudiation of the retributive and deterrent functions of penalties. As Peter Solomon has recently analyzed Soviet penal policy of the 1920s and 1930s, we will concentrate on the general lines.¹

Sentencing policy became less harsh in the 1920s after the end of the civil war, especially if we take into account the 1924 decision to divert certain petty cases (home distilling, illegal woodcutting) to administrative procedure.² The number of sentences to long-term (i.e. longer than one year) deprivation of freedom was more than halved between 1924 and 1927 and the average length of the terms in all sentences to deprivation of freedom also decreased: from 1 year and 7½ months in 1923 to 8-9 months in 1926-1928 (appendix table 110, p.303).

Notwithstanding this decrease, the total number of prisoners increased and by 1927 the average prison population of the USSR was greater than the tsarist peak (198,000 in 1927³ as against 184,000 in 1912)⁴, and the total number of sentences was much higher than before the first World War. This also levelled out the fact that the average length of the terms was much shorter than before the Revolution.⁵ Moreover, the figures do not include those prisoners handled by the security police in an administrative manner.⁶

A second point is that the number of death sentences, though declining, remained very high in the years of the New Economic Policy (NEP): in 1923 about 750 death sentences were pronounced in the RSFSR; in 1926 this number was 886, but in 1928 there were only about 300 (appendix table 112, p.305).⁷ This figure, although far from insignificant,⁸ was the lowest one for the application of death sentences in any year after the 1917 Revolution.⁹

The overcrowding of Soviet prisons (in 1927, there was an average of 177 prisoners for every 100 places)¹⁰ led to a real prison crisis and the RSFSR government made an attempt to solve this crisis by enactment of a decree of 26 March 1928,¹¹ which urged the courts to replace short-term sentences by corrective labor. This resulted in a fivefold decrease of short-term (i.e. not longer than one year) sentences and a threefold increase of corrective labor (table XXV, p.92).

However, the 1928 decree also provided for harsher penalties for persons who did not submit to rehabilitation. Therefore, the year 1929 was not more liberal than 1928 as the number of long-term prison sentences nearly doubled, from 53,000 to 99,000

respectively in the RSFSR (minus the ASSR's), and the number of sentences for terms over three years more than doubled (from 16,500 to 34,200).¹² We can conclude that the 1928 decree resulted in a greater differentiation in the sentences and an increase in the number of camp inmates serving long terms. This development coincided with the subordination of Soviet penal policy to the goals of economic transformation of society, which was reflected in a USSR decree of 11 July 1929.¹³ This decree called for a system of self-supporting prisons and colonies, which would carry out timber-felling¹⁴ and construction work, especially in Siberia and other regions with unfavorable working conditions.

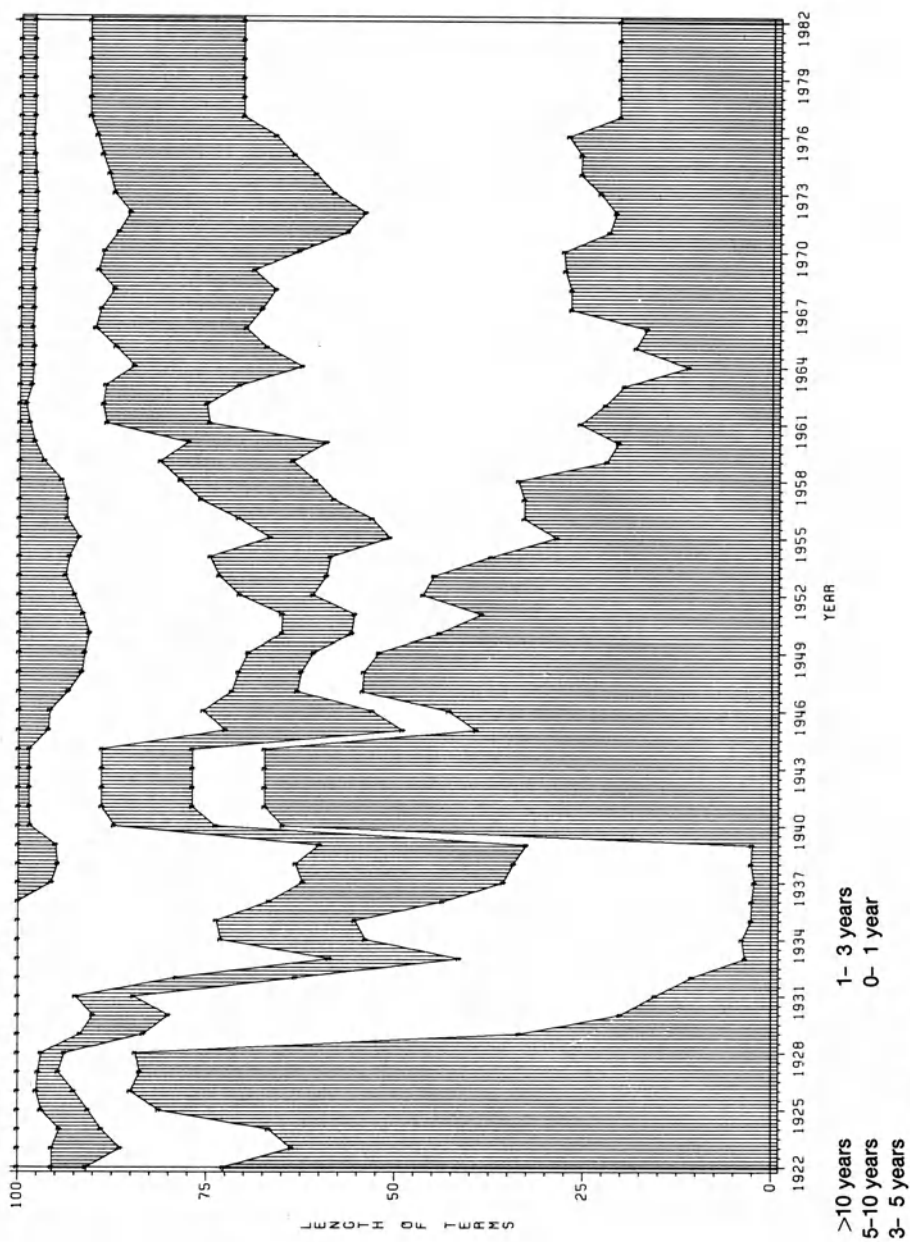
This production orientation in Soviet penal policy remained characteristic for the entire Stalinist period. One of its consequences was that there were no budgetary restrictions for the number of camp inmates, which consecutively increased in the next years, especially due to the collectivization campaign: in 1933, the number of sentences for terms of more than one year was 7 times as high as in 1928 and even 8 times as high compared with 1927, the year in which this number reached its lowest point in Soviet history (some 74,000, against some 630,000 in 1933 in the entire USSR; table XXV, p.92).

Since the average length of the terms also increased from 8 months in 1925-1928 to almost 4 years in 1932-1934, the camp population must have increased very sharply. After 1933, the number of persons sentenced by the official courts to terms of more than one year decreased, but the Special Boards could also send people to camps by way of administrative measure. However, notwithstanding the general increase in the application of deprivation of freedom, non-custodial sentences remained in the majority in the 1930s. This did not change until 1940 due to the criminalization of petty theft and hooliganism.¹⁵

2. The Level of Judicial Repression

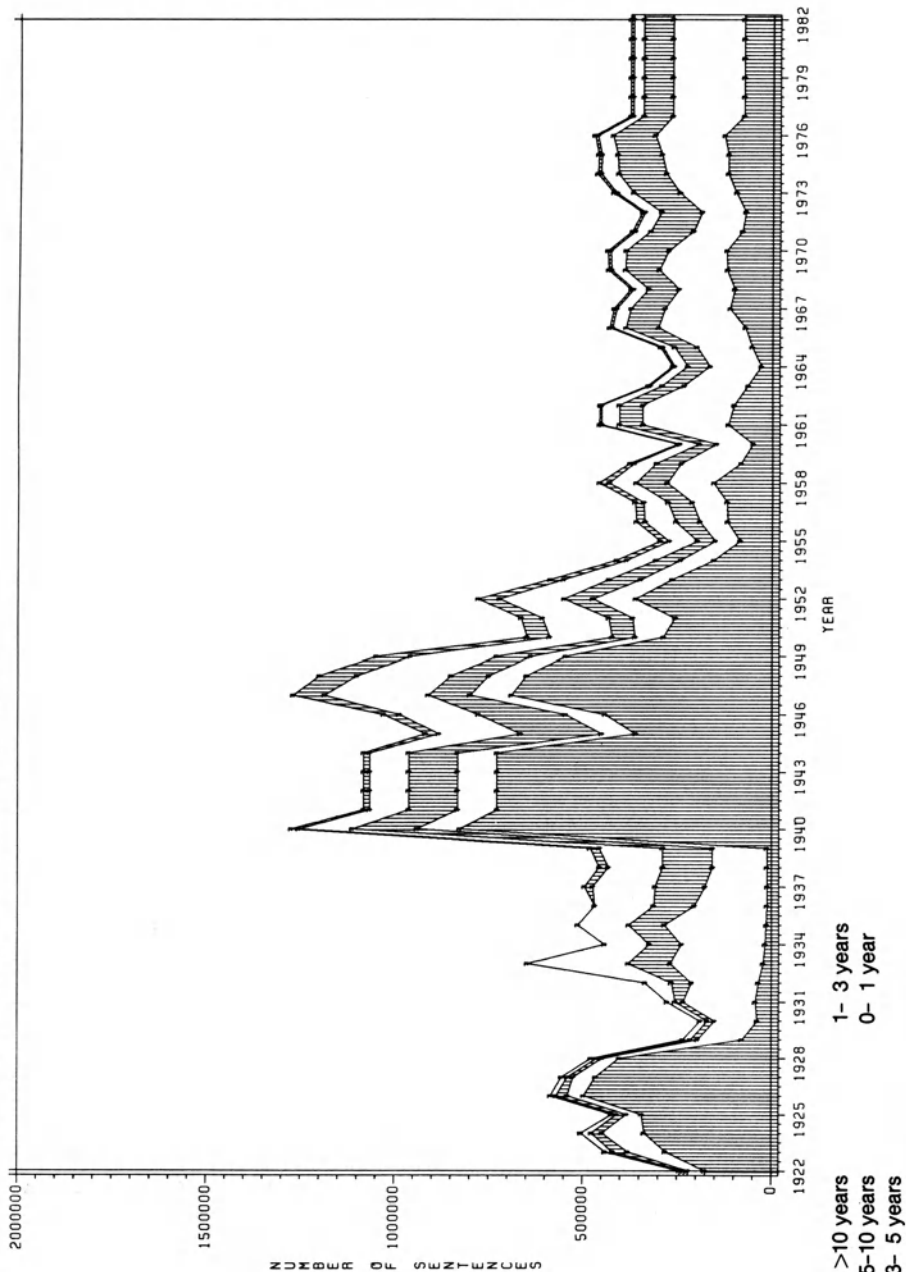
Khan-Magomedev has introduced an index on the application of penalties (the so-called penalty index),¹⁶ but this index (see appendix pp.309-315) depends to a very large extent on the total number of sentences. As law enforcement has varied especially with regard to petty crime, this index usually does not deliver satisfactory results for comparisons between different periods. The level of judicial repression in certain periods may be compared more fruitfully when we only take into account the number of the most severe penalties per 10,000 inhabitants. In 1923 and 1926, the death penalty was applied in 0.09 instances per 10,000 inhabitants, in 1928 this figure was 0.03, in 1932-1933 it was 0.32, and in the first half of the 1960s it was 0.11 (appendix tables 112, 118, and 119, pp.305, 308, 310). The number of sentences to long terms of imprisonment (more than 1 year) increased from 67 per 10,000 in the second half of the 1920s to 215 in the first half of the 1930s, and it was about 275 in the second half of the 1930s and the first half of the 1950s. After Stalin's death this number decreased to just under 150 in the second half of the 1950s. During the 1960s it was about 130, or twice as high as in the 1920s but less than half the number of long-term sentences between 1935 and 1955 (table XXVII). Very long terms (more

I. Distribution of Length of Sentences to Deprivation of Freedom, 1922-1982.



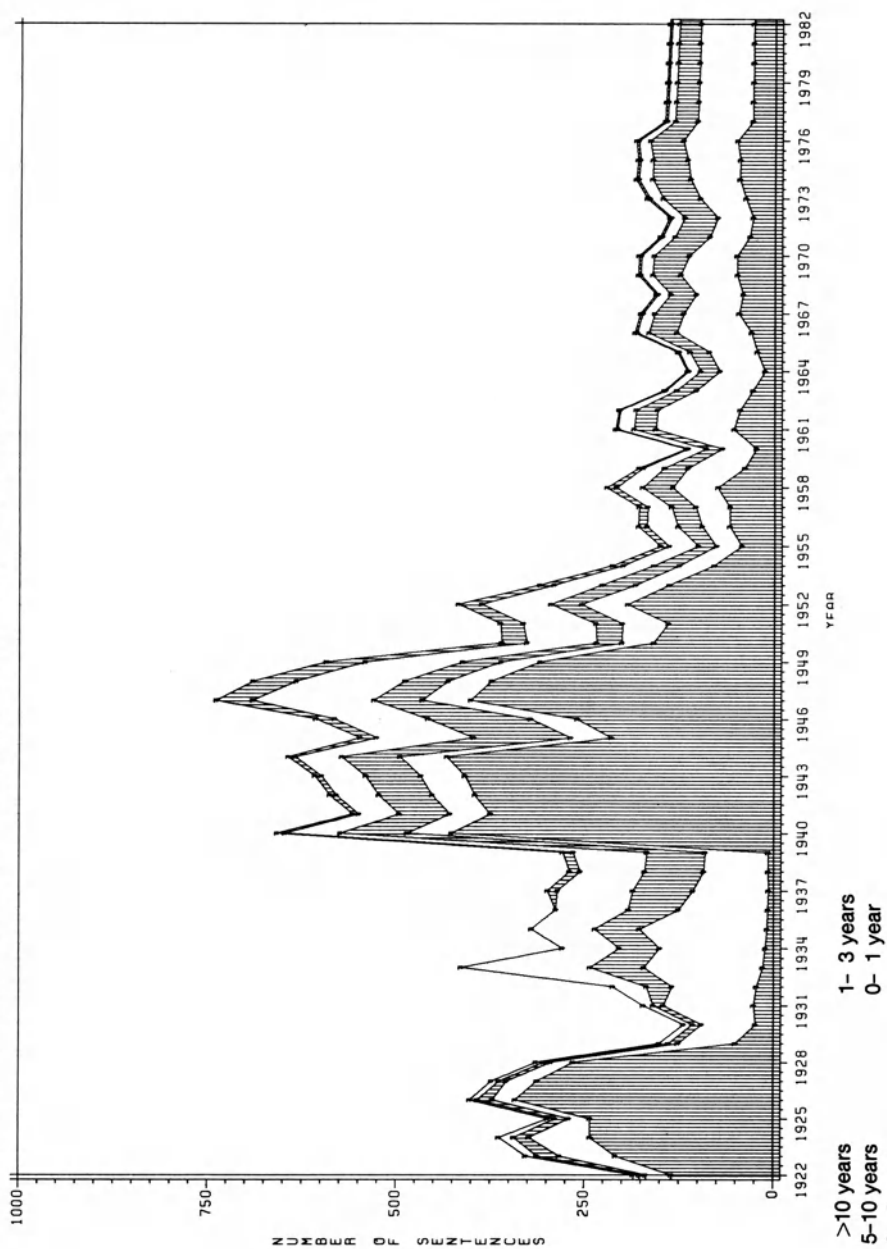
Sources: tables XXV-XXVIII, XXXII.

II. Total Number of Sentences to Deprivation of Freedom, 1922-1982.



Sources: tables XXV-XXVIII, XXXII.

III. Number of Sentences to Deprivation of Freedom per 100,000 Inhabitants, 1922-1982.



Sources: tables XXV-XXVIII, XXXII, appendix tables 4, 6.

than five years) were meted out in less than one sentence per 10,000 inhabitants in 1928-1930, but in 1933 and in 1952 this number was 17, decreasing after Stalin's death to 7 in 1954 and 5 in 1958. One of the effects of the enactment of the new criminal legislation of 1958 was a further reduction of this index to 3 in 1959-1961 and to about 1.5 in 1963-1966 (appendix table 123, p.314). Therefore, while the number of sentences per 10,000 inhabitants in the 1960s was only one-third of the value of the years 1925-1929, the total level of judicial repression was much higher: the number of death sentences was two to three times as high and long-term and very-long-term sentences were applied twice as often.

Table XXV: Trend in Sentencing Policy, 1922-1944 (1928 = 100)

	trend in number of sent.	depr. of freedom			susp. sent.	corr. labor	fine
		total	long	short			
1922	124	47	62	76	199	115	109
1923	136	88	163	70	206	136	156
1924	190	95	138	86	347	116	287
1925	85	88	100	85	298	60	70
1926	94	119	103	123	182	59	86
1927	96	110	89	116	106	79	104
1928	100	100	100	100	100	100	100
1929	131	47	174	18	58	288	107
1930.	126	37	164	8	44	309	66
1931	142	54	254	10	76	352	57
1932	118	76	343	7	17	275	44
1933	150	131	706	4	23	319	33
1934	114	89	462	6	21	279	18
1935	90	102	548	4	84	188	14
1936	~80	96	~500			162	
1937	73	99	~530			128	
1938	80	93	~500			151	
1941-44*	94	168	580	77	113	95	18

* without criminal labor cases

Sources: Table I; appendix table 110, pp. 11, 303.

Table XXVI: Average Length of Terms in Sentences to Deprivation of Freedom (in years)

1919-20	3	1950-54	5.5
1922-24	1.3	1955-59	3.9
1925-28	0.8	1960-65	2.7
1929-31	2.1	1966-69	3.1
1932-34	3.9	1970-74	3.1
		1975-80	2.8

Source: appendix table 126, p. 316.

Table XXVII: Trend in Sentencing Policy, 1920–1970 (1925–1929 = 100)

	average number of sent.	depr. of freedom			susp. sent.	corr. labor	fine	long-term sent. p/ 10,000	
		total	long	short				abs.	trend
1920–24	118	80	100	74	160	90	139	75	112
1925–29	100	100	100	100	100	100	100	67	100
1930–34	126	82	340	9	67	265	46	215	320
1935–39	79	107	460	6	60	138		278	415
1945–49*	156						37		
1950–54*	97	124	510	14		150	43	274	410
1955–59	60	93	300	34	50	68	30	148	220
1960–64	43	80	290	20	50	35	13	135	200
1965–69	45	87	300	26	47	43	11	127	190

* without criminal labor cases

Table XXVIII: Relative Occurrence of Penalties (in all sentences in a certain period, taken as 100)

	depr. of freedom			susp. sent.	corr. labor	fine	other	
	total	long term	short term				exile**	censure
1920-24	20	6	14	14	22	32		4
1925-29	31	6	24	11	25	30		3
1930-34	19	18	1	2	55	11	4	4
1935-39	40	38	2	7	45	6		
1940-44*	59	36	23	6	24	10		0.8
1945-49*						7		
1950-54*	37	34	3	6	40	13		
1955-59	45	32	13	8	29	15		
1960-64	55	43	11	13	21	9		
1965-69	57	43	13	10	24	7		
1970-74	50	38	12	9	25	6	10	0.5
1975-79	58	48	10	7	20		12	
1980-82	56	46	10	6	15	8	14	

* without criminal labor cases

** from 1970 onwards, exile labor

Soviet authors defend this harsh sentencing policy, thus presupposing the existence of a direct, inverse relationship between the length of term of deprivation of freedom and the chance of recidivism. They base this assumption on research, reported by Avanesov and Rutgaizer, conducted among former prisoners three years after their release from a labor camp with a strict regime (table XXIX).

Also, public opinion demands harsh penalties. A poll conducted in the 1970s and published in 1976 reveals that 60% of the people who were interrogated deemed the

Table XXIX: Chance of Recidivism Within 3 years After Release From Confinement

length of term in camp (years)	chance of recidivism
0-1	32
1-2	28
2-3	21
3-4	16
4-5	11
5-6	9
6-7	6
>7	2

Source: S. S. Ostroumov, *Sovetskaia sudebnaia statistika*, (1976), 245-246; G. Avanesov, G. Tumanov, "O verkhnikh granitsakh nakazaniia v vide lisheniia svobody", *Sots. Zak.* 1969 No. 8, 32-34.

sentencing policy correct, 8.1% thought it too liberal, 3.1% too harsh (30% had no opinion).¹⁷ Similar opinions were expressed in a poll conducted in Tashkent in 1980.¹⁸

Another argument that seems to play a role is the sharp increase in criminality following the unjustified amnesty of many common criminals after 1953. The increase in criminality in 1961-1962 has also been attributed to the liberal policy of the courts in meting out deprivation of freedom in 1959-1960.¹⁹

At least from the mid-1950s onwards, many authors repudiated the general increase in repression during Stalin's reign:²⁰ the efficacy of punishment is not so much determined by its harshness, but by its inevitability. However, this does not preclude harsh punishment of some offenders²¹ and a general softening of the penalties (e.g. a return to a maximum term of 10 years deprivation of freedom)²² was rejected.²³

Moreover, a theory of socialist humaneness was developed which excludes "a sentimental, indulgent attitude toward weakness, shortcomings, and vice in a person. An intolerant attitude to the negative qualities of a person, and a decisive struggle to surmount them is dictated by genuine humaneness".²⁴

This thesis of "humaneness in relation to society" was especially used to defend harsh penalties (including the death penalty) in the beginning of the 1960s, but only against dangerous criminals who inflicted great harm upon society.²⁵

This dialectical approach of socialist humaneness was turned down in the 1970s by the outstanding Soviet criminologist I.I. Karpets,²⁶ although one can still come across opinions which are a legacy of the Khrushchev period.²⁷ At present, stress is laid on and research is done into the direction of the Leninist maxim that the inevitability of a prosecution is more important than the harshness of the penalty.

Khan-Magomedev compared the penalty indexes in some republics with the conviction rates in these republics but could not find any relation between these figures.²⁸ E.g. in Belorussia the courts are relatively mild (also after correction for home distilling cases), and the conviction rate is low, while the conviction rate in Georgia is

Table XXX: Sentencing Policy in the RSFSR (1928, 1934) and in Belorussia (1966, 1971)*

	1928		1934		1966		1971	
Sentences p/10,000 inh.	98	(100)	107	(109)	31	(32)		33 (34)
Death Penalty	<0.1		0.1		0.4			
Deprivation of Freedom	31.2	(100)	25.7	(99)	44.8	(45)		38.9 (42)
>8 years	0.2	(100)	7.0	(1,000)	1.0	(158)	(229)	10.7 (200)
5-8 years	0.56	(100)			2.6	(147)		
3-5 years	0.97	(100)			8.9	(290)		
2-3 years	1.1	(100)	12.7	(347)	11.4	(328)	(210)	18.7 (157**)
1-2 years	2.9	(100)			15.1	(165)		
≤1 year	25.6	(100)	1.4	(6)	5.9	(7)		9.5 (12)
Exile Labor	-		-		-			11.1
Corrective Labor	22.0	(100)	56.9	(282)	20.3	(29)		23.0 (38)
Suspended Sentence	7.3	(100)	1.4	(21)	10.8	(47)		9.3 (43)
Fines	31.1	(100)	5.3	(19)	23.2	(24)		17.0 (25)
Public Censure	2.6	(100)	2.2	(92)	0.4	(5)	}	0.8
Others	5.8		8.5		0.1			

* between brackets: the trend for each type of penalty, 1928=100

** incl. exile labor: 251

Sources: appendix tables 111 and 114, pp. 304, 306.

high and the repression also mild; in Moldavia the repression is harsh, while the crime rate is low. Measured in length of sentences, there is also no significant relation between conviction rate and harshness of criminal repression. A direct linear correlation may only be observed for some crimes (esp. murder), but for other crimes the correlation is even reverse (e.g. rape, traffic violations, theft of personal property). This brings Khan-Magomedev to the contention that judicial repression does not have much impact on the crime rate. "At best, we may only expect from judicial repression that it is able to maintain the crime level more or less successfully within certain boundaries and nothing more."²⁹

Many writers deem the number of sentences to deprivation of freedom much too long and too harsh.³⁰ Long penalties only deter first offenders; but once in the camps they get accustomed to the way of life and become indifferent to their fate, so that they are not to be intimidated anymore by the prospect of future penalties.³¹

The political leadership is also moving in this direction: between 1970 and 1982 some milder alternatives to deprivation of freedom were introduced;³² the maxima for certain minor penalties (fines, corrective labor) were increased, making them more suitable as alternatives to deprivation of freedom,³³ and it continues the policy of broadening the field of administrative criminal law at the expense of criminal law proper.³⁴

Apart from the introduction of some new crimes,³⁵ for certain other crimes the maximum penalties were increased,³⁶ but in 1980, for the first time since 1950, the possibility for imposition of the death penalty was restricted although this only affected certain forms of rape.³⁷

3. Application of Deprivation of Freedom in the Post-Stalinist Period

The percentage of people sentenced to deprivation of freedom varies widely in time and region. Especially in the Khrushchev years (1959-1965) the courts were relatively mild:³⁸ in 1961-1965, the number of long-term sentences (more than one year) was only two-thirds of the 1958 number. Moreover, short-term sentences were applied very infrequently: in 1965, their number was less than 10% of the 1958 figure (appendix table 121). This was mainly the result of the large contemporary decrease in the number of sentences in general. Thus, in Belorussia the percentage of persons sentenced to deprivation of freedom was equal in 1958 and 1965 (40.9% and 40.0%). Such temporal variations occurred in the entire USSR. However, if we compare longer periods with each other, differences are small (tables XXVI-XXX, pp.92-95).

Regarding local differences, we find that in 1964 the percentage for application of deprivation of freedom was 39.1% in Belorussia (45.2 after correction for home distilling cases), 43 in the RSFSR, 50.2 in the Tatar Republic and 59 locally in Siberia (appendix table 121, p.311), but figures of 63.8 and 67.7 have also been reported.³⁹ Deprivation of freedom is substantially more often applied in Moldavia, Lithuania, Turkmenia and Kazakhstan than the USSR average; in Azerbaidzhan and Armenia, and especially in Belorussia and Georgia, this is much more infrequent.⁴⁰ This situation has been observed for years, especially during the 1960s. Such differences result partly from policy toward petty crime. E.g. in Belorussia in the 1960s, home distilling was more often prosecuted as a crime than on the average in the USSR. As the penalty for home distilling is usually a fine, the incidence of deprivation of freedom was relatively low.⁴¹

After 1965, the number of sentences in Belorussia increased. The percentage of sentences to deprivation of freedom increased accordingly, resulting in a number that was one and a half times higher than under Khrushchev. In the entire USSR, the rise in the number of sentences was lower, and the gap between Belorussia and the USSR became narrower.

The increase was especially due to short-term sentences, which were applied three to five times more frequently than in 1964-1965 (long-term sentences increased only by 25-30%). This was a result of the anti-hooliganism campaign, which was inaugurated in 1966 and which made a crime of repeated simple hooliganism and urged higher penalties for other forms of hooliganism.⁴² The increase in short-term sentences also brought about a revival of the debates as to their effectiveness. Such sentences are too short for an effective rehabilitation, which results in high recidivism; moreover, they result in economic losses.⁴³ But it is stressed that short-term sentences are necessary as there are no real alternatives for many offenders, who commit a crime that is not serious, but whose personality does not fit non-custodial penalties. The number of recidivists, alcoholics, and persons without permanent residence or work is high in this group.⁴⁴ According to criminal lawyers, the problem of short-term sentences is not so much a question of criminal law as of penology, of the organization of the execution of the penalty. As an alternative some lawyers have proposed establishing weekend-imprisonment.⁴⁵

In 1970, a new type of penalty was introduced under which the sentenced indivi-

dual is obliged to perform work at a place assigned by the penalty executing authorities (we shall call this penalty exile labor).⁴⁶ This penalty should be an alternative to deprivation of freedom for terms of between one and three (sometimes five)⁴⁷ years. Its introduction caused, at least temporarily, a decrease in the percentage of persons sentenced to deprivation of freedom. In Belorussia, this percentage was 47% in 1969, 45% in 1970, 39% in 1971, and 41% in 1972 and 1974 (appendix table 114). Bannikov reported a decrease in the application of deprivation of freedom of 9.5% in 1972 as compared with 1969 for the entire USSR.⁴⁸ However, in Belorussia the number of such sentences did decrease in 1971 and 1972 as compared with 1969 and 1970, but not as compared with 1966-1968. Moreover, in 1974 the 1969-1970 level was again reached, due to the general increase in the number of all sentences in the first half of the 1970s as compared with the 1960s. Therefore, the 1970 edict caused only a temporary decline in the number of sentences to deprivation of freedom, and in 1976, deprivation of freedom was applied in 57% of all sentences,⁴⁹ which was hardly lower than under Khrushchev: Anashkin mentioned a figure of "less than 60%" in 1962.⁵⁰ As the total number of sentences in 1976 was nearly equal to the "normal" Khrushchev years (1959, 1961, 1962) the number of sentences to deprivation of freedom in 1976 was also nearly equal to the Khrushchev period.⁵¹

In 1977, some restrictions in the use of exile labor were abolished,⁵² but in the same year a new decriminalization campaign was started. The result may have been that the corresponding decrease in the number of sentences caused an increase in the relative frequency of application of deprivation of freedom, but that the frequency decreased in absolute terms. Thus, a criminal law textbook of 1981 gives the relative frequency as 60.5%⁵³ (against 57% in 1976) but a report of 1980 asserts that the application of deprivation of freedom has declined.⁵⁴ In 1982 in the Penza province, deprivation of freedom was meted out in less than 56% of all sentences and exile labor in 13.5%.⁵⁵

In 1982, the politicians decided to introduce higher maxima for some alternatives to short-term sentences:⁵⁶ the maximum fine was doubled or tripled and corrective labor was extended from one year to two years. In the same year, the possibility to stay the execution of a penalty was extended to adults.⁵⁷

We may expect that this new trend will bring along with it a general decrease in short-term sentences.

Deprivation of freedom for terms of more than 10 years occurred on a mass scale during Stalin's reign. In 1950-1952, annually, 90,000 or more persons were sentenced to such a penalty.⁵⁸ After Stalin's death, the number declined rapidly: it was about 35,000 in 1954, and 20,000 in 1958. The criminal law reforms of the end of the 1950s turned such long-term sentences into exceptional ones, to be applied only for especially grave crimes and for very dangerous recidivists.⁵⁹ This caused a further decrease to about 7,000 in 1962 and 4,000 in 1965. Thereafter, the figure remained of this order of magnitude (appendix table 123, p.314).

The average length of the terms varies widely in the republics. E.g. in Belorussia the average length was 2 years and 7 months in 1966, while the USSR average was half a year more. But the differences in time are much larger. In the 1920s, the average term was 1 year and 3 months (with a minimum in 1926 of 8 months), and in the last years

under Stalin it was 6 years. After Stalin's death, the average term gradually decreased to 3 years and 2 months in 1959 (these data are for the Saratov province).⁶⁰ Khrushchev's reforms resulted in an average term of somewhat more than 2½ years in the first half of the 1960s. After the changes in criminal policy of 1966, the average terms increased again to about 3 years (appendix table 126, p.316). This reverse in sentencing policy is more outspoken when we take into account that the number of short-term sentences increased much faster than the number of sentences to long terms.⁶¹

Nearly all sentences to deprivation of freedom entail confinement in a corrective labor institution (a labor camp). Incarceration in prison is used in less than 1% of all sentences.⁶²

4. Exile Labor

According to the already mentioned USSR edict of 12 June 1970,⁶³ able-bodied persons who would have been sentenced to deprivation of freedom for a term of between one and three years may be given suspended sentences with the obligation to work wherever the police send them: on construction sites and in factories under administrative surveillance. This measure creates the possibility of a more humane and effective rehabilitation of criminals without exposing them to criminal elements in the camps, and enables the state to place workers wherever they are needed.⁶⁴ The edict calls this form of punishment "a suspended sentence with forced assignment to work", but it can also be qualified as exile in combination with forced work, a penalty which already existed in the beginning of the 1930s under the name of "exile labor".⁶⁵

Due to its nature, exile labor will soften punishment for those who would otherwise have been sent away to a camp, but it can easily be misused if less harsh penalties or simple suspended sentences are replaced by exile labor. Figures about the application of exile labor published for Belorussia (1970-1974: appendix table 127, p.317) show that exile labor was meted out in 11-12% of all sentences and that the level of simple suspended sentences decreased from 10-11% in 1966-1970 to 7-8% in 1971-1975. Moreover, the number of fines also decreased somewhat (but this may have been caused by a decrease in sentences upon private accusation and for home distilling). The result was that in Belorussia sentences to deprivation of freedom did not decrease correspondingly by 10-11%, but only by 5-6% (appendix tables 114-118, pp.306-308). Whether the Belorussian figures are representative for the entire USSR is uncertain. Bannikov has reported a decrease in the application of deprivation of freedom between 1969 and 1972 of 9.5%,⁶⁶ which probably means that such sentences made up e.g. 60% of all sentences in 1969, but only 50.5% in 1972. However, later on in the 1970s, the courts applied deprivation of freedom at the same level as in the 1960s, while the level of exile labor did not substantially change.⁶⁷ Therefore, exile labor was also used as an alternative to other, milder, sanctions. In 1974, the average term of sentences to exile labor, meted out by the courts of Kazan, was 2.4 years.⁶⁸ The sanction especially is used in cases of hooliganism and thefts.⁶⁹

Some of the reasons for the introduction of exile labor were purely economic.

Sentences to the labor camps can waste skilled labor and although Soviet politicians and penologists claim that such camps are self-supporting, one can doubt whether this makes them as useful as they are said to have been in the Stalinist period. A camp system is also highly inflexible, especially because many camps are locally organized. Exile labor is more flexible and also much cheaper, while the convicts are not exposed to criminal elements existing in the camps.⁷⁰

5. Corrective Labor

Between 1929 and 1940 corrective labor was applied on a massive scale, when it was assigned in more than 40% of all sentences (with a maximum of 57.7% in 1931).⁷¹ This high percentage was maintained until 1940 as application of deprivation of freedom for a term under one year was outlawed in 1929.⁷² In 1940, the number of sentences to a term of one year increased rapidly as a result of the decrees about the criminalization of hooliganism and petty theft, which became punishable with a term of one year.⁷³ When we summarize the criminal labor cases, the effect of these laws was that application of corrective labor decreased to about 20% of all sentences rendered by ordinary courts.⁷⁴

Although the changes in criminal law made in 1947 and 1949 were all directed toward higher and harsher penalties,⁷⁵ the number of sentences to corrective labor increased after 1945, and in 1952-1954 it was between 35 and 40% of all sentences.⁷⁶ The changing policy towards petty crime and the creation of the comrades' courts caused a decrease in this percentage to about 20% in 1960-1961.⁷⁷ In latter years, this frequency did not change much.⁷⁸

This penalty does not entail much hardship. However, in 8-10% of all sentences to this penalty,⁷⁹ the individual has to carry on labor in another place then where he used to work, although he may not be obligated to move to another place of residence.⁸⁰ Moreover, this penalty entails a break in service years and has impact on pension plans and seniority rights.⁸¹

But, in general, corrective labor was being plagued by its low level of efficacy for years: the maximum term (one year) was too short and, according to one author at least,⁸² it would be better to change its character from a deduction of a fixed percentage of the wage into a fixed amount, as the percentage had a negative influence on labor productivity. Moreover, the total amount forfeited to the state was much too high.⁸³ However, in 1982, after Brezhnev's death, the maximum was doubled from one to two years⁸⁴ to create a more suitable alternative to short-term sentences.

6. Fines

In criminal sentences fines were popular only in the 1920s (30-35% of all sentences), but due to the changes in the prosecution policy with regard to cases upon private accusation and the harsher penalties in the Stalinist period fines were only applied in

some 10% of all sentences until the end of the 1940s. Thereafter, the increasing number of cases upon private accusation caused a rise to 16-17% of all sentences. After the revival of the comrades' courts in 1959-1960 the number of fines decreased again to 6-7% in the 1970s (appendix table 129, p.320).

In December 1982, the possibility of applying fines was extended and its maxima were heightened.⁸⁵

7. Suspended Sentences

Until 1960 suspended sentences only existed in the form of suspension of the court sentence during certain years on the condition that the probationer does not commit another intentional offense. If he does commit a new offense, he will be tried for the latter, but the penalty will be increased with the penalty for the first offense. In this form, suspended sentences were rather popular during the first half of the 1920s and in 1925 nearly 22% of all sentences were suspended. After 1926, the frequency was much lower in general, but at times the frequency again was rather high (e.g. 13-15% in 1943-1944),⁸⁶ due to the varying policy with regard to petty crime and to criminal repression in general.⁸⁷ The general relaxation in repressive policy of 1959-1960 caused a sharp increasing incidence of suspended sentences and in 1959, the frequency of probation even increased from 7.6% in the first quarter to 22.5% in the fourth quarter, while in the same period the number of sentences decreased.⁸⁸ As a result, the number of sentences was halved in 1960 as compared with 1958, but the number of suspended sentences increased by 1/3.⁸⁹ When the USSR Supreme Court condemned this mild penalty policy,⁹⁰ the number of suspended sentences decreased accordingly from 17.1% of all sentences in 1960 to 10-13% in the next five years and 8-10% later on in the 1960s.⁹¹ The introduction of exile labor as a type of suspended sentence in 1979⁹² as well as the introduction in 1977 of and the widening scope in application of a stay in the execution of sentences,⁹³ caused a further gradual decrease in the application of suspended sentences.

In 1959, a variant of probation was introduced, when it was made possible to entrust the offender to his "collective" for reeducative purposes.⁹⁴ This type of suspended sentence (in Russian: *poruka*, suretyship) has frequently been applied in the first 6 years after its introduction, especially in 1960 in Belorussia, when 6.3% of all sentences (34.2% of all suspended sentences) had this form. After 1965, suretyship was only applied in about 2% of all sentences.⁹⁵ After 1970, this frequency did not change but, due to the decreasing number of suspended sentences, the role of suretyship in all suspended sentences increased to about 30% of all suspended sentences.

8. Other Basic Penalties

Other penalties (exile, banishment, deprivation of the right to occupy certain positions, dismissal from office, making amends for harm caused, public censure) are

applied as the basic penalty in about 5% or less of all sentences.⁹⁶ Gal'perin gave (1972) for exile 0.2% of all sentences.⁹⁷ In Belorussia, exile was not meted out in some years and neither was banishment for many years of the 1970s,⁹⁸ but this is attributed to the specific circumstances of Belorussia.⁹⁹ In the 1960s, public censure was meted out in 0.5% of all sentences issued by Belorussian courts.¹⁰⁰

9. Supplementary Penalties

Supplementary penalties do not seem to be meted out very often. Only deprivation of the right to occupy a certain position seems to occur frequently, especially after the first years of the 1960s.¹⁰¹ Thus in Belorussia, it was meted out in 0.7% of all sentences in 1961 and in 3.3% in 1964 or nearly four times as much. In 1970-1971, the frequency (3.7% of all sentences) had increased to six times the 1961 number.¹⁰² According to data published in 1978, in about one-third of all sentences for embezzlement of state property (art.92 RSFSR CC) is this supplementary penalty assigned.¹⁰³ Driver's licenses usually are withdrawn in administrative procedure.¹⁰⁴

Confiscation of property was assigned in 0.9% of all sentences at the end of the 1950s.¹⁰⁵ Probably, this percentage has increased as, at least locally, it is frequently used in sentences for speculation: in Sverdlovsk province, in 1980-1982, it was applied in about half or more of all sentences for speculation under aggravating circumstances (art.154(2) RSFSR CC).¹⁰⁶ A similar number was reported for the entire RSFSR (e.g. 66% in the first half of 1982).¹⁰⁷

Also in cases of embezzlement of state property (art.92 RSFSR CC) and deception of purchasers (art.156 CC RSFSR), confiscation of property and deprivation of the right to occupy certain offices have been widely applied in recent years.¹⁰⁸

Exile and banishment rarely¹⁰⁹ occur as a supplementary penalty.¹¹⁰ In Belorussia, banishment was assigned as a supplementary penalty in only 2-3 cases each year in the 1960s.¹¹¹

However, in practice exile or banishment are more frequently applied, but not on the basis of a court sentence: under unpublished rules related with the internal passport system the choice of residence after release from deprivation of freedom is severely restricted administratively for persons sentenced for a number of crimes (mainly those for which the death penalty is possible) and for all especially dangerous recidivists.¹¹²

10. Comparisons and Conclusions

For years, deprivation of freedom has been the most frequently applied penalty in criminal law enforcement. From the mid-1930s onwards, more than 40% of all sentences have entailed confinement in a labor camp and in the past two decades this figure even reached about 55% (table XXVIII). This figure is much higher than in some other socialist countries such as the German Democratic Republic (about 40% at the end of the 1970s)¹¹³ or Poland (about 30% in 1979-1980)¹¹⁴, but lower than in

Bulgaria, where deprivation of freedom was applied in 65% of all sentences in the period 1959-1976 (in 1976 it was 66%).¹¹⁵ However, these differences seem to be the result of different definitions of what represents a crime or an administrative violation, and from different levels of activity of the comrades' courts,¹¹⁶ as in the USSR, in Poland and in the GDR, the number of imprisonments per 10,000 inhabitants is nearly equal (16-18, 17, 16 resp.).¹¹⁷ In Bulgaria, this level is higher (22), but Bulgarian courts frequently apply short-term sentences: three quarters of all sentences are to deprivation of freedom of between one month (the minimum) and one year,¹¹⁸ against only one-fifth to one-sixth in the USSR (table XXVIII). The most remarkable differences between these countries are differences in the average terms of sentences to deprivation of freedom: USSR about 3 years (table XXVI); Poland 2.1 years¹¹⁹, and Bulgaria only 1.1 years.¹²⁰ Thus, although there are many similarities between the four socialist countries in the field of sentencing policy, the authorities and the courts of the Soviet Union rely more heavily on harsh penalties than do their colleagues in the satellite-countries.

This reliance upon harsh penalties is most clearly shown in the application of capital punishment. In the GDR, Hungary, and Poland capital punishments are issued each year,¹²¹ but their frequency is insignificant: during the past 20 years the highest number in Poland was 23 (in 1976) and in Hungary it was below 10.¹²² In the Soviet Union this number was about 2,000 in 1960-1966.¹²³

NOTES

1. Solomon, "Soviet Penal Policy", (1980).
2. Decree of the ACUC (RSFSR) of 16 October 1924, *SU RSFSR* 1924 No.79; Solomon, *op. cit.*, 204.
3. See table XXXI.
4. Juviler, *Revolutionary Law and Order*, (1976), 33.
5. V.P. Iakubson, "Ugolovnaia repressiia v gody revoliutsii", *Sov. Iust.* 1922 No.4, 3.
6. Cf. Solomon, *op. cit.*, 202, who gives 25,000-30,000 as the highest estimate for the population of the OGPU system.
7. Cf. also Van den Berg, "The Soviet Union", (1983), 157. A similar development had occurred 15 years previously when the number of death sentences decreased from 1,959 in 1908, to 1,435 in 1909, 434 in 1910 and 237 in 1911, S.F., "Repressii", *Ezhegodnik gazety Rech' na 1912 god*, S.-Petersburg 1912, 517. The number of actual executions was 782 in 1908, 543 in 1909, 129 in 1910 and 58 in 1911, or 37% of all sentences. In 1906, 1,010 persons were executed, and in 1907, 627; only some sentences, which were imposed by military tribunals, were for military crimes, others were for resistance of authority, robberies, murder etc. See also S.S. Ostroumov, *Prestupnosti' i ee prichiny v dorevoliutsionnoi Rossii*, M. 1980, 99-100, who gives 1,340 executions in 1908. Cf. however, Juviler, *Revolutionary Law and Order*, (1976), 25.
8. Cf. Solomon, *op. cit.*, 197.
9. Cf. Van den Berg, *loc. cit.*
10. Solomon, *op. cit.*, 204.
11. Decree of ACUC and RSFSR CPC of 26 March 1928, *Sov. Iust.* 1928 No.14, 417-419; *Sbornik dokumentov*, (1953), 302-305; Solomon, *op. cit.*; cf. also *SU RSFSR* 1929 No.37 item 388.
12. Solomon places the development of harsher sanctions for recidivists and class enemies in later years.
13. Decree of the USSR CPC of 11 July 1929, described in V.D. Menshagin, "Ispravitel'no-trudovaia politika", *Ezhegodnik sovetskogo stroitel'stva i prava na 1931 god za 1929/1930 god*, Moskva-Leningrad 1931, 429 f. Solomon drew my attention to this unpublished decree, cf. Solomon, *op. cit.*, 208.
14. Timber felling was especially mentioned in the Statute on Labor Camps of 7 April 1930 (SZ SSSR 1930 No.22 item 248). Therefore, the reactions at the 1931 Soviet Congress to Western critics were hypocritical.
15. Shargorodskii, *Nakazanie*, (1973), 91.
16. D.O. Khaṇ-Magomedov, "Metodika sravnitel'noi tekhniki otsenki tiazhesti ugovolnykh nakazanii", *Voprosy bor'by s prestupnost'iu*, Vol.15, 1972, 42 ff.; cf. also Ostroumov, *Sovetskaiia sudebnaia statistika*, (1976), 245-246.
17. *SGiP* 1976 No.7, 96; cf. also Sarkisova, *Predupreditel'naia rol'*, (1979), 90.
18. B.A. Mirenskii, "Rol' obshchestvennogo mneniia v sovershenstvovanii zakonodatel'stva o bor'be s pravonarusheniiami", *ON v Uzbekistane* 1981 No.9, 42-43.
19. S. Solov'ev, *Izv.* 22 Nov. 1961 (13 *CDSP* 1961 No.47, 41) attributes it to the policy of the RSFSR Supreme Court.
20. Defended in B.S. Man'kovskii, *Problema otvetstvennosti v ugovolnom prave*, M. 1949, 55-56; reviewed in *SGiP* 1950 No.12, 89.
21. *Pravda* 12 April 1955; P.S. Romashkin, "Problemy kodifikatsii ugovolnogo zakonodatel'stva", *SGiP* 1957 No.5, 81-82; A.M. Rumiantsev, *Zasedaniia Verkhovnogo Soveta SSSR*, 6th session, 4th convocation, M. 1957, 512; Shargorodskii, *Nakazanie*, (1958), 22, 27. See also the 1961 Party Program.
22. E.g. B.S. Utevskii, "O kodifikatsii respublikanskogo ugovolnogo zakonodatel'stva", *Tezisy nauchnoi konferentsii, posviashchennoi voprosam kodifikatsii sovetskogo respublikanskogo zakonodatel'stva*, M. 1957, 20.
23. Shargorodskii, *op. cit.*, 27; cf. also Mirenskii, *loc. cit.*
24. M.N. Petrosian, "Marksizm i gumanizm", *Voprosy filosofii* 1956 No.3, 56.

25. Anashkin, "Gumanizm", (1963), 50-52; Mironov, *Ukreplenie zakonnosti*, (1969), 144; see also Van den Berg, "The Soviet Union", (1983), 163.
26. Karpets, *Nakazanie*, (1973), 86-87; see also Gorkin, "XXIII s'ezd", (1971), 9.
27. V.O. Popkov, *Gumanizm sovetskogo stroia*, M. 1972, 130.
28. Bannikov, "Voprosy sudebnoi praktiki", (1973), 5; Khan-Magomedov, "Problema povysheniia", (1973), 22; *id.*, "Zastosuvannia matematichnykh metodiv i zasobiv kibernetiki v kriminal'no-pravovykh doslidzhenniakh", *Radians'ke pravo* 1976 No.2, 83-87.
29. Khan-Magomedov, "Problema povysheniia", (1973), 22-23; V.N. Kudriavtsev, "O naibolee vazhnykh napravleniakh issledovanii v oblasti ugovnogo prava", *Problemy sovetskogo ugovnogo prava*, (1973), 17.
30. Sarkisova, *Ugovno-pravovye sredstva*, (1975), 59, 126; Osipov, *Teoreticheskie osnovy*, (1976), 73 ff.; B. Mirenskii in *Sovershenstvovanie zakonodatel'stva o bor'be s prestupnost'iu*, Tashkent 1982, 24-30.
31. Sarkisova, *loc. cit.*
32. Cf. the summing up in Juviler, "Diversion", (1982).
33. RSFSR edict of 3 December 1982, *Ved. RSFSR* 1982 No.49 items 18, 21; I.M. Gal'perin, "Differentsiatsiia ugovnoi otvetstvennosti i effektivnosti nakazaniia", *SGiP* 1983 No.3, 69-76.
34. Juviler, *op. cit.*
35. Cf. the list of all amendments to the Ukrainian CC in *Sovershenstvovanie ugovnogo zakonodatel'stva USSR (1961-1975 gg.)*, *Sbornik normativnykh aktov*, Kiev 1976.
36. But less draconic than under Khrushchev, or indeed under Stalin.
37. USSR edict of 28 April 1980, *Ved. SSSR* 1980 No.19 item 347; Art.117 RSFSR CC.
38. In 1959, deprivation of freedom was applied much less frequently than in 1958, *BVS SSSR* 1960 No.3, 6; in Leningrad city, the number was halved in 1959, *SGiP* 1960 No.7, 183.
39. Mikhlin *et al.*, "Effektivnost", (1968); Connor, *Deviance*, (1972), 201. Cf. also *Sov. Iust.* 1970 No.15, 20, that even gives 70% at the end of the 1960s.
40. Cf. appendix table 124; Khan-Magomedov, "Nekotorye matematicheskie metody", (1973); *id.*, "Problema povysheniia", (1973), 22; Bannikov, *op. cit.*; Kudriavtsev, *op. cit.*
41. Cf. appendix table 121, p.311.
42. According to Gal'perin, sentences for six types of crime made up 92.5% of all short-term sentences; 63.2% of these sentences were under laws adopted in 1966 or later years, thus especially for repeated simple hooliganism, Gal'perin, "Sovershenstvovat' metody", (1973), 21; see also *Sov. Iust.* 1969 No.18, 27.
43. *Ibid.*
44. Bannikov, "Voprosy sudebnoi praktiki", (1973), 7.
45. *Ibid.*
46. See for details, the next paragraph.
47. For some forms of non-intentional crimes, esp. traffic crimes.
48. Bannikov, *op. cit.*, 8.
49. Baturon, "Increasing Use", (1977), 75.
50. Anashkin, "Gumanizm", (1963), 47.
51. Cf. table I and appendix table 121, pp.11, 311.
52. USSR edict of 8 February 1977, *Ved. SSSR* 1977 No.7 item 116; Juviler, "Diversion", (1982), 154.
53. *Sovetskoe ugovnoe pravo. Chast' obshchaia*, M. 1981, 319, however, the year of reference is not indicated.
54. *Sov. Iust.* 1980 No.23, 3.
55. Simonov, "Vazhnoe sredstvo", (1983), 9.
56. Sometimes also if the terms exceed one year, e.g. Art.89 RSFSR CC.
57. USSR edict of 26 July 1982, *Ved. SSSR* 1982 No.30 item 572.
58. These figures do not include especially dangerous crimes against the state, cf. appendix table 122.
59. Art.24 RSFSR CC.
60. Cf. note 58.
61. See the previous page.

62. Shliapochnikov, "Leninskie printsipy", (1968), 20.
63. *Ved. SSSR* 1970 No.24 item 204, 205; 1977 No.7 item 116; *Ved. RSFSR* 1977 No.12 item 255; Art.24(2) RSFSR CC; Art.78(1-4) RSFSR Corrective Labor Code. See for the nature of this form of penalty and the conditions under which it has to be served, S.A. Salautdinov, "Problemy izmeneniia elementov prinuzhdeniia i vospitaniia v uslovnom osuzhdenii po ukazu ot 12 iunია 1970 g. v zavisimosti ot mesta privilecheniia osuzhdenного k trudu", *Nauchno-tekhnicheskoi progress i problemy ugovornogo prava (Sbornik materialov nauchno-prakticheskoi konferentsii)*, M. 1975; *Sov. Iust.* 1980 No.10, 4; G. Dmitriev, *Sov. Iust.* 1980 No.12, 19. See on the theory and practice of suspended sentences, esp. Schultze-Willebrand, *Die bedingte Verurteilung*, (1977).
64. Juviler, *Revolutionary Law and Order*, (1976), 93; *Sovetskoe ugovornoe pravo. Chasi' obshchaja*, (P.I. Grishaev, B.V. Zdravomyslov, eds.), M. 1982, 278.
65. RSFSR Law of 10 January 1930, *Sbornik dokumentov*, (1953), 348-350; exile labor was abolished in 1934.
66. Bannikov, "Voprosy sudebnoi praktiki", (1973), 8; Shchekolov reported a decrease of 20% in sentences to deprivation of freedom for a term of between one and three years in 1970 as compared with 1969, *Moscow News* 1971 No.46, 10. See also *BVS SSSR* 1972 No.5, 42 for the application of exile labor in sentences for theft of socialist property. Locally, exile labor was applied in 13-20% of all sentences, A. Filatov, "Uslovnoe osuzhdenie s obiazatel'nym privilecheniem k trudu", *Sov. Iust.* 1974 No.21, 2-5; A. Matveev, G. Drovoskov, "V tseliakh povysheniia effektivnosti uslovного osuzhdeniia k lisheniiu svobody s obiazatel'nym privilecheniem k trudu", *Sov. Iust.* 1978 No.22, 22; V.K. Ketov, "Uslovnoe osvobozhdenie iz mest lisheniia svobody s obiazatel'nym privilecheniem k trudu vi sisteme mer ugovornogo nakazaniia", *Vestnik Leningradskogo universiteta. Seriya ekonomika, filosofii, pravo* 1975 No.3, 118; G.Z. Moiseenko, "Praktika primeneniia i ispolneniia uslovного osuzhdeniia k lisheniiu svobody s obiazatel'nym privilecheniem osuzhdenного k trudu", *Trudy VluZl* 1974 Vol.33, 156; G.I. Kurbatova, "Osnovaniia primeneniia uslovного osuzhdeniia s obiazatel'nym privilecheniem k trudu, otnosiashchikhsia k lichnosti vinovного"; E.A. Sukharev, A.D. Gorbuza, "K voprosu ob effektivnosti uslovного osuzhdeniia k lisheniiu svobody s obiazatel'nym privilecheniem k trudu", *Problemy effektivnosti ugovornogo zakona. Sbornik uchenykh trudov* No.37, Sverdlovsk 1975.
67. Cf. the previous paragraph and appendix table 127. Cf. also Osipov, *Teoreticheskie osnovy*, (1976), 74.
68. See the data in *Lichnost' prestupnika*, (1980), 117.
69. *Sots. Zak.* 1973 No.9, 65; *Sov. Iust.* 1973 No.8, 13; 1974 No.2, 15; *Voprosy bor'by s prestupnost'iu*, Vol.27, (1977), 53; *Lichnost' prestupnika*, (1980), 120; M.A. Efimov, V.A. Shkurko, *Sovershenstvovanie ugovorno-pravovykh mer bor'by s prestupnost'iu*, Minsk 1980, 18.
70. Juviler, *Revolutionary Law and Order*, (1976), 93.
71. Appendix table 110. According to Dallin, Nicolaevsky, *Forced Labour*, (1947), 163, corrective labor disappeared after 1926 until its revival in 1940, but they do not give any data which would sustain this conclusion.
72. USSR decree of 11 July 1929, quoted in note 13.
73. Shargorodskii, *Nakazanie*, (1973), 91; appendix table 110, p.303.
74. *Ibid.*
75. The minimum term for theft of socialist property was upgraded to 5 years.
76. Bushuev, "Ispravitel'no-trudovye raboty", (1957).
77. Between 1954 and 1959, the penalty of corrective labor was frequently applied; thereafter, the frequency decreased to 20-25% of all sentences. Between 1961 and 1964, its application increased by 5.3%, G.A. Odnoletkov, A.E. Natashev, "Primenenie nakazaniia v vida ispravitel'nykh rabot bez lisheniia svobody", *SGiP* 1965 No.4, 123; L.G. Krakhmal'nik, "Pravovoe regulirovanie ispravitel'nykh rabot", *Uchenye zapiski. VNIISZ* 1966 No.7, 142; *id.*, "Nekotorye voprosy pravovogo regulirovaniia ispravitel'nykh rabot bez lisheniia svobody", *SGiP* 1965 No.4, 128; cf. also N. Kondrashkov, "Mery nakazaniia v zakone i na praktike", *Sots. Zak.* 1968 No.2, 24; cf. also some figures for the Bezhitskii district court of Briansk (1962: 11%; 1963: 15.1%; 1964: 16.2%), *Sov. Iust.* 1966 No.3, 20.
78. In 1967, Matishevskii stated that corrective labor was applied in 20% of all sentences, P.S.

Matishevskii, "Le travail de rééducation sans privation de liberté selon la législation pénale de la République Socialiste Soviétique d'Ukraine", *Symposium international*, (1968), 112; B. Viktorov and A. Mikhlin mentioned a decrease to 17-20% "in the last years", in *Izv.* 22 October 1968. Karpets and Kudriavtsev stated in 1970 that corrective labor was applied in 30% of all sentences, I.I. Karpets, V.N. Kudriavtsev, "Leninskie idei o putiakh preodoleniia antioibshchestvennykh iavlenii v sotsialisticheskom obshchestve", *V.I. Lenin o zakonnosti i pravosudii. Voprosy bor'by prestupnost'iu* 1970 Vol.11, 66; cf. also Gal'perin, "Zadachi sovershenstvovaniia", (1972), 18; *id.*, "Rol' nakazaniia", (1972), 117, who gives 20-25%, however such a high percentage seems to refer to all penalties which do not entail deprivation of freedom. Thus, in 1973, Karpets mentioned a figure of 20%, Karpets, *Nakazanie*, (1973). Cf. also *Kommentarii k ispravitel'no-trudovomu kodeksu RSFSR*, (V.M. Blinov, ed.), M. 1973, 220. According to Bogdanov, writing in 1974, in the past 10-15 years, the relationship between corrective labor and deprivation of freedom was 1 to 4, V.Ia. Bogdanov, *Ispravitel'nye raboty kak vid ugovnogo nakazaniia*, M. 1974, 5; *Sov. Iust.* 1980 No.10, 4, reports an increase in the application of corrective labor; a frequency of 17-20% of all penalties was mentioned in 1984, *Sov. Iust.* 1984 No.5, 28.

79. V.Ia. Bogdanov, "Ob effektivnosti ispravitel'nykh rabot", *Vestnik MU* 1973 No.3, 61-66.
80. Shliapochnikov, "V.I. Lenin", (1970), 88; Mikhlin *et al.*, "Effektivnost' ispravitel'nykh rabot", (1968), 99; Iu. Mel'nikova, V. Mikhailov, V. Gus'kov, "Ustranit' nedostatki dopuskaemye v sudebnoi praktike pri naznachanii ispravitel'nykh rabot", *Sov. Iust.* 1966 No.10, 15; *SGiP* 1965 No.4, 130. However, this must be done in such a way that he may return to his home every day.
81. Cf. *Kommentarii k zakonodatel'stvu o trude*, (V.I. Terebilov, ed.), M. 1975, 103, 780; Art.94 RSFSR Corrective Labor Code.
82. Bogdanov, *op. cit.*
83. *Ibid.* See for some figures about the length of the terms and the amount of the deduction from wages Bushuev, *Ispravitel'nye raboty*, (1968), 50. According to these data the average term is 11 months and the average deduction is 17%.
84. RSFSR edict of 3 December 1982, *Ved. RSFSR* 1982 No.49 item 1821.
85. *Ibid.* In the 1970s, the average amount of the fine was 82 rubles in criminal sentences for petty theft, hooliganism, and speculation, see the figures for Armenia and Moscow in Tadevosian, *Shtraf*, (1978), 60. In cases handled by administrative commissions, it was 5 rubles, Shemshuchenko, Pogorilka, *Administrativno-pravova okhorana*, (1973), 104.
86. Appendix table 110, p.303; Schultze-Willebrand, *Die bedingte Verurteilung*, (1977), 67.
87. Cf. Schultze-Willebrand, *op. cit.*, 65-67.
88. Cf. Schultze-Willebrand, *op. cit.*, 64-69.
89. From 65,000 in 1958 to 95,000 in 1959 and 87,000 in 1960, cf. table I and appendix table 127, pp.11, 317.
90. Decree of 17 September 1960, *BVS SSSR* 1960 No.6, 6-7.
91. Cf. appendix table 127, p.317.
92. Cf. *supra*, p.98.
93. *Ved. SSSR* 1977 No.8 item 137; 1982 No.30 item 572; see for this practice *Sots. Zak.* 1978 No.7, 18; Efimov, Shkurko, *op. cit.*, 139; *Lit. gaz.* 10 November 1982, 10; Simonov, "Vazhnoe sredstvo", (1983), 9; *Sov. Iust* 1983 No.5, 9-10; *SGiP* 1983 No.3, 69.
94. Cf. Art.44 RSFSR CC.
95. Appendix table 129, p.319.
96. Gal'perin, "Zadachi sovershenstvovaniia", (1972), 18; *Rol' nakazaniia*, (1972), 117, gives 10% of all sentences not entailing deprivation of freedom.
97. Gal'perin, *loc. cit.*; Shlykov, Gatsikho, "Ssylka", (1972), 37; cf. also Krakhmalnik, *Kodifikatsiia*, (1978), 142.
98. Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 39; L.V. Bagrii-Shakhmatov, "Sistema nakazanii i sanktsii statei ugovnogo kodeksa", *Voprosy gosudarstva i prava*, Vol.2, Minsk 1970, 134; *id.*, *Ugolovnaia otvetstvennost'* (1976), 275.
99. Gorelik, Tishkevich, *loc. cit.*
100. *Ibid.*

101. Anashkin, "Nekotorye voprosy sudebnoi praktiki", (1960), 48-49. However, the penalty does not seem to be very effective as it may not be registered in the culprit's labor book or passport.
102. See the data published in Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 39.
103. Gal'perin, Mel'nikova, "Dopolnitel'nye nakazaniia", (1978), 88.
104. But they may appeal against such a decision in the court.
105. Anashkin, *loc. cit.*
106. *Sots. Zak.* 1982 No.11, 22: 1976-1979: 4-16%; 1980: 46%; 1981: 49%; 1982: 53%.
107. *Sov. Iust.* 1983 No.4, 5: 1980: 52.8%; 1981: 63.2%; 1982: 66%.
108. Simonov, "Vazhnoe sredstvo", (1983), 9: 92 RSFSR CC: 1981 30%; 1982 36%; 156 CC: 1981 35.9%; 1982 52.8%. See also Zotov, (1980), 184ff.
109. See for the pre-World War II period, appendix table 110, p.303.
110. Cf. e.g. Bagrii-Shakhmatov, *op. cit.*, 134.
111. *Ibid.*
112. See about the (not officially published) article 5 of the rules concerning registration of 28 August 1974, Liubarskii, "Istoriia razvitiia", (1981), 51 ff.
113. Lammich, "Das Strafsystem", (1981), 143; Schroeder, *Das Strafrecht*, (1983), 135.
114. Jasiński, "Punitiveśność", (1973); Grajewski, Lammich, "Criminal Policy", (1981); data reported in Polish statistical year books.
115. Karakashev, *Problemi na opredeliane*, (1982), 120. See also K. Liutov, *Osnovni vāprosi na nakazanieto lishavane ot svoboda*, Sofia 1967.
116. See *supra*, pp.50f.
117. Lammich, "Das Strafsystem"; tables I and XXVIII, pp.11, 93.
118. Karakashev, *op. cit.*, 115.
119. Estimated from data in Polish statistical yearbooks, which however do not discern between unconditional and suspended sentences; however, for some years the terms in unconditional sentences are known (cf. Jasiński, *op. cit.*; Grajewski, Lammich, *op. cit.*).
120. Estimated from data reported in Karakashev, *op. cit.*, 117ff.
121. Reports from Amnesty International contain for nearly all years some cases which have become known to the public.
122. Reported in the statistical yearbooks.
123. Cf. *supra*, p.88.

CHAPTER VI

NUMBER OF INMATES OF CORRECTIVE LABOR CAMPS AND THE SIZE OF SOVIET FORCED LABOR

1. Definitions

From 1930 onwards, Soviet sources are silent as to the size of the population of Soviet corrective labor camps. According to most western observers it is beyond any doubt that the labor camp population is larger than in any other developed country, although general agreement on the number of people in prison or on the application of forced labor has never been reached. For the Stalinist period, figures have been reported running from between 5 to 24 million,¹ whereas present-day estimates vary from between 1 million to 4 million and even a figure of 12 million has been suggested.² These large numbers pose serious difficulties when one attempts to fit them into the available official figures. The figure of 12 to 13 million, which has been mentioned for the last years of Stalin's reign,³ cannot be interpreted in a way that would fit into the population, electorate or work force figures which are available for those years. Authors who have reported a very large number of camp inmates for this period, also assert that many of them were released after the XXth Party Congress (February 1956). For instance, the Medvedevs mention a number of 7-8 million persons who were released in 1957-1958.⁴ However, between 1 January 1956 and 1 January 1958, the total number of employees increased by 4.8 million only, which seems to tally with demographic developments.

All approaches to the problem suffer from one-sidedness. Robert Conquest and Steven Rosefielde have essentially based their estimates on local reports or on hearsay,⁵ and hardly discuss the reliability and representativeness of the reports. Wheatcroft has attempted to adjust the size of the prison population from figures on the size of the adult population and of the electorate, based on the Soviet custom of excluding confined persons from the list of eligible voters.⁶ However, such results may only be used to calculate the number of adult Soviet citizens in the camps. Minors, foreigners and stateless persons have to be taken into account separately. Moreover, large categories of persons who were living in conditions that hardly differed from those in penal camps (e.g. deported persons) might have retained their right to vote. Therefore, figures derived from election returns may teach us something about the size of the penal camp population, but they do not deliver reliable data on the amount of prison camp labor.

The first question in this regard is one of definition. We will use the term "camp inmates" to indicate those persons who have been confined to a camp where they have to live under conditions prevailing in such places, though it may be that they are

Table XXXI: Number of Confined Persons (Prosecuted or Sentenced), 1 January 1924 – 1 May 1930

	places of detention					number of confined persons (thousands)									
	1924	1925	1926	1927	1928	1929	1924	1925	1926	1927	1928	1929	1930		
RSFSR	422	468	482	478	454	393	87.2	107.7	115.0	136.4	95.0	120.4	197.8		
Ukr.		55	56	58	46	46		28.3	28.1	41.4	31.7	44.7			
Belor.				22	23	22		5.6	5.0	5.0	4.6	6.4			
Transk.				34	34	9				8.1	7.2				
Uzbek.		22	26	33	30	27		3.8	4.1	5.9	5.4	7.7			
Turkm.				10	10	10				1.4	1.7	2.2			
total	550*	610*	630*	635	597	487	124*	153*	160*	198.2	145.6	190*	310*		

* adjusted

Sources: *Ten Years*, 116; *Stat. Sprav.* SSSR 1928, 898–901; see also *Vlast' sovetov* 1923 No. 4, 132–134; Gertsenzon, *Bor'ba*, (1928), 20, 89, 105; *Biulleten FKhZ* 1929 No. 8, 56; *Sov. iust.* 1929 No. 46–47, 1176; Dallin, Nicolaevsky, *Forced Labour*, (1947), 160; Menshagin, “Ispravitel'no-trudovaia politika”, (1931), 432.

engaged in work outside the camp area or are contracted out for work in enterprises where free labor is also employed.⁷ Any person can and could only become a camp inmate on the basis of a sentence issued by a court of law or, until 1953, on the basis of a conviction order issued by a special board or similar institution. The term to which the person was sentenced was a definite one, but the requirements for prolongation of the term can be quite vague.⁸

Deported persons are those who may have enjoyed a modicum of freedom, but usually they were or are not allowed to move outside a certain, rather small, administrative region (a *raion*). The basis for a deportation order may be a sentence issued by a court of law (exile or exile labor)⁹ in which case it is restricted to a certain term, or an administrative order with or without any time limit. In the latter case, the term used in the past was "special settlers" (*spetspereselentsy*) or "special migrants" (*spetsposelentsy*).¹⁰ As far as is known, these special settlers were free to seek their own employer, although this freedom was rather fictitious as they could not leave the consigned area without permission from the competent authorities. In cases of exile labor applied since 1963,¹¹ work is assigned to the exiled persons by authorities from the Ministry of Internal Affairs.

A third category of forced labor is composed of those who have been sentenced, either by a court of law to "corrective labor" (*ispravitel'nye raboty*) at another place of employment, indicated by the competent authorities. In such a case, however, the place of work has to be chosen in such a way that the worker is able to reach his home every day.¹²

A second question is whether any published statistical reports include the camp population or people sentenced to forced labor. Some observers have suggested that camp inmates have not been included in demographic data, especially not in reports of the 1939 census, without, however, giving any evidence other than the fact that their estimates of the size of the camp population seem to be incompatible with the published data.¹³ Others have assumed that "prison labor" or even "forced labor of all types, in camps and prisons, and on projects" has not been included in the usual employment figures.¹⁴ However, arguments for this view are meagre or absent.¹⁵

2. Criminal Law Statistics and the Number of Inmates of Corrective Labor Camps

A first approach to the question of the size of penal camp labor in the Soviet Union is based upon data delivered by criminal law statistics. This only provides us with a minimum value since persons could also be confined to camps by administrative order.

As we do not dispose of these statistics for a number of years, we have to intrapolate figures concerning the number of sentences and/or the sentencing policy in these years. We have done this on the basis of the following assumptions:

- a. 1935-1939: a gradual shift towards harsher penalties including, from 1937 onwards, penalties to terms of 25 years, but the pattern established during 1934-1935 remained quite similar;
- b. 1940-1946: due to the introduction of criminal labor cases, the number of sen-

tences increased sharply, as well as the number of sentences to short terms; otherwise the pattern remained as it had been before the war;

- c. 1947-1949: sentences to terms of over 5 years became predominant in all sentences to terms of over one year;
- d. 1949-1952: gradual decrease in the number of sentences to deprivation of freedom;
- e. 1940-1956: in criminal labor cases, one-half of all sentences were to corrective labor, the other half to deprivation of freedom for short terms.

On the basis of these assumptions (see table XXXII), we may estimate the yearly intake of camp inmates (table XXXIII), expressed in terms of the average number of years meted out in all sentences issued during this period.

Table XXXII: Sentences to Deprivation of Freedom, 1922-1982 (partly estimated)

	all sentences, millions	% sentenced to deprivation of freedom						maximum term
		total	0-1 y.	1-3 y.	3-5 y.	5-10 y.	>10 y.	
1922	1.1	21	16	4	1	1		10
1923	2.0	22	14	5	2	1		10
1924	2.8	17	12	4	1	1		10
1925	1.32	32	26	3	2	1		10
1926	1.46	39	34	3	2	1		10
1927	1.50	37	31	4	1	1		10
1928	1.49	31	27	3	1	1		10
1929	1.95	12	4	6	1	1		10
1930	1.88	10	2	6	1	1		10
1931	2.12	13	2	9	1	1		10
1932	1.76	19	2	10	3	4		10
1933	2.23	29	1	11	5	12		10
1934	1.70	26	1	13	5	7		10
1935	1.35	38	1	20	7	10		10
1936	1.2	39	1	16	9	13		10
1937	1.0	45	1	15	12	15	2	25
1938	1.0	38	1	12	11	12	2	25
1939	1.2	40	1	12	11	14	2	25
1940	2.85	45	28	4	6	5	0.7	25
1941-4	3.9	42	18	4	5	4	0.6	25
1945	1.8	50	20	5	12	12	1	25
1946	2.1	49	21	5	11	10	1.5	25
1947	2.76	46	25	4	4	10	3	25
1948	2.5	48	26	4	4	10	4	25
1949	2.28	46	24	4	4	10	4	25
1950	1.51	43	19	5	4	11	4	25
1951	1.6	41	16	7	4	11	3.5	25
1952	1.9	41	19	6	4	9	2.5	25
1953	1.2	49	22	7	7	10	2	25
1954	1.1	38	14	8	6	7	2	25
1955	0.94	32	9	7	5	8	1.7	25
1956	0.91	40	13	8	7	9	2.5	25

Table XXXII: (Continued)

	sent. millions	% sentenced to deprivation of freedom						maximum term
		total	0-1 y.	1-3 y.	3-5 y.	5-10 y.	>10 y.	
1957	0.92	40	13	10	7	7	2.5	25
1958	1.03	45	15	12	8	7	2.5	25
1959	0.83	46	10	19	8	7	1.5	15
1960	0.51	50	10	19	9	10	1	15
1961	0.78	59	15	29	8	6	0.8	15
1962	0.78	59	13	31	8	6	0.5	15
1963	0.65	55	10	26	9	5	0.8	15
1964	0.59	45	5	23	10	6	0.8	15
1965	0.54	55	10	27	11	6	1	15
1966	0.72	60	10	32	12	5	1	15
1967	0.75	56	15	23	12	5	1	15
1968	0.67	56	15	22	12	6	1	15
1969	0.75	58	16	24	12	5	1	15
1970	0.81	54	15	19	14	5	1	15
1971	0.81	46	10	16	14	5	1	15
1972	0.72	47	10	16	15	6	1	15
1973	0.88	48	9	17	14	5	1	15
1974	0.91	51	13	18	14	5	1	15
1975	0.84	55	14	21	14	5	1	15
1976	0.80	57	16	23	14	5	1	15
1977-82	0.7	55	16	20	13	5	1.5	15

Table XXXIII: Trend in the Average Intake of Camps from Criminal Law Sentences, 1925-1980 (1925-1929=100)

period	trend	trend p/10,000 inhabitants	period	trend	trend p/10,000 inhabitants
1930-34	300	280	1955-59	350	260
1935-39	530	480	1960-64	240	160
1940-44	390		1965-69	260	160
1945-49	1,000	870	1970-74	290	170
1950-54	610	490	1975-79	270	150

Source: table XXXII; appendix tables 3 and 4; the average intake is calculated by multiplying the number of sentences to deprivation of freedom with the average length of the terms; for the period 1940-1944 we have taken into account the fact that large parts of the USSR were occupied.

The number of camp inmates is affected by early release, amnesties and deaths in the camps:

a) *Early release*

The USSR is said to have one of the most elaborate systems of early release in the world.¹⁶ In the 1960s, early release was possible after having served half the term, unless one of the more serious crimes listed in the Criminal Code (RSFSR, Art.53)

had been committed. In the latter case, release was only allowed after having served 2/3 of the term. For a number of grave crimes and where especially dangerous recidivists were involved, early release could not be granted.¹⁷ Early release was and is only possible for those who, on account of their exemplary conduct and honest attitude towards labor, have proved their rehabilitation. The decision is taken by a court, upon application of the camp authorities.¹⁸ Under these rules, 30% of all convicts are in the category of persons who could not be released before the expiration of their term.¹⁹

In 1969 the system was changed. The nature of the crime was no longer decisive, but rather the length of the term of the sentence. However, we have assumed that this change, as well as the 1977 changes, did not affect our calculations.²⁰

b) *Amnesties*

The influence of the 10 amnesty decrees issued between 1945 and 1957²¹ has not been taken into account, due to their small scope as far as persons sentenced by courts are concerned and due to the general inaccuracies in the calculations of the number of camp inmates. From 1957 onwards, 3 out of the 9 amnesty decrees issued did not have much impact upon the number of camp inmates.

Peter Maggs has suggested that “a relatively simple theory, namely that amnesties are granted when prisoner detention facilities become overcrowded” may explain the apparently random behavior of the Soviet leadership in granting amnesties in the 1930s and 1940s.²² Should this theory also be valid for later periods, the number of prisoners must have been low in the 1960s, as after the 1957 amnesty only one amnesty was granted (in 1967) until the end of 1972. The 1972 amnesty was followed by 6 others within 10 years. Before the introduction of exile labor, amnesty decrees followed the same pattern: releasing all persons sentenced to deprivation of freedom for a term of 2 (1967) or 3 (1957) years and some groups of convicts sentenced to higher terms (or all convicts), such as women with a child, pregnant women, men and women of pensionable age, juvenile delinquents (under 17 years of age); and reducing the terms of other convicts. However, amnesty could not be applied for a number of grave crimes, dangerous recidivists and violators of the camp regime.

The amnesty decrees adopted after 1970 do not grant earlier releases, but change the penalty from deprivation of freedom to exile labor. As exile labor seems to be more profitable from an economic point of view, the high frequency of amnesties during the 1970s may also be explained by economic considerations and this suggests a decreasing trend in the number of camp inmates during the past 10-15 years.

We have assumed that the following groups have benefited by the amnesties of 1957 and later years:

1. 1957, 1967: 80% of all persons sentenced to terms of up to and including 3 years were released; for 70% of the remaining convicts, the rest of their sentence was halved unless they were serving a sentence of more than 10 years; of the latter group, only 5% gained from the amnesties;
2. 1972, 1977: 70% of all persons sentenced to terms of up to and including 3 years and 5% of all persons sentenced to terms of up to and including 5 years, who were released from camp;

3. 1957, 1977: 1% of all camp inmates were released independent of the terms they were sentenced to.

With the coming into force of the 1958 Principles of Criminal Legislation, for those offenders who had previously been sentenced to deprivation of freedom for more than 15 years (i.e. to 25 years) the term was lowered to the new maxima, unless the offender had been sentenced for a number of mainly political or other grave crimes.²³

c) *Mortality in the camps*

Pertinent data on mortality in the camps do not exist. The most extensive data on mortality in the camps are known for the German prisoners of war.²⁴ These numbers suggest much higher death rates than Conquest gives for the first year in a camp. In 1941-1943, more than 70% of all prisoners of war died during the first year. Moreover, it is generally known that, during the war, camp inmates were being used to clear minefields or to perform other risky war tasks.²⁵ Therefore, we may assume that the rates of mortality among the camp inmates were extremely high. However, any estimates seem impossible.

We have assumed a rate of mortality of 5% in the years until 1960 and an additional rate of mortality of 10% between 1940 and 1950.

The calculations, carried out on the basis of the number of criminal court sentences and the assumptions made about early release, amnesties, and mortality in the camps show that the number of sentenced camp inmates increased from 400,000 in 1930 to 1.4 million in 1935, and to 2.3 million in 1940. After World War II, the highest number was reached, and we find for 1949 2.5 million camp inmates. At the time of Stalin's death, the size of this part of the camp population was 2.2 million. After 1953, this size gradually decreased to 1.6 million in 1956-1957, and to 1.3 million in 1959-1960. Thereafter, it stayed at a level of about 1 million.

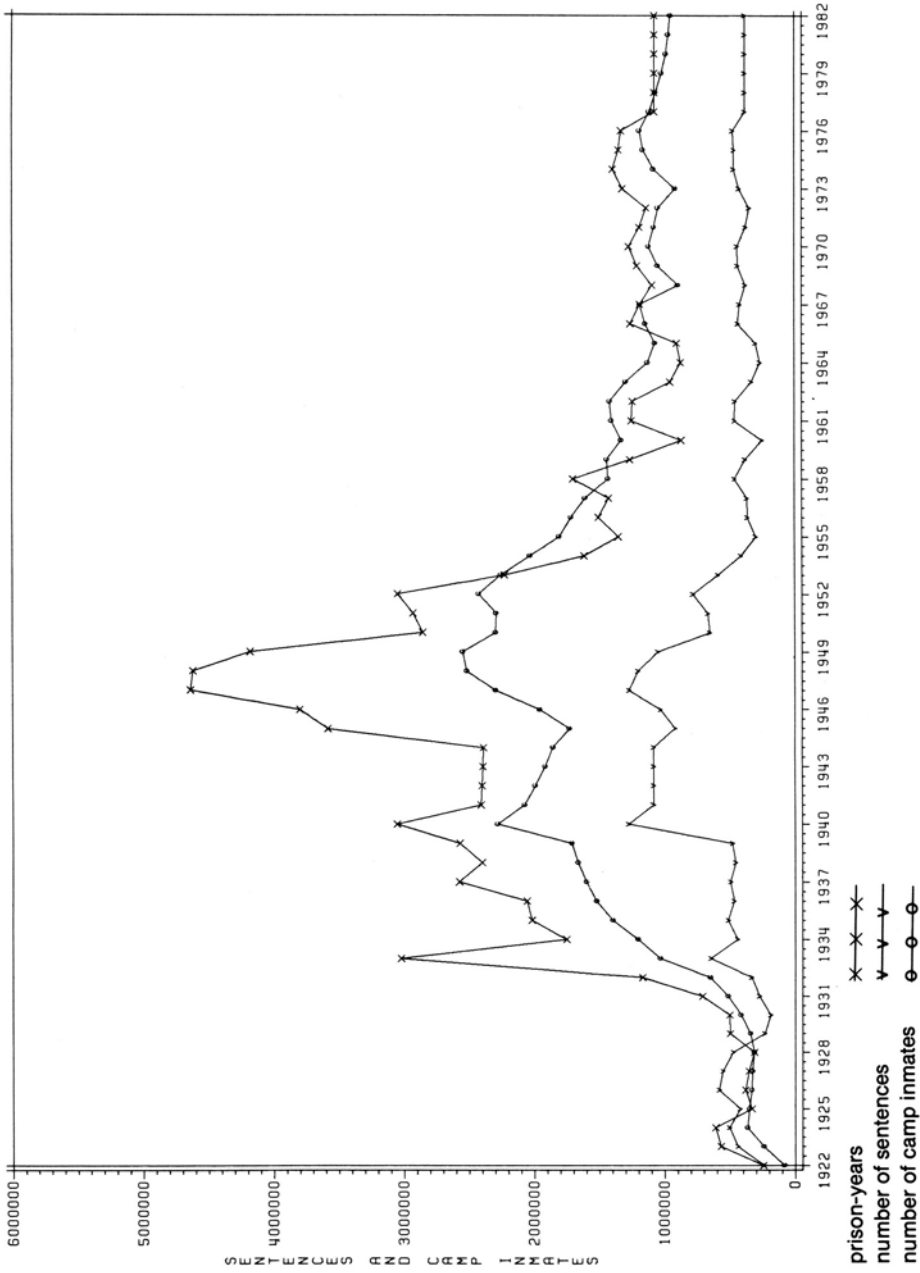
These figures, which do not take into account all forced camp labor, show at least that during Stalin's reign the number of camp inmates was very high, not only due to political repression by administrative methods but also due to political and penal repression through the courts.

Table XXXIV: Number of Camp Inmates, Adjusted Upon the Basis of the Sentencing Policy of the Courts (in millions)

	total	trend		total	trend
1925-9	0.35	100	1955-9	1.59	480
1930-4	0.76	230	1960-4	1.30	390
1935-9	1.58	470	1965-9	1.06	320
1940-4	2.0	600	1970-4	1.04	310
1945-9	2.21	660	1975-9	1.1	330
1950-4	2.26	680	1980-2	0.96	290

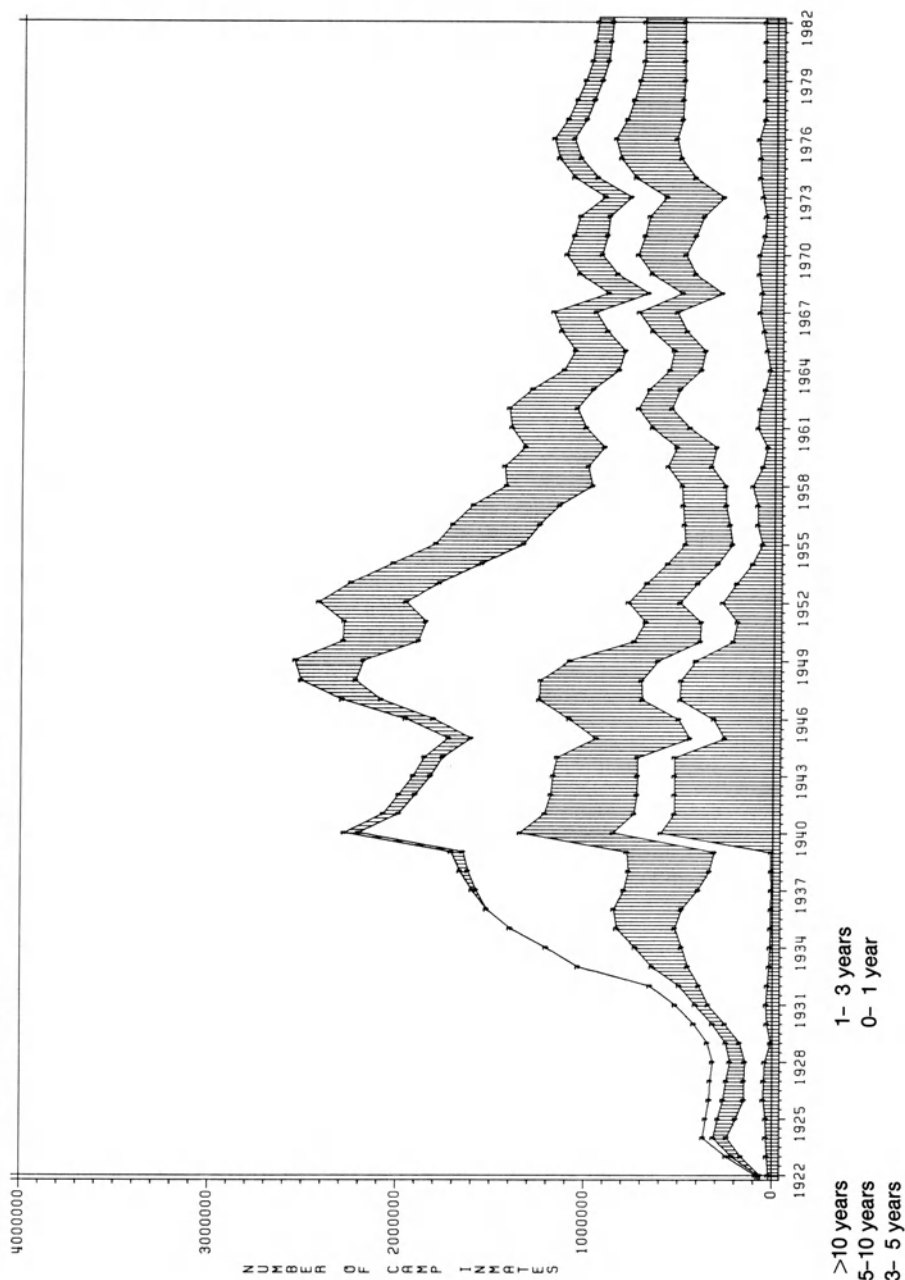
Source: table XXXII. A computer printout of the calculation procedure is available at the Documentation Office for East European Law.

IV. Prison-years Meted Out in Sentences to Deprivation of Freedom, 1922-1982 (number of sentences times the average length of the penalty).



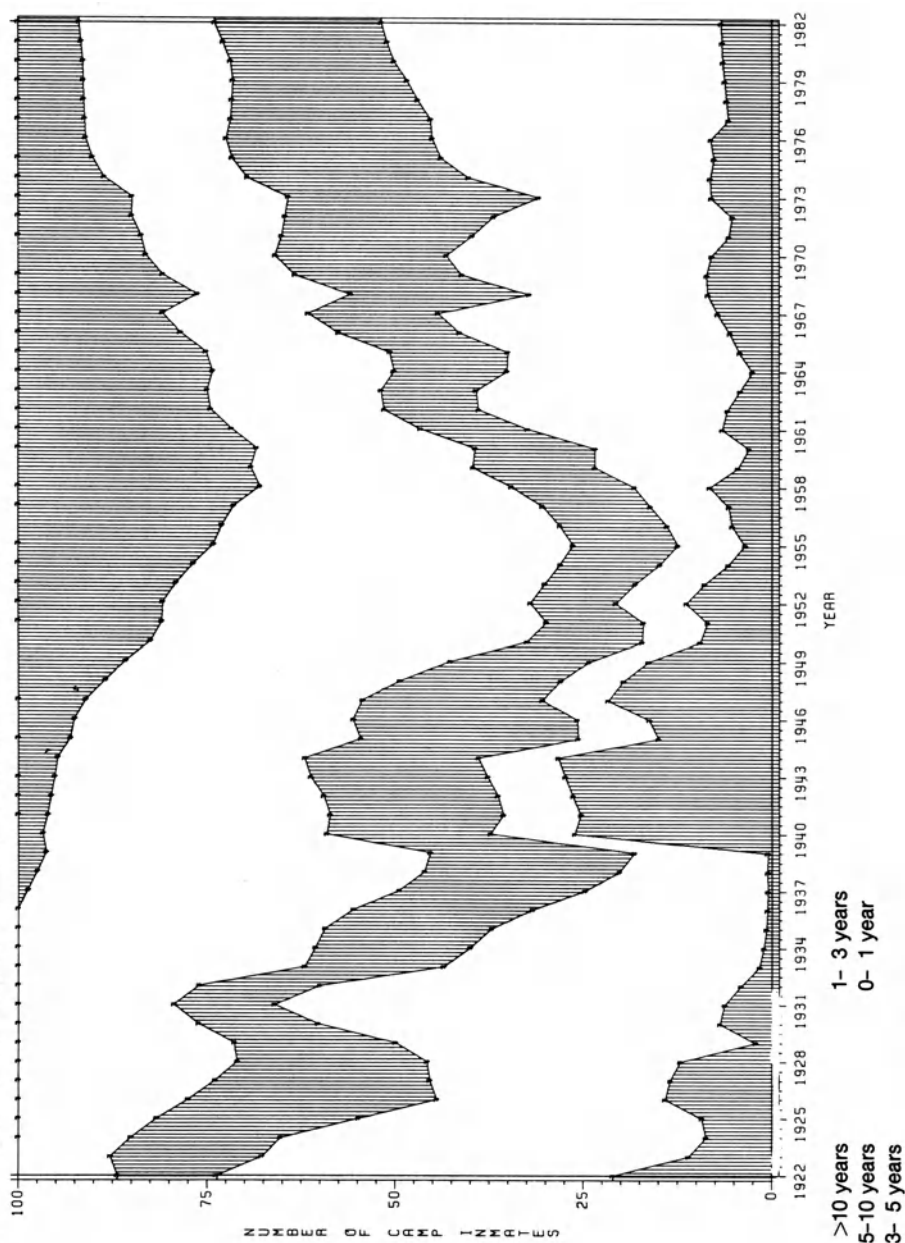
Source: tables XXXII-XXXIV.

V. Number of Camp Inmates per 100,000 Inhabitants, 1922-1982.



Sources: tables XXXII-XXXIV.

VI. Distribution of the Length of Sentences of Camp Inmates, 1922-1982.



Sources: tables XXXII-XXXIV.

3. Adjusting the Corrective Labor Camp Population From Voting Reports

Reports on the results of nationwide ballots²⁶ held three times every five (until 1977: every four) years in the USSR have received the attention of some western scholars,²⁷ especially those who have tried to assess the size of the Stalinist labor camp population. However, this method only gives reliable results if the group of disenfranchised persons is analyzed in some depth since persons who are deprived of their freedom make up only a part of the total disenfranchised population. Moreover, the total number of persons who avoid casting a ballot in Soviet elections is larger than the number of disenfranchised persons, but this phenomenon seems to have been important only for the past 20 or 30 years.

The aim of this paragraph is to show that the number of disenfranchised persons gives only minimum numbers for the camp population in the Stalinist years, but that they do have some value for an estimate of the number of camp inmates in those years. However, for later years they have hardly any value.

The number of disenfranchised persons may be calculated on the basis of the estimated size of the adult population (those aged 18 and over) and the reported number of persons eligible to vote (the electorate). However, in the literature dealing with these matters one hardly ever finds indications as to the method used to calculate the size of the adult population, whether all election reports have been taken into account, or which part of the adult population is allowed to vote.

The first question is concerned with the significance and completeness of demographic data published in the Soviet Union. The most common method of calculating the size of the adult population is to subtract the number of minors from the total population on voting day. The number of minors may be calculated from reports of the census (of 1959 and 1970). However, these reports, and also other population data, do not seem to include those Soviet citizens who are living temporarily abroad, e.g. members of the Soviet army located outside the territory of the USSR together with their families.²⁸ If this is the case, a number of adults between the ages of 18 and 25 are not included in the 1959 census data. As all of them were minors when the 1950 elections were held, and many of them were still minors during the 1954 elections, the number of minors in 1950 and 1954 calculated on the basis of the 1959 census report might be too low by about one million, and the number of adults would be too high by one million.

The second question is that elections for local soviets may not be used to calculate the nationwide disenfranchised population, unless the entire electorate is specified in the report, since the size of the electorate depends highly upon the complexities of the administrative structure of the Soviet Union.²⁹ The total size of the electorate in all cities and villages together is greater than the total number of adults living there, because, for instance, sometimes a village is subordinate to a city and not to a district. In this case, village voters have two ballots: one for the village and one for the city soviet. Thus, in 1967, 152,055,397 voters were included in the voting lists for the elections in all cities and villages of the USSR, but only 146,075,945 voters were registered in the lists for elections to the republican Supreme Soviet which were held simultaneously. The local elections of 1939-1940 did not encompass the same popula-

tion as the elections of 1937 and 1938, since a number of persons migrated to the western parts of Belorussia and the Ukraine, which were newly acquired as a result of the Hitler-Stalin Pact of August 1939. In these new territories separate elections were organized – in which about 8 million persons participated – following elections in the old territory of the USSR.³⁰ From 1965 onwards, the total size of the electorate for local elections has been reported on a nationwide basis.

The third question is that the number of people eligible to vote is not equal to the size of the adult population since a number of adults may not participate in elections, while some adults who are not represented in population data may vote.

The term “non-voters” will be used to denote those persons out of the entire population who did not participate in an election, and who do not appear as absentees in the election reports. The term “disenfranchised population” encompasses those Soviet citizens, 18 years of age and older, who have been deprived by law of their right to vote.

Table XXXV: The Number of Adult Soviet Citizens on Election Days³¹

election date	USSR Supr. Soviet	republican Supr. Soviets	local elections	adult popul. (thous.)	residual popul. (thous.)
12 Dec. 1937	94,138,159			97,900	3,700
24 Jun. 1938		93,411,332		98,400	4,900
10 Feb. 1946	101,717,686			101,393	-0,325
9 Feb. 1947*		103,933,034		106,355	2,422
12 Mar. 1950	111,116,373			114,405	3,289
18 Feb. 1951		113,049,684		116,828	3,778
14 Mar. 1954	120,750,816			123,637	2,886
27 Feb. 1955*		123,174,168		126,543	3,369
16 Mar. 1958	133,836,325			136,688	2,852
1 Mar. 1959*		136,416,305		139,209	2,793
5 Mar. 1961*			138,029	142,543	4,514
18 Mar. 1962	140,022,359			143,018	2,996
3 Mar. 1963		140,000,070		143,502	3,502
14 Mar. 1965*			142,069,501	146,754	4,684
12 Jun. 1966	144,000,973			149,353	5,352
12 Mar. 1967*		146,075,945	146,075,945	151,030	4,954
16 Mar. 1969			149,775,884	156,224	6,448
14 Jun. 1970	153,237,112			159,369	6,132
13 Jun. 1971		154,018,436	154,018,436	161,842	7,842
17 Jun. 1973			156,507,828	167,085	10,577
16 Jun. 1974	161,572,222			169,739	8,167
13 Jun. 1975		163,510,389	163,510,389	172,431	8,921
19 Jun. 1977			166,200,403	177,961	11,761
4 Mar. 1979	174,944,173			182,670	7,726
24 Feb. 1980		176,590,512	176,590,512	185,072	8,481
20 Jun. 1982			177,995,382	189,801	11,806
4 Mar. 1984	184,029,412			192,800	8,800

* only the first election day (incl. election in the RSFSR) is mentioned

Apart from minors, under the age of 18 years, the following categories of persons may not participate in Soviet elections.

1. On the basis of the 1936 and 1977 USSR Constitutions,³² all persons who have been declared insane in the manner established by law are not included in the voters' lists. Apparently, all Soviet citizens, residing in psychiatric hospitals or colonies and persons who have been declared insane in judicial proceedings fall within this category. The number of persons in this group is not presently known (in 1936 they encompassed 0.3% of all adults).³³
2. Under both USSR Constitutions only Soviet citizens have the right to vote. Any figure derived from the voting results does not contain the number of foreigners voluntarily or involuntarily living on the territory of the Soviet Union. Therefore, such figures do not include German (and other) prisoners of war or civilians deported from the satellite states into the Soviet Union during or after World War II. However, by 1950 the bulk of these persons had been repatriated or had died in labor camps.³⁴ For later years we may assume that the number of non-Soviet citizens need not be taken into account.
3. Under the 1936 USSR Constitution persons could be disenfranchised by court proceedings as one of the penalties under criminal law, which penalty was abolished in 1958.³⁵
4. Under a published decree of 1937, all persons deprived of their freedom through judicial proceedings or during a criminal investigation were excluded from the lists of voters.³⁶ However, all persons deprived of their freedom upon an administrative decision and forcibly resettled (*spetsposeleltsy*) retained the right to vote and, apparently, were allowed to participate and to cast their vote, at least according to formal law. A decree of 1945, which replaced the 1937 decree,³⁷ remains unpublished. We therefore do not know whether it makes the same distinctions as its predecessor. The new decree may have disenfranchised the *spetsposeleltsy*; at least observers have assumed that the nationalities who were deported during the war from the European parts of the Soviet Union to Siberia and Central Asia were not allowed to participate in elections until 1955.³⁸ However, data published on the number of deputies of Tatar nationality in local Soviets of Uzbekistan (table XXXVI), where many Crimean Tatars were forcibly resettled in 1944, suggest that they had the right to be elected to the Soviets of the lowest levels (i.e. in workers' settlements and in villages).

Table XXXVI: Tatars in the Local Soviets of Uzbekistan (1939–1959, % of all deputies)

level of the Soviet	1939	1948	1950	1953	1955	1957	1959
provinces	3.8	2.2	1.6	1.0	1.0	2.7	1.1
cities	3.8	3.9	3.8	4.0	3.9	4.4	5.3
districts	4.1	4.9	3.9	2.7	3.9	4.0	5.9
workers' settlements	4.8	7.5	7.4	6.8	6.7	7.1	5.9
villages	0.8	1.5	1.6	1.7	2.1	2.5	2.9

Source: *Sovety deputatov trudiaschchikhsia Uzbekskoi SSR v isifrakh (1925-1969)*, Tashkent 1970, passim.

It is unclear whether persons convicted to a term in the labor camps by the Special Boards (*Osobie Soveshchaniia*) were classified as persons deprived of their freedom in judicial proceedings. In any case a part of the Soviet citizens who were repatriated – forceably or voluntarily – after the Second World War were forceably resettled or confined in labor camps,³⁹ but this seems to have happened largely by administrative decision.

For these reasons, it seems likely that at least from 1945 onwards all persons living in a penal labor camp were excluded from the official electorate. In 1954, Procurator-General Andrei Vyshinskii argued that they were not registered because they lacked the actual opportunity to vote, which argument is valid for all camp inmates independent of the nature of the decision upon which their confinement in a camp or prison was based.⁴⁰

Whether parasites, who were deported to “especially designated localities” under the anti-parasite decrees of the end of the 1950s, retained their voting rights is unknown. In 1965, the Soviet jurist A.I. Kim argued that “[p]ersons deprived of their personal freedom may not pretend to have such political liberties such as the right to vote for the agencies of state power”.⁴¹

5. Under a decree of 1945, special rules were enacted in connection with the location of a part of the Soviet army outside the USSR. The decree stipulated that persons belonging to these foreign-based armies could participate in the elections to the USSR Supreme Soviet, both for the Soviet of the Union and the Soviet of Nationalities through special voting districts, with 100,000 voters each.⁴² In the electoral reports of 1946, these districts were mentioned and 2,765,144 voters had been registered there.⁴³ In the election reports of 1950-1962 the deputies elected in these districts were mentioned, but the number of voters in these districts has not been reported separately. There were 26 military districts in the elections of 1946, 8 in the elections of 1954, and 7 in the elections of 1950, 1958 and 1962. We do not know whether the wives of military personnel, and other civilians who might have belonged to these armies or who were living abroad as diplomats or as representatives of Soviet business organizations, could also participate in the voting. In any event, only military personnel have been elected in these districts. Whether these persons could and did participate in republican or local elections is not known; until 1966, republican election reports also included the number and the names of deputies elected in military districts, therefore we may assume that they at least could participate in republican elections.⁴⁴

In 1966, these special voting districts were abolished and the voters were added (*pripisannye*) to the regular voting districts existing within the territory of the USSR, although the decree failed to mention how this was done.⁴⁵

6. We do not know whether special rules exist or have previously existed with regard to other Soviet citizens residing abroad. Just before the 1984 elections, the voting districts created in the Arctic and Antarctic regions were also added to regular voting districts which existed in the territory of the USSR.⁴⁶

Thus, the election reports only deliver figures for the number of adult Soviet citizens confined in labor concentration camps. Another question is whether all persons who are qualified to vote are registered as voters, and actually turn out to cast their ballot.

In 1978, Victor Zaslavsky and Robert J. Brym reported on interviews concerning election procedures in the USSR from among a sample of 43 recent Soviet emigrés.⁴⁷ In their article, they contested the solid consensus of opinion in both East and West that over 99% of the Soviet electorate turn out to vote. Their argument is that many electors (the estimates range from 15% to 43%) do not turn out to vote once they have obtained a certificate enabling them to vote elsewhere (*udostoverenie na pravo golosovaniia*), which is granted on the claim that they will be absent from their voting district on an election day. The consequence is that they are struck off the register of the district wherein they are living. According to the respondents, these certificates are disposed of in almost all cases and the recipient of an absentee certificate normally does not turn up to vote. We wonder whether this is true.

According to a report of the Central Election Commission, in the June 1966 elections to the USSR Supreme Soviet, more than 670,000 absentee certificates were issued in the cities of Moscow and Leningrad.⁴⁸ Thus, about 10% of the electorate in these cities had asked for such a certificate. Some of these persons would in fact turn up to cast their ballot in the city or rural area where they happened to be on election day. According to the same report, in holiday resorts such as Sochi, the Crimean province, and the Stavropol territory some 160,000 absentee certificate holders had already been registered to vote in these three areas prior to the day of the ballot. According to the Soviet author Vitali Latov, "about 500,000 Muscovites turned up with their voting certificates at polling stations outside the city" in the 1970 elections.⁴⁹

The election reports claim that 99.98-99.99% of the total electorate – all persons eligible to vote – turn out to vote, but this is a misleading statement as the percentage is calculated on the basis of the number of registered voters without taking into account those eligible voters who have been struck off the registers.

Absentee certificate holders are not counted as being potential voters in their original election district on the basis of the corresponding remarks made in the voters' lists. If one turns out to vote in another electoral district, one will be registered there and is counted as a voter in one's new place of permanent or temporary residence. However, if one fails to appear, one is not counted anywhere as a voter. Therefore, the number of "voluntary" non-voters is not reported if these voters have asked for an absentee certificate. We can nevertheless estimate the size of this group. If we assume that all election reports contain real figures (at least with regard to the number of persons eligible to vote), the number of voluntary non-voters is equal to the residual figure obtained after deducting the number of camp inmates and of non-Soviet citizens living in the USSR, from the total adult population. The large differences found between the size of the adult population and the electorate for all years after 1965 could therefore have been caused by the much more frequent use of absentee certificates in this period as compared with previous years.

According to Zaslavsky and Brym, the opportunity for voters to avoid casting their ballot in the elections was small until the mid-1960s since "it was necessary to obtain confirmation from one's place of employment, attesting to service leave or vacation on election day in order to receive an absentee certificate. But since the mid-1960s, absentee certificates may be obtained without such confirmation".⁵⁰

However, if election avoidance had only played a role from 1965 onwards, the

figures on the number of non-voters would lead one to the conclusion that under Khrushchev the number of adult Soviet citizens confined in camps had hardly decreased. The figures on the number of non-voters seem to suggest that the phenomenon of election avoidance already started earlier (table XXXVII), and that its scope gradually increased up to the mid-1970s, when it stabilized at a level of some 3% of the electorate (or 4% if elections are held in June). If this is true, figures on the number of non-voters only deliver an indication as to the size of the camp population during Stalin's reign; however, in order to adjust the real camp population the number of sentenced juveniles and foreigners must be added.

Since juveniles made up about 10% of all sentenced persons in 1946 and some 6% in 1954,⁵¹ the number of citizens confined in the labor camps in 1946 was about 2

Table XXXVII: Non-Voters and Election Avoidance, 1946–1984

	non-voters**		type of election
	abs. number (millions)	% of electorate	
1946	1.9	1.9	federal
1947	2.6	2.6	republics
1950	3.4	3.0	federal
1951	3.9	3.3	republics
1954	3.0	2.4	federal
1955	3.4	2.7	republics
1958	2.9	2.1	federal
1959	2.8	2.0	republics
1961	4.5	3.2	local
1962	3.0	2.1	federal
1963	3.5	2.4	republics
1965	4.7	3.2	local
1966*	4.6	3.1	federal
1967	4.2	2.8	republics - local
1969	5.7	3.6	local
1970*	5.3	3.3	federal
1971*	7.0	4.3	republics - local
1973*	9.7	5.8	local
1974*	7.3	4.3	federal
1975*	8.1	4.7	republics - local
1977*	10.9	6.1	local
1979	6.8	3.7	federal
1980	7.6	4.1	republics - local
1982*	10.9	5.7	local
1984	7.8	4.1	federal

* elections in June; other years, in February or March.

** we have deducted 0.5% of the adult population (as being insane) and added the strength of the army located outside the USSR between 1946 and 1965.

Source: table XXXV, p.120.

million, in 1947 about 3 million, and in 1950-1952 it had reached 4 million. After Stalin's death the number decreased, but the figures on the number of non-voters do not allow any precise statements in quantitative terms. The high numbers of non-voters just after Stalin's death (1954, 1955) may be explained by election avoidance. Another explanation could be that a number of persons released from the camps did not regain their voting rights upon release but only some years later or when this (supplementary) penalty was abolished in 1958.

The conclusion is that, due to the phenomenon of election avoidance, reports of elections held since the early 1960s may not be used as a tool to adjust the camp population.⁵²

4. Employment Figures of the Central Statistical Office and the Trade Unions and the Size of Forced Labor

a. Nature of Employment Figures of Trade Unions

Large discrepancies exist between employment figures published in the official statistical handbooks and the numbers of workers cited by the trade unions in their calculations on the degree of unionization. As persons who are not counted as a worker or an employee in the usual employment statistics (e.g. students, kolkhoz members, non-working pensioners) may also join the trade unions, we may use the trade union data only after having omitted from them the groups mentioned (cf. table XXXVIII, p.127).

1) Students

All full-time students at institutes for higher, or secondary professional, education may join the trade unions; students attending vocational schools joined the trade unions after World War II.⁵³ The number of unionized students is only known for the years 1930-1940, when some 85% of all students had been unionized,⁵⁴ and from 1969 onwards when union membership encompassed more than 99% of all students at universities and institutes for secondary professional education and 98-99% of all students at vocational schools.⁵⁵ We have assumed that the degree of unionization among all students gradually increased between 1940 and 1969. However, as the trade union figures are taken on 1 January and the enrollment figures at the start of the academic year, we have assumed that the degree of unionization increased from 85% in 1940 to 88% in 1950, 90% in 1960 and to 95% in 1970.

2) Kolkhoz members

Until 1977, kolkhoz members could only join a trade union in special instances if they had the status of a worker or employee. Between 1953 and 1958, tractor drivers and similar categories had the status of workers.⁵⁶ When in 1958 the state-owned Machine and Tractor Stations (MTS), which rendered technical assistance to the kolkhozes, were transferred to the kolkhozes,⁵⁷ the MTS workers became kolkhoz members but could retain their union membership if they wanted to.⁵⁸ However, they enjoyed only few benefits from their membership and they did not even get the higher illness benefits paid by the unions. We may assume that they were not included in trade union membership figures until 1964, when union committees were formed in the

kolkhozes and union membership brought some benefits for those categories of kolkhoz members who became entitled to join the unions. As many former convicts, released in or after 1953 had to work in a kolkhoz where trade union committees did not exist, we may expect that until 1964, these workers or employees did not join the trade unions. However after 1964, the degree of unionization increased: in 1964 40% of the *eligible* kolkhoz members had joined the Ukrainian branch of the agricultural union; in 1968 this was 98%.⁵⁹

Under pressure from the International Labor Organization, Soviet trade unions opened their ranks for *all* kolkhoz members in 1976.⁶⁰ As a result, the degree of unionization increased from 21% on 1 January 1976 to 31% in 1977 and 71% in 1978. On 1 July 1980, 96.7% of all kolkhoz members had joined the trade unions.⁶¹

Western authors who argue that in the Soviet Union the degree of unionization is very high ("99-plus"), quote figures from Soviet publications as evidence for their statements. However, they have never asked themselves how Soviet calculations were being made. According to official sources, the degree of unionization in 1980 was 98.4%. However, the trade unions took into account for their calculations only some 108 million of the 112.5 million workers and employees mentioned in the statistical handbooks, which means a unionization degree of only some 96% (table XXXVIII).⁶²

Authoritative Soviet sources, such as the History of the USSR,⁶³ also quote figures which are not in agreement with published figures: on 1 January 1946, 21,046,000 workers were unionized (82.1% of the work force) and in 1950 the figure was 31,527,000 (89.6%). However, at the end of 1945 the total number of workers was 28.3 million and the corresponding degree of unionization 74.4%. If we also take into account that about 2 million students had joined the trade union movement, the degree of unionization would appear to have been only 68%, and at 1 January 1951 only 80%.⁶⁴

Therefore, the labor force figures used by the trade unions in order to calculate the degree of unionization are much too low. According to trade union instructions, these figures are received from enterprises' planning or accounting departments.⁶⁵ There does not seem to be much reason to assume that these departments make up two different reports: one for their ministry and the statistical agencies and another for the trade unions. The definitions for the work force, used by the trade unions, are the same as those for enterprises.⁶⁶ Nevertheless, since the beginning of the 1930s, and especially after 1933, trade union figures show a labor force which is significantly lower than that given in the statistical handbooks (tables XXXVIII and XXXIX).

Up to 1957, only workers, employees and students could join the trade unions and were reported to be a trade union member. Thereafter, also some kolkhoz members could become trade union members and from 1976 onwards, all kolkhoz members could join the union. Employment figures in the Soviet Union distinguish between "workers and employees", kolkhoz members and members of handicraft cooperatives, but the last category was used only until 1960 when they merged with the state owned economy. Therefore, any discrepancy in the size of the labor force can only have been caused by the use of different definitions of the concept "worker and employee".

Table XXXVIII: The Labor Force and Trade Union Membership, 1928–1982

	all workers		potential TU members*	TU membership: absolute figures and degree of unionization			
	official figures			workers*	all members		
	at specific date	annual average				at specific date*	
1 Oct. 1928		10,790				10,994.6	
1 Jan. 1929	10,800	11,462					
1 Oct.						11,589.9	
1 Oct. 1930		14,132	14,701	10,981.7	74.7	13,014.3	
1 Apr. 1931		19,927			73.5		80.6
1 Oct.			20,287	14,140.3	69.7	14,981.2	
1 Jan. 1932		22,601			76.4	16,504.6	
1 Oct.			22,556	16,691.3	74.0	17,875.2	
1 Jan. 1933	22,800	21,909					
1 Apr.					78.8		
1 Oct.			20,850	15,700.5	75.3	17,150.7	
1 Apr. 1934		23,271			79.9		
1 Oct.			22,892	17,947.3	78.4	19,046.3	
1 Jan. 1935		24,376				19,320	
1 Apr.					82.0		
1 Oct.			23,428	19,000	81.1	20,272.0	
1 Oct. 1936		25,500	24,811	20,494.2	82.6	21,639.4	
1 Jul. 1937		26,744				22,103.2	
1 Oct.			25,797	20,973.2	81.3	22,155.9	
1 Jan. 1938	27,000						
1 Oct.		27,900	26,906	22,412.3	83.3	23,758.8	
1 Oct. 1939		29,400	27,408	22,721.2	82.9	24,257.6	
1 Jan. 1940		31,192	27,714			24,391.6	
1 Oct.	31,906		28,878	23,940.2	82.9	25,367.8	
1 Jan. 1941	31,500				83.3		83.3
1 Jul.			~30,140	25,500	84.6		84.6
1 Jan. 1942	18,500	18,400			73.7		73.7
1 Oct.			16,336	11,860.2	72.6	16,581.5	72.6
1 Jan. 1943		19,400	15,477	16,177		11,954.9	73.9
1 Jan. 1944		23,600	18,036	19,045	13,700	14,588.1	76.6
1 Jan. 1945		27,263	21,350	22,647	16,900	18,004.0	79.5
1 Jan. 1946	28,300	30,600	23,682	25,636	19,400	21,046.9	82.1
1 Jan. 1947		32,100	26,697	28,761	22,400	24,188.4	84.1
1 Jan. 1948		34,300	28,313	30,460	24,300	26,165.5	85.9
1 Jan. 1949		36,100	30,579	32,737	26,500	28,415.3	86.8
1 Jan. 1950		38,895	32,979	35,186	29,600	31,527.1	89.6
1 Sep.	40,177						
1 Jan. 1951	39,800	40,700	34,999	37,349	31,800	33,912.5	90.9
1 Jan. 1952	41,400	42,204	37,030	39,491	33,900	36,094.8	91.4
1 Jan. 1953	42,500	43,660	38,673	41,256	35,800	38,079.6	92.3
1 Jan. 1954	44,600	47,287	41,432	44,418	37,800	40,420.0	91.0
1 Sep.	49,217						
1 Jan. 1955	46,800	48,300	44,483	47,685	40,900	43,441.3	91.1
1 Sep.	50,565						

Table XXXVIII: (Continued)

	all workers			potential TU members*	TU membership: absolute figures and degree of unionization		
	official figures		union data*		workers*		all members
	at specific date	annual average					
1 Jan. 1956	47,900	50,537	45,863	49,159	42,100		91.6
1 Jul.			46,808	50,100	43,100		45,995.7
1 Sep.	52,610						
1 Jan. 1957	50,000	53,148	47,959	51,246	44,200	92.1	47,146.4
1 Sep.	55,456						91.5
1 Jan. 1958	52,700	54,605					
1 Jul.					46,800		49,636.9
1 Jan. 1959	54,300	56,509	53,500	56,693	49,900		52,781.0
1 Jan. 1960	56,900	62,032	56,200	59,236	52,600	93.7	55,267.6
1 Jul.			59,300	61,980	55,300		58,013
1 Jan. 1961		65,861	62,000	65,200	58,300		61,157.2
1 Jan. 1962		68,300	65,100	68,600	61,400		64,540.9
1 Jan. 1963		70,526	67,600	71,344	63,800		67,277.5
1 Jul.			68,400	72,220	64,700		68,175.6
1 Jan. 1964		73,528	69,494	73,600	65,800		69,559.3
1 Jul.			71,200	75,300	67,400		71,229
1 Jan. 1965		76,915	71,900	78,939	68,100		74,754.9
1 Jan. 1966		79,709	75,500	82,900	72,200		79,252.5
1 Jan. 1967		82,274	78,100	86,329	75,300		83,135.0
1 Jan. 1968		85,100	80,500	89,200	77,800		86,130.0
1 Jan. 1969		87,922	83,100	92,200	80,600		89,241.0
1 Jan. 1970		90,186	85,800	95,200	83,200		92,353.1
1 Jan. 1971		92,799		97,900	85,706.6	97.3	95,157.8
1 Jan. 1972		95,242	90,500	100,600	88,300		98,022.1
1 Jan. 1973		97,466					
1 Jan. 1974		99,780					97.8
1 Jan. 1975		102,160					
1 Jul.			98,800	109,900	96,786.8		107,715.3
1 Jan. 1976		104,234	100,341	111,752	98,334.2	98.0	109,628.3
1 Jan. 1977		106,393	102,400	125,300	100,600	98.2	113,500
1 Jan. 1978		108,616	105,000	126,600	103,000	98.1	120,900
1 Jul.			105,100		103,200	98.2	122,800
1 Jan. 1979		110,592					125,200
1 Jul.			106,482	128,242	104,671.8	98.3	125,164.6
1 Jan. 1980		112,498	108,400		106,600		127,300
1 Jul.			109,160	130,244	107,413.1	98.4	128,160.0
1 Jan. 1981		113,961	109,900	131,300			129,300
1 Jan. 1982		115,163	111,900		110,200		131,200
1 Jul.							98.7

* estimated or calculated figures

Sources: listed in note 62.

Some discrepancy in the figures may have been caused by the fact that present-day reports concerning the labor force do not include domestic servants or similar individually hired workers (drivers, secretaries of citizens) and casual labor, i.e. persons employed for less than five consecutive days.⁶⁷ Such persons may join the trade unions. However, this might have caused an even greater discrepancy between the size of the officially reported labor force and the size used by the trade unions. A number of persons performing work are not allowed to join the trade unions.⁶⁸ However, all observers agree that the Armed Forces and the police are not encompassed in figures on the labor force.⁶⁹ The number of armed guards outside the Army and the police is too small to be of importance for our calculations.

One other large category of persons still remains: those engaged in forced labor in general or those engaged in prison or camp labor.

b. Size of Corrective Labor Camp Population

All western observers argue that prison labor or forced labor is not included in employment data. According to Nicholas De Witt, the Soviet concept of “workers and employees” (*rabochie i sluzhashchie*) would mean “salaried workers and employees” and “this concept of labor force excludes collective farmers and most agricultural labor, military personnel, forced labor, some artisans, and certain other smaller components”.⁷⁰ Lorimer⁷¹ (implicitly), Eason,⁷² Bergson⁷³ and others⁷⁴ also assume that “penal workers” are omitted. Thus, the statistical concept of “worker and employee” would be the concept which is also used in Soviet labor law.

This seems rather unlikely. In the Soviet Union prison labor or forced labor constitute an essential part of the economic plan. The (partly known) economic plan for 1941 contains some indications of planned production within the framework of the People’s Commissariat (Ministry) of Internal Affairs.⁷⁵ A few Soviet authors have stated that camp labor constitutes an element of the economic plan. According to Krakhmal’nik it was decided to include camp labor in the economic plans of the union republics in 1962.⁷⁶ Apparently, previously it was only included in the federal economic plan. It seems to be logical that the number of workers who have to perform the plan also are included in planning figures.

Some observers have argued that the number of workers increased by more than could be expected in 1953-1954 as well as in 1956-1957, which increase should be ascribed to the reintegration of amnestied prisoners into free employment.⁷⁷ Since prisoners were nearly all males, the decrease in the proportion of female employees in the total work force in those years⁷⁸ would also have been caused by the post-Stalin amnesties. However, in October 1953, tractor drivers, who were kolkhoz members, acquired the status of workers, employed by the state-owned Machine and Tractor Stations.⁷⁹ As a result, the number of workers in agriculture increased by about 2 million. Since these tractor drivers were nearly all males, the share of females in the work force decreased accordingly.⁸⁰ A similar decrease in the proportion of female labor in 1956 may have been caused by reductions in the Army, in the police, or in the number of camp guards.⁸¹

Trade unions do not have access to the camps nor do they receive figures on the

number of camp inmates working in enterprises which are not under the control of the camp administration. Camp inmates either work in workshops organized within the camp or in enterprises outside the camps, on the basis of a contract concluded between the camp authorities and the enterprise.⁸² From a legal point of view, camp inmates are not employed by the enterprise where they perform their work, but by the labor camp administration. Some (recent) instructions for statistical reporting contain the rule that persons working for an organization upon the basis of a contract concluded by this organization with another organization are not counted at their actual place of work.⁸³ If they are counted at all, they are counted as workers of the organization which has contracted them out. Therefore, we might expect to find different figures for all "workers and employees" in a given number of organizations and the total number of persons actually performing work in these organizations. Should it be the case that only camps may direct their inmates to work at other organizations on the basis of a contract of work and that the trade unions do not have access to the camps, basing their statistics only on data received from other organizations, these statistics neither include persons who perform work in the camps nor persons who perform work outside the camps on a contract of work concluded between camp administrations and other organizations. However, the camp management will have to report the same figures as the enterprises about their labor force. Therefore, if the total number of "workers and employees" reported by the trade unions is lower than the numbers reported by the Central Statistical Office, we could draw the conclusion that this Office also includes "workers and employees" who are contracted out and, perhaps also, those who perform work within the camp area.⁸⁴

The concept "workers and employees" as used by trade unions and by other organizations seems to be much narrower than the statistical concept "workers and employees": it only refers to "free" workers as far as such a concept may be used for USSR conditions in general and for the periods considered in particular.⁸⁵ Therefore, the discrepancies between the official figure concerning the number of workers and employees and the trade union figures are in fact chiefly caused by the number of gainfully employed camp inmates.

Whether persons compulsorily engaged with work in psychiatric institutions or as alcohol- or drug addicts in special medical treatment institutes are included in the statistical reports is uncertain. However, we may assume that these categories of workers are small, at least until the mid-1960s. Also the problem of persons who have two full-time jobs (*sovmesiteli*) has been neglected, as we could not find any reliable data concerning the scope of this phenomenon. For a similar reason, we do not take into account the occurrence of part-time work.

The calculation of the discrepancies in the employment figures is rather easy for the period 1940-1960, but more difficult for latter years as we could only find average annual figures on the size of the labor force (tables XXXIX, XL).

During the Stalinist years, the discrepancies were larger than the number of non-voters, analyzed in the preceding paragraph: 2.5 million at the beginning of 1946, 1 million in 1951.

The reason for the large discrepancies in 1946 might be the large number of German and Japanese prisoners of war. On 1 January 1946 they numbered some 2

Table XXXIX: Discrepancies between Employment Figures Cited by the Central Statistical Office and by the Trade Unions (1940–1960)

date	discrepancy (millions)	date	discrepancy (millions)
1 Oct. 1940	3.0	1 Jan. 1954	3.2
1 Jan. 1946	4.6	1 Jan. 1955	2.3
1 Jan. 1951	4.9	1 Jan. 1956	2.0
1 Jan. 1952	4.3	1 Jan. 1957	2.0
1 Jan. 1953	3.8	1 Jan. 1959	0.8
		1 Jan. 1960	0.7

Source: table XXXVIII, pp. 27–128.

million.⁸⁶ An unknown number of foreign civilians, deported in 1945, were also confined to the camps. If we assume that on 1 January 1946, 90% of all persons in the camps were employed and if we take into account the number of juveniles in the camps,⁸⁷ the number of foreign camp inmates was about 3 million. By 1951, many prisoners of war had returned to their respective countries; therefore, the differences between the figures derived from employment figures and from the voting reports had decreased significantly to about 1 million. From 1954 onwards, the employment figures deliver smaller residuals than do the voting reports.

For later years, the figures only allow us to see general trends. Between 1963 and 1972, the labor force increased by 24.6 million if we use the official figures, but according to the trade unions, the number of workers and employees increased only by 22.9 million; between 1972 and 1982, the labor force increased by 20.4 million, but the trade unions put this figure at 21.4 million. This suggests, that after 1962 the number of camp inmates increased at first but that it then decreased in the second half of the 1970s. This trend is in line with the criminal policy figures analyzed in the previous chapters. The sharp growth in camp population in 1966–1967 might have been the result of the anti-hooliganism campaign launched in mid-1966, which resulted in a doubling of the number of sentences for this crime and also in harsher penalties.⁸⁸ Moreover, the average terms of sentences to deprivation of freedom had increased from 2.7 years in 1960–1964 to 3.1 years in 1966–1969 (appendix table 126, p.316).

In the mid-1970s, the anti-hooliganism campaign slackened off. Moreover, the decriminalization and depenalization policies of the last years of Brezhnev's leadership, and the frequent amnesties during these years⁸⁹ may have caused a reduction in the camp population to figures below 1.5 million.

However, the absolute figures are higher than those obtained from calculations on the basis of the number of sentences and the sentencing policy of the courts, although, this might have been caused by the fact that a varying, but small, part of the labor force combines two full-time jobs.

Table XL: Increase in the Size of the Labor Force in the Years 1963–1982 (millions)

	increase in average labor force		increase at 1 Jan.	col. 1 minus col. 3
	first half of year	annual		
1964	2.4	2.3	1.9	0.5
1965	5.4	5.8	4.3	1.3
1966	8.5	8.9	7.9	0.8
1967	11.9	11.6	10.6	1.2
1968	14.7	14.3	12.9	1.6
1969	17.3	17.1	15.5	1.7
1970	19.8	19.7	18.2	1.5
1971	22.4	22.1	20.5	1.7
1972	24.7	24.6	22.9	1.7
1976	33.9	33.7	32.7	1.1
1977	35.9	35.9	34.8	1.1
1978	38.2	38.1	37.4	0.8
1979	40.2	40.2	38.9	1.3
1980	42.0	42.2	40.8	1.3
1981	43.7	43.6	42.3	1.4
1982	44.9	45.2	44.3	0.8

Sources: The figures of col. 1 are calculated from the reports on plan-fulfillment, in the first half of the year (in the first half of 1963, the average size of the labor force was 69 million); other figures are calculated from table XXXVIII. In order to eliminate seasonal influences, we have taken for col. 2 the average increase in a certain year (X) compared by the labor force in 1963 and the increase in the year X-1 compared to 1962. See for col. 3, table XXXVIII, pp. 127–128.

c. Other Forms of Forced Labor

If we take a closer look at the trade union figures, we find that, during Stalin's reign, the degree of unionization among workers and employees outside the camp system was rather low. In the 1920s, the policy with regard to sentenced people was rather liberal. According to an instruction of 1922, only persons sentenced to banishment from the country or sentenced for crimes against the workers' class or the revolution forfeited their membership.⁹⁰ In general, persons sentenced to deprivation of freedom could regain their membership after they had completed their sentence.⁹¹ However, from 1929 onwards, the rules have been changed towards a less liberal policy: under an instruction of 9 May 1929, persons sentenced to corrective labor for a term of over three months had to be excluded "mechanically" from the trade union; after being sentenced to a shorter term they could be excluded depending on the circumstances of the case.⁹² Persons sentenced to corrective labor could not apply for membership in the trade union, independent of the term.⁹³ Thus, at the end of the 1920s, the trade unions closed their ranks not only to politically disloyal persons but also to the occasional sinners.

However, such persons retained the legal status of a worker or employee. Thus, according to a Soviet scholar, writing in the mid-1970s, persons earlier released from

deprivation of freedom and sent to work on a construction site (exile labor), are deemed to be workers, as long as they have not been sent back to the camp for disciplinary reasons. Persons who have been banished or exiled, are also employed on the basis of the common provisions of Soviet labor law.⁹⁴

We may assume that such persons could not join a trade union. Administratively deported persons (the special settlers) were probably also excluded from the ranks of the trade unions, but they had the right to vote.⁹⁵

The number of non-unionized workers increased rapidly in 1930-1931 from about 1-1.5 million to 6 million (or 30% of the total labor force) in October 1931. Partly, this increase may have been connected with the rapid influx of peasants in the industrial labor force, but the degree of unionization remained below 80% until 1935 and below 85% until 1941. In absolute figures, more than 4 million workers had not joined a trade union. Especially, workers in the eastern parts of the country and workers engaged in forestry did not join a trade union.⁹⁶

Also after World War II, the number of non-unionized workers remained at first at a level of about 4 million, but it had decreased to about 3 million by the beginning of 1953 (table XLI). However, in 1953 this trend was reversed and on 1 January 1954 it was again 3.6 million and it stayed at this level until 1965. This reversal in the trends must have been caused by several factors:

1. In 1953, the number of workers in agriculture increased by about 2 million when tractor drivers, employed by the Machine and Tractor Stations, acquired the status of worker. As the degree of unionization in agriculture was relatively low, the number of non-unionized workers increased.⁹⁷
2. Upon release from the labor camp, many former convicts received the status of a deported person. In the localities to which they were assigned, they could be engaged as a worker, but they could not – or did not – join a trade union.⁹⁸

Table XLI: Non-Unionized Workers, 1930-1982 (on 1 January, in millions)

1930	4.7*	1943	4.1	1956	3.8	1970	2.6
1931	6.2*	1944	4.3	1957	3.8	1971	2.4
1932	5.9*	1945	4.5	1959	3.6	1972	2.2
1933	5.1*	1946	4.3	1960	3.6	1975	2.01**
1934	4.9*	1947	4.3	1961	3.7	1976	2.0
1935	4.4*	1948	4.0	1962	3.7	1977	1.8
1936	4.3*	1949	4.1	1963	3.8	1978	2.0
1937	4.8*	1950	3.4	1964	3.7	1979	2.11**
1938	4.5*	1951	3.2	1965	3.8	1980	1.8
1939	4.7*	1952	3.1	1966	3.3	1980	1.75**
1940	4.9*	1953	2.9	1967	2.8	1982	1.7
1941	4.6	1954	3.6	1968	2.7		
1942	4.5	1955	3.6	1969	2.5		

* at 1 October

** at 1 July

Source: table XXXVIII, pp. 127-128.

3. After 1957, and especially after 1960, parasites could be deported to “especially designated localities” for terms of between 2 and 5 years.⁹⁹ These deported persons had to take up work assigned to them by the local authorities, but, apparently, they had the status of a worker or employee under the labor laws.¹⁰⁰ The number of persons deported as parasites (for an average term of nearly 4 years)¹⁰¹ is unknown. It is not known whether such persons had the right to vote¹⁰² or the right to join a trade union.

Only after Khrushchev's demise in 1964 and the abolishment of the deportation of parasites in 1965 (except from some big cities), could one observe a decline in the number of non-unionized workers: from 3.8 million on 1 January 1965 to 2.5 million in 1971 (2.7% of the total labor force), 2 million in 1975-1976 (2%) and 1.7-1.8 million in 1980-1982 (1.5%). This trend in the number of non-unionized workers seems to be the result of a decrease in the number of deported parasites and also of a certain change in the attitude of the trade unions towards the occasional sinner. At present, trade unions are still not being created in the camps as this would “contradict the spirit, tasks and aims of the trade union movement”¹⁰³, whereas on the other hand “persons sentenced to other penalties (corrective labor, exile, banishment) are, as a rule, members of a trade union and the practice is to accept them as union members”¹⁰⁴ when they are engaged in what we have called exile labor, either after conditional early release from a camp or when having been sentenced to that penalty.

However, not all non-unionized workers will have been or are engaged in forced labor, as workers may refuse to join a union for reasons of principle and as workers who are employed for short periods in seasonal or other forms of temporary work do not have much reason to join a union.

5. Comparisons With Published Data and Conclusions

At the end of the 1950s, figures on the number of camp inmates were published in the West by authors who asserted that their reports were based upon statements by Soviet officials. Thus, in 1957 Harold J. Berman published a report of his conversation with the deputy procurator-general of the USSR who claimed that there were 3 million camp inmates in 1950, but only 800,000-900,000 in 1957.¹⁰⁵ Mr. Amory, an American police official, mentioned a figure of 800,000 in 1960.¹⁰⁶ Berman's figure for the Stalin years seems to be plausible, but the figure cited for 1957 is rather improbable. However, Amory's figure is quite in agreement with my estimates, although such figures have not been published within the USSR, and therefore their scientific value is no higher than other figures published in the West. As such, they may not be used as convincing evidence for any statement about the size of the camp population. At their best they provide us with circumstantial evidence.

According to the RSFSR Minister of Justice, V.A. Boldyrev, the number of prisoners had decreased by 45% between 1957 and 1960.¹⁰⁷ This statement is not very accurate – especially if we take into account the fact that 1957 was marked by a large amnesty – but it does sustain the results from our analysis of the trade union employment figures. According to these figures the employed camp population

numbered 2 million on 1 January 1957 and 0.7 million on 1 January 1960. Two, officially published, statements allow us to estimate the number of camp inmates in the mid- and late-1960s.

According to Avanesov and Tumanov, in the mid-1960s, persons sentenced to a short term (up to and including one year) made up some 10% of the total prison-camp population: 12%-13% of the population of colonies with a regular regime, 4%-5% in colonies with a strict regime, and 7%-9% in colonies with a very strict regime.¹⁰⁸ Due to early release – which was possible after a prisoner had served half his term – the number of prisoners sentenced to a short term in the camps would have been only one-half of the total number of persons sentenced to this penalty during one year (or even less). In the mid-1960s, some 100,000 persons per year were sentenced to a term of one year.¹⁰⁹ If we assume that such a sentence usually is served in a camp with a regular regime, the total camp population cannot have been higher than half a million. Even if all such sentences had to be served in a colony with a strict regime, the total number of camp inmates cannot have surpassed one million.

The trade union figures analyzed *supra* render similar low values for the total number of camp inmates: at the beginning of 1959-1960 the number of workers not included in trade union statistics was below 1 million, and this, probably, was also the case in 1965-1966.

By 1970, the number of employed camp inmates was so high that the industrial output of Latvian labor colonies was “more than 62 million rubles”, or some 1.7% of the total Latvian industrial output.¹¹⁰ If such a figure were representative for the entire USSR, and if labor productivity of the camp labor force was equal to labor productivity in Soviet industry as a whole, the camp labor force engaged in industrial production would be equal to about half a million. Such a figure is compatible with the values derived in the preceding paragraphs.

Figures published in the Soviet Union do not permit any straightforward calculation of the number of camp inmates for any period after 1930. Nevertheless, sufficient materials have been published for a quantitative analysis of this question which is not only of historical importance, but which remains on the political agenda in discussions between East and West.

However, any analysis in this field can only be worthwhile if the question is tackled from several directions. In combination with other data, the employment figures and the trade union membership figures, analyzed in the previous paragraph, seem to give a useful indication both of the absolute number of inmates of corrective labor camps and of the trends in this number.

Moreover, from 1970 onwards, any estimate of the number of camp inmates and of forced labor in general (thus including deported persons and exile labor) would have to tally with the number of sentences and data concerning the sentencing policy of Soviet courts, unless there was evidence of extrajudicial repression in the form of confinements in camps or of deportations. A law which forbids these forms of repression *expressis verbis* does not exist and this is demonstrated clearly in the case of Andrei Sakharov; but this case seems to be unique.

With the exception of Poland, the other socialist states which have been used as a

basis for comparisons in this study, do not publish any information on the number of camp inmates either. If we use the number of imprisonments and the average terms in sentences to deprivation of freedom, Bulgaria would have had somewhat over 20,000 camp inmates in the mid-1970s (or 25 per 10,000 inhabitants), Poland 110,000 at the end of the 1970s (or 34 per 10,000 inhabitants), and Hungary about 13,000 (or 13 per 10,000 inhabitants).¹¹¹ The real Polish figure was about 100,000 in 1979-1980¹¹² (or 31 per 10,000 inhabitants). According to western estimates, in the GDR in 1977 some 46,000 persons were confined in prisons (or 36 per 10,000 inhabitants),¹¹³ which would mean that there the average term in sentences to deprivation of freedom is somewhat over two years.

As we have argued, the number of inmates in Soviet labor camps is more than one million (or 40 per 10,000 inhabitants), which means that this number is at least three times as high as in Hungary. Therefore, notwithstanding the similarities in the number of sentences and the annual number of sentences to deprivation of freedom, vast differences exist between the different socialist states with regard to the degree of harshness of their punitive systems.

NOTES

1. See for a number of those figures, Rosefielde, "An Assessment", (1981), and the sources quoted there.
2. Cf. Rosefielde, "An Assessment", (1981); P. Hubner quotes a figure of 12 million, mentioned by M. Makarenko at a symposium of the (German) International Society for Human Rights, held in Bad Godesberg in 1982, *Sowjetunion 1982/1983. Ereignisse. Problemen. Perspektiven*, München 1983.
3. Rosefielde, *op. cit.*; R. Medvedev, Zh. Medvedev, *Khrushchev. The Years in Power*, Oxford 1977, 19.
4. Medvedev, Medvedev, *op. cit.*
5. Rosefielde, *op. cit.*; Conquest, *The Great Terror*, (1971), 706-709.
6. Wheatcroft, "On Assessing", (1981); *id.*, "Towards a Thorough Analysis", (1983).
7. Cf. below p.129.
8. Such prolongation was in use under Stalin, and to a lesser extent also under his successors, see esp. the RSFSR edict of 13 September 1983, *Ved. RSFSR* 1983 No.37 item 1334.
9. See for exile labor, *supra* pp.98 ff.
10. E.g. in a decree of 1 October 1937, *SZ SSSR* 1937 No.69 item 315.
11. RSFSR edict of 26 June 1963, *Ved. RSFSR* 1963 No.26, 591 (after early release); see for more details *supra* pp.98 ff.
12. Art.27 RSFSR CC; F.J.M. Feldbrugge, *Soviet Criminal Law. General Part*, No.9 *Law in Eastern Europe*, Leyden 1964, 211; *Kommentarii k ugodovnomu kodeksu RSFSR*, (Iu.D. Severin, ed.), M. 1980, 67. See also *Industrializatsiia SSSR 1929-1932*, 417, 423, for a report about practices in 1930-1931.
13. E.g. Conquest, *op. cit.*, 707. See for the reliability of the 1939-census also Rosefielde, "Excess Mortality", (1983).
14. N. De Witt, *Soviet Professional Manpower*, Washington 1955, 233; P. Juviler, *Functions of a Deputy to the Supreme Soviet of the USSR, 1938-1959*, Ph.D. Columbia University, 1960, 520.
15. See for more details below, pp.127f.
16. See for a short description, Feldbrugge, *op. cit.*, 263-267.
17. Art.53 ff. RSFSR CC.
18. Or after an initiation by public monitoring commissions.
19. Kuznetsov, Podymov, Shmarov, *Effektivnost'*, (1968), 174-175. They also give other figures on the application of early release, which have been used for the estimates on the size of the camp population; see also *Effektivnost' ugodovnopravovykh mer*, (1968), 174, and Poteruzha, *Sud i obshchestvennost'*, (1974), 144.
20. They will have had the effect of decreasing the camp population and of increasing the scope of exile labor.
21. See for a list of amnesty decrees, Z.L. Zile, "Amnesty and Pardon in the Soviet Union", 3 *Soviet Union* 1976 No.1, 37-49; see also *Khronika tekushchikh sobytii* No.58 (1981).
22. P.B. Maggs, "Amnesty and Prison Population in the USSR", 3 *Soviet Union/ Union Soviétique* 1976 No.1, 51.
23. Cf. Feldbrugge, *op. cit.*, 207.
24. See the data and estimates in Ratza, *Die deutsche Kriegsgefangenen*, (1973), 209-226.
25. See also the mortality figures, collected in Conquest, *op. cit.*, 709, and Medvedev, Medvedev, *op. cit.*, 20.
26. See for the nature of these elections, G.P. van den Berg, "A New Electoral Law in the Soviet Union", *Review of Socialist Law* 1978 No.4, 353-362; see for their value for research aims, T.H. Friedgut, *Political Participation in the USSR*, Princeton New Jersey 1979, 70ff.
27. Cf. *supra*, note 6.
28. See for more details, appendix I, para.1 and especially para.2, pp.190-193 below.
29. See e.g., M.E. Mote, *Soviet Local and Republic Elections*, Hoover Institution Studies 1965 No.10, 18. The total electorate was mentioned for the first time in 1961, *Sovety deputatov trudiashchikhsia* 1961 No.6; see also *Ved. SSSR* 1967 No.13, 162-165.

30. *Istoriia gosudarstva i prava Belorusskoi SSR*, Vol.2, Minsk 1976, 32; *Istoriia gosudarstva i prava Ukrainskoi SSR*, Kiev 1976, 467. Cf. also Mironenko in *Bulletin for the Study of the USSR* 1957 No.5, 36.
31. Reports of the election results may be found in the issues of *Izvestiia* of one of the first days after the voting, although some reports only contain preliminary results. See also *Vlast' soveto* 1937 No.23-24, 24; *SGiP* 1938 No.1, 2; 1946 No.2, 22; 1951 No.3, 2; from 1966 onwards, reports about elections at all levels are included in *Ved. SSSR*. See for the population figures of 1937-1939 Wheatcroft's works. Other figures have been estimated on the basis of the 1959 and 1970 census reports (appendix table 17, p.194).
32. Arts.135 and 96 resp.
33. Cf. e.g., P.V. Bakhturov, *Sovetskaia izbiratel'naia sistema*, Moskva 1955, 14; *Kommentarii k nekotorym stat'iam polozheniia o vyborakh v mestnye sovety deputatov trudiaschichhsia RSFSR*, Moskva 1977, 8; A.I. Kim, *Sovetskoe izbiratel'noe pravo*, Moskva 1965, 102. The number of illiterates among all persons between 9 and 49 years of age was 1.5% in 1959 and 0.3% in 1970.
34. *Pravda* 5 May 1950; *Ost Probleme* 1950, 762; up to 1 January 1953, 4,059,736 foreigners had been repatriated, *Istoriia velikoi otechestvennoi voiny*, Vol.6, Moskva 1965, 107; *Istoriia SSSR. Vtoraia seria*, Vol.XI, Moskva 1980, 58.
35. *Ved. SSSR* 1959 No.1 item 7.
36. USSR decree of 1 October 1937, *SZ SSSR* 1937 No.69 item 315; *Sbornik normativnykh aktov po sovetskomu ispravitel'no-trudovomu pravu (1917-1959 gg.)*, Moskva 1959, 310.
37. USSR decree of 1 December 1945, mentioned in Kim, *op. cit.*, 162; see also A. Tikhonov, "Spiski izbiratelei", *Izvestiia* 23 January 1954; P.V. Bakhturov, *Sovetskaia izbiratel'naia sistema*, Moskva 1955, 14; P.V. Tumanov, *Poriadok organizatsii i provedeniia vyborov v verkhovnyi soviet SSSR*, Moskva 1958, 7; *id.*, 2nd ed., (1962), 19.
38. A. Sheehy, *The Crimean Tatars, Volga Germans and Meskhetians: Soviet Treatment of Some National Minorities*, Report No.6, new ed., Minority Rights Group, London 1973, 25. See however Solzhenitsyn, *Arkhipelag Gulag*, Vol.3 (Part 6).
39. During 1945, 5,236,130 persons (among them 633,693 children) were repatriated into the USSR, *Istoriia SSSR, op. cit.*, 57; see also *Istoriia velikoi otechestvennoi voiny, op. cit.*, 105, 107.
40. A.Ia. Vyshinskii, *Izбирatel'nyi zakon SSSR*, Moskva 1954, 18; see however, the much stricter definitions in Tikhonov, *op. cit.*, who requires a sentence by a court of law or being held under guard during a criminal prosecution.
41. Kim, *op. cit.*, 162.
42. *Ved. SSSR* 1945 No.73.
43. *Izvestiia* 12 Feb. 1946; *SGiP* 1946 No.2, 22.
44. They can be traced since deputies from these districts are listed separately, at least in the RSFSR and in the Ukraine. These districts were only indicated with a number; thus, in 1959, P.A. Lapkin was "deputy of voting district No.826", *Zasedaniia Verkhovnogo soveta RSFSR*, 14-16 April 1959, 266; *Ved. RSFSR* 1959 No.10, 296; *Ved. Ukr. SSR* 1959 No.8, 329 (they give 10 and 2 military districts resp.).
45. *Ved. SSSR* 1966 No.12 item 172; Art.18 of the USSR electoral law of 1978, *Ved. SSSR* 1978 No.28 item 441; cf. also the republican electoral laws. These military districts may not be confused with military voting precincts, which encompass military personnel living within the USSR but upon agreement with the local executive committee, also other persons, who are not military personnel, such as freely employed workers, or members of the family of military personnel can be included in those army lists, if they are living in the neighbourhood of military units or in places where military units are located outside civilian localities or in military cities. In frontier regions, small villages may be included in voting precincts, formed by the commanding officer in agreement with the local authorities, see P.V. Tumanov, *Poriadok organizatsii i provedeniia vyborov v verkhovnyi soviet SSSR*, M. 1958, 57.
46. *Ved. SSSR* 1984 No.4 item 76; cf. however, *Ved. SSSR* 1966 No.24, 261.
47. V. Zaslavsky, R.J. Brym, "The Functions of Elections in the USSR", *Soviet Studies* 1978 No.3, 362-371; Friedgut, *op. cit.*, 117 ff.; R. Gillete, in *International Herald Tribune* 8 July 1982.

48. *Ved. SSSR* 1966 No.24, 461.
49. V. Latov, *The Soviet Electoral System*, Moscow 1974, 45.
50. Zaslavsky, Brym, *op. cit.*, 370; cf. also *Khronika tekushchikh sobytii* 1974 No.34, 89; Friedgut, *op. cit.*, 118.
51. See appendix tables 130 and 133, pp.320-322f.
52. However, this is sometimes done even in recent years, see note 2.
53. They could join the trade unions under the Statute of 1949, *Spravochnik profsoiuznogo rabotnika*, M. 1951, 421. Students attending vocational schools were at first deemed to be workers, engaged on a training contract (*ucheniki*); they are first mentioned in 1954, see *Organizatsionno-massovaia rabota profsoiuzov*, M. 1962, 166, 174, but probably they could join the trade unions already in 1945, *Istoriia profsoiuzov*, M. 1969, 274.
54. *Profsoiuzy SSSR*, Vol.III, 156.
55. Cf. e.g. *Spravochnik partiinogo rabotnika*, Vol.21, 510.
56. Cf. *Trud v SSSR*, (1968), 24.
57. Law of 31 March 1958, *Izv.* 1 April 1958.
58. *Istoriia profsoiuzov SSSR*, 2nd.ed., Vol.2, M.1979, 159. However, the trade union statute was not adapted accordingly. Other persons working in a kolkhoz could not join the trade unions unless they were hired workers, see a union decree of 28 May 1958, *Organizatsionno-massovaia rabota profsoiuzov*, M.1962, 175, see also p.101-106.
59. *BSE. Ezhegodnik* 1965; B.P. Kovalevskii, *Ukreplenie soiuza rabocheho klassa i kolkhoznogo krest'iansva v period stroitel'stva kommunizma*, Kiev 1972, 216.
60. *Sbornik postanovlenii VTsSPS* 1976 No.3, 14.
61. *Spravochnik partiinogo rabotnika*, Vol.21, 510.
62. The sources for this table are:
 Strength of the Labor Force: *Sots. Stroitel'stvo* 1932-1936; *Nar. Khoz. SSSR 1956-1983; Vestnik Statistiki* 1965 No.5, 8; *Trud v SSSR*, (1968); Grazhdannikov, *Prognosticheskie modeli*, (1974), 72. The biannual figures have been published in one of the July (August) issues of *Ekonomicheskaiia Gazeta* or in a *Izvestiia* or *Pravda* issue of the same period.
 Trade Union Membership Figures: *Profsoiuzy SSSR* II, 653; III, 156, 229, 244, 598, 690; IV, 330, 711; V, 62; *Istoriia KPSS*, IV-2, 505; *Istoriia SSSR*, IX, 402; XI, 101, 418; *Istoriia profdvizheniia v SSSR*, M. 1961, 407, 416, 423, 446; *Istoriia profsoiuzov*, M. 1969; 2nd ed., M. 1979; *Industrializatsiia SSSR, 1929-1932*, 356; *1933-1937*, 33-37, 437-441, 487; *Bol'shaia Sovetskaia Entsiklopediia. Ezhegodnik*, (M. 1957-...); *Spravochnik partiinogo rabotnika*, Vol.17, (1977), 470; Vol.21, (1981), 510; *Nar. Khoz. SSSR 1922-1982*, 50; *Nar. Khoz. SSSR za 60 let*, 90; *Spravochnaia kniga o professional'nykh soiuzakh SSSR*, M. 1965, 50; *ibid.*, M.1968, 70; *Pravda* 1930 No.192; *Der 9. Gewerkschaftskongress der UdSSR*, M. 1932; *Materialy k otchetu VTsSPS IX s'ezda profsoiuzov*, M. 1932, 167-169; *Profsoiuzy SSSR v bor'be za piatiletku v chetyre goda*, M. 1932; *Vlast' sovetov* 1934 No.20, 61; *Sotsialisticheskoe stroitel'stvo*, M. 1936, 97, 515; *SSSR. Strana sotsializma*, M. 1936, 97; *Die Gewerkschaften der UdSSR. Statistisches Nachschlagebuch*, M. 1937, 16; *USSR. An Album*, M. 1939, 91; *Syndicats et travail en URSS*, M. 1940, 2; L.N. Solov'ev, *O provedenii otchetov*, M. 1946; *BSE. SSSR 1948, 1753-1754*; I.A. Deutscher, *Soviet Trade Unions*, London 1948; *Pravovye aspekty deiatel'nosti profsoiuzov*, M. 1973, 70; Pasherstnik, *Pravo na trud*, M. 1951; *Trud* 24 March 1959; *Organizatsionno-massovaia rabota profsoiuzov*, M. 1960, 172; *Sbornik postanovlenii VTsSPS* 1960, No.2, 36; 1966 No.2, 34; I. Dvornikov, V. Dzhelomanov, A. Shtyl'ko, *Professionalnye soiuzy SSSR*, M. 1961, 17; *SSSR. 1917-1967*, M. 1967, 200; *Trud* 28 February 1968; *Partiinoe stroitel'stvo*, 3rd ed., M. 1972, 411; I. Kurov, V. Fedorov, *Organizatsionno-ustavnye voprosy sovetskikh profsoiuzov*, M. 1972, 97-98; *Sovetskii tyl v velikoi otechestvennoi voine. Kniga pervaiia*, M. 1974, 142 (Belonosov); N. Romanov, *Sovetskie profsoiuzy v bor'be za vypolnenie reshenii XXIV s'ezda KPSS*, M. 1974; *Sotsialisticheskoe obshchestvo i profsoiuzy*, M. 1979, 29; *Sovetskie profsoiuzy* 1978 No.8, 34-35; *Profsoiuznoe stroitel'stvo. Uchebnoe posobie*. M. 1979, 40-41, 57-61; M.G. Kistruga, *Profsoiuzy - shkola narodnogo samoupravleniia*, Kishinev 1982, 22-23.
 The Number of Students: *Kul'turnoe stroitel'stvo SSSR. Statisticheskii sbornik*, M. 1956; *Industri-*

- alizatsiia SSSR 1933-1937, 480, 484, 499; *Trud v SSSR*, (1968), 303-304; *Narodnoe obrazovanie i kul'tura v SSSR. Statisticheskii sbornik*, M. 1977; *Nar. Khoz. SSSR 1956-1982*.
63. *Istoriia SSSR*, 2nd Series, Part XI, M. 1980, 101.
 64. See table XXXVIII, pp.127f.
 65. Cf. *Statistika truda*, M. 1967, 196; Feoktistov, *Uchet*, (1983), 15-17.
 66. However, employment figures could include persons having more jobs, cf. Feoktistov, *op. cit.*, 16.
 67. See the differences between the employment figures published in the 1930s in *Sotsialisticheskoe stroitel'stvo* 1934, 306-307; and in *Nar. Khoz. SSSR 1956-1982*; or *Trud v SSSR* (1968), 24-25.
 68. *Sbornik vazhneishikh postanovlenii*, *op. cit.*, 55; Iu.G. Poponov, "Differentsiatsiia v pravovom regulirovanii obshchestvennykh otnoshenii po uchastiiu v trude", *Problemy sov. sovetskogo zakonodatel'stva. Trudy VNIISZ*, Vol.17 (1980), 145.
 69. See also M. Feshbach, *The Soviet Statistical System: Labor Force Record Keeping and Reporting*, Washington 1960, 57, 129. In the 1959 census, "those who are in the ranks of the Soviet army" were included among persons in employment, but this concerned only conscripts. In 1970 conscripts were not included in the census as a separate entry, but listed according to their previous employment, *Demograficheskoe razvitie Ukrainskoi SSR. (1959-1970)*, Kiev 1977, 92-93.
 70. N. De Witt, *Soviet Professional Manpower*, Washington 1955, 233.
 71. Lorimer, *The Population*, (1946), 222ff.
 72. W. Eason, *Soviet Manpower*, Princeton 1959, 169ff.
 73. A. Bergson, *The Real National Income of Soviet Russia since 1928*, Cambridge M.A. 1961, 443, 447.
 74. E.g. P.H. Juviler, *Functions of a Deputy to the Supreme Soviet of the USSR, 1936-1959*, Diss. Columbia 1960, 520; P. Stiller, *Sozialpolitik in der UdSSR 1950-1980*, Baden-Baden 1983, 213, 238.
 75. See H. Schwartz, *Russia's Soviet Economy*, London 1951, 485 ff; *The Review of Economic Statistics*, February 1948, 40-41; N. Jasny, "Labour and Productivity in the Soviet Concentration Camps", *The Journal of Political Economy*, October 1956.
 76. Krakhmal'nik, *Trud zakliuchennykh*, (1963), 38. See also a remark in *K novoi zhizni* 1962 No.12, 3-4, quoted by Krakhmal'nik, *op. cit.*, 20. See also B.S. Utevskaia, *Sovetskaia ispravitel'no-trudovaia politika*, M. 1935, 65.
 77. Stiller, *op. cit.*, 213.
 78. *Ibid.*, 238.
 79. *Trud v SSSR*, (1968), 24-25.
 80. See for these figures: *Trud v SSSR*, (1968), 24, 75, 126; *Zhenshchiny i deti*, (1969), 81. In 1955, females counted for less than 27% of the agricultural labor force, against 41-42% in 1950 and 1960.
 81. Stiller, *op. cit.*, 213, 238. In 1956, the army was reduced by some 0.7 million.
 82. They work on "kontragentskie ili podriadnye raboty", Krakhmal'nik, *op. cit.*, 38. The contrasts concluded on the basis of a standard contract (a standard contract of a corrective labor institution with an economic organ of 14 April 1955; a Standard Contract on providing enterprises and construction organizations of other ministries and departements with work force from imprisoned people). Krakhmal'nik, *op. cit.*, 83; Zubkov, *Teoreticheskie voprosy*, (1974), 169; see also *ON v SSSR* 1983 No.1, 145.
 83. Feoktistov, *Uchet* (1983), 15-17.
 84. See also Zubkov, *op. cit.*, 79ff.
 85. Including resettled or deported people who have not been confined in a camp.
 86. According to the Japanese Ministry of Health and Soviet sources, the total number of Japanese POWs was between 500,000 and 600,000. About 460,000 had returned to Japan between the end of 1946 and the end of 1950; some 1,500-2,000 after 1950. These figures were kindly provided by Hiroshi Oda of the University of Tokyo. According to German sources, there were 1,448,654 German POWs at 1 January 1946 and 28,711 at 1 January 1951, Ratza, *Die deutsche Kriegsgefangenen in der Sowjetunion. Der Faktor Arbeit* (1973), 209-226. See also *Pr.* 5 May 1950.
 87. See about the number of working camp inmates Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 240; *Problemy razvitiia sovetskogo ispravitel'no-trudovogo zakonodatel'stva*, Saratov

- 1961, 264; Krakhmal'nik, *Trud zakliuchennykh*, (1963), 55-56; Kuznetsov, Podymov, Shmarov, *Effektivnost'*, (1968), 15.
88. Cf. *supra* p.75.
 89. See note 21.
 90. *Spravochnik profrabotnika*, M. 1926, 122-123.
 91. *Ibid.*, 121.
 92. *Sbornik vazhneishikh postanovlenii po trudu*, M. 1932, 79; see also p.80; *id.*, M. 1938, 55; see also p.56; cf. also Utevskii, *loc. cit.*
 93. *Ibid.*
 94. L.Ia. Gintsburg, *Sotsialisticheskoe trudovoe pravootnoshenie*, M. 1977, 218; see also A.L. Epshtein, *L'goty dlia rabotaiushchikh v raionakh Krainego Severa i v mestnostyakh priravnennykh k raionam Krainego Severa*, M. 1953, 25-26.
 95. Cf. Solzhenitsyn, *Arhipelag Gulag*, *op. cit.*, Part VI, para.3 and 6.
 96. Especially trade unions with a large membership basis in the eastern parts of the country had a low degree of unionization and this degree decreased sharply between 1940 and 1943. The trade union of agricultural workers in the eastern regions encompassed 75% of all workers in 1940, but only 56% in 1943. Also in timber floating (*lesosplav*) such low organization degrees may be observed in the North and East: 38% and 41%, against 53% elsewhere (in 1935), cf. *Profsoiuzy SSSR*, Vol.3, 245; *Industrializatsiia SSSR 1933-1937*, 437-441.
 97. See *supra* p.129.
 98. Many worked in kolkhozes where trade union organizations were not active, others were deprived of the right to vote and apparently could not join a trade union.
 99. Cf. *supra* p.27.
 100. Cf. B.F. Khrustalev, "K voprosu o vseobshchnosti truda pri sotsializme", *Vestnik LU* 1967 No.4, 133.
 101. A.S. Shliapochnikov, "Nekotorye pravovye voprosy usileniia bor'by s paraziticheskimi elementami", *Uchenye zapiski VIIuN*, Vol.14, (1962), 110.
 102. Amalrik, who had been deported in 1965 and who was in an "especially designated locality" during the 1966 elections to the USSR Supreme Soviet, does not refer to his participation in this election when he describes his stay in Gur'evka in 1965-1966. See A. Amalrik, *Nezhelatel'noe puteshestvie v Sibir'*, Amsterdam 1969.
 103. Zubkov, *Teoreticheskie voprosy*, (1974), 95.
 104. *Ibid.*, 96.
 105. H.J. Berman, "Soviet Law Reform", (1957), 8.
 106. R. Amory, "Law Enforcement in Soviet Russia", *The Police Yearbook. International Association of Chiefs of Police* 1960, 143-153.
 107. *Zasedaniia VS RSFSR*, 25-27 October 1960, 225.
 108. G. Avanesov, G. Tumanov, "Puti povysheniia effektivnosti kratkikh srokov lisheniia svobody", *Sots. Zak.* 1968 No.7, 44.
 109. Cf. tables I and XXVIII, pp.11, 127-128.
 110. Cf. *supra* p.2. See also a report about gross industrial production in enterprises of the labor camps of Kiev province which increased by 75% between 1966 and 1973, *Trudy Kievskoi vysshei shkoly MVD SSSR*, Vol.8, Kiev 1974, 48.
 111. Cf. *supra* pp.101-102.
 112. According to the Polish statistical yearbooks for 1979 and 1980.
 113. Cf. Lammich, "Das Strafsystem", (1981), 146-147.

CHAPTER VII

CIVIL LAW STATISTICS

1. The Pre-World War II Period

Comprehensive collections of statistics on the number of civil cases have never been published in the USSR. Only scattered data are available (mainly for the RSFSR) on the numbers of cases filed with courts for the period until 1941 (table XLII, p.145).

On the basis of these numbers however, we can estimate the number of civil law cases filed with the courts of the USSR. This number has varied between nearly 4 million cases in 1928, to about 1 million in 1931, 3 million in 1936, and 7 million in 1940.

During the first half of the 1920s, the number of civil cases grew steadily due to the normalization of life after the Revolution and the end of the civil war, the accessibility of the Soviet courts, and as a result of the NEP policy. The next period was one of consolidation, though the number of cases would have increased more rapidly had changes in family law of 1926¹ not abolished the practice of divorces through the court system.

Comrades' courts² and similar institutions in the countryside were revived in 1928; this revival, together with the collectivization campaign and the nihilistic attitude towards all law during this period³ caused a sudden and sharp decrease in civil litigation between 1928 and 1930, when the number of civil claims diminished from 3.8 million to 1.1 million cases (table XLII).

During the 1930s civil litigation again increased due to the return of cases handled by comrades' courts to the regular courts,⁴ as a result of an increase in alimony cases.⁵ Thereafter, this increase was further accelerated as a consequence of a 1937 law under which some minor administrative cases (arising out of tax arrears and administrative fines) were brought under the jurisdiction of the courts.⁶ The result was that civil litigation doubled between 1936 and 1940. In the latter year, such minor cases – together with other special proceedings – comprised about one-fourth of the case load of the civil courts.⁷

During World War II, the number of civil cases filed at the courts decreased sharply: in 1942 this number was less than half the 1941 number – this was especially due to a decrease in the number of filed civil claims⁸ – and it was again smaller in 1943,⁹ but after the war the previous level was soon reached again.

2. The Post-World War II Period

In post-war Soviet literature the number of civil cases in USSR courts was not referred to until 1959 when it was stated that the “people’s courts consider more than 4 million cases yearly”.¹⁰ The Chairman of the USSR Supreme Court, V.E. Paniugin, remarked in 1965 that this number by then had dropped by half.¹¹ The precise figure is known for 1964: the daily *Sovetskaia Rossiia* reported in 1965 that according to the statistical department of the USSR Supreme Court, 2,202,032 civil claims (*iski*) were filed with the courts during 1964.¹² As it is known that civil claims in those years constituted about 75% of all civil law matters (cases arising from administrative relations and special proceedings made up about 15% of all civil cases in 1963),¹³ about 2.9 million civil cases were thus filed in 1964.

However, until 1966 divorce cases were counted twice as such cases were handled in two stages: one before the people’s court which had to attempt to reconcile the parties and one before the provincial (or similar) court which decided on the divorce suit itself. The procedure before the people’s court was counted as a non-claims case. Therefore, if a divorce case is counted only once, the number of cases filed during 1964 would only be about 2,600,000 (2,200,000 claims and 400,000 non-claims).¹⁴ From 10 December 1965 onwards,¹⁵ divorce suits have been considered in one stage by the people’s courts; therefore, the problems raised by the statistical counting of these suits are only of importance for the years between 1944¹⁶ (when divorces through the courts were introduced) and 1966.

Figures have also been published on the trends in the number of civil cases filed at the court of first jurisdiction in 1957 and between 1964 and 1968 as compared with 1957.¹⁷ Moreover, figures have been found for the total number of civil cases decided by the courts during the first half of the 1960s in the Rostov province (then about 3.6 million inhabitants).¹⁸ These figures give at least an indication of the trend in the number of civil cases for the whole of the USSR (appendix tables 21 and 22). Additional data are known for 1967. During that year, divorce cases constituted 30.6% of all civil litigation¹⁹ (probably: claims).²⁰ As about 730,000 divorce suits were filed during that year,²¹ about 2.4 million civil claims came before the courts in 1967.²²

A few years ago, the Soviet jurist E.A. Pavlodskii published some, for the USSR, unusually precise figures on civil cases.²³ These data enable us to calculate the total number of civil claims and cases for the years 1975-1977. These data are:

- a. the total number of civil *cases* which were filed increased in 1977 as compared with 1976 by 40,336 cases, and as compared with 1975 by 47,679 cases;
- b. 867,877 divorce suits were filed with the courts during 1977; among them were 723,294 suits of spouses having minor children (thus of individuals who can get a divorce only through a court). The courts heard and decided 709,850 divorce suits, of which 694,657 were granted and 15,339 (i.e. 2.16%) were refused;²⁴
- c. in 1977, there were 340 divorce suits and 72 housing disputes per 100,000 inhabitants; per 100,000 employed citizens,²⁵ 9 suits were filed for the reimbursement of damage to health or in connection with the death of a worker and 37 suits concerning reinstatement to employment after dismissal;
- d. among all civil *claims* 23.4% were divorce suits, 22.6% recovery of alimonies, 8.9% labor cases, and 7.3% housing cases;²⁶

e. of all labor cases, 72.4% were related to reimbursement by workers of damage done to their employer, 17.1% to reinstatement into work, and 7% to wages.

From these data, the total number of civil claims can be calculated in three ways. The average USSR population during 1977 was 258.9 million, including 106.4 million employed persons.²⁷ On the basis of the data for divorce suits, the number of civil claims for 1977 should be $(340 \times 2589 \div 0.234 =)$ 3,762 thousand. However, on the basis of the data for housing cases we get a number of 2,554 thousand $(72 \times 2589 \div 0.073)$, and the reinstatement cases result in a figure of 2,587 thousand civil claims.

Hence it must follow that a printing error has been made in one (or more) of the figures. From data published in earlier years it appears that the number of reinstatement cases is correct (appendix table 47). This circumstance, and the result derived from the published data on housing cases (appendix table 52), seem to be sufficient evidence to conclude that the total number of civil claims in 1977 was around 2.57 million. This means that about 34% of all claims (and not 23.4%)²⁸ were connected with divorce (appendix table 33). As claims made up 92.8% of all civil cases in 1977,²⁹ the number of all civil cases was 2.77 million.

The data analyzed *supra* enable us to adjust the total number of civil cases filed with the courts in the USSR in the 1950s and 1960s (table XLII). These figures show that the total amount of civil litigation decreased rapidly from nearly 6,000,000 in 1952 to 3,500,000-3,800,000 in 1957-1961; and to 2,500,000-2,800,000 in 1962-1974.³⁰ In the second half of the 1970s, the number increased to about 3 million in 1978-1980.

If we summarize the number of divorce cases, the litigation rate, i.e. the number of civil claims per 10,000 inhabitants has been lower during the past 15-20 years than it ever was in Soviet history, except during the hectic days of the civil war. The litigation

Table XLII: Number of Civil Cases, 1923-1980 (millions)

	all cases	non claims	claims		all cases	non claims	claims
1923	1.4			1959	3.7	1.4	2.3
1924	1.9			1963	2.54	0.40	2.15
1925-7	3.8	0.6	3.2	1964	2.58	0.38	2.20
1928	4.5	0.7	3.8	1965	2.5	0.44	2.08
1929	3.5	0.1	3.4	1966	2.87	0.4	2.5
1930-2	1.5			1967	2.65	0.3	2.4
1933	1.9			1968	2.52	0.2	2.4
1934	2.4	0.2	2.2	1969	2.37	0.2	2.2
1935	3.2	0.5	2.7	1970	2.41	0.2	2.2
1936	3.7			1971	2.5	0.2	2.3
1937	5			1974	2.6	0.2	2.4
1940	7	1.7	5.3	1975	2.74	0.21	2.5
1952	5.7	1.8	4	1976	2.75	0.2	2.5
1957	3.5	1.5	2	1977	2.77	0.20	2.57
1958	3.8			1980	3.0	0.2	2.8

Source: appendix tables 19 and 26, pp. 199, 207; divorce suits are counted once.

Table XLIII: Number of Civil Cases and Claims (without divorce suits) per 10,000 inhabitants (USSR, Poland, GDR)

	USSR			USSR		Poland claims	GDR claims
	all cases	claims		all cases	claims		
1920		30	1953				70
1923	100	100	1954	270		124	63
1924	130	120	1955			130	62
1925	240	200	1956		130	139	60
1926	240	190	1957	170	80	133	59
1927	250	230	1958	170	80	129	54
1928	270	250	1959	160	90	123	48
1929	220	220	1960			129	40
1930		80	1961			117	35
1931		80	1962			117	35
1932		100	1963	100	82	120	35
1933		110	1964	98	81	130	38
1934	150	140	1965	92	74	117	36
1935	200	170	1966	88	72	115	35
1936		210	1967	81	67	110	34
1937	300		1968	77	63	107	33
1940	360	270	1969	76	67	110	33
1947	280	180	1970	75	66	111	33
1952	320	210	1971	78	71	108	35
			1972			106	36
			1973			99	37
			1974	75	66	99	39
			1975	77	67	95	42
			1976	75	66	94	44
			1977	73	66	96	45
			1978			97	46
			1979			108	49
			1980	75	68	113	

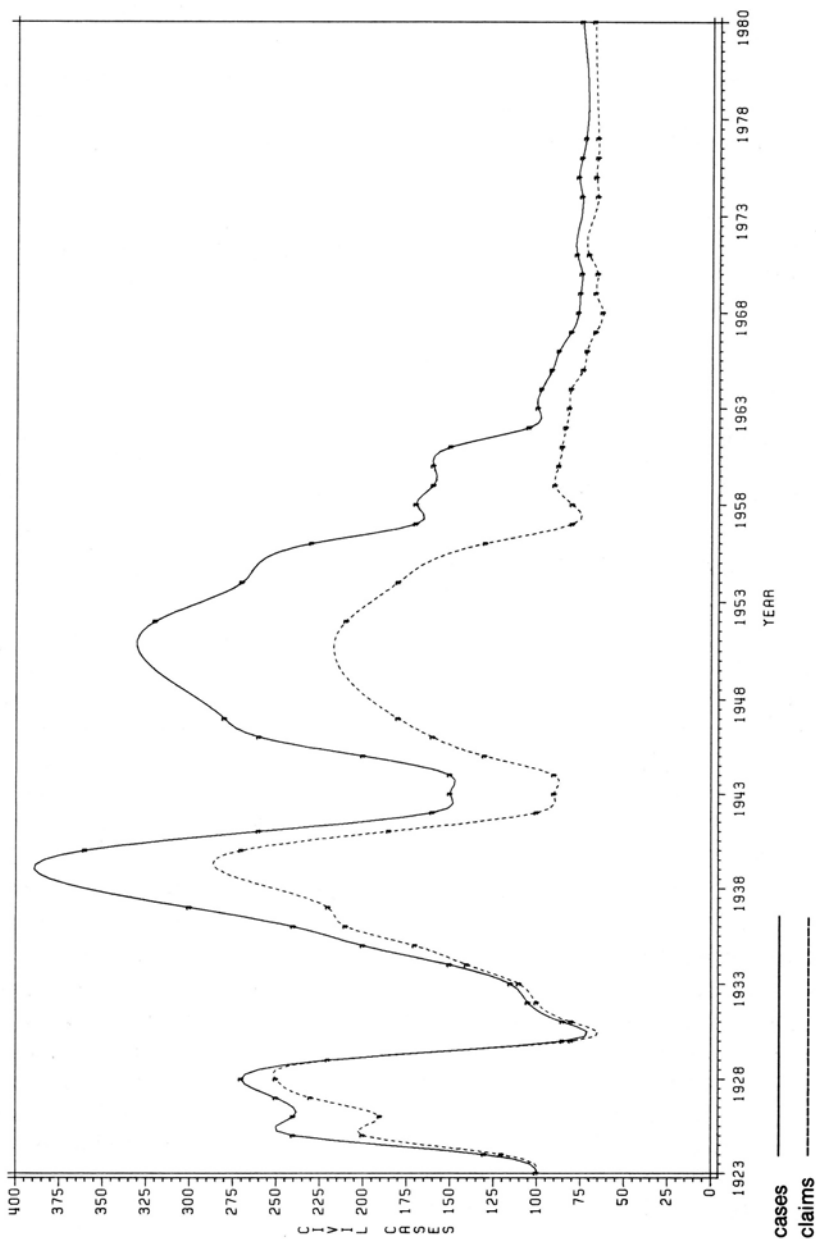
Sources: USSR: appendix tables 19, 26, 33, pp. 199, 207, 213; Poland, GDR: the statistical yearbooks of these countries.

rate reached its minimum value in 1968 with 63 civil claims per 10,000 inhabitants, while the maximum value of 270 claims was reached in 1940. The number of all civil cases: claims and non-claims (but again without divorce cases) followed the same trend (table XLIII).

3. Types of Civil Cases

Several circumstances have influenced the rapid decrease in the numbers of civil cases during the first decades of the post-war period. The major factor was the dramatic decrease in the number of suits connected with administrative matters (cases on

VII. Number of Civil Cases and Civil Claims per 10,000 Inhabitants, 1923-1980.



Sources: table XLIII, appendix tables 4, 6 (partly interpolated).

administrative fines, and those related with taxes). The number of cases concerning administrative fines has diminished from about 750,000 in 1940, and also in 1957-1961, to 45,000 in 1962, 10,000 in the second half of the 1960s and to about 1,000 at the end of the 1970s.³¹ Tax related cases³² decreased from about 1,400,000 in 1952 to 400,000 in 1960-1962 (as a result of changes in the system of compulsory deliveries of agricultural produce from peasants to the state in 1954 and 1958).³³ Thereafter, their number gradually decreased to 160,000 in the mid-1960s and to some 45,000 in 1977.³⁴ The result has been that administrative cases in the 1970s constituted less than 2% of all civil cases³⁵ as against more than 30% in the 1950s and about 18% in 1963³⁶ (appendix tables 24 and 26, pp.205, 207).

More important for an understanding of the nature of Soviet civil litigation are the developments in the number of family law, labor law, and housing law disputes.

a. Family Law Disputes

As in many western countries, family law cases in the Soviet Union have become the most common type of civil case. Already in 1963, they comprised 40% of all civil claim cases; since 1966, they have constituted more than 50%.³⁷ This is especially due to the increase in divorce suits. The total number of divorces in the USSR is published regularly in the statistical yearbooks. Since between 1944 and 1968, dissolution of marriage could occur only through the courts, the approximate number of divorce suits granted is known for those years. This, however, is only a part of all filed divorce suits, since a number of suits are not even heard by the court. In 1967 the total number of suits surpassed the number of divorces by about 12%.³⁸ In 1977 the courts granted a divorce in 694,657 cases, while 12.5% more suits were filed.³⁹ It seems likely that divorce suits made up less than 2% of all civil litigation in 1950, about 4% in 1955, and about 13% in the first half of the 1960s (appendix table 33). In 1965, the cumbersome divorce proceedings existing since 1944 were simplified and came fully under the jurisdiction of the people's courts.⁴⁰ This resulted in a doubling in the number of these suits in 1966.

Under the 1968 family law reforms,⁴¹ the dissolution of marriage became possible through the Offices of Civil Registry (*ZAGS*) for spouses without minor children or on the application of one of the spouses if the other spouse had been declared mentally incapable, imprisoned for at least three years, or declared missing. However, the earlier reforms in divorce law (especially those of 1965) have had a significant influence on the number of divorces, while the 1968 reform did not immediately affect the number of divorces, but rather only divorce proceedings: the number of divorces remained stable until 1974, but the number of divorce suits diminished by about 20% between 1968 and 1970. In 1970, about 0.1 million divorces were granted by the Offices of Civil Registry. This number had doubled by 1977, when one in seven divorces was handled by these offices.⁴²

Quite a number of spouses without minor children who may apply for an administrative divorce go to the courts: in Belorussia, about 1/6 of all married couples who want to get a divorce through the courts do not have minor children.⁴³ This was also the case in 1977 for the entire USSR (about 20% of all divorce suits filed

at the courts were lodged by such persons).⁴⁴ In 1965, these people constituted something more than 1/3 of all divorced spouses⁴⁵ (appendix table 36, p.216). These high numbers are a result of the rather short period required in many republics to obtain a divorce through the courts. So, in Alma-Ata and Tbilisi, a divorce through the courts usually takes only one month, but according to the law the administrative procedure takes three months.⁴⁶ Therefore, citizens create a fictitious dispute in order to elicit a court consideration of the case.⁴⁷

Other family law cases are cases concerning maintenance (about 20% of all claims) and, since 1968, paternity suits. Paternity cases occur as a claim if the alleged father is alive or as a special proceeding if the father has died.⁴⁸ In the mid-1970s, 30,000-40,000 cases occurred annually (appendix table 42, p.218).

Noteworthy is the number of cases about deprivation of parental rights. In 1969, only some 6,000 cases occurred⁴⁹ but by 1976, this number had more than doubled to 13,400 (appendix table 40, p.217).

b. Labor Disputes

Labor disputes, 1922-1956

From its early beginnings, Soviet labor law has paid considerable attention to trade union involvement in the settlement of labor disputes between a worker and an enterprise.⁵⁰ The 1922 RSFSR Labor Code recognized the existence of joint management – union commissions, the *RKK* or “assessment and conflict commissions”, composed of an equal number of representatives from both sides. They were, *inter alia*, responsible for settling claims connected with labor law or a contract of employment if the worker chose to turn to the commission rather than to a court.⁵¹ If the dispute was not settled at the enterprise level, it went on to the local department of the People’s Commissariat (Ministry) of Labor.

Under the 1922 legislation, a worker could always turn directly to a court for the redress of his rights if the *RKK* did not stand up sufficiently for his interests. The number of labor cases before the courts was rather low if compared with later years. However, these cases did not yet encompass those where the management sought to recover damages from its workers (appendix table 45). The *RKK* were also involved in the setting of norms and piece rates within the enterprise (its “assessment” function).

In August 1928 the procedure for settling labor disputes was changed.⁵² Though the *RKK* retained its assessment function, its participatory role was turned into a supervisory one: its approval was henceforth required for management’s decisions concerning norms, grades, job classification, overtime, compensation by a worker for damage, the holiday schedule, and dismissal due to being unfit for the position occupied. Also the worker’s right to choose between the *RKK* and the courts for the settlement of a dispute was restricted. Certain claims directly related to production were settled by the *RKK* and, on appeal, by the local department of the Ministry of Labor; only in other cases (especially in dismissal cases) was the option of turning to court retained. But no claim could go first to the *RKK* and then to a court, unless the

two sides of the *RKK* were unable to reach agreement.

During the 1930s, the *RKK* appeared to wane even further in importance. "Perhaps most surprising", as Mary McAuley remarks, "is the fact that the *RKK* survived and continued to function in a truncated fashion, as an organ for settling disputes".⁵³ McAuley suggests that the courts had some gain from this and this seems to be true as the number of labor disputes before the courts probably was about half a million at the end of the 1930s (appendix table 45). However, around 1930 the legislation on the recovery of losses suffered by an employer was changed, and pressure was put upon employers to file damage cases.⁵⁴ Therefore, the gain of the courts was, at least partially, due to an increase in such cases.

The first post-war data that are available cover the years after Stalin's death. As can be seen from material concerning court cases in Leningrad in 1951 and 1956 presented by McAuley,⁵⁵ the *RKK* were taking up all kinds of litigious disputes; the practice was that the *RKK* often acted as the "court" of first instance. The regular courts did handle many cases, but usually only when the *RKK* could not reach a decision.

The number of court cases was noticeably high as compared with the pre-World War II period. In 1956 about 320,000 labor disputes were filed at the courts,⁵⁶ (without disputes concerning compensation for losses caused to an enterprise by an employee). Reinstatement claims after an alleged illegal dismissal numbered about 120,000, and there were about 110,000 wage claims (table XLV). Compared with the late 1920s the proportion of reinstatement claims,⁵⁷ as a share of all labor disputes lodged by workers, had increased considerably from some 11-16% (Moscow, 1926-1929) to about 37% in 1956. The proportion of wage cases was nearly equal, but the number of other disputes had decreased considerably.⁵⁸ However, the most frequently occurring labor disputes had become disputes on the reimbursement of losses.

Labor disputes, 1957-1982

In 1957 a new law on the settlement of labor disputes was enacted.⁵⁹ The procedure for settling such disputes has been largely retained, although the USSR Principles of Labor Legislation of 1970 and the new republican Labor Codes of the early 1970s brought with them a considerable number of (mostly technical) improvements.⁶⁰

The 1957 law maintained some characteristic features of the 1928 provisions, although the *RKK* were renamed *KTS* (labor disputes commissions). These commissions function at the enterprise level, but large enterprises can organize a *KTS* also in their shops. The *KTS* are composed of an equal number of representatives from both management and trade union committee. The *KTS* is not an optional labor arbitration court as was its predecessor, but rather it has become the obligatory first instance for settlement of all labor disputes (except, under subsequent legislation, in dismissal cases).⁶¹ It is not, however, a court: it has to consider the case, but is not obliged to decide the case since the two sides of a *KTS* may come to an impasse.

A worker may lodge an "appeal" against a decision of a *KTS* with the enterprise's trade union committee. If the *KTS* is unable to agree, the worker may directly approach this committee for a decision. A decision favorable for the worker is

considered to be final, as it was the legislator's intent to invest the *KTS* decision with as much force as possible.

Both worker and management may take a dispute to court when they do not agree with the union committee's decision. However, in order to broaden the margin of decision for a union committee, management may do this only if it considers the decision contrary to the law. Once the dispute has reached the court, it is treated as an ordinary civil claim.

This procedure for the settlement of labor disputes was entirely premised on the settlement of labor disputes initiated by a worker. It was as if damage suits filed by the enterprise did not exist.

The new law on labor disputes has resulted in a sharp decline in the number of labor disputes, if we summarize the damage cases (labor disputes proper). In the Sverdlovsk province, this number decreased by one-half in the second quarter of 1957 as compared with the first quarters of 1956 and 1957.⁶² This trend continued in later years: in the Rostov province, labor disputes made up 7.9% of all civil cases in 1957, 6.5% in 1958, and 6.2% in 1959.⁶³ The number of reinstatement cases dropped from 120,000 in 1956 to 73,000 in 1957 (table XLIV).

Table XLIV: Labor Disputes, 1956–1979 (in thousands)

	all disputes	damages	labor disputes proper			
			total	reinstate- ments	wages	other disputes
1956			320	120	110	90
1957				73		
1963	320	200	120	76	26	18
1964	366	234	131	82	29	20
1965	335	219	115	71	26	18
1966	320	217	103	62	23	18
1967	286	200	87	51	22	14
1968	258	179	79	47	19	13
1969	237	162	75	44		
1970	226	156	70	41		
1971	239	160	79	49		
1972	237	163	74	47	16	11
1973	248	173	75	48		
1974	239	165	74	47		
1975	239	171	69	43	16	10
1976	238	168	70	44	16	10
1977	232	168	64	39	16	8
1978	225	166	59	36	15	8
1979	224	168	56	34	13	8
1980	231	177	54	33	13	8
1982	250	200	48	30	11	7

Sources: appendix table 51, p. 228; Van den Berg, "Judicial Settlement", (1983), 150.

In 1958, the position of the trade union committee within the enterprise was defined, for the first time, in one comprehensive legal document.⁶⁴ This committee received some participatory rights within the factory, but the law also required management to seek agreement of the trade union committee for several aspects of enterprise activity regarding individual workers, and especially for each dismissal. However, this veto right of the trade union committee did not immediately affect the number of reinstatement cases coming before the courts, but only the number of cases before the *KTS*. The reason for this was that many courts did not consider this right of veto as giving the worker an additional guarantee against dismissal. It was viewed only as a consultation right for the trade unions.⁶⁵

However, in 1963, after pressure from labor lawyers, the Belorussian and Georgian Supreme Courts overruled their previous interpretation of the law and stated that a dismissal, to which the trade union committee had not agreed, was counter to the law and that the courts must reinstate an employee where he so requests.⁶⁶ The Ukrainian Supreme Court and, finally, the USSR Supreme Court, followed these examples in 1964.⁶⁷ This strengthening of the trade union's right of veto caused a sudden rise in the number of satisfied reinstatement claims (of 20% in Georgia in 1964, and of 11% in the entire USSR in 1965).⁶⁸ Moreover, the Presidium of the USSR Supreme Soviet was forced to restrict this right of veto, e.g. the trade union committee's rights should no longer extend to dismissal of (*nomenklatura*) workers in politically important or sensitive positions and certain other categories of workers.⁶⁹

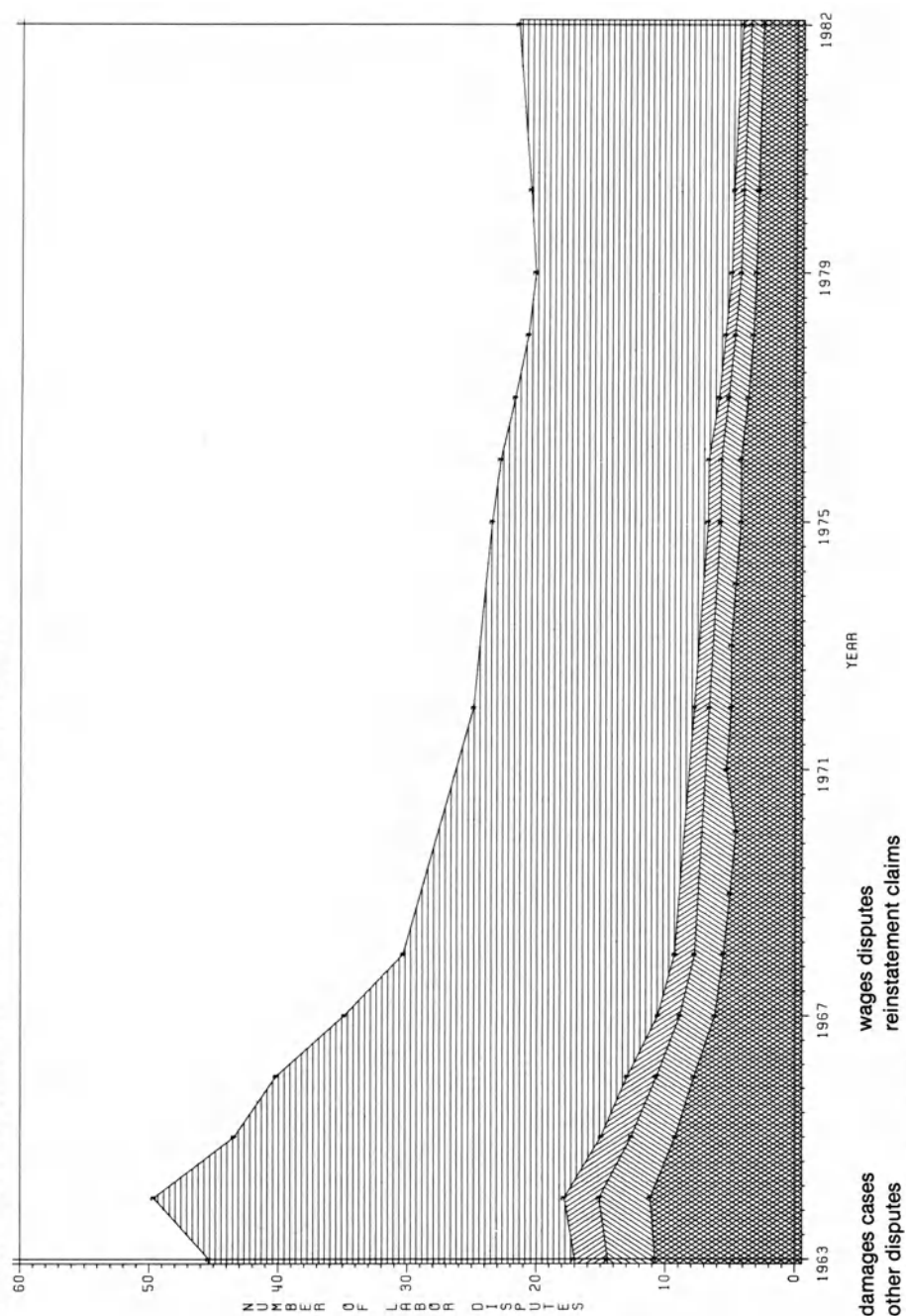
The result of these new provisions was a significant decrease in the number of reinstatement claims: in the first three months following the issue of the Presidium's decree, the number of claims was 40% below the average number for the 9 months preceding the issue of the decree.⁷⁰ In the second half of the 1960s, the number of claims decreased further, and in 1970 this number was only half the 1964 number.

The federal Principles of Labor Legislation of 1970⁷¹ brought some clarity to the problems caused by the 1957-1958 laws on the settlement of labor disputes and dismissal procedures. Under this law, a dismissed worker has to go directly to a court after each dismissal initiated by the management. Moreover, the question of the payment of wages during the period of "enforced idleness" after dismissal was resolved more favorably for the worker as the organization became liable for the wages during a period of three months instead of twenty days.⁷² These new rules caused a temporary increase in the number of reinstatement claims, but in 1975 the pre-1970 level was again reached. In 1976-1977 the trade union's legal inspectorate, which was abolished in the 1930s, renewed its activities⁷³ and this may have caused the number of reinstatement cases to fall in the late 1970s to well below the pre-1970 level.⁷⁴

The number of other labor disputes also decreased during the past 20-25 years. Cases concerning compensation of losses inflicted on an enterprise by an employee (damage cases)⁷⁵ at first decreased from some 200,000 cases in the mid-1960s to 160,000 cases in 1970, but during the 1970s the number again increased (table XLIV).

One could argue that this trend was the result of changes adopted in 1970 in the law on the recovery of losses inflicted upon an enterprise by a worker; under these rules incorporated in the Principles of Labor Legislation, the employers who wanted to

VIII. Number and Types of Labor Disputes per 10,000 Workers, 1963-1982.



Sources: tables XLIV, XXXVIII.

Table XLV: Number of Cases About Reinstatement Into Work, 1956–1982 (in thousands)

	filed cases	satisfied
1956	120	~80
1957–63	75	40
1964	82	45
1965	71	43
1966	62	38
1967	51	30
1968–70	44	25
1971–74	48	27
1975–77	42	22
1978–80	34	17
1982	30	15

Source: appendix table 47, p. 223.

exact damages could no longer deduct the losses from wages but they had to go to court if the worker did not voluntarily agree to the deduction.

However, these new rules did not have any impact upon the trend in the number of filed damage cases. Also the restatement of the law concerning the recovery of damage in the 1976 Statute on Material Liability of Workers and Employees for Losses Caused to an Enterprise, Institution or Organization⁷⁶ did not seriously affect the number of damage cases before the courts.

It seems likely that one of the reasons for the stability of the number of cases arising out of these legislative measures is that changes in the law were partly directed at strengthening the worker's position in such cases. However, another factor seems more important and this is related to the very nature of damage cases. Though only few details are known, damage cases in the 1960s and in earlier years were real labor disputes – disputes between an employer and a worker. But in the 1970s this changed fundamentally. Thus, it was stated in 1982 that “in many republics, territories, and provinces only 4.5% of the claims concerning the recovery of losses for the state are filed by the management of enterprises, institutions, and organizations. The remaining portion is filed by procurators. But this proportion should be the opposite.”⁷⁷

The Procuracy may institute any civil case on behalf of others to protect state or public interests or the rights and interests of citizens (Art.41 RSFSR Code of Civil Procedure), and the Statute on Material Liability of Workers especially mentions the Procuracy's power to bring damage cases. Under an Order of the Procurator-General of 24 February 1973, procurators are even obliged to take measures ensuring that the losses inflicted upon an enterprise as a result of criminal actions are reimbursed.⁷⁸ In 1976, the Procuracy initiated 113,000 civil cases, in 1977 127,000, and in 1978 154,000.⁷⁹ Not all of these are damage cases, as the Procuracy may also initiate other cases e.g. to declare a person incapable or to deprive a person of his/her parental rights. However, damage cases make up the large majority of the total number of cases initiated by the Procuracy, and legally such disputes are deemed to be labor disputes.

Thus, it appears that in the 1960s, damage cases were usually typical employer-employee disputes, but by the end of the 1970s, nearly all cases were filed by a procurator on behalf of the employer and they constitute an alternative for criminal sanctions (see Chapter III, para.5, pp.47-48).

In 1983, the law on the recovery of losses was again changed in order to strengthen labor discipline. The management power to deduct the losses from wages was restored and the amount of the deductions has been raised.⁸⁰

c. Housing Disputes

Apart from some scattered figures for the pre-World War II period, all data on housing disputes are for the past 20-25 years. During the 1960s and 1970s housing disputes comprised 7% of all civil claim cases,⁸¹ but their total annual number decreased at first from 170,000 in 1963 to 150,000 in 1970; it increased to nearly 200,000 in 1979 (appendix table 52, p.229). Iu.G. Basin stated in his 1963 doctoral dissertation that housing disputes constitute "the most frequently encountered category of court case".⁸² As evidence he brought forward that over 30% of all published civil law cases reviewed by the USSR Supreme Court from 1957 through 1963 involved housing disputes. Similar, or even higher figures, may be found for later years (1966-1975: even 46%), but one may not draw any conclusion from this for the prevalence of housing cases among all cases handled by Soviet courts,⁸³ since even in the beginning of the 1960s the number of family law disputes and of labor disputes was much higher than the number of housing disputes.

During the 1950s the most frequent housing cases (about 2/3) were about evictions. However, the number of eviction cases decreased sharply to about 50% of all housing disputes with the coming into force of the 1964-1965 Civil Codes (appendix table 54, p.231).

The main principle of Soviet housing law is security of tenure. Except for cases of grave danger or of squatters, all evictions must be by court order. In normal cases, the landlord must provide suitable and similar accommodation in the same locality.⁸⁴ Under the 1964 Civil Code and also under the 1981 Principles of Housing Legislation, simple eviction from all types of housing without provision of replacement accommodation is permitted:

- in the case of sub-tenants;
- if the tenant owns suitable accommodation in the locality in which he can live;
- if he or his family damage the accommodation or make life impossible for neighbors.⁸⁵

Simple eviction from privately-owned dwellings is also allowed where a court has established that the dwelling is needed for the personal use of the owner, or if the lease was made for a term of not more than one year with the obligation to evacuate the premises, or if the tenant regularly fails to pay rent. Simple eviction from state-owned housing is permitted if the dwelling is managed by an enterprise or an organization listed in decrees of the USSR or republican Council of Ministers and is rented by a worker of that organization when he is dismissed for disciplinary reasons or leaves of his own accord.⁸⁶ This last provision for eviction has been the subject of considerable attention in the Soviet legal press. Under Stalin, eviction from all housing managed

by an organization and rented to its own staff⁸⁷ was possible in an administrative manner and a civil dispute did not arise. In 1953, this form of eviction was restricted to a few types of organizations.⁸⁸ The Principles of Civil Legislation of 1961 and the republican Civil Codes have made a court order obligatory and have restricted eviction from departmental housing to “enterprises and institutions of the more important branches of the economy and of particular departments”,⁸⁹ which are mentioned in lists drawn up by the all-union or a republican government. The USSR government has not enacted such a list, but it has issued special (largely unpublished) decrees with regard to eviction from departmental housing, e.g. housing owned by the Armed Forces.⁹⁰ The republican lists enacted in 1962 were very short but have been frequently amended and enlarged.⁹¹

Thus, at first the number of eviction cases against former employees was low; in 1964, only 12,000 cases occurred in the entire USSR, but the inclusion of ever more enterprises resulted in a significant increase in the number of cases: between 1966 and 1973, the number of evictions from departmental housing increased by 60%.⁹² Even some kolkhozes attempted to evict their former employees on similar grounds, but the courts put a stop to this.⁹³ In 1979, the number of cases had doubled as compared with 1964 to equal 24,200 (appendix table 54, p.231).

This increase in number of evictions from departmental housing occurred during a period in which the total number of evictions from other state-owned housing without the duty to provide replacement accommodation decreased: this number was nearly 64,000 in 1964, 38,000-39,000 in 1973-1975 and 36,900 in 1979. According to a report published in 1964, eviction from departmental housing usually occurred after the worker was dismissed at his own demand (85% of all cases); in 11% of the cases the worker was dismissed for disciplinary reasons and in 2% in connection with the commission of a crime. The claim was only satisfied in 43% of all cases.⁹⁴ The recently enacted Principles of Housing Legislation abolished the possibility of eviction from departmental housing without provision of accommodation. Under the new law other accommodation must be provided unless the housing may be qualified as service accommodation.⁹⁵ Therefore, we may expect a further drop in eviction cases after 1981. In Lithuania, the number of evictions from departmental housing has decreased from 320 in 1980 and 330 in 1981 to 69 in the first 9 months of 1982,⁹⁶ a drop by more than 70%.

d. Special Proceedings and Other Cases With a Non-Claim Character

Soviet civil procedure divides civil cases into different types:

1. claims (*iski*): this is the usual type;
2. other cases (non-claims):
 - a. cases arising out of administrative-legal relations, such as complaints of inaccuracies in voters' lists, of imposition of fines, or recovery of arrears of state and local taxes;
 - b. special proceedings. These cases usually concern a citizen's legal status, but in the 1920s also included the execution of endorsements.

In their writings, Soviet authors sometimes use the term “special proceedings” to

denote all cases other than claims.⁹⁷ In order to avoid ambiguities we will use the term non-claims for all cases of the second type and special proceedings proper.

Until 1937, only special proceedings existed. Their frequency was considerable in the 1920s (14-20% of all civil cases) but in 1928 the execution of endorsements was transferred from the courts to the public notaries⁹⁸ and the frequency decreased to 1.5% in 1929 (appendix table 19, p.199). In the 1930s, they made up about 10% or less of all civil cases. However, the frequency of non-claims increased dramatically in 1937, when certain cases arising out of administrative relations came under the jurisdiction of the courts.

Non-claims

Under a law of 1937 the collectors of arrears in state or local taxes, of arrears in the delivery of agricultural produce owed to the state as a kind of tax *in natura* (the system of compulsory deliveries – *kontraktatsiia*), or of unpaid fines, needed a court order before they could exact the debt.⁹⁹ This caused an enormous increase in civil cases and indeed about 1,7-2 million cases were annually brought to the courts under this law. These cases were seen as trivial, and a dispute on a point of law only rarely occurred. E.g. in Belorussia, the court order was only refused in 1.1% of all cases filed in 1953-1955.¹⁰⁰ In 1954, this procedure was changed with regard to the collection of arrears in the system of compulsory delivery of agricultural produce and, now, the citizen had to go to court to contest the correctness of the amount of the tax.¹⁰¹ In 1958, the system of compulsory deliveries was abolished¹⁰² and in 1961, the procedure for the recovery of administrative fines was changed; the citizen could now bring a case against the decision to impose the fine.¹⁰³ This brought about a rapid decrease in the number of administrative cases: from 1.8 million in 1950 through 1.2 million in 1960-1961, to 0.2 million in 1964-1965. In the late 1970s, the number of cases hardly exceeded 40,000 (appendix table 24, p.205), notwithstanding the fact that in many cases the fine is abolished or lowered by coming before a court.¹⁰⁴

Special proceedings proper

The majority of special proceedings constitute cases on the establishment of facts which have legal significance, i.e. of facts on which depend the creation, alteration, or termination of a personal or property right.¹⁰⁵ Such cases especially occur in connection with refusals to grant a pension or allowance from the social security schemes. Such a refusal may not be challenged in the courts,¹⁰⁶ but if the refusal is based e.g. on the alleged absence of family relations (in cases of pensions for the loss of the breadwinner), a case may be started in order to establish the relationship between the persons. Similar cases occur in connection with successions.¹⁰⁷

About 100-150,000 cases annually are filed with the courts for the purpose of establishing a legally relevant fact (appendix table 25, p.206). But the number has varied considerably in connection with changes in the social security system. Therefore, the number was high in the second half of the 1950s after the enactment of new pension laws in 1955-1956.¹⁰⁸ In 1965, this number was high due to the enactment in

1964 of social security legislation for kolkhoz members.¹⁰⁹

From 1968 onwards, paternity suits have been considered as a special proceeding if the alleged father of the child had died before the 1968 family legislation came into force and, later on, also if the father had died before the suit was filed. Such cases made up 6.1% of all special proceedings in 1974.¹¹⁰

e. Other Civil Law Disputes

The types of civil cases (family law, labor law, and housing law disputes and non-claim cases) which have been analyzed constituted about 70% of all civil cases in the early 1960s, but after the increase in the number of divorce suits in 1966, this percentage increased to 75-80 (table XLVI). Data about other cases are also collected, e.g. about kolkhoz-cases. In 1963 claims of citizens against kolkhozes made up 1.5% of all claims and claims of kolkhozes about 3%;¹¹¹ between 1968 and 1977, claims of kolkhozes constituted 1-2% of all claims.¹¹² But in 1975, one-fifth of all claims (500,000 cases) were classified in the category of "other civil disputes".¹¹³ This implies that the statistical reports only give precise additional data for 2% of all civil cases (about 50,000 cases).

A large part of these 50,000 cases are claims for the recovery of damage to the natural resources of the USSR. Violations of the rules for the protection of nature are combatted by means of criminal, administrative, and civil law. Until the end of the 1950s, the administrative method prevailed, especially with regard to violations of forestry regulations. 90% of these violations were dealt with administratively in 1956-1957,¹¹⁴ but in 1959 the lawmakers turned their special attention to civil law means.

Rules had already existed to recover the damage inflicted upon forests according to the rules of the law of torts,¹¹⁵ but these rules were systematized in 1959.¹¹⁶ The essence thereof was the streamlining of the system of fixed amounts of money (*taksy*) which had to be paid upon the felling of a tree or damage otherwise inflicted to forestry resources. The amount depends on the commercial or environmental value of the tree.¹¹⁷

Table XLVI: Types of Civil Cases, 1962-1977, as % of All Civil Claims

	family law cases	labor disputes	housing disputes	kolkhoz- cases	other cases
1925	28	14	23	—	35
1962-5	45	15	8	4	29
1966-7	57	11	7	2	24
1968-73	56	10	7	2	25
1977	59	9	7	2	23
1980	60	8	7		23

Source: appendix tables 19ff., pp. 199ff. Cf. also Pavlodskii, Chaadaev, *Grazhdansko-pravovaia statistika*, (1982), 28; Gladkova, Pavlodskii, "Statisticheskii analiz", (1983), 67. In the 1960s and 1970s the number of claims was one-half to one-third of the 1925 number.

The number of claims for recovery incurred with regard to damage to the forests seems to be high:¹¹⁸ in 1964, they even made up half of all civil claims in Belorussia.¹¹⁹ Although such a figure is not representative for the entire USSR, it shows that those claims are at least partly accountable for the number of "other disputes" in the 1960s. Similar rules govern the exaction of the losses inflicted upon nature by illegal hunting and fishing.¹²⁰

In 1974, it was asserted that the number of cases connected with illegal hunting and fishing was increasing, but this was not a general phenomenon as only very few cases arose in some republics,¹²¹ and in 1977 only 4,056 cases of this type occurred in the entire USSR,¹²² though this must only have been a small fraction of the amount due to the state according to the law.

Other tort cases must also crop up, e.g. in connection with traffic accidents, though it is possible that many claims arising out of such accidents are considered in the criminal trial instituted in connection with the accident,¹²³ and such cases are not included in the civil law statistics. Other tort cases for which data are available are those filed for the reimbursement of damage to health or in connection with the death of a worker caused by an industrial accident. Under Article 460 of the Civil Code, the employee's damages arising from such accidents are reimbursed by the employer as far as they exceed the allowances under the social insurance scheme. The employee may 'appeal' against the employer's decision at the union committee of his organization and, thereafter, may bring proceedings in court.¹²⁴ Such cases took place quite frequently in the 1950s, but their number diminished by 70% upon the enactment of new rules for the consideration of claims arising out of industrial accidents in 1961.¹²⁵ In 1977, nearly 10,000 cases were filed.¹²⁶ However, many accidents are concealed from the authorities and, in such a case, the worker's wage is paid as was usual before the accident.¹²⁷

Only few details are known for other disputes for which data are regularly collected. In 1964, 6,433 disputes were filed in connection with successions.¹²⁸ Cases about the expropriation of dwellings occurred in a significant amount in 1965 but their number diminished rapidly: in 1965, 889 cases; in 1966, 372; in 1967, 253; and in 1968, 81. Such claims were only satisfied in 31% of all cases.¹²⁹ In 1971, about 400 cases occurred in defense of one's honor and dignity.¹³⁰ Disputes about patents were the object of 254 disputes in 1977 (203 in 1975; 233 in 1976)¹³¹, and in the same year about 1,500 claims were lodged to recover losses suffered by producing inferior industrial products.¹³² In 1981, a judge of the USSR Supreme Court reported the occurrence of 16,000-17,000 disputes each year related with the private ownership of dwellings.¹³³

Pavlodskii has reported research into the types of disputes which are not included in the statistical reports about the types of civil cases (in 1975 about 500,000 cases).¹³⁴ In a sample of 3,481 cases of this type he found that 15% were cases of organizations against railway organizations, 11% were cases arising out of contracts of service of citizens with organizations, 10% of the cases were claims in connection with the partition of property, 9.6% were cases arising out of money advances and 9.5% of the cases were connected with tracing the whereabouts of a person.¹³⁵ Although Pavlodskii deems this sample to be representative, we have some doubts about that. For

Table XLVII: Types of Civil Cases in 1977

		% of all cases	% of all claims
total number of cases	2,770,000		
non-claims	200,000	7.2	
special proceedings	158,000	5.7	
administrative cases	42,000	1.5	
claims	2,570,000	92.8	
family disputes	~1,500,000	54	58
divorce	867,877	31.3	33.8
maintenance	580,000	20.9	22.6
paternity	~20,000	0.7	0.7
others	~20,000	0.7	0.7
labor disputes	229,000	8.3	8.9
damage to employer	166,000	6.5	6.4
reinstatement	39,000	1.5	1.5
wages	16,000	0.6	0.6
other	9,000	0.3	0.4
housing cases	188,000	6.8	7.3
kolkhoz cases	30-50,000	1-2	1-2
damage to employee's health	9,600	0.35	0.37
illegal hunting and fishing	4,056	0.15	0.16
patent cases	254	0.01	0.01
total claims	1,971,000		
other claims	600,000		24

Sources: para. 3; appendix tables 19ff., pp. 199ff.; the text of this paragraph; Pavlodskii, "Obobshchaischie pokazateli", (1979).

Moscow he gives about 300 cases of organizations against railways.¹³⁶ A similar number (151 in six months) of cases was considered in 1969 by the Sokol'nichi district people's court of Moscow, and these probably were all claims against the Moscow Railway Administration, located in the Sokol'nichi district.¹³⁷ Such transport cases are cases with a foreign element if an international treaty provides for consideration of these cases by a court,¹³⁸ (otherwise, they are handled by arbitration¹³⁹). We may expect that a court situated in a district where a railway administration has its seat considers many cases of this kind, whereas other courts may consider none at all. Therefore, the total number of cases of organizations against the railways will not be as high as Pavlodskii suggests (probably one or two thousand, instead of the 75,000 suggested by his data).

The number of civil claims, at least since 1957, has not substantially changed, apart from the number of divorce cases. The number of all civil cases changed significantly in 1961 due to the decrease in the number of cases on administrative fines. Paniugin, who asserted in 1965 that the number of civil cases had decreased to nearly a half since 1958, argues that "this is the result of the fact that at the present time many disputes are decided in the comrades' courts".¹⁴⁰ But such an assertion does not find any

Table XLVIII: Status of the Parties in Civil Claim Disputes, 1963, 1969, 1977 (millions) and percentages)

	1963	1969	1977	without divorces		
				1963 %	1969 %	1977 %
all claims	2.15	2.2	2.57	100	100	100
claims of citizens	1.53	1.67	1.99	66	68	66
citizen v citizen	1.29			53		
citizen v organization	0.21			11		
citizen v kolkhoz	0.03			1.6		
claims of organizations	0.56	0.5	0.53	30	31	31
organization v citizen	0.52			28		
organization v organization	0.04			2		
claims of kolkhozes	0.07	0.04	0.05	4	2	2
kolkhozes v citizens	0.05					
kolkhozes v organizations	0.01					
kolkhozes v kolkhozes	0.004					

Sources: Paniugin, "Otchet", (1964), 4; *id.*, "O deiatel'nosti", (1964), 16; *id.*, in *Materialy nauchnoi konferentsii*, (1965), 142; *id.*, in "Vysshiaia sudebnaia instantsiia", (1965), 2; Gorkin et al, *100 otvetov*, (1970), 62; Pavlodskii, "Obobshchaiushchie pokazateli", (1979), 127; *cf.* also Paniugin, "Sudebnaia zashchita", (1977), 240; *cf.* for the kolkhoz-claims *SGiP* 1959 No. 7, 115ff.; *BVS SSSR* 1966 No. 5, 42ff.; *Sov. Iust.* 1966 No. 4, 6; *Sots. Zak.* 1977 No. 12, 14-15.

confirmation in the figures presented. Reports about the comrades' courts show that civil cases make up only about 2% of all cases considered by the comrades' courts.¹⁴¹

The stability in the number of civil claims seems the most striking feature, especially in comparison with the pre-World War II period and with the number of criminal cases. The introduction of new civil legislation (1960-1964), family legislation (1968-1970), and labor legislation (1970-1971), and the revival of the comrades' courts seem to have had little effect on the quantity of civil legislation, except on divorce suits. It is therefore hardly surprising that only a few trend figures on the total number of civil cases are available.

Nevertheless, some shifts have occurred especially in the field of labor law. Another shift can be observed if we examine the differences in the status of the parties in 1963, 1969 and 1977. The total number of civil claims (without divorces) decreased at first by more than 200,000 cases: claims of citizens by 120,000, of organizations by 50,000-60,000, and of kolkhozes by some 30,000. The decrease in the number of claims lodged by organizations could almost entirely have been due to the decrease in the number of damage cases (nearly 50,000); however, also the number of eviction cases lodged by organizations decreased by some 25,000, therefore the number of other claims by organizations increased somewhat (by 6%). The number of cases lodged by citizens and by kolkhozes remained stable in the 1970s when we summarize divorce suits. In 1977, the total number of claims lodged by organizations had increased by 30,000-40,000, which may be attributed partly to the increase in the

number of damage cases (23,000). As eviction cases increased by 4,000-5,000 and cases about parental rights by some 7,000, the number of other claims has increased only slightly.

The nature of these "other" cases (claims of organizations against citizens) is not entirely clear. A part thereof may be based upon contracts with citizens, but it seems likely that many tort cases are also included in this category. The latter are partly cases arising out of ecological damage; they are usually not considered by the regular courts but by arbitration, since they arise between state agencies and polluting enterprises. Tort cases may result in a civil case if the enterprise takes regress upon one of its employees, in what is actually a labor dispute. Therefore, only cases resulting from unauthorized hunting and fishing (4,056 claims in 1977) and from illegal woodcutting come under the analyzed category of claims of organizations against citizens.

4. The Role of Civil Cases in the Case Load of the Courts

Figures have been published in the Soviet Union to show the preponderance of civil cases in the case load of the people's courts (appendix table 31, pp.210-211). Other figures may be extrapolated from regional data on the number of civil and criminal cases.

According to the available data, up to 1924 criminal cases accounted for about one-third of all cases coming before the people's courts. As a result of changes in the Code of Criminal Procedure (the introduction of the 'expediency' principle in 1924) and in the criminal law (the extension of administrative penalties to some common crimes), the number of criminal cases decreased sharply in 1925 while the number of civil cases increased as a result of the NEP reforms. The effect was that civil cases comprised the majority of the court case load between 1925 and 1928. As stated *supra*, the introduction of the comrades' courts in 1929-1930 caused a sharp decrease of civil cases in these years.

Between 1934 and 1953, many criminal cases (or what were considered to be so) were handled by extraordinary courts, and the number of criminal cases heard by the

Table XLIX: The Relative Number of Civil Cases in the Case Load of the People's Courts, 1923-1980 (% of all cases)

1923-1924	35	1947	64
1925	55	1954	75
1926	70	1956-1959	80
1927	57	1962-1965	85
1931-1933	36	1969-1980	80
1934-1935	55		
1936-1939	75		

Source: appendix tables 31-32, pp. 210-211; criminal labor cases (1940-1956) are included; administrative criminal cases (1956 until present) are not.

people's courts dropped as compared with the 1920s. From 1934 until the present time, the number of civil cases in the people's court has been much higher than the number of criminal cases.

After Stalin's death, the relation between criminal and civil cases became stable: civil cases make up 80-85% of the case load of the courts and criminal cases only 15-20%.

NOTES

1. The 1926 Family Code abolished divorces through the courts. Divorce suits constituted about 5% of all civil cases until 1926. From 1927 until 1944, divorce was possible only through the Offices of Civil Registry, cf. on divorce suits, appendix table 18. Cf. also S. Kurylev, *Izv.* 25 April 1968, about the effect of the 1926 Code on the number of divorces.
2. The comrades' courts were revived by decree of the RSFSR CUC and CPC of 27 August 1928, *SU RSFSR* 1928 No.114 item 707 and several other decrees from 1929, 1930, and 1931. In Belorussia in 1930, these courts considered in 1930 more than 30% of the cases formally within the competence of the people's courts, *Istoriia gosudarstva Belorusskoi SSR*, (1970), 389. Cf. for the history of these lay courts esp. Solomon, "Criminalization", (1982), and Chapter III.
3. Khlebnikov, *Sudebnaia statistika*, (1939), 40.
4. Cf. *supra* pp.37f.; Solomon, "Criminalization", (1982).
5. Cf. e.g. *Sots. Zak.* 1936 No.7, 96.
6. *SZ SSSR* 1937 No.30 item 120. This law is replaced in 1981, *Ved. SSSR* 1981 No.5 item 122.
7. We only know a few details about the nature of the other cases. Probably about 500,000 labor disputes occurred and the same number of housing disputes, cf. appendix tables 45 and 52. In 1935, the number of kolkhoz cases was given as between 6% (Turkmenia, Armenia, RSFSR) and 8% (Ukraine), the number of maintenance cases was between 7% (Turkmenia) and 16% (RSFSR), *Sots. Zak.* 1937 No.2, 89-93.
8. In 1942, 42% of all cases in a people's court in Kuibyshev were cases on tax arrears. Cases about fines constituted 25% of all civil cases considered by all people's courts in this city, *Sov. Iust.* 1967 No.9, 20.
9. Kulikov, "Pravosudie v SSSR", (1975), 36.
10. "XXI s"ezd KPSS i zadachi sovetskoi pravovoi nauki", *SGiP* 1959 No.2, 5. Dr. John Löwenhardt of the Eastern Europe Institute in Amsterdam drew my attention to these, and other references in the archives of Radio Liberty (Munich).
11. "Vysshiaia sudebnaia instantsiia", (1965).
12. Leshchevskii, "Mat", (1965); *Justice and the Legal System*, (1968), 133.
13. Paniugin, "Otchet", (1964), 13.
14. Therefore, Paniugin's data, cited in note 13, do not contain a misprint. His data add up to 90%, leaving 10% (300,000) for the divorce suits, cf. further appendix, pp.201ff.
15. *Ved. SSSR* 1965 No.49 item 725.
16. *Ved. SSSR* 1944 No.37.
17. Trubnikov, "Presemotr reshenii", (1970), 23.
18. Baturonov, Klenov, Filippov, "Sovershenstvovat' raboty", (1966), 135.
19. Gorkin, "Zabota", (1968), 3.
20. Only then are the data compatible with each other.
21. Though only 0.65 million actual divorces occurred, cf. appendix table 33, p.213.
22. Appendix table 33. Divorce was refused in 18,456 suits, no judgment was rendered in 51,690 suits; 56,453 suits were postponed in an attempt to bring the spouses together again which succeeded in the cases of 11,917 families, Kulikov, "Stoit' lit", (1968); E.M. Vorozheikin, *Pravovye osnovy braka i seme*, M. 1969, 150.
23. Pavlonskii, "Obobshchaiushchie pokazateli", (1978), 121-130.
24. In 1980, Pavlonskii and Iani gave 851,278 suits considered in 1977; of this number 141,428 suits were terminated, chiefly upon withdrawal of action by the plaintiff, Pavlonskii, Iani, "Primenenie sotsiologicheskikh metodik", (1980), 118-120.
25. In the sense of "workers and employees".
26. Pavlonskii also gives figures for the non-claims cases.
27. An average number of 106.4 million persons were engaged during 1977, *Nar. Khoz. SSSR* 1978, 365.
28. This was in 1973 e.g. in the Saratov province 32% (29.8% of all claims, which constituted 93% of all civil cases), *Voprosy teorii i praktiki*, (1976), 9, 100. In 1979, the percentage was 35.4% in the entire USSR, Gusev, "Rassmotrenie sudami", (1981), 52.

29. Pavlodskii, "Obobshchaiushchie pokazateli", (1978), 125.
30. Smirnov, Radiospeech, (1981); cf. also Smirnov, Radiospeech, (1976), which gives "over 2 million". In 1980, 41,600 civil cases were filed in the Lithuanian people's courts, P. Kuris, *Zasedaniia Verkhovnogo Soveta Litovskoi SSR*, 3-4 December 1981, 130-131.
31. Cf. also N. Rumiantsev, in *Izv.* 30 August 1956.
32. Cf. also *Sov. Iust.* 1957 No.8, 36.
33. Chechot, *Neiskovye proizvodstva*, (1973), 7; cf. below p.205.
34. Chechot, *Administrativnaia iustitsiia*, (1973), 113; appendix table 24, p.205.
35. Paniugin, "Sudebnaia zashchita", (1977), 240.
36. Paniugin, "Otchet", (1964), 14; corrected for divorce suits.
37. Gorkin, "Zabota", (1968), 3; appendix table 33, p.213.
38. *Ibid.*; Kulikov, "Stoiat'", (1968).
39. Pavlodskii, Iani, "Primenenie sotsiologicheskikh metodik", (1980), 118.
40. *Ved. SSSR* 1965 No.49 item 725.
41. Principles of Legislation on Marriage and the Family of 27 June 1968, *Ved. SSSR* 1968 No.27 item 241.
42. Appendix tables 33 and 37, pp.213, 216.
43. Burova, *Sotsiologiia i pravo*, (1979), 41.
44. Appendix table 36, p.216.
45. Burova, *Sotsiologiia i pravo*, (1979), 41.
46. Pavlodskii, "Statisticheskii analiz", (1978), 95-96.
47. *Ibid.*
48. *Sovetskoe semeinoe pravo*, (V.A. Riasentsev, ed.), M. 1982, 148.
49. In the Vologda province, 53 cases occurred in 1971, *Trudy VtuZI*, Vol.45, (1976), 123, 131.
50. See esp. McAuley, *Labour Disputes*, (1969), for the history of settling labor disputes.
51. Art.172 RSFSR Labor Code of 1922, *SU RSFSR* 1922 No.70 item 903.
52. *SZ SSSR* 1928 No.56 item 495.
53. McAuley, *Labour Disputes*, (1969), 38.
54. *SZ SSSR* 1929 No.42 item 367; 1931 No.51 item 334; 1932 No.40 item 242.
55. McAuley, *op. cit.*, 45.
56. Appendix table 51, p.228. The interpretation of the data leaves some doubts.
57. In 1953-1956, nearly two-thirds of all reinstatement claims were granted, Nikitinskii, *Effektivnost' norm*, (1971), 110.
58. Compare table 51 of the appendix with McAuley's data, McAuley, *Labour Disputes*, (1969), 206.
59. *Ved. SSSR* 1957 No.4 item 58.
60. *Ved. SSSR* 1974 No.22 item 235.
61. Van den Berg, "Judicial Settlement", (1983), 156 (note 48).
62. Cf. the figures given by E.A. Smolentsev in *Pravovedenie* 1958 No.4, 141.
63. E.A. Klenov, "Uchastie obshchestvennosti v razreshenii trudovykh sporov", *SGiP* 1961 No.1, 122.
64. *Ved. SSSR* 1958 No.15 item 282.
65. Nikitinskii, *op. cit.*, 112-113.
66. *Ibid.*
67. *Ibid.*; *BVS SSSR* 1964 No.4, 11; *Kommentarii k zakonodatel'stvu o trude*, M. 1966, 82-83.
68. Nikitinskii, *loc. cit.*
69. *Ved. SSSR* 1965 No.40 item 587.
70. Compare the data published in Chechina *et al.*, "Rol' grazhdanskikh protsessual'nykh norm", (1967), 336, with the data collected in the appendix table 47, p.223.
71. *Ved. SSSR* 1970 No.29 item 165.
72. Arts. 89 and 92 of the Principles.
73. See Art.104 of the Principles.
74. Van den Berg, "Judicial Settlement", (1983), 133.
75. Van den Berg, *op. cit.*, 141 ff.
76. *Ved. SSSR* 1976 No.29 item 427.

77. *Sots. Zak.* 1982 No.6, 3.
78. A.D. Zverev, *Prokurorskii nadzor za ispolneniem zakonodatel'stva o trude*, M. 1977, 84.
79. Cf. *supra*, pp.47ff.
80. *Ved. SSSR* 1983 No.33 item 507.
81. Pavlodskii, Litovkin, "Statisticheskii analiz", (1981).
82. Iu.G. Basin, *Problemy sovetskogo zhilishchnogo prava*, doct. diss. Leningrad 1963, 33, as quoted by D.D. Barry, "Soviet Housing Law: the Norms and Their Application", *Soviet Law After Stalin* I, (1977), 16.
83. Barry, *loc. cit.*
84. Art.331 RSFSR Civil Code; art.36 of the Principles of Housing Legislation.
85. Arts. 298, 331, 333 RSFSR Civil Code.
86. Art.334 RSFSR Civil Code; art.38 of the Principles.
87. On the basis of an edict of 1937, *SZ SSSR* 1937 No.69 item 314.
88. USSR edict of 11 September 1953, *Sbornik Zakonov SSSR (1938g.-iiul' 1956g.)*, M. 1956, 367.
89. Art.334 RSFSR Civil Code.
90. Such decrees are mentioned in Iu.K. Tolstoi, *Sovetskoe zhilishchnoe zakonodatel'stvo*, Leningrad 1974, 193; T.I. Kandybina, A.I. Pergament, "Dela o vyselenii na osnovanii st. 334 GK RSFSR", *Nauchnyi kommentarii sudebnoi praktiki za 1971 god*, M. 1972, 46.
91. In 1962, the Latvian list contained 24 enterprises, in 1967 61, cf. *Spravochnik po zakonodatel'stvu dlia ispolnitel'nykh komitetov sovetov deputatov trudiaschchikhsia*, Vol.II, Riga 1971, 970 ff.; the original Georgian list contained 50 enterprises, in 1972 this number was 125; the Ukrainian list was extended 12 times between April 1968 and August 1972, I.P. Prokopchenko, *Zhilishchnoe zakonodatel'stvo soiuznykh respublik. Sravnitel'nyi teoreticheskii analiz*, M. 1979, 189; the Kirgizian list was extended 16 times between 1968 and 1975, *Zhilishchnoe zakonodatel'stvo Kirgizskoi SSR. Sbornik normativnykh aktov*, Frunze 1976, 109-113. The RSFSR decree of 1968 has not been published. Cf. also Barry, *op. cit.*, 29-30.
92. Pavlodskii, "Predmet i zadachi", (1976), 90; this increase is also reported in *BVS SSSR* 1974 No.5, 37. In 1973, 24.5% of the cases were terminated.
93. Pavlodskii, "Predmet i zadachi", (1976), 90. Under the Principles of Housing Legislation, kol-khozes are granted the right to evict their former employees. Sovkhoses could already do so under a 1961 decree.
94. *BVS SSSR* 1964 No.6, 45; see also *Radians'ke pravo* 1976 No.3, 25.
95. Art.37 of the Principles of Housing Legislation. The concept of service accommodation is used in a wider sense than under the former law, Sh. Vakhitov, "Praktika rassmotreniia grazhdanskikh zhilishchnykh del", *Sov. Iust.* 1983 No.4, 7; decree of the CPSU CC and the USSR CM of 24 May 1982, *SP SSSR* 1982 No.17 item 93 (art.24). Decree of the USSR Supreme Courts Plenum of 9 December 1982, *BVS SSSR* 1983 No.1, 10.
96. Speech of I.A. Misiunas, *Zasedaniia Verkhovnogo Soveta Litovskoi SSR*, 1-2 December 1982, 131-132.
97. Cf. e.g. Paniugin, "Bol'she vnimaniia", (1963), 8. The problem is discussed in A.A. Mel'nikov, *Osoboe proizvodstvo v sovetskom grazhdanskom prave*, M. 1964, 7-9.
98. Pruzhinskii, "Grazhdanskii protsess", (1931), 378.
99. Decree of the USSR CUC and CPC of 11 April 1937, *SZ SSSR* 1937 No.30 item 120; B.A. Liskovets, G.N. Polianskaia, *Dogovor kontraktatsii sel'skokhoziaistvennoi produktsii*, M. 1955, 80.
100. Vetrov, "Zhizn' podskazyvet", (1957); cf. also Chechot, *Neiskovye proizvodstva*, (1973), 7; Paniugin, "Bol'she vnimaniia", (1963), 8.
101. A. Dobrovolskii, "K razrabotke grazhdansko-protsessual'nogo kodeksa RSFSR", *Sov. Iust.* 1957 No.3, 23.
102. *SP SSSR* 1958 No.11 item 92. Cf. also a passing remark by Chechot in his *Neiskovye proizvodstva*, (1973), 7.
103. *Ved. SSSR* 1961 No.26 item 371.
104. Cf. the figures for the Krasnodar territory, in P. Bukhalov, L. Nikol'skii, "Zhaloby na administrativnye shtrafy - v sude", *Sots. Zak.* 1971 No.4, 19.

105. Paniugin, "Ukrepnenie zakonnosti", (1974), 78 gives 78%; Paniugin, "Sudebnaia zashchita", (1977), 240; Pavlidskii, "Obobshchaiushchie pokazateli", (1979), 125.
106. But only with the administrative authorities, see Smith, *The Soviet Procuracy*, (1978), 69-72.
107. Cf. D.M. Chechot, *Neiskovye proizvodstva*, M. 1973, 70 ff.
108. Cf. also *Sov. Iust.* 1958 No.6, 72.
109. N. Gusev, *BVS SSSR* 1966 No.3, 9.
110. Pergament, Palestina, "Razvitie sovetskogo zakonodatel'stva", (1975), 51. Cf. for other data: Materova, *Sudebnoe rassmotrenie*, (1972), 74, and *id.*, "Ustanovlenie otsovstva", (1971), 138 (Saratov).
111. Paniugin, "Ochet", (1964).
112. Pavlidskii, "Obobshchaiushchie pokazateli", (1979), 127.
113. Pavlidskii, "Vyborochnyi metod", (1977), 93.
114. *SGiP* 1958 No.8, 68.
115. Or the law on administrative fines, G.N. Polianskaia, *Okhrana prava gosudarstvennoi sobstvennosti na lesa*, M. 1956, 202 ff.
116. Cf. *Sots. Zak.* 1964 No.9, 46; see also *SP SSSR* 1968 No.16 item 111.
117. The complex legislation in this field is analyzed in *Nauchnyi kommentarii sudebnoi praktiki za 1960 g.*, M. 1961; *Sov. Iust.* 1963 No.16, 8; 1964 No.2, 6; *Sots. Zak.* 1964 No.9, 46. P.Ia. Trubnikov, "Novoe zakonodatel'stvo o vozmeshchenii ushcherba, prichinnogo lesonarusheniia i primenenie ego sudami", *BVS SSSR* 1969 No.6, 33; cf. also *idem*, at p.40; L. A. Zaslavskia, "Grazhdansko-pravovaia otvetstvennost' za lesonarusheniia", *SGiP* 1975 No.9. New tariffs were enacted in the RSFSR in 1981, *SP RSFSR* 1981 No.18 item 82, replacing the tariffs of 1968.
118. Trubnikov, *loc. cit.*
119. G.N. Stankevich, "Praktika sudov Belorusskoi SSR po delam o lesonarusheniakh", *Voprosy sovetskogo prava i zakonnosti na sovremennom etape*, Minsk 1965, 112. This figure would entail a number of 40 thousand or more claims. The comrades' courts considered 924 cases in 1964.
120. The relevant decrees can be found in *Okhrana prirody Kazakhskoi SSR*, Vol.II, Alma Ata 1976.
121. K. Iaroshenko, "Puti sovershenstvovaniia grazhdansko-pravovoi statistiki", *Sots. Zak.* 1974 No.6, 61.
122. Pavlidskii, "Obobshchaiushchie pokazateli", (1979).
123. Figures about the occurrence of civil claims in criminal sentences are not known; we only know that in 1966 in Lithuania 9% of all criminal sentences were reversed in cassation due to mistakes in the decision of the civil suit, *Sots. Zak.* 1968 No.8, 37.
124. USSR Edict of 2 October 1961, *Ved. SSSR* 1961 No.41 item 420.
125. Rules for the compensation of such damages are laid down in a decision of the State Committee for Labor and Wages and the Central Council of the Trade Unions of 22 December 1961, *Biulleten' Goskomtruda* 1962 No.1; cf. also *BVS SSSR* 1963 No.6, 13-23; 1973 No.3, 10; Paniugin, "Bol'she vnimaniu", (1963).
126. Pavlidskii, "Obobshchaiushchie pokazateli", (1979); in 9 months of 1966, 187 cases were filed in Kemerovo province, Kulikov, "Za dal'neishee usilenie", (1967); in 1975, 230 cases were filed in the Rostov province, more than 90% were satisfied, *Sbornik postanovlenii VTsSPS* 1976 No.3, 101-102, cf. also *id.*, 1981 No.3, 140. If the Kemerovo and Rostov figures are representative, the number of cases was 19,600 in 1966 and 14,600 in 1975.
127. Kulikov, *loc. cit.*
128. Leshchevskii, "Mat", (1965).
129. Chechot, *Administrativnaia iustitsiia*, (1973), 93.
130. *BVS SSSR* 1972 No.1, 3-4.
131. Pavlidskii, "Obobshchaiushchie pokazateli", (1978), 12; Pavlidskii, Chaadaev, *Grazhdansko-pravovaia statistika* (1981), 43.
132. T.K. Shcheglova, "Sovershenstvovanie ugovno-pravovoi bor'by s bezkhoziaistvennost'iu", *SGiP* 1980 No.8, 102; these cases are probably labor disputes.
133. V.I. Zamiatin, in *BVS SSSR* 1981 No.5, 5. Also many "negatorskie iski" are filed, every year some tens in the courts of Erevan, *Problemy sovetskogo gosudarstva i prava na sovremennom etape*,

Vol.9, (1974), 176; claims are also frequently lodged to declare persons incapable (Art.15 RSFSR Civil Code). This happened in 1978 against 60 people in one district of the Gorkii city and against 35 persons in a district of the Minsk province (in 1980, this number was already 370 in the Belorussian district), *Sots. Zak.* 1979 No.11, 38-39; 1981 No.2, 17.

134. Pavlodskii, "Vyborochnyi metod", (1977), 93.

135. *Ibid.*

136. *Ibid.*

137. V.V. Novitskaia, "Sobliudenie predvaritel'nogo dosudebnogo poriadka rassmotreniia i razresheniia sporov – uslovie obrashcheniia v sud", *UZ VluZI*, Vol.20, part 3, (1970), 149.

138. *Ved. SSSR* 1959 No.10, item 163.

139. *Ved. SSSR* 1960 No.7 item 48. See about transport cases: V.N. Izvolenskii, *Pravovye voprosy zheleznodorozhnykh perevozok*, M. 1951, 208-211; M.A. Tarasov, *Dogovor perevozki po sovet-skomy pravu*, M. 1954, 160; K.S. Iudel'son, *Sovetskii grazhdanskii protsess*, M. 1956, 181.

140. Paniugin in "Vysshiaia sudebnaia instantsiia", (1965), 2.

141. See *supra* p.40 and table VIII.

CHAPTER VIII

ARBITRATION STATISTICS

1. State Arbitration

Disputes between state enterprises and other socialist organizations (excluding the *kolkhozes*) are usually not settled by the regular courts but by special agencies organized by the state and called arbitration agencies.¹ The system of arbitration agencies differs markedly from the regular courts, although the arbitration agencies form part of the court system in the sense that the agencies are organized by the state and their jurisdiction is laid down by the state, etc.²

Arbitration agencies exist at the different territorial levels (the system of state arbitration) and are attached to the executive state agency at the following levels: Councils of Ministers of the USSR, Councils of Ministers of the republics, the executive committees of provincial Soviets or of some big cities, and within the ministries (the system of departmental arbitration). The departmental arbitration agency of a ministry settles disputes between enterprises belonging to the ministry. State arbitration deals with the remaining disputes. Under the *sovnarkhoz* system of economic management (1957-1965), many disputes were settled by arbitration agencies attached to the regional agencies for economic management,³ but this system was considered to form a part of state arbitration.⁴

A consequence of the organization of the arbitration agencies and of the rules for their jurisdiction is that reforms in economic management and in the ministerial system greatly affect the number of disputes brought before the state arbitration tribunals: if a ministry is split up into several parts, the number of disputes before the departmental arbitration agencies shall decrease while the state arbitration agencies may expect more cases.

Only scattered data are available on the departmental agencies (they considered about 400,000 cases annually in the late 1970s).⁵ More data are published on the number of cases filed with the 140 state arbitration agencies. In 1974, Petrov published a number of graphs, tables, and other figures on the number of disputes before the state arbitration agencies of the USSR between 1950 and 1968-1971.⁶ Although the graphs are drawn rather badly and their precise significance is not always indicated, the data render accurate figures on the number of cases (appendix table 57, p.239).

The number of cases has increased by 60-70% during the past 30 years. Fluctuations occurred in 1960 and 1968 as a result of the enactment of new laws: the Statute on Deliveries in 1959,⁷ and a decree of the USSR Council of Ministers in 1967 which

Table L: Number of Arbitration Cases

	Annual number of cases (thousands)
1935–1936	400
1936–1938	350
1950–1959	425
1960–1967	575
1968–1974	700
1978–1980	650

Source: appendix table 56, p. 238.

introduced new rules for the calculation and reimbursement of contractual fines (*neustoika*).⁸ From 1968 onwards, the number of cases has remained rather stable.⁹

2. The Foreign Trade Arbitration Commission

Other arbitration courts deal with disputes, which usually have a foreign element. These courts resemble western arbitration boards as they are a chosen forum in many contracts between Soviet and foreign firms. However, the Foreign Trade Arbitration Commission and similar agencies in the other COMECON countries are compulsory fora in relations between firms of the different COMECON countries.¹⁰

The Foreign Trade Arbitration Commission (FTAC), created in 1932,¹¹ delivered only 87 decisions before the beginning of World War II (9 annually)¹² and in its first 30 years only about 300.¹³ The FTAC ruled on 10 cases in 1951, 20 in 1956, and 37 in 1961;¹⁴ in 1970, 140 cases were filed,¹⁵ and in 1978 the number of accepted claims had reached 209; in 1979 it stayed at 209; in 1980 351, and in 1981 267.¹⁶ The average annual number of decisions increased from 60 between 1962 and 1970 to 230 in 1972–1982.¹⁷ This increase in the number of disputes has to be attributed to the intensification of trade between Soviet firms and contractual parties from other COMECON countries.¹⁸ Disputes between such organizations account for more than 90% of all disputes.¹⁹

3. The Maritime Arbitration Commission

The Maritime Arbitration Commission, created in 1930,²⁰ decided 65 cases in its first five years;²¹ between 1945 and 1958 the Commission ruled on about 500 cases.²² Between 1958 and 1965 541 cases were considered by the Commission and during these years the Commission had its most active period with on average 68 cases heard per year.²³ Between 1970 and 1980, the Commission decided about 500 cases.²⁴

Decisions of the Commission may be overturned by the Civil Chamber of the USSR Supreme Court by way of supervision. In 1969–1973, this Chamber considered 34 complaints against the Commission's decisions, and 16 decisions were overturned (i.e. about 6% of all decisions).²⁵

NOTES

1. At first called Arbitration Boards, *SU RSFSR* 1922 No.60 item 769; liquidated in 1931, *SZ SSSR* 1931 No.14 item 135. Upon liquidation of the boards, the regular courts should have settled such disputes, but within two months state arbitration was revived although in a slightly different form, R.F. Kallistratova, *Gosudarstvennyi arbitrazh. (Problemy sovershenstvovaniia organizatsii i deiatel'nosti)*, M. 1973, 11-19.
2. See for a thorough discussion of state arbitration, Pomorski, "State Arbitrazh", (1977). In 1979, the USSR Supreme Soviet adopted a Law on State Arbitration in the USSR, *Ved. SSSR* 1979 No.49 item 844. The USSR CM adopted a new Statute on State Arbitration of the USSR Council of Ministers on 5 June 1980, *SP SSSR* 1980 No.16-17 item 104.
3. Cf. on them: Johnson, "State Arbitration", (1962), 190; Ia.S. Meitin, K.S. Iudel'son, "O pravovom regulirovanii organizatsii i deiatel'nosti arbitrazhnykh organov sovnrarkhozov", *SGiP* 1958 No. 11.
4. At least Petrov considers them in this manner, Petrov, *Otvetsvennost' khozorganov*, (1974), 57 (his remarks on 1957 and 1965).
5. Tadevosian, *Ukreplenie sotsialisticheskoi zakonnosti*, (1980), 66; Hazard quotes some figures on departmental arbitration in the 1930s, Hazard "Soviet Commercial Arbitration", (1945), 12-17.
6. Petrov, *op. cit.*, 33 ff.
7. *SP SSSR* 1959 No. 11 item 68; at the present time, this matter is regulated by rules enacted by the USSR CM at 10 February 1981, *SP SSSR* 1981 No. 9-10 item 62.
8. *SP SSSR* 1967 No.26 item 86. See for the significance of this decree, S. Ordynskii, "Zadachi arbitrazha v sviazi s usileniem otvetstvennosti predpriatii", *Sov. Iust.* 1968 No.1, 9.
9. We may expect an increase in the number of disputes on the basis of the new Statute on Deliveries as the principal rule that contractual fines replace damages has been discarded in the 1981 Statute.
10. Art.90 of the General Conditions of Delivery of Goods Between Organizations of Member Countries of the CMEA, English translation: *A Source Book on Socialist International Organizations*, (W.E. Butler, ed.), Alphen aan den Rijn 1978, 925-968.
11. *SZ SSSR* 1932 No.48 item 281; the most recent Statute on the FTAC was enacted in 1975, *Ved. SSSR* 1975 No.17 item 269.
12. V.S. Pozdniakov, in *Vneshnetorgovaia arbitrazhnaia komissii pri Torgovo-promyshlennoi palate SSSR. K 50-letiiu s dnia uchrezhdeniia. Materialy sektsii prava Torgovo-promyshlennogo Palata SSSR*, Vol.33, M. 1982, 4-6. FTAC's first decision was rendered on 15 November 1932.
13. D. Genkin, "30 let Vneshnetorgovoi arbitrazhnoi komissii", *Vneshnaia torgovlia* 1962 No.8, 13.
14. *Ibid.*
15. I.O. Khlestova, "40 let Vneshnetorgovoi arbitrazhnoi komissii", *SGiP* 1972 No.10, 116.
16. Pozdniakov, *op. cit.*
17. Cf. Genkin, *op. cit.*; on 1 Jan. 1962, the total number of cases was about 300; on 1 Jan. 1972, it was 1,200; on 1 Jan. 1982 2,890, A.I. Shpektorov in the introduction to *Arbitrazhnaia praktika. Chast' 1. Resheniia Vneshnetorgovoi arbitrazhnoi komissii 1934-1951 gg.*, M. 1972, 7; Pozdniakov, *op. cit.*
18. Cf. Pozdniakov, *op. cit.*
19. S. Bratus', "Arbitrazh i mezhdunarodnoe ekonomicheskoe sotrudnichestvo", *Sov. Iust.* 1973 No.1, 9; Pozdniakov, *loc. cit.*
20. *SZ SSSR* 1930 No.60 item 637.
21. Hazard, "Soviet Commercial Arbitration", (1945); *Sbornik reshenii morskoi arbitrazhnoi komissii pri Vsesoiuznoi torgovoi palati za 1936 g.*, Vol.3, Moskva-Leningrad 1937, 10, gives a figure of 113 cases filed and a figure of 91 cases considered in the years 1932-1936. Lebedev gives 1932 - 6; 1933 -15; 1934 - 24; 1935 - 21; 1936 - 31 decisions, S.N. Lebedev, "50 letie sovetskogo morskogo arbitrazha", *Torgovoe moreplavanie i morskoe pravo*, Vol.10, 1982, 6, 8, 10.
22. This amount remains if we deduct other data from the number of decisions between 1930 and 1980 (cf. note 24 below), and Lebedev, *loc. cit.*, who gives 160 cases up to 1945.
23. This period has been analyzed in full by A.D. Keilin in his articles in *Torgovoe moreplavanie i morskoe pravo*, issues 1, 2, 4, and 5, and in "Nekotorye voprosy praktiki Morskoi arbitrazhnoi komissii", *SGiP* 1964 No.6, 62 ff.

24. By 1970 the commission was said to have ruled on a total of 2,500 cases and by January 1981 the figure was 3,000, A. Shpektorov, "Sovetskii morskoi arbitrazh", *Vneshnaia torgovlia* 1970 No.12, 45; S. Chugrov, "Morskie arbitry", *Izv.* 21 January 1981.
25. Paniugin, "Ukreplenie", (1974), 78. In contrast, between 1932 and 1936, the Supreme Court refused all 3 such complaints, *Sbornik reshenii*, *op. cit.* note 21, 10.

APPENDIX I

DEMOGRAPHIC DATA

1. Population of the USSR

Soviet population data are generally believed to be reliable except for some data from the 1930s. Statistical handbooks from those years give only the USSR population as of 1 January 1933.¹ In his report to the XVIIth Party Congress (1934), Stalin cited figures for the end of 1930 (160.5 million) and the end of 1933 (168 million),² which are in accord with the January 1933 figure. The figures for 1933 are generally regarded as being inflated in order to conceal the casualties of the big famine that resulted from the collectivization campaign and the resulting terror campaign.³ A statistical handbook on the USSR population, published in 1975,⁴ confirms this view as it lists the total USSR population as of 1 January 1937 at 163.9 million (or 4.2 million below Stalin's figure for the end of 1933).⁵

Frank Lorimer has estimated USSR population figures on the basis of the 1926 census and the 1939 census, which were published at the time.⁶ He has based his figures on the assumption that the discrepancy of about 5.5 million persons between the increase indicated by data on the number of births and (normal) deaths and the actual increase (i.e. the number of excess deaths) was only partly due (for one-third) to the critical year 1932 (1933?). The consequence of this assumption is that Lorimer's figures are lower than figures published for 1929 (0.6 million) and 1930 (2.8 million).

However, the crime statistics published in the 1930s show that the criminologists Gertsenzon and Shliapochnikov used other population data than those quoted *supra* to calculate the number of sentences per 100,000 inhabitants between 1929 and 1934 (tables 2, 84 and 85 of this appendix).

The absolute number of sentences for hooliganism is known between 1926 and 1934 for an area encompassing more than half the territory of the USSR, together with the number of sentences per 100,000 inhabitants (table 84). The latter figures, given by Gertsenzon, enable us to calculate population figures for this area. If we assume that these figures are representative for the whole of the USSR, we get the official Soviet figure for the population as of 1 January 1931 (160.5 million), but at the beginning of 1933, the population would be more than 10 million persons below the official figure (table 1, col.5).

We do not know whether the population data used by Gertsenzon to calculate the numbers of sentences for hooliganism per 100,000 inhabitants are the correct figures, but the publication of these numbers in 1935 at least proves that Gertsenzon knew that the population figures for the years 1932-1934 were about 10 million lower than

Table 1: USSR Population: 1927–1939 (in millions as of 1 January for each year listed, calculation)

	(1) official figures	(2) Eason	(3) Maksudov	(4) Lorimer, Zaleski	(5) calculated figures	(6) result
1927	147.028*		147.1	147.1	147.1	147.1
1928	152.352	150.5	150.6	150.0	150.0	150.0
1929	153.411	154.3	154.4	152.8	153.7	153.4
1930		157.7	157.7	154.9	156.3	156.3
1931	160.5	160.6	160.6	156.7	160.4	160.5
1932			163.5	158.1	159.5	159.5
1933	165.749		165.8	158.2	155.1	155.1
1934	168		158	159.2	157.5	157.5
1935			159.3	160.0		159.0
1936			161.4	161.3		161.0
1937	163.772		163.8	163.4		163.8
1938	167.051		167.0	166.9		167.1
1939	170.467**		170.6	170.3		170.3

* 16 Dec. 1926

** 17 Jan. 1939

Sources:

col. 1:

1927: *Naselenie SSSR* 1973, 7.

1928: Molotov, "Otchetnyi doklad", *Pr.* 29 January 1935 (probably the average value for the year).

1929: *Stat. Sprav. SSSR* 1928.

1931–4: Stalin, "Otchetnyi doklad", (1934), 25; see for 1 July 1931 (162,143.1) *Sots. Stroitel'stvo* 1932 and for 1932 (163.7 million) *Handbook of the Soviet Union*, New York 1936, 2, but the source is not indicated.

1933: *SSSR v tsifrakh*, M. 1934, 92; *Sots. Stroitel'stvo* 1936, 547; *SSSR. Strana sotsializma*, M. 1936, 168 (without a caveat).

1937–8: *Naselenie SSSR* 1973, 7; see also Conquest, *The Great Terror*, (1971), 707–708, who suggests a population of 180.7 million in 1937.

1939: *Nar. Khoz. SSSR*, M. 1956.

col. 2:

W. W. Eason, in E. Mickiewics, *Handbook of Soviet Social Science Data*, New York 1973, 51.

col. 3:

Maksudov, "Losses", (1981); apparently, the figures are for the end of the year.

col. 4:

Lorimer, *Population*, (1946), 135; Zaleski, *Stalinist Planning*, (1980), 654, 565, gives the same figures.

col. 5:

1929–34: Calculated from numbers of sentences for hooliganism per 100,000 inhabitants, listed in table 84, p. 275.

the figures published in contemporary official sources. Gertsenzon's 1933 and 1934 numbers have a value in harmony with those published for 1937 and 1938 in a statistical collection of population figures, published in 1975.⁷

However, according to all sources the heaviest losses from the famine and the terror during the collectivization campaign occurred in the winter of 1932–1933,⁸ while Gertsenzon's figures imply that they already occurred in 1932.

Figures published during the past 10 years on demographic developments in the present-day territory of Belorussia show a sudden decrease in the birth rate by 15% in 1933 as compared with 1932 (table 5). However, these figures do not seem to be representative for the entire USSR, as they also include parts of contemporary Polish territory. Urlanis has given a crude birth rate for 1932 which is 21% below the 1930 level, and an estimation of the same low birth rate for 1931. However, his figure does not seem to represent the actual number of births in 1932, but rather the average during the years 1931-1934 (table 2).

The birth rates estimated upon the basis of the 1970 census (table 2) suggest a number of births in the years 1931-1934 of at least 21.5 million. If we take the death rate as being 20 per thousand, the population would have reached 169 million on 1 January 1935. Therefore, the number of victims of the famine and collectivization was about 10 million, and this figure has been mentioned by Stalin in his conversation with Winston Churchill.⁹ Evidently, the figure of 4.5 million, attributed to the Soviet writer A.A. Fadaev,¹⁰ is too low as it only represents the actual population decrease in 1932 without taking into account the number of children born in this year.¹¹

Table 2: Analysis of the Birth Cohorts of 1928-1937 (present-day territory, in thousands)

year of birth	survived in 1972	crude birth rate	hypothetical		col. 4 ÷ col. 2 (×100)
			number of births	crude birth rate	
1928	4,133	44.3	6,778	39.9	90.1
1929	3,996	41.8	6,546	37.7	90.2
1930	3,990	41.2	6,598	37.2	90.4
1931	3,301	(35.6)	5,798	32.4	(91)
1932	3,441	(37.0)	5,989	34.0	(92)
1933	2,822	(29.2)	4,769	27.2	(93)
1934	2,958	(29.8)	4,968	28.0	(94)
1935	3,548	31.6	5,367	30.0	94.9
1936	3,946	34.3	5,947	32.8	95.5
1937	4,546	38.7	6,827	37.0	95.5

Sources:

col. 1:

table 17.

col. 2:

Urlanis, "Dinamika", (1977), 11-12; 1931-1934: cols. 4+5.

col. 3:

tables 10 and 16. The war losses are not included in this figure.

col. 4:

col. 3 + table 4.

col. 5:

cols. 2+4; 1931-1934: intrapolated; see also table 5.

For 1932 Urlanis gives a birth rate of 32.6, but he does not give a corresponding source. The analysis of the age groups in 1972 gives an average birth rate of 32.9 between 1931 and 1934.

A second point is the allegation by non-Soviet sources, stating that the areas which suffered particularly heavily from the famine were Kazakhstan, the Ukraine, the North Caucasus and the Middle Volga,¹² and that these areas are not included in Gertsenzon's figures. This could signify that Gertsenzon adjusted his figures for his area from the USSR figures. Shliapochnikov also used such adjusted data in 1935, giving figures on the number of sentences for crimes against the person between 1928 and 1934 (table 85). Gertsenzon and Shliapochnikov probably took their data from the official (unpublished) crime statistics.¹³

The figures presented in table 3 do not give any proof which would support some extremely high estimates, which have been advanced in the past 40 years, on the number of deaths as a result of the Great Purge of 1936-1938. Nicolaevsky, Solzhenitsyn, and Conquest put the number of executions at half a million or one million,¹⁴ whereas, according to Conquest another two million persons died in the camps in 1937-1938.¹⁵ A total number of 1 million excess deaths in the years 1936-1938 would seem to be compatible with published demographic data,¹⁶ but such a number is too

Table 3: USSR Population, 1920-1940 (average annual figures, contemporary boundaries, in millions)

	USSR	RSFSR	RSFSR minus ASSR's	USSR minus RSFSR
1920	131	91	76	
1921	131	85	71	
1922	131	89	74	42
1923	134.5	92.4	77	42
1924	138.8	95.4	79.5	43.6
1925	141.8	97.5	81.2	44.3
1926	145.4	99.7	83.0	45.7
1927	148.8	102.1	84.9	46.7
1928	152.0	104.5	86.9	47.5
1929	154.9	106.6	89.2	48.3
1930	158.4	108.8	90.5	49.6
1931	160	109.9	91.5	50.1
1932	157.3	108.1	90	49.2
1933	156.3	107.4	89.4	48.9
1934	158.3	108.8	90.6	49.5
1935	160.0	110.0	91.6	50.0
1936	162.4	111.6	92.9	50.8
1937	165.5	112.5		52.9
1938	168.8			
1939	172			
1940	193.7			

Sources:

Stat. Sprav. SSSR 1928; Naselenie SSSR 1973, 7; table 1. The RSFSR figures are calculated from col. 1, taking the official 1933 figures (*Sots. Stroitel'stvo SSSR*, M. 1934) for the proportion of the RSFSR population to the whole population. According to *SSSR v tsifrakh*, M. 1934, 92, the population of the RSFSR was 113,963.2 thousand at 1 Jan. 1933; it was stated to be 105,179 thousand in the boundaries of 1937 (*SSSR. Strana sotsializma*, M. 1936, 168).

small for any reliable argument based upon demographic data. Some data published in the Soviet Union suggest a number of death sentences in line with the contention of Jeffry Hough,¹⁷ who argues that a figure in the low hundreds of thousands seems probable, but an estimate of tens of thousands would also be quite conceivable:

1. The Presidium of the USSR Supreme Soviet (in 1937: the Central Executive Committee) received in 1937 11,159 and in 1938 22,047 complaints about illegal detentions, prosecutions, especially in cases of political crimes;¹⁸
2. According to data published in the Soviet Union at the time, between 1 January 1937 and 1 July 1938 about 150,000 sentences were issued for the category of "other crimes" (see table 90 of this appendix). These "other crimes" must mainly have been crimes against the state (counter-revolutionary crimes as they were called at the time). However, in the fall of 1938, special tribunals attached to the troops of the security police started to operate¹⁹ and details on their operations have never been published.

Soviet sources are silent concerning the population development in the first five years after World War II. For these years only crude birth rates have been published, and only for 1946 is the death rate mentioned.²⁰ The latter figure (10.8 per thousand) was only 60% of the death rate during the pre-World War II period. However, Belorussian figures, published in 1981, sustain such low death rates after the war (table 5). Since we know the birth rate and may intrapolate the death rates of the years between 1946 and 1950, we may calculate the size of the population on 1 January 1946 to be 168,065,000.

However, we are not sure whether this figure is a reflection of the number of persons residing in the USSR at that time. Moreover, if the size of the population on 1 January 1946 were only 168 million, Soviet population would have decreased by 31 million persons between mid-1941 and 1945, which is much higher than the official number of war losses as published by the Soviet authorities, usually said to be some 20 million. However, this figure does not reflect the number of deaths due to the war: as e.g. during the war, the actual population of the Ukraine has decreased by 13,614,000 persons.²¹ The Soviet claim is that "the losses inflicted in military action and as a result of the mass extermination of the population in the occupied territory exceeded 20 million persons".²²

The increase in the overall death rate, brought about by adverse conditions in the entire USSR, and the number of emigrations is probably not taken into account in this assessment of war losses. Death rates during the war years have been published for Belorussia, and we also know the total decrease in the size of the population in the Ukraine during those years.²³ If we use these figures in order to determine the number of deaths in all regions affected by the war (encompassing about 50% of the entire population), we arrive at some 20-22 million casualties due to war activities (7-8 million in the Armed Forces) and to the extermination policy of the Hitler administration, 11-12 million excess deaths due to bad war conditions, deaths in Soviet camps, and emigrations, and 11-12 million "normal" deaths (table 6). Since some calculations have been made without taking into account these excess losses, the assessment of the total population just after the war has sometimes been far too high.²⁴

Table 4: Births and Deaths, Total Population, Present Day Boundaries, 1926-1975 (rates per 1,000; numbers in millions)

	pop. on 1 Jan.	crude birth rate	births		crude death rate	rate of infant mortality	deaths	net migration (thous.)
			males	females				
1926	160.9	44.0	3.676	3.473	20.3	174		
1927	164.1	43.7	3.724	3.528	21.0	191		
1928	167.8	44.3	3.863	3.660	21.2	182		
1929	171.8	41.8	3.725	3.529	20.3			
1930	175.3	41.2	3.748	3.551	20.4			
1931	179.0							
1935	177.9	31.6	2.890	2.733	19.0		3.392	
1936	180.2	34.3	3.201	3.026	19.4		3.523	
1937	182.9	38.7	3.676	3.475	18.9	170	3.492	
1938	186.6	37.5	3.633	3.436	17.5	161	3.299	
1939	190.4	36.5	3.607	3.410	17.3	167	3.326	
1940	194.077	31.2	3.127	2.969	18.0	181.5	3.520	
1941	196.656							
1946	167.464	23.8	2.074	1.965	10.8	87	1.826	+2,237
1947	171.907	25.7	2.275	2.155	19.7		3.375	
1948	172.941	24.1	2.155	2.042	10		1.731	
1949	175.397	28.5	2.590	2.454	10.7		1.888	
1950	178.547	26.7	2.470	2.335	9.7	80.7	1.745	-4
1951	181.603	27.0	2.547	2.408	9.7	83.7	1.779	+1
1952	184.778	26.5	2.543	2.405	9.4	74.8	1.749	
1953	187.977	25.1	2.444	2.311	9.1	67.6	1.727	
1954	191.004	26.6	2.634	2.501	8.9	68.2	1.724	
1955	194.415	25.7	2.594	2.453	8.2	59.6	1.613	+52
1956	197.902	25.2	2.582	2.441	7.6	47.4	1.511	+2
1957	201.414	25.4	2.654	2.510	7.8	45.3	1.594	59 +1
1958	204.925	25.3	2.716	2.578	7.3	40.6	1.490	+4
1959	208.693	25.0	2.701	2.564	7.6	40.6	1.604	+38 +6
1960	212.372	24.9	2.733	2.608	7.1	35.3	1.529	+102 +3
1961	216.286	23.8	2.663	2.528	7.2	32.3	1.563	+88
1962	220.003	22.4	2.545	2.414	7.5	32.2	1.667	+162 +1
1963	223.457	21.1	2.444	2.314	7.2	30.9	1.627	+81
1964	226.669	19.5	2.286	2.170	6.9	28.8	1.581	+83 +1
1965	229.628	18.4	2.181	2.073	7.3	27.2	1.690	+52 +1
1966	232.243	18.2	2.176	2.066	7.3	26.1	1.711	+49 +3
1967	234.823	17.3	2.100	1.993	7.6	26.0	1.799	+48 +2
1968	237.165	17.2	2.093	1.995	7.7	26.4	1.834	+49 +1
1969	239.468	17.0	2.093	1.994	8.1	25.8	1.957	} +46 +3
1970	241.640	17.4	2.163	2.063	8.2	24.7	1.996	
1971	243.873	17.8	2.238	2.133	8.2	26.4	2.015	+64 +15
1972	246.293	17.8	2.257	2.147	8.5	27.9	2.105	+33 +34
1973	248.625	17.6	2.252	2.143	8.7	30.8	2.164	+22 +39
1974	250.869	18.0	2.334	2.212	8.7		2.180	+26 +27
1975	253.261	18.1	2.373	2.244	9.3		2.355	+7 +19
1976	255.524	18.4	2.424	2.296	9.5		2.438	+18 +24
1977	257.824	18.1	2.410	2.283	9.6		2.486	+9 +26
1978	260.040	18.2	2.446	2.317	9.7		2.534	+67 +39

Table 4: (Continued)

	pop. on 1 Jan.	crude birth rate	births		crude death rate	rate of infant mortality	deaths	net migration (thous.)
			males	females				
1979	262.336	18.2	2.468	2.339	10.1		2.660	+3 +58
1980	264.486	18.3	2.491	2.360	10.3		2.733	-3 +28
1981	266.599	18.5	2.547	2.414	10.2		2.731	+15 +13
1982	268.844	18.9	2.619	2.481	10.1		2.727	+22 +3

Sources and assumptions:

1926-41: table 1; the population figures in the territories acquired with relation to World War II is known for 1 January 1939. We have assumed that the demographic developments in these areas were similar to those in the USSR, but without a famine in 1931-1934. Uralnis gives a population of 180 million at the beginning of 1931, *Naselenie i narodnoe blagosostoianie*, M. 1968, 23, and 199 million at the beginning of World War II, B. Ts. Uralnis, *Rost naseleniia v SSSR*, M. 1966, 20. The crude birth rate for the present day territory has been taken from Uralnis, "Dinamika", (1977), 11-12; the birth rate for 1934 has been adjusted from the birth rate (30.1) given in Grazhdannikov, *Prognosticheskie modeli*, (1974), 68. The death rates are taken from Grazhdannikov, *loc. cit.*, encompassing figures for the contemporary territory. See also Rosefielde, "Excess Mortality", (1983). The male/female ratio is known for some years only (*Nar. Khoz. SSSR* 1970, 9; 1973, 8; *Naselenie SSSR* 1973, 99-100). For other years we have taken a ratio of 51.35% males and 48.65% females at birth.

1946-49: birth rates: *Zhenshchiny v SSSR*, M. 1975, 101; death rates: 1946: *Strana sovetov za 50 let*, M. 1967, 257; 1947-49: based on the assumption that Ukrainian figures (see tables 6-8) are representative for the entire USSR. The population has been adjusted on the basis of these birth and death rates, and on the assumption that these rates have been calculated by dividing the number of births and deaths by the population living within the USSR, without taking into account the prisoners of war. We have assumed that the troops based outside the territory of the USSR were reduced during 1946, and that they numbered 0.7 million on 1 Jan. 1947, against 2,765 on 1 Jan. 1946, cf. also the population figures used by A. Bergson, *The Real National Income of Soviet Russia since 1928*, Cambridge MA 1961, 442.

All other data have been taken from *Naselenie SSSR* 1973, *passim* or *Nar. Khoz. SSSR*. The net migration has been calculated from the data of col. 1, 3, 4 and 7. For the years after 1955, we have added the number of Jews and Germans who have emigrated; see for these numbers E. Kuznetsov, "Jewish Emigration From the USSR", *Crossroads. A Socio-Political Journal*, Vol. 9, (1982), 185; S. Heitman, *The Soviet Germans in the USSR Today*. Berichte des Bundesinstituts für ostwissenschaftliche und internationale Studien 1981 No. 35, 83; *Deutsche in der UdSSR. Dokumentation*. Internationale Gesellschaft für Menschenrechte, Frankfurt 1982. The prisoners of war have not been taken into account.

Rosefielde has adjusted the population on 1 January 1946 from the population on 1 January 1950 on the basis of published birth rates and of (partly) intrapolated death rates.²⁵ This results in a population of 169,058,000. However, on the basis of data published in the first half of the 1960s, Newth came to the conclusion that the total population in 1946 amounted to some 170-175 million people.²⁶ This estimate has been confirmed by data published by Ostroumov on population developments between 1946 and 1956, and between 1946 and 1971. According to these data, the total population in 1946 was 174,600,000 million.²⁷

Maksudov has proposed to fill the large gap between these figures by assuming a crude death rate of about 20 per thousand in the years between 1946 and 1950.²⁸

Table 5: Population Development in Belorussia (present day boundaries), 1923–1953 (in millions, rates per thousand)

	population on 1 Jan.	crude birth rate	crude death rate	net migration (rates)
1923	7.183	41.6	15.9	+8.2
1924	7.430	39.8	15.8	-0.9
1925	7.604	41.2	17.7	-1.1
1926	7.776	40.1	15.9	..
1927	7.967	38.1	15.5	-4.6
1928	8.112	36.8	15.3	-7.7
1929	8.226	35.8	16.2	-8.7
1930	8.316	36.0	15.2	-9.2
1931	8.412	34.6	13.4	-3.2
1932	8.565	33.7	13.1	-6.2
1933	8.689	28.7	13.3	-6.3
1934	8.771	28.5	13.2	-11.4
1935	8.805	28.0	13.0	-13.9
1936	8.814	28.4	14.1	-11.1
1937	8.842	29.7	12.6	-13.8
1938	8.871	30.4	13.1	-13.1
1939	8.909	28.7	13.4	-
1940	9.046	26.8	13.1	+1.4
1941	9.183	[25.4]	65*	-119.4
1942	[7.800]	[23.4]	135	-
1943	[6.976]	[18.9]	71	-
1944	[6.307]	[22.3]	29	-
1945	6.265	19.8	11.2	-
1946	6.540	23.0	9.6	+78.4
1947	7.170	25.6	9.7	+13.7
1948	7.384	24.8	8.6	+10.6
1949	7.584	27.8	8.1	-3.4
1950	7.709	25.5	8.0	-8.2
1951	7.781	25.5	7.9	-21.8
1952	7.749	24.7	8.3	-23.6
1953	7.693	22.9	8.0	-2.9

* about 312,000 deaths (probably in the army or in the German camps) have not been included in the death rates for the years 1941–1944

Sources:

Belaruskaia sovetskaia entsyklopedyia, Vol. 12, Minsk 1975, 56–57; *Belaruskaia SSR. Karotkaia entsyklopedyia*, Vol. 4, Minsk 1981, 5–6, 545; *Naselenie SSSR 1973*, 72; A. A. Rakov, *Naselenie BSSR*, Minsk 1969, 16, 50, 66, 89; L. P. Shakhot'ko, *Rozhdaemost' v Belorussii*, Minsk 1975, 46, 48, 51, 55.

However, he does not give any explanation for the halving of the death rate in 1950 when it was only 9.7 per thousand.

An explanation for the gap in the figures for 1946 and 1947 could be the famine of 1947. However, it seems unlikely that this famine caused an extra loss of lives

Table 6: Population Losses During World War II (millions, rates between brackets)

regions affected by the war													
popu- lation*		births		normal deaths		excess losses**		casualties				all deaths	
								civilians		army			
1941	98.4	(28)	2.7	(18)	1.7	(10)	0.9	(18)	1.7	(14)	1.4	(60)	5.8
1942	95.3	(21)	2.0	(18)	1.7	(20)	1.9	(71)	6.8	(15)	1.4	(124)	11.8
1943	85.7	(16)	1.3	(18)	1.5	(20)	1.7	(22)	1.8	(8)	0.7	(68)	5.7
1944	81.4	(15)	1.2	(15)	1.2	(9)	0.7	–	–	(3)	0.2	(27)	2.1
1945	80.4	(17)	1.4	(11)	0.9	–	–	–	–	(1)	0.1	(12)	1.0
1946	80.8	(24)		(11)		–	–	–	–				
Jul. 41–Jul. 45		6.6		5.7		5.2		10.3		3.8		25.8	
other regions													
1941	98.4	(28)	2.7	(18)	1.8	(20)	1.9	–	–	(14)	1.4	(52)	5.1
1942	96.1	(21)	1.9	(18)	1.7	(20)	1.9	–	–	(15)	1.4	(53)	5.0
1943	93.0	(16)	1.5	(18)	1.6	(20)	1.8	–	–	(8)	0.7	(46)	4.2
1944	90.3	(15)	1.3	(15)	1.3	(9)	0.8	–	–	(3)	0.3	(27)	2.4
1945	89.2	(17)	1.5	(12)	1.1	–	–	–	–	(1)	0.1	(13)	1.2
1946	89.6	(24)		(11)		–	–	–	–	–		–	–
Jul. 41–Jul. 45		6.8		6.1		6.4				3.9		16.4	
total USSR													
1940	194.1	(31)	6.10	(18)	3.5	–	–	–	–	–	–	(18)	3.5
1941	196.7	(29)	5.66	(18)	3.5	(13)	2.8	(12)	1.7	(14)	2.8	(57)	10.9
1942	191.4	(22)	4.16	(18)	3.2	(20)	3.8	(46)	6.8	(15)	2.8	(99)	16.8
1943	178.7	(16)	2.76	(18)	3.1	(20)	3.5	(14)	1.8	(8)	1.4	(60)	9.8
1944	171.7	(15)	2.59	(15)	2.5	(9)	1.5	–	–	(3)	0.5	(27)	4.5
1945	169.6	(16)	2.79	(12)	2.0	–	–	–	–	(1)	0.2	(13)	2.2
1946	170.4	(24)	4.05	(11)		–	–	–	–	–			1.8
Jul. 41–Jul. 45		13.2		11.6		11.6		10.3		7.7		41.2	

* at the first of January

** including emigration

Sources and assumptions:

We have assumed that about half the population remained in regions affected by the war. According to German estimates about 88 million persons were living in the maximum area occupied by their troops, W. Ratza, *Die deutschen Kriegsgefangenen*, (1973), XLVII. About 25 million persons have been evacuated to the eastern parts of the USSR, *Istoriia SSSR* 1975 No. 3, 138. The birth rates have been adjusted on the basis of the 1972 survival ratios for the cohorts born during the war, see tables 10 and 15. The death rates in regions affected by the war have been adjusted from Belorussian estimates (table 5), taking into account that some 0.3 million were not included in these rates. The “normal” death rate is adjusted on the basis of the death rates for 1940 and 1946 (table 4). On the basis of these figures, the total number of deaths in these regions has been estimated to be 25.8 million. However, the total number of losses was about 42 million (population on 1 July 1941 minus population on 1 July 1945 plus the number of births). About 10 million deaths in the regions which were not affected by the war, may be attributed to normal deaths and deaths in the army. The remaining 11–12 million losses have been labelled “excess losses”, due to famines, excess deaths in Soviet camps and emigration (about 3 million persons, E. M. Kulischev, *Europe on the Move*, New York 1948; Maksudov, “Losses”, (1981).

amounting to some 5 million persons. It is generally believed that this famine was concentrated in the Ukraine, Moldavia and some regions of the RSFSR, although other regions in the south-eastern part of the country have also been affected. Belorussian figures do not show signs of a famine in 1947 (table 5). In the Ukraine, in 1947, the infant mortality rate was 80% higher than in 1946, 1948, and 1949 (table 7 and 9) and mortality among females between 15 and 49 years was twice as high as in the years 1949–1950. These figures show that the famine occurred in one year (1947), and even if the Ukrainian figures would be representative for the entire USSR, the number of extra deaths cannot have been higher than 2 million. Therefore, the famine of 1947 may explain only a part of the large gap in adjusted and published population figures on 1 January 1946. More likely is that the differences in population figures are the result of different definitions of this concept.

The analysis of the data on the age structure of the Soviet population, discussed in the paragraph below, shows that the Soviet troops based outside Soviet territory are not included in the census data of 1959 and 1970. On 1 January 1946, these troops numbered at least 2,765,000 persons, who voted in special military voting districts in the 1946 elections to the USSR Supreme Soviet.²⁹ By 1950, these troops numbered only 0.7 million.³⁰ Moreover, between 1946 and 1953, 222,000 people immigrated to the USSR.³¹ Therefore, if for 1946 we use the Soviet definition of population, the population of the Soviet Union was more than 3 million people lower than would have been the case if Soviet data had been used without any corrections.

Moreover, it does not seem likely that prisoners of war have been included in the demographic data published, but they may have been included in other figures collected in the USSR. The exact number of prisoners of war residing within the territory of the USSR on 1 January 1946 is not known, but it is known that, between the end of World War II and 1 January 1953, more than 4 million foreign citizens have been repatriated.³² Therefore, the large gaps in the population data for 1946 have to be filled by taking account of the different methods used to count the population:

Table 7: Rate of Mortality, Females (Ukraine 1947, 1949, 1950, 1959; rates per thousand)

age group	1947	1949	1950	1959	1947/49	1949/59
15–19	3.7	2.4	2.1	0.8	1.8	3.0
20–24	4.5	3.0	2.6	1.2	1.5	2.5
25–29	4.9	3.1	2.9	1.3	1.6	2.4
30–34	5.0	3.0	2.8	1.5	1.7	1.8
35–39	6.4	3.3	2.9	2.0	1.9	1.7
40–44	7.9	3.7	3.4	2.8	2.1	1.3
45–49	<u>11.5</u>	<u>5.1</u>	<u>4.7</u>	<u>3.9</u>	<u>2.3</u>	<u>1.3</u>
15–49	6.1	3.3	3.0	1.9	1.8	1.7
infant mortality	133.9	77.3	74.8	36.3	1.7	2.1

Source: *Demograficheskoe razvitiie Ukrainskoi SSR (1959–1970 gg.)*, Kiev 1977, 138–139; see also tables 8 and 9.

Table 8: Rate of Mortality in Selected Years (rates per thousand)

	1925/6	1938/9	1958/9	1964–1965			1972–1973			1975/6
				males	total	females	males	total	females	
0	187.0	163.5	40.6		28.1			25.5		30.8
0– 4	78.9	75.8	11.9	7.7	7.2	6.5	8.0	7.2	6.4	8.7
5– 9	7.3	5.5	1.1	0.9	0.8	0.7	0.8	0.7	0.5	0.7
10–14	3.1	2.6	0.8	0.7	0.6	0.5	0.6	0.5	0.4	0.5
15–19	3.7	3.4	1.3	1.3	1.0	0.6	1.4	1.0	0.6	1.0
20–24	5.5	4.4	1.8	2.1	1.6	1.0	2.5	1.6	0.8	1.7
25–29	6.1	4.7	2.2	2.8	2.0	1.1	3.2	2.1	1.0	2.1
30–34	6.3	5.4	2.6	3.7	2.5	1.4	4.3	2.8	1.3	3.0
35–39	7.5	6.8	3.1	4.6	3.1	1.9	5.4	3.6	1.8	3.8
40–44	9.0	8.1	4.0	5.7	3.8	2.5	7.2	4.8	2.6	5.3
45–49	10.9	10.2	5.4	7.5	5.0	3.5	9.6	6.2	3.7	6.9
50–54	14.0	13.8	7.9	11.9	7.8	5.4	13.5	8.6	5.7	9.3
55–59	18.1	17.1	11.2	16.5	10.8	7.4	19.9	12.5	8.4	13.4
60–64	24.7	24.5	17.1	26.2	17.2	12.6	28.3	18.0	12.5	18.9
65–69	36.5	35.1	25.2	36.0	24.4	18.9	40.9	27.2	20.5	28.0
≥70	79.5	78.9	63.8		64.2		92.4	75.5	68.6	75.0
total	20.3	17.4	7.4		7.1			8.6		9.4

Sources:

Vestnik Statistiki 1960 No. 2, 20; 1976 No. 11, 87; 1977 No. 12, 76; *Nar. Khoz. SSSR 1960–1976; Naselenie SSSR 1973, 142; Rozhdaemost'*, (1977), 47; *Vozproizvodstvo*, (1983), 115, 298–299.

population according to demographic data	167,464,000
troops abroad	<u>2,765,000</u>
total	170,229,000
prisoners of war and other foreigners	<u>4,400,000</u>
total	174,600,000

Other data confirm that different population figures are circulating in the USSR. Thus, it has been announced that the Soviet population had reached a size of 200,201,000 as of 1 April 1956.³³ However, according to the data in current use, this level was only reached on 5 August of the same year. On 1 April the population was only 199,124,000 or 1.08 million below the announced level.

The analysis of the reports of the census of 1959 and 1970, carried out in the next paragraph, shows that the Soviet population data do not include those Soviet citizens who are living abroad, together with their families.

2. Adjustment of the Size of the Adult Population

The Soviet Union has not recently published data on the size of the adult population. As we need such figures in order to be able to calculate the number of inmates in

Table 9: Rates of Infant Mortality (rates per thousand)

	males	females	both sexes	
			USSR	Ukraine
1926/27	201.02	172.14	187.04	
1938/39	174.69	151.62	163.48	
1945				95.2
1946			87	75.2
1947				133.9
1948				72.4
1949				77.3
1950			80.7	74.8
1958/59	44.24	36.77	40.60	37.9
1968/71	27.86	21.80	24.90	17.5

Sources:

tables 4, 7, 8; *Vozproizvodstvo*, (1983), 298–299; Ukraine: *Demograficheskoe razvitiie Ukrainskoi SSR (1959–1970 gg.)*, Kiev 1977, 139.

Soviet corrective labor institutions or other forced labor camps, we have made an attempt to determine the size of the adult population by using the 1959 and 1970 census. The census reports subdivide the population into five-year age groups, which enable us to calculate the size of the adult population for the years around the census year, although for other years – especially the 1945–1955 period – the margin of error is very high: in reports which have been cited by Wheatcroft a decrease in the camp population of about 1.4 million between 1954 and 1959 was mentioned, while other calculations come to a decrease of nearly 2 million between 1954 and 1958.³⁴ Another problem with which we are faced in this regard is that we do not know whether the Soviet Armed Forces stationed abroad have been included in the 1959 and 1970 census reports. In any case, data on the age structure of the Soviet population do not yield precise figures for the years 1946, 1947, 1950 and 1951 – years for which election data are available.

As we want to compare the size of the camp population over a number of years, calculated on the basis of the size of the electorate and of the number of adults, with figures derived from other data, we have to find a way to calculate the size of the adult population with the smallest possible margin of error. During the course of research it proved to be possible to calculate single year of age numbers on the basis of the 1970 census, which could be used in determining the size of the adult population in all years between 1946 and 1959.

In order to do so we need to know the rates of mortality for males and females from the birth cohorts of 1926–1970 in the years 1926–1975. As USSR mortality tables have been published only for the years 1925–1926 (European part), 1938–1939, 1958–1959 and for a number of years between 1960 and 1976 – which were either incomplete or only for persons of ages divisible by 5 or in a shortened form, and which did not always concern both males and females – other mortality figures have to be intra-

Table 10: Calculated Survival Ratios, 1958, 1972 (closed population)

age group	1958		1972	
	females	males	females	males
0	1.0000	1.0000	1.0000	1.0000
1	0.9587	0.9515	0.9794	0.9728
2	0.9477	0.9401	0.9731	0.9697
3	0.9319	0.9215	0.9713	0.9657
4	0.9176	0.9067	0.9678	0.9624
5	0.9116	0.8993	0.9671	0.9613
6	0.9012	0.8899	0.9662	0.9603
7	0.8873	0.8710	0.9644	0.9582
8	0.8831	0.8672	0.9623	0.9555
9	0.8794	0.8572	0.9595	0.9523
10	0.8727	0.8495	0.9572	0.9496
11	0.8158	0.7815	0.9561	0.9482
12	0.8395	0.8115	0.9525	0.9437
13	0.8225	0.7890	0.9467	0.9367
14	0.737	0.695	0.9447	0.9345
15	0.695	0.651	0.9388	0.9289
16	0.650	0.607	0.9346	0.9241
17	0.677	0.643	0.9216	0.9076
18	0.693	0.664	0.9084	0.8936
19	0.700	0.671	0.9028	0.8859
20	0.702	0.672	0.8926	0.8758
21	0.702	0.672	0.8789	0.8565
22	0.701	0.671	0.8748	0.8518
23	0.699	0.670	0.8707	0.8409
24	0.638	0.597	0.8639	0.8320
25	0.626	0.584	0.8074	0.7641
26	0.619	0.577	0.8302	0.7919
27	0.615	0.571	0.8130	0.7684
28	0.651	0.610	0.728	0.675
29	0.658	0.620	0.686	0.631
30	0.659	0.620	0.641	0.587
31	0.658	0.618	0.667	0.620
32	0.657	0.616	0.683	0.639
33			0.688	0.644
34			0.690	0.644
35			0.690	0.643
36			0.688	0.640
37			0.686	0.637
38			0.625	0.567
39			0.612	0.554
40			0.605	0.546
41			0.601	0.539
42			0.635	0.576
43			0.641	0.581
44			0.641	0.579
45			0.639	0.576
46			0.636	0.571

A computer printout of the calculation is available at the Documentation Office for East European Law.

polated. Firstly, we have constructed mortality figures on the assumption that the rate of mortality has not been affected by famines and war. The tables for the years 1925-1926 have been used to calculate figures for the period of 1926-1934, the 1938-1939 table for those of 1935-1944 (cf. table 8).

In order to calculate rates of mortality for the post-World War II period, we have used the shortened mortality tables for females between 15 and 49 years of age, which have been published for the Ukraine for the years 1947 (a famine year) and 1949-1959, and the data on infant mortality published for the USSR (1946, 1950 and later years, tables 4, 8, 9) and the Ukraine (1945-1950, table 9). The mortality tables for males have been constructed on the basis of the tables derived for females, taking into account the higher rate of mortality of males as compared to females. We have taken the 1947 famine into account by multiplying the expected death rates in 1947 by 1.7, on the basis of the assumption that the famine affected nearly the entire population and that mortalities due to famine show a multiplicative (and not an additive)³⁵ pattern. Similarly, we have multiplied the rates of mortality in the years 1931-1934 by 1.3. We have assumed that during World War II the rate of mortality increased as compared with the late 1930s (1941: 1.1 times; 1942: 1.3; 1943: 1.5; 1944: 1.2 times). On the basis of these mortality tables, we have calculated the (hypothetical) survival ratios in 1958 and 1972 for all males and females born between 1926 and 1967 (table 10).

The next step is the comparison of these hypothetical survival ratios with the actual ones. For this purpose, we have adjusted the age structure of Soviet citizens who have reached ages of between 5 and 46 in 1972, thus on the basis of a "closed population",

Table 11: Data Concerning the Age Structure of the Soviet Population in 5 Year Age Groups (closed population, in thousands)

	1938	1958	1960	1969	1970	1971	1972	1973	1974
0- 4	24,995	24,515	47,938	20,621	20,504	43,114	20,949	42,079	
5- 9	19,814	22,027		24,503	23,515		21,705		
10-14	24,151	15,333	21,809*	25,014	30,275*	48,767	25,568	49,681	49,425
15-19	17,214	16,470	10,003*	22,026	17,785*		23,731		
20-24	15,821	20,348	21,946	17,130	19,110	31,791	20,952	36,024	38,766
25-29	18,564	18,198	17,087	13,795	12,074		12,595		
30-34	15,640	19,012	19,640	21,190	21,479	37,872	19,043	35,739	34,565
35-39	13,002	11,601	14,350	16,637	16,179		17,812		
40-44	9,642	10,422	10,215	19,062	19,663	34,359	18,760	35,176	34,901
45-49	7,816	12,289	11,851	12,302	13,539		16,462		
50-54	6,682	10,481	11,253	9,125	9,000	20,244	10,157	20,130	20,541
55-59	5,948	8,742	9,227	12,093	11,656		9,756		
60-69	8,664	11,851	12,627	17,793	18,299	18,851	19,412		
≥70	4,645	8,227	8,885	11,357	11,839	12,384	12,841		

* 10-15 or 16-19

Census reports of 1959 and 1970; *SSSR v tsifrakh* 1961, 32-35; 1971, 16-17; *Vestnik Statistiki* 1972 No. 6, 86; 1974 No. 1, 81; *Nar. Khoz. SSSR 1960-1975*; table 8.

Table 12: Age Structure of Females in 5 Year Age Groups (closed population, in thousands)

	1938	1958	1960	1967	1969	1971	1972	1973
0- 4	12,355	12,011	23,495		10,123	21,151	10,275	20,633
5- 9	9,922	10,824			12,014		10,640	
10-14	12,114	7,528	15,678	22,152	12,269	23,927	12,549	24,379
15-19	8,717	8,211			10,784		11,641	
20-24	7,934	10,286	11,071	6,350	8,487	15,777	10,300	17,811
25-29	9,606	9,273	8,683	9,672	6,966		6,307	
30-34	8,192	10,389	10,344	9,338	10,753	19,267	9,714	18,210
35-39	7,103	7,064	8,426	9,771	8,468		9,046	
40-44	5,400	6,414	6,251	9,481	10,265	18,983	9,742	18,933
45-49	4,388	7,567	7,331	6,643	7,532		9,470	
50-54	3,674	6,451	6,972	6,553	5,668	12,789	6,324	12,683
55-59	3,265	5,811	5,949	7,031	7,777		6,246	
60-69	4,919	7,692	8,406	10,782	11,777	12,406	12,800	13,052
≥70	2,789	7,000		8,161	7,937	8,780	9,115	9,550

Sources:

Nar. Khoz. SSSR 1960-1975; Zhenshchiny (i dety) 1968, 34; 1975, 18-19; Vestnik Statistiki 1974 No. 1, 81; age and sex specific mortality rates are known for 1964-1974, cf. Naselenie SSSR 1973, 142; Rozhdaemost', (1977), 47; Vozпроизводство, (1983), 115; the female population in 1938 is calculated on the basis of the estimated distribution made by Lorimer, The Population, (1946), 143.

i.e. the total number of persons who have reached the age in question in the course of 1972. The year 1972 has been taken for reasons of convenience.

The five-year age groups for 1972 have been turned into single or two-year age groups, assuming that all figures have been based on the 1970 census returns. The margin of error seems to be small: for those figures which can be calculated in different ways (i.e. the number of persons of 47 and 49 years of age) it is not higher than 0.2%, if we do not take into consideration the number of children under the age of five in 1972. Similarly, we have, where appropriate, divided the age group figures into numbers of females and males, the results of which have been collected in table 13.

We have assumed that erroneous reporting of people's ages, which played a considerable role in the census of 1926, 1939, and 1959,³⁶ did not affect our calculations to any significant degree.³⁷

A comparison between the actual 1972 figures and the hypothetical values, obtained on the basis of the number of births and the rates of mortality, shows that the actual value for the birth cohorts from 1926-1947 seems to be lower than the hypothetical value (table 15). For nearly all cohorts born after 1947, the actual value is higher than the hypothetical one. The latter differences are nearly equal for males and females (1.303 million and 1.354 million respectively), and do not seem to be connected with underreporting of the number of births: under the age of 7, the increase is only 1.7% as compared to the hypothetical number; between 7 and 15 years of age the increase is 4%; between 16 and 23 years of age, the increase is 1.9% (table 14). A similar phenomenon might be observed with regard to the census

Table 13: The Age Groups in 1972 (closed population, in thousands)

ages	both sexes	females	females as % of total group	males	males as % of total group
5					
6	8,198	6,128	49.03	6,370	50.97
7	4,300				
8	4,438	2,177	49.05	2,261	50.95
9	4,769	2,335	48.96	2,434	51.04
10	4,930				
11	5,047	7,482	49.07	7,767	50.93
12	5,272				
13	10,319	5,067	49.10	5,252	50.90
14	5,070				
15	9,577	7,187	49.07	7,460	50.93
16					
17	4,730	2,320	49.05	2,410	50.95
18	4,354	2,134	49.01	2,220	50.99
19	4,362				
20	4,304	6,309	49.01	6,564	50.99
21	4,207				
22	8,079	3,991	49.40	4,088	50.60
23					
24	6,761	4,475	49.92	4,490	50.08
25					
26	2,204				
27	1,814	917	50.55	897	49.45
28	1,816	915	50.39	901	49.61
29	2,548				
30	3,639	5,110	50.73	4,962	49.27
31	3,885				
32	8,971	4,604	51.32	4,367	48.68
33					
34	8,499	6,100	50.70	5,932	49.30
35					
36	3,533				
37	2,958	1,508	50.98	1,450	49.02
38	2,822	1,438	50.96	1,384	49.04
39	3,441				
40	3,301	5,471	51.32	5,190	48.68
41	3,919				
42	8,099	4,271	52.73	3,828	47.27
43					
44	7,453	4,048	54.31	3,405	45.69
45					
46	3,228	1,862	57.68	1,366	42.32
47	3,099	1,903	61.41	1,196	38.59
48	2,682	1,657	61.78	1,025	38.22
49					

Sources: Tables 11 and 12.

returns of 1959: the number of persons aged 0-4 years was 0.8% higher than could be expected from the number of births, the number of persons aged 5-9 years was 1.8% higher.

As the "growth" of the birth cohorts corresponds closely with the age at which Soviet children have to go to school (7 years), this cannot be explained by under-reporting the number of births. This growth must have been caused by immigration of young children, born outside the USSR and sent to their motherland as soon as they reached school age.³⁸ If this assumption is right, then the number of Soviet women residing abroad must be rather large; moreover, this would mean that the number of reported births does not encompass Soviet children born abroad. This proves that demographic figures published in the Soviet Union do not encompass Soviet citizens living abroad. A consequence also would be that during 1948-1967 at least some 2.7 million children have migrated to the USSR. Therefore, as the

Table 14: Calculation of the Survivors of the Birth Cohorts 1948-1972 in 1972 (closed population, in thousands)

	males				females			
	birth cohort	size in 1972			birth cohort	size in 1972		
		hyp. size	net migration	actual size		hyp. size	net migration	actual size
1968-72	10,844	10,567	+107	10,674	10,332	10,111	+163	10,275
1967	2,100	2,019	+69	2,053	1,993	1,927	+97	1,975
1966	2,176	2,090		2,125	2,066	1,996		2,045
1965	2,181	2,090	+102	2,192	2,072	1,999	+109	2,108
1964	2,287	2,185	+76	2,281	2,170	2,088	+89	2,169
1963	2,446	2,329	+105	2,431	2,312	2,218	+117	2,304
1962	2,544	2,416	+94	2,522	2,415	2,312	+79	2,402
1961	2,663	2,525	+45	2,636	2,528	2,417	+60	2,511
1960	2,733	2,579	+106	2,692	2,608	2,484	+103	2,581
1959	2,701	2,530	+210	2,635	2,564	2,427	+230	2,542
1958	2,688	2,512		2,617	2,552	2,410		2,525
1957	2,654	2,465	+117	2,582	2,510	2,356	+132	2,488
1956	2,582	2,386	+138	2,455	2,441	2,281	+149	2,356
1955	2,594	2,354		2,423	2,453	2,269		2,343
1954	2,634	2,354	+56	2,410	2,501	2,272	+48	2,320
1953	2,444	2,165	+55	2,220	2,311	2,086	+48	2,134
1952	2,543	2,227	-3	2,224	2,405	2,147	-8	2,138
1951	2,547	2,186	+13	2,199	2,408	2,116	-9	2,109
1950	2,470	2,110	+35	2,121	2,335	2,043	+18	2,062
1949	2,590	2,117	+119	2,242	2,454	2,137	+92	2,186
1948	2,155	1,793		1,846	2,042	1,764		1,805

Sources:

Tables 4, 8, and 13. We have intrapolated the actual number of males and females in some age groups from the data collected in table 13. The distribution of the net immigration in some age groups has been carried out on the basis of the hypothetical sizes.

reported net migration into the USSR in the years between 1950 up to and including 1972 was only 938,000 (table 4), in these years at least 1.7 million persons must have emigrated from the USSR. If we deduct the emigration of Polish citizens in the 1950s and that of Jews and Germans,³⁹ we arrive at 1.5 million emigrants.

The data collected in tables 10 and 13 allow a comparison between the census data of 1959 and 1970 (table 16). Data based upon the 1959 census and used by the Foreign Demographic Analysis Division of the US Department of Commerce Bureau of the Census in the 1960s,⁴⁰ revealed a number of quite large discrepancies between the census returns of 1959 and 1970.⁴¹ However, the data analyzed *supra*, show that some discrepancies at least disappear and that others seem only to exist for certain age groups: for males and females aged 0-4 in 1959 (11-15 in 1970) and 10-14 in 1959

Table 15: Calculation of the Survivors of the Birth Cohorts of 1926-1947 in 1972 (closed population, in thousands)

	males in 1972				females in 1972			
	births	hyp. size	actual size	extra loss, %*	births	hyp. size	actual size	extra loss, %*
1947	2,267	1,732	1,742		2,148	1,734	1,736	
1946	2,072	1,641	1,651		1,963	1,630	1,632	
1945	1,43		1,097		1,36		1,107	
1944	1,3		897		1,2		917	
1943	1,4		901		1,3		915	
1942	2,2		1,255		2,0		1,293	
1941	3,0		1,793		2,8		1,846	
1940	3,127	1,998	1,914	4.2	2,969	2,029	1,971	2.8
1939	3,607	2,322	2,192	5.6	3,410	2,347	2,269	3.3
1938	3,633	2,339	2,208		3,436	2,371	2,293	
1937	3,676	2,362	2,229		3,475	2,396	2,317	
1936	3,201	2,049	1,934		3,026	2,081	2,012	
1935	2,890	1,841	1,736		2,733	1,874	1,812	
1934	2,7		1,450		2,6		1,508	
1933	2,6		1,384		2,5		1,438	
1932	3,2		1,675		3,0		1,766	
1931	3,2		1,607		3,0		1,694	
1930	3,760	2,166	1,924	11.2	3,555	2,163	2,066	8.6
1929	3,736	2,169	1,926		3,532	2,211	2,070	
1928	3,867	2,240	1,989		3,656	2,309	2,144	
1927	3,724	2,144	1,904		3,521	2,288	2,059	
1926	3,676	1,574**	1,398		3,473	2,195	2,021	

* percentage of the hypothetical size

** we assume an extra loss of 25%

Sources:

See the sources of table 14. The number of births in 1931-1934 and 1941-1945 has been estimated on the basis of the actual size of the age group in 1972 and the corresponding hypothetical number of births, calculated on the basis of the survival ratios, see table 10.

(21-25 in 1970). The discrepancy for persons aged 0-4 in 1959 finds its explanation in the immigration of children. The number of males aged 10-14 in 1959 had decreased by 5.4% in 1970 and the number of females by 3.5%. For all other ages, the discrepancies between their calculated size in 1959 and the actual size are 1% and may have been caused by erroneous reporting. However, the discrepancy of 5.4% for persons aged 21-25 in 1970 cannot be explained in the same manner. The only feasible explanation seems to be that the 1970 census did *not* include the army based abroad, and that its recruits are taken from males of 21-25 years of age.

A comparison of the data on persons born before 1947, which are collected in table 14, shows that for each cohort we know the actual number of males and females born during the famines or during the war. The hypothetical size of population of other ages, of which the birth rates are known, can be calculated for 1972.

We have assumed that excess losses in lives caused by a disaster are equally distributed over all age groups. On this basis we have estimated the size of these groups (table 15).

In order to take account of the Soviet armed forces based outside the territory of the USSR, of other Soviet citizens, living temporarily abroad and employed by the state, and of their wives, we have made a number of corrections to the figures derived in tables 14 and 15. These corrections have been calculated on the basis of the assumption that the "net immigration", found in table 14, shows a consistent pattern for persons born in 1950-1952. The corrections for the cohorts of 1944-1948 are based on the results of table 16. Moreover, we have assumed that 400,000 persons, born between 1926 and 1943, were living abroad. This means that the 1970 census did not include 1,409,000 persons since they were living abroad at the time of the census.

We may calculate the number of minors, taking into account the analyzed immigration of children with the help of the age structure of the population in 1972 and the

Table 16: Number of Males and Females in 1958 According to the 1959-Census and the 1970-Census (in thousands, closed population)

age in 1958	1970-census		1959-census		difference			
	males	females	males	females	abs. number		in % of col. 1	
					males	females	males	females
0- 4	12,849	12,315	12,504	12,011	+355	+304	+2.7	+2.5
5- 9	11,194	10,732	11,203	10,824	-9	-92	-	-0.9
10-14	7,408	7,275	7,805	7,528	-397	-253	-5.4	-3.5
15-19	8,362	8,420	8,259	8,211	+103	+209	+1.2	+2.5
20-24	10,012	10,131	10,062	10,286	-50	-155	-0.5	-1.5
25-29	9,025	9,250	8,925	9,273	+100	-23	+1.1	-0.2
30-34	8,522	10,294	8,623	10,389	-101	-95	-1.2	-1.0

Source:

Calculated from tables 10, 14 and 15.

mortality rates in the years 1945-1972. As we may assume that the number of foreigners reported in Soviet demographic data is small, the number of adult Soviet citizens residing within the territory of the USSR is equal to the total population minus the number of minors (table 17).

Table 17: The Number of Minors and of Adults (at 1 January; in thousands)

	minors	adults
1946	66,675	100,789
1947	65,743	106,164
1948	65,031	107,910
1949	63,943	111,454
1950	64,665	113,882
1951	65,034	116,569
1952	66,281	118,497
1953	67,466	120,511
1954	67,952	123,052
1955	68,439	126,543
1956	68,355	129,547
1957	68,403	133,011
1958	68,791	136,134
1959	69,862	138,831
1960	71,239	141,133
1961	73,825	142,451
1962	77,074	142,929
1963	80,108	143,349
1964	82,421	144,248
1965	83,291	146,355
1966	83,814	148,429
1967	84,324	150,499
1968	83,935	153,230
1969	83,763	155,705
1970	83,410	158,230
1971	83,124	160,749
1972	83,111	163,182
1973	82,755	165,870
1974	82,359	168,510
1975	82,064	171,197
1976	81,581	173,943
1977	81,131	176,693
1978	80,624	179,416
1979	80,098	182,238
1980	79,745	184,741
1981	79,656	186,943
1982	79,868	188,976
1983	80,503	190,736
1984	80,289	192,511

Sources:

Tables 4, 14 and 15. A computer printout of the calculations is available at the Documentation Office for East European Law.

NOTES

1. Sometimes with a caveat, e.g. *Sots. Stroitel'stvo* 1936, 547; sometimes without, e.g. SSSR, *Strana sotsializma*, M. 1936, 168.
2. Stalin, "Otchetnyi doklad", (1934), 25.
3. Cf. e.g. Lorimer, *The Population*, (1945), 112-113.
4. *Naselenie SSSR* 1973, 7.
5. The expected population for 1937 was 180.7 million.
6. Lorimer, *op. cit.*, 134-135.
7. *Naselenie SSSR* 1973, 7.
8. Lorimer, *op. cit.*, 140; R. Conquest, *The Great Terror, Stalin's Purge of the Thirties*, rev. ed., Pelican Books 1971, 46; D.G. Dalrymple, "The Soviet Famine of 1932-1934", *Soviet Studies* 1964 No.3, 250 ff.; 1965 No.4, 471 ff.
9. W.S. Churchill, *The Second World War*, Vol.IV, London 1951, 447-448.
10. K.E. Wädekin, *Sozialistische Agrarpolitik in Osteuropa, I, Von Marx bis zur Volkkollektivisierung*, Berlin 1974, 55.
11. This number seems to be derived from the population figures at 1 Jan. 1932 and 1 Jan. 1933 (4.4 million according to our adjustments).
12. See note 8.
13. Such statistics have been published, see note 1 of the Introduction.
14. B. Nicolaevsky, *Power and the Soviet Elite*, New York 1965, 102.
15. Conquest, *op. cit.*, 532.
16. See however, J.F. Hough, M. Fainsod, *How the Soviet Union Is Governed*, Cambridge M.A. 1979, 176 ff.
17. Hough, *loc.cit.*
18. K.G. Fedorov, *Soiuznye organy vlasti (1922-62gg.)*, M. 1963, 167.
19. See below p.280.
20. *Strana sovetov za 50 let*, M. 1967, 257.
21. *Sovetskaia Ukraina v gody velikoi otechestvennoi voiny 1941-1945*, Vol.3, Kiev 1980, 287, 529; see also table 5.
22. *Istoriia SSSR*, Vol.XI, M. 1980, 45.
23. See note 21.
24. See e.g. Maksudov, "Losses", (1981), 257.
25. Rosefielde, "Excess Mortality", (1983).
26. J.A. Newth, "The Soviet Population: Wartime Losses and the Post-War Recovery", 15 *Soviet Studies* 1963-1964 No.3, 347. See also 10 *Soviet Studies* 1959 No.3, 254 and R. Hutching's comment in 18 *Soviet Studies* 1966-1967 No.1, 81.
27. Ostroumov, *Sovetskaia sudebnaia statistika*, (1976), 294. The data are not entirely accurate.
28. Maksudov, *op. cit.*
29. See for the election reports, table XXXV, p.120.
30. *Istoriia SSSR*, *op. cit.*, 57-58.
31. *Ibid.*
32. Wheatcroft, "On Assessing", (1981); *id.*, "Towards a Thorough Analysis", (1983); A.P. van Goudoever, *Angst voor het Verleden. Politieke Rehabilitaties in de Sovjet Unie na 1953*, (Diss.), Utrecht 1983, 229 ff.
33. *Nar. Khoz. SSSR* 1956, 24; Newth, *op. cit.* note 24.
34. This factor of 1.7 is based upon the rate of mortality in 1947 and in 1946, cf. table 4 and Ukrainian data (tables 7-9).
35. See on this question S. Sogner, in *The Great Mortalities: Methodological Studies of Demographic Crises in the Past*, (H. Charbonneau, A. Lavose, eds.), Liège 1980, 314, 317.
36. *Vsesoiuznaia perepis' naseleniia 1970 goda*, M. 1976, 167.
37. It only seems to have played a role with regard to females, *Vsesoiuznaia perepis'*, *loc. cit.*

38. Similar increases are reported in the GDR; cf. e.g. the data in the statistical yearbooks of the GDR about the age structure of the population in 1965 and 1980 with the rates of mortality published in the same yearbook.
39. Cf. *Rocznik statystyczny 1957-1959*, Warszawa 1957-1959; and especially the 1957 yearbook at p.52; E. Kuznetsov, "Jewish Emigration from the USSR", 9 *Crossroads, A Socio-Political Journal* 1982, 185.
40. *New Directions in the Soviet Economy*, Part III, Washington D.C. 1966, *passim*.
41. J.A. Newth, "The 1970 Soviet Census", 24 *Soviet Studies* 1972-1973 No.2, 202, 205-206.

APPENDIX II

CIVIL LAW STATISTICS

1. Number of Civil Cases in the Pre-World War II Period

Table 19: Number of Civil Cases, Filed at Ordinary Courts, 1923–1940 (thousands)

	(1) RSFSR	(2)	(3)	(4) W. Siberian courts, cases	(5) USSR	(6)
	people's courts claims	cases	all courts cases		abs. numb. (millions)	trend 1928 = 100
1920	290					
1923		933	940		1.4	31
1924		1,255	1,280		1.9	42
1925	2,060	2,463	2,490		3.7	82
1926	1,940	2,413	2,440		3.7	82
1927	2,160	2,497	2,530		3.9	87
1928	2,316	2,745			4.5	100
1929	2,144	2,176			3.5	78
1930	764*				1.4	31
1931	760*			39.9	1.4	31
1932	940*			38.3	1.6	36
1933	1,100*			50.3	1.9	42
1934	1,353*	1,450		74.7	2.4	53
1935	1,700*	2,000		83.3	3.2	71
1936	2,100			110	3.7	82
1937					5.0	111

* without autonomous republics and provinces, cf. Reikhel, "Sostoianie grazhdanskikh del", (1936), 28.

Sources:

col. 1:

1920: Povolotskii, El'evich, "Istoricheskii ocherk", (1949), 415.

1925: Tarnovskii, "Narodnye sudy", (1926).

1926–7: Pruzhinskii, "Grazhdanskii protsess", (1931), 378, gives 2,315,844 civil claims considered by the people's courts in 1928, and 2,143,861 in 1929; a correction for the higher courts raises these figures by about 1.5%. Reikhel, "Sostoianie grazhdanskikh del", (1936), 28, gives 2,264,889 claims in 1928, and 2,093,736 in 1929 but for a smaller area.

1930: Vyshinskii, "Novaia Konstitutsiia", (1937), 28.

1931–5: Reikhel, “Sostoianie grazhdanskikh del”, (1936), 28, gives: 760,264; 940,240; 1,096,582; 1,342,945; 1,641,879 civil cases by all courts of the RSFSR minus autonomous republics and provinces, but he declares that his data are incomplete. He gave similar figures in this speech at the First Union Conference on Civil Law Matters, *Sots. Zak.* 1937 No. 2, 89, except for a misprint in the 1935-figure (cf. also: *40 let sovetskogo prava*, I, (1957), 690); Borisov, “Okhrana material'no-pravovykh interesov”, (1936), 53, gives: 764,254; 892,248; 1,100,182; 1,352,945; 1,700,800 filed cases (cf. also *Sots. Zak.* 1936 No. 8, 48); Vyshinskii, “Novaia Konstitutsiia”, (1937), 28, gives 1,700 thousand in 1935.

1936: In his speech, mentioned above, Reikhel gives 1,349 thousand cases in the first 9 months of 1936, but the area covered is smaller than for the other figures. A correction with aid of the figure for the first 3 months (504,234 instead of 433 thousand, *Sots. Zak.* 1936 No. 9, 28) gives 1.57 million cases or 2.1 million in the whole year.

col. 2:

1923–7: Calculated from: *Ten Years*, 109–111, and *Stat. Sprav. SSSR 1928*, 894–895, after correction for incompleteness of the data; the data in *Dva goda (God) raboty pravitel'stva RSFSR 1924–1928* are incomplete, though this is not stated in the reports.

1928–9: See col. 1 and table 20.

1934–5: In 1935 about 2 million cases were filed, 38% above the 1934-figure, circular letter of the USSR Procuracy of 7 April 1936, No. 25/22, “O rabote prokuratury po grazhdanskim delam”, *Sots. Zak.* 1936 No. 6, 93.

col. 3:

Cf. the data collected in table 27.

col. 4:

Kapustin at the First Union Congress on Civil Law Matters, *Sots. Zak.* 1937 No. 2, 98. The population of the West-Siberian territory on 1 Jan. 1933 is estimated at 3.9% of the RSFSR population.

col. 5:

1923–7: *idem* as RSFSR.

1928–36: Estimated from the RSFSR figures by assuming the USSR number equal to 1.6 times the RSFSR number; cf. for figures of some republics: Borisov, “Okhrana material'no-pravovykh interesov”, (1936), 53 (Armenia, Georgia), and *Sots. Zak.* 1937 No. 2, 95 (Ukraine). This is a rough estimate, especially as the Central Asian figures are not included in the RSFSR figures. In Kirgizia, the number of cases filed at Soviet courts was, if we take 1925 = 100, 250 in 1928, and nearly 375 in 1930, K. Al'chiev, *Vozniknovenie i razvitie grazhdanskogo prava v sovetskom Kirgizstane*, Frunze 1975, 133. 1937: Vyshinskii, “Zadachi sovetskoi prokuratury” (1938), 2; cf. also *Sots. Zak.* 1938 No. 7, 96–97 (Belorussia); in the first quarter of 1938, 22,233 judgments were rendered in civil cases in Voronezh province, Khlebnikov, *Sudebnaia statistika*, (1939), 91. As in 1939 this province had 3,551 thousand inhabitants, that number of judgments would give 4.3 million judgments throughout the USSR.

Table 20: Non-Claim Cases Filed in the People's Courts as Percentage of All Civil Cases, 1925–1935

1925	9.7%	1928	18.5%
1925 II	19.5%	1929	1.5%
1927 I	13.6%	1935	~15%

Sources:

1925: Taĭnovskii, “Narodnye sudy”, (1926); 57.3% of these cases were requests to issue a court order based on official documents; 28.2% were divorce cases, *Dva goda raboty pravitel'stva RSFSR 1924–1926*, 219.

1926–7: Calculated from the (incomplete) data in *God raboty pravitel'stva RSFSR 1926–1927*, 173.

1928–9: Pruzhinskii, “Grazhdanskii protsess”, (1931), 378; the decrease in 1929 resulted from changes in the law on the execution of endorsements, *SU RSFSR 1928* No. 98 item 603.

1935: Calculated from the data presented in table 19.

2. Number of Civil Cases in the Post-World War II Period

The data collected (table 22) would enable us to calculate the absolute number of civil cases for many years of the post-World War II period, but the data seem incompatible. Trubnikov claims to give the trend in the number of cases filed with all courts between 1957 and 1964-1968 (col.5, table 22). Therefore, the number of cases would have decreased by only 20-30%. However, Paniugin gives a decrease of nearly 50% between 1958 and 1963 or 1964 (col. 7). The figures for Sverdlovsk and Rostov (col.5 and 9) suggest a decrease of 50% or more between 1956 and 1964. It is known that the number of non-claim cases (those arising out of administrative relations and taxes) decreased rapidly in these years (cf. table 24) and this could raise some doubts as to the nature of Trubnikov's figures. Moreover, Trubnikov gives the same number of civil cases in 1965 and 1966, but in 1966 the number of divorce suits alone was about twice as high as in 1965, due to a change in divorce proceedings (even if the 1965 or 1966 number is a misprint, it seems unlikely that the number of cases in 1966-1968 was lower than in 1964-1965).

However, also Paniugin's figures for 1963 show irregularities. He stated in several articles that claims constituted 3/4 of all civil cases.¹ But he also gave figures for administrative civil cases (10%) and special proceedings (5%); therefore the number of non-claim cases must have been 15% (cf. table 23). The missing 10% may be the result of a misprint but another assumption is possible which also gives a solution for the problems raised by Trubnikov's figures.

A problem is that we do not know how divorce cases were counted in the statistical reports up to 1966. These cases were considered in two phases, one before the people's court and one before the provincial court. The people's court had to take steps for a reconciliation of the spouses; the provincial court considered the divorce suit itself. Some authors were of the opinion that the entire divorce procedure had the nature of

Table 21: Civil Cases Heard and Decided by the Courts of Rostov Province, 1961-1965

	abs. number	trend 1961 = 100	per 100,000 inhabitants	USSR (millions)
1961	70,830	100	2,033	4.4
1962	55,805	78.8	1,572	3.5
1963	51,556	72.8	1,426	3.2
1964	44,136	62.3	1,204	2.7
1965	20,390 (1st half)	57.6	1,104	2.5

Sources:

col. 1:

Baturov, Klenov, Filippov, "Sovershenstvovat' raboty", (1966), 135. In the city of Chistopol, the number of cases decreased by 25% between 1962 and 1965, *Sov. Iust.* 1966 No. 8, 28.

col. 2, 3:

calculated

col. 4:

If the Rostov figures are representative for the whole of the USSR.

Table 22: Data on the Number of Civil Cases, 1940–1980

	(1) abs. number (millions)	(2) claims cases	(3) filed cases, trends	(4)	(5)	(6)	(7)	(8)	(9) considered cases trends	(10)	(11)
1940			100								
1952				100							
1956					100						
1957						100			100		
1958		>4*					100				
1959				67.8							
1960					78						
1961										100	
1962										78.8	
1963				49.4						72.8	
1964	2.202					78.7	>50		>70	62.3	
1965						77.1				57.6	
1966						77.1					100
1967	2.4	or 2.4				71.3					
1968						67.8		100			84.7
1969											79.6
1970								95.6			
1975	2.5	2.74	39.2								
1976		2.75									
1977	2.57	2.77									
1979		>3									
1980		~3									

* considered by people's courts

Sources:

col. 1, 2:

1958: "XXI s'ezd KPSS", (1959), 5.

1964: Leshchevskii, "Mat'", (1965): 2,202,032.

1965I: 85,836 civil cases were considered in a circuit session, or more than 7% of all civil claims, Chechina *et al.*, "Rol' grazhdanskikh protsessual'nykh norm", (1967), 329, 335.

1967: 730,000 divorce suits were filed, or 30.6% of all claims, cf. table 33.

1975–7: Pavlodskii, "Obobshchaiushchie pokazateli", (1978), 123; see also for Estonia: Odar, "O delakh sviazannykh s lisheniem", (1978), 411; in 1976 Smirnov mentioned a number of "over 2 million", Smirnov, Radio Speech, (1976); such a figure is also mentioned in *Izv.* 12 September 1979; *Konstitutsionnye osnovy*, (1981), 263.

1979–80: Smirnov, Radio Speech, (1981).

col. 3:

Smirnov, "Leninskie idei", (1977), 21; probably claims, cf. *Sots. Zak.* 1977 No. 12, 14.

col. 4:

Paniugin, "Otchet", (1964), 14.

col. 5:

Sverdlovsk province, Zemchenko, "O rabote suda", (1968), 306.

col. 6:

Trubnikov, "Peresmotr reshenii", (1970), 23.

col. 7:

"Vysshiaia sudebnaia instantsiia", (1965).

col. 8:

"Povysit' vnimanie", (1971), 3.

col. 9:

Cechina *et al.*, "Rol' grazhdanskikh protsessual'nykh norm", (1967), 336.

col. 10:

Rostov province, cf. table 21.

col. 11:

Paniugin, "Rassmotrenie grazhdanskikh del", (1970), 10.

a claim, others preferred to consider it as a non-claim case, and a third opinion was that the proceedings before the people's court were of a non-claim character and those before the provincial court were of a claim character.²

This last opinion would result in a double counting of divorce cases until 1965. In 1963, the number of divorces was 291,500 and the number of divorce suits must have been somewhat higher (administrative divorces were not yet allowed). We also know that divorce suits made up 13.7% of all claims in 1963, therefore the number of all claims was about 2.2 million. As claims constituted 75% of all cases, the number of all civil cases was about 3 million. Therefore, the missing 10% in Paniugin's figures represents 300,000 cases, and this again is the number of divorce "suits" in 1963 (see for the figures about divorces table 33 of this appendix).

The assumption that divorce cases were counted twice also explains the fact that the number of cases in 1965 and 1966 were nearly equal. In 1965, the number of divorce cases was 360,000. In 1966, this number was 820,000. As the two-stage divorce procedure was abolished in December 1965, divorce suits were counted only once in 1966. Therefore, due to divorces, the statistical number of all civil cases did not increase by 460,000 (about 16% of the number of cases in 1965) but only by some 100,000 (3-4%).

Now we are in a position to adjust rather precise figures for 1963 with the aid of figures on administrative civil cases (table 24). For the years 1957-1961 Chechot gives an annual number of 730,000-797,000 cases on administrative fines. He also gives trend figures for the number of such cases in the years 1960-1963. Taken together, these figures show that in 1962 the number of such cases was about 45,000 (cf. table 24). We also know that in 1962, 78 tax related cases occurred for every 10 cases on fines. Therefore, in 1962 between 307,000 and 382,000 tax related cases were filed and in 1963 between 202,000 and 264,000. This results in 216,000-275,000 administrative cases in 1963, being 10% of all civil cases. This gives some 2.4 million civil cases in 1963 but the margin of error seems high.

However, the number of administrative cases can also be adjusted on the basis of figures on divorce suits in 1963. In that year the number of divorces was 291,500 and divorce suits made up 13.7% of all civil claims (cf. table 33). Therefore, the number of all civil claims must have been higher than $(291,500 \div 0.1375 =) 2,120,000$. Claims made up 75% of all civil cases, thus the number of all cases must have been higher than $(2,120,000 \div 0.755 =) 2,808,000$. Administrative cases made up 10% of all cases,

Table 23: Number of Civil Cases in 1963

Civil Cases	2,808,000-2,895,000
Administrative Civil Cases (10%)	267,000- 275,000
Special Proceedings (5%)	126,000- 159,000
Divorces	291,500
Maximum number of Civil Claims:	
- if the number of divorce suits equals the number of divorces	2,210,000
- if the number of divorce suits is 1.05 times the number of divorces	2,195,000
- if the number of divorce suits is 1.1 times the number of divorces	2,178,000
Minimum number (cf. <i>supra</i> , p. 203.)	2,120,000
Result:	
Civil Claims	2,150,000 ± 30,000
Civil Cases	2,850,000 ± 40,000
Administrative Cases	270,000 ± 4,000
Special Proceedings	130,000 ± 10,000
Divorce Suits at People's Courts	300,000 ± 8,000

thus the number of administrative cases was at least $(0.095 \times 2,808,000 =) 267,000$.

Therefore, the data are only compatible, if the number of administrative cases was between 267,000 and 275,000.

After this, calculation of the number of civil cases does not present many difficulties for the years for which data are available (table 26). For some other years the data are incomplete and the number of cases can then be adjusted by taking into account several phenomena. The number of tax cases must have decreased significantly in 1959 upon the abolition of the system of compulsory deliveries of agricultural produce.³ However, the number of cases on administrative fines increased during the 1950s (table 24), therefore the number of administrative cases remained high. The number of "other non-claims" is nearly equal to the number of cases on the establishment of facts of legal significance.⁴ As citizens especially require such "facts" in connection with their rights under the social security system, this number significantly changes when alterations in that system arise, such as the new pension laws of 1955-56 and the decision to extend the social security system to kolkhoz members in 1964 (table 25).

The number of cases filed, calculated in this way, are the cases filed with all courts in the USSR. Before the changes in divorce proceedings of December 1965, the number of cases considered by the provincial courts increased steadily due to the growth of the number of divorce suits.

From 1966 on, the percentage of civil cases filed at the provincial courts has been only 0.1-0.2 (tables 27, 28). The number of these cases was also reported to decrease between 1977 and 1980. The Supreme Court of the Tuva autonomous republic, which has the status of a provincial court, considered one case in 1979, and none in 1980.⁵

The difference between the numbers of filed and considered cases is only known for some types of cases in some years. The court must terminate proceedings in a case

Table 24: Administrative Civil Cases, 1940–1977 (in millions, data)*

	(1) exaction of fines		(3) tax cases		(5) administr. cases	
	trend	abs. no.	trend	abs. no.	% of all cases	abs. no.
1940	100	0.75	100	0.81		1.56
1950	68	0.51	163	1.3		1.8
1953–5		0.5		1.0		1.5
1957–9		~0.75				
1960	107	0.797	48	0.39		1.19
1961	101	0.75	52	0.42		1.17
1962	6	0.045	49	0.40		0.45
1963	1.5	0.011	33	0.27	10	0.28
1964	1.4	0.01	28	0.23		0.24
1965	1.3	0.01	19	0.15		0.16
1966	1.4	0.01	20	0.16		0.17
1967	1.3	0.01	16	0.13		0.14
1968		0.009				
1972					2.1	~0.048
1975		0.001		0.045	1.7	0.047
1977		0.001		0.04	1.5	0.042

* see table 26 for the result of the calculations

Sources:

col. 1, 3:

Chechot, *Administrativnaia iustitsiia*, (1973), 113.

col. 2, 4, 6:

1953–5: Calculated from Belorussian figures given in Vetrov, “Zhizn’ podskazyvaet”, (1957); see also *Sov. Iust.* 1957 No. 2, 61, for data of a people’s court in Moscow. Between 1957 and 1961, the annual number of cases about fines in the courts varied between 730 and 797 thousand. After 1961, it decreased 80-fold and it became 9–11 thousand in 1965–1968, Chechot, *op. cit.*, 82; or 10 thousand in 1964–1969, *ibid.*, 128. Other figures are estimated on the basis of 275,000 administrative cases in 1963. This results in 450,000 cases in 1962. In the latter year, cases on fines constituted 10% of all non-claims, Paniugin, “Bol’she vnimaniia rassmotreniiu”, (1963), 8, and this confirms our calculations.

col. 5:

1957: administrative cases constituted 30% of all civil cases in Moscow, *SGiP* 1958 No. 9, 117; cf. also Paniugin, “Sudebnaia zashchita”, (1977), 240.

1963: Paniugin, “Otchet”, (1964), 14.

1972: Paniugin, “Ukreplenie zakonnosti”, (1974), 71.

1975: Paniugin, “Sudebnaia zashchita”, (1977), 240.

1977: Pavlodskii, “Obobshchaiushchie pokazateli”, (1979).

in a number of instances, enumerated in Article 219 of the RSFSR Code of Civil Procedure, e.g. if the plaintiff decides to withdraw his action (Article 165 of this Code); in other cases the trial is postponed. Therefore, the number of considered cases is lower than the number of filed cases.

This difference was very large in administrative civil cases. Between 1953 and 1955

Table 25: Special Proceedings, 1953–1977 (in thousands)

	legal facts			paternity	special proceed.	
	% of all cases	% of all non-claims	abs. no.	% of all special proc.	% of all cases	abs. no.
1953			100			100
1958	5.3		210			210
1962		12	60			60
1963					5	130
1965	10		290			290
1972					5.7	140
1974				6.1		
1975					6	165
1977					5.7	160

Sources:

col. 1:

1958: Paniugin, "K itogam izucheniia", (1960), 25; see also *Sov. Iust.* 1958 No. 6, 72.

1965: Gusev, "O sudebnoi praktiki", (1966), 36; cf. also *BVS SSSR* 1966 No. 2, 9 (in Kharkov province 1/6 of all cases).

col. 2:

1962: Paniugin, "Bol'she vnimaniia rassmotreniiu", (1963), 8.

col. 3:

1953: half the 1958 number, Paniugin, "K itogam izucheniia", (1960), 25; other numbers calculated from data of table 26.

col. 4:

Pergament, Palestina, "Razvitie", (1975).

col. 5:

1953–62: adjusted on the basis of col. 3.

1963: Paniugin, "Otchet", (1964), 14.

1972: Paniugin, "Ukreplenie zakonnosti", (1974), 71. In Saratov province, non-claim cases made up 70% of all civil cases, *Voprosy teorii i praktiki*, (1976), 9, 100.

1975: Paniugin, "Sudebnaia zashchita", (1977), 240.

1977: Pavlodskii, "Obobshchaiushchie pokazateli", (1979), 12.

A subdivision for cases on establishment of facts of legal significance in 1958 is given in Paniugin, "K itogam izucheniia", (1960), 25.

the Belorussian courts terminated proceedings in about 25% of all cases (table 29). The number of terminations in such cases strongly decreased due to the 1961 changes in the law on the recovery of fines, but it remained high in cases on tax arrears.

The number of terminated cases in claim cases in general is not reported.

In reinstatement cases, petitioners withdraw their claim in about 1/7 of all cases.⁶ In divorce suits, the number of terminated cases or of postponed cases is also considerable: in 1967, no judgment was rendered in 7% of all filed cases, while another 1.6% of all suits were terminated upon reconciliation of the spouses, thus 8.6% of the cases did not end in a judgment. This occurred in 1977 with 16% of all filed suits and in 1979 with 27% (table 34).⁷

Table 26: Number of Filed Civil Cases, 1940–1980 (reconstruction)

	claims		non-claims			cases		
	total	without divorces	divorces	adm. cases	spec. proc.	official figures	divorces counted once	without divorces
1940	~5.3	~5.3	–	1.56		7	7	7
1950				1.8				
1952	~4	~3.9	0.04	~1.7	~0.1	5.8	5.7	5.7
1956			0.15	1.5		~5		
1957			0.17			3.72	3.5	3.4
1958			0.20		0.21	~4	3.8	3.6
1959			0.25			3.91	3.7	3.4
1960			0.29	1.19				
1961			0.29	1.17				
1962			0.32	0.45	0.06			
1963	2.15	1.85	0.31	0.28	0.13	2.85	2.54	2.24
1964	2.202	1.85	0.35	0.24	0.15	2.93	2.58	2.23
1965	2.08	1.71	0.38	0.16	0.28	2.87	2.49	2.12
1966	2.5	1.7	–	0.17		2.87	2.87	2.05
1967	2.4	1.6	–	0.14		2.65	2.65	1.92
1968	2.4	1.5	–			2.52	2.52	1.83
1969	2.2	1.6	–			2.37	2.37	1.79
1970	2.2	1.6	–			2.41	2.41	1.83
1971	2.34	1.73	–			2.5	2.5	1.9
1974	2.39	1.66	–			2.6	2.6	1.9
1975	2.5	1.71	–	0.05	0.17	2.74	2.74	1.95
1976	2.6	1.8	–			2.75	2.75	1.93
1977	2.57	1.7	–	0.042	0.16	2.77	2.77	1.90
1979			–			>3	>3	~2.0
1980			–			~3	~3	~2.0

Sources:

Tables 22 and 23. The number of claims filed in 1971, 1974 and 1976 is estimated on the basis of the number of labor disputes (tables 46 and 51 of this appendix)

Table 27: Annual Proportion of Civil Cases, Filed with Republican Supreme Courts, 1969–1972 (% of all civil cases, filed at ordinary courts)

republics without provinces				republics with provinces				
	1970	1971	1972		1969	1970	1971	1972
Armenia	0.1	0.22	0.23	Azerbaijdzhan		0.16	0.1	0.13
Estonia	0.04	0.09	0.02	Kirgizia	0.16			
Latvia	0.06	0.06	0.06	Tadzhikistan		0.15	0.34	0.26
Lithuania	0.03	0.04	0.05	RSFSR, Ukraine, } 10–20 cases annually				
Moldavia	0.02	0.07	0.06	Belorussia				

Sources:

Kirgizia: Supataev, Taigin, *Sozdanie i razvitie*, (1971), 179.

Other republics: Lesnitskaia, *Peresmotr reshenii suda*, (1974), 26–27.

Table 28: Annual Proportion of Civil Cases, Filed With the Higher Ordinary Courts

% of all cases		% of all cases		abs. numbers
1923	1.1	1957	5* (RSFSR)	150,000
1924	1.6	1959	7* (RSFSR)	240,000
1925	1.1	1962/63	10	300,000
1926	1.1	1963/64	12	350,000
1927	1.2	1964/65	12-13	~360,000
		1969	0.18 (Kirgizia)	4,000
		1978	0.1	3,000

* considered cases

Sources:

1923-6: *Ten Years*, 109-111.

1927: *Stat. Sprav. SSSR 1928*, 894; in 1927-8, the civil chamber of the USSR Supreme Court considered 3 cases, *Ot s"ezda k s"ezdu 1927-1929*, 179-180.

1957: "Za strogoe sobliudenie", (1958), 2.

1959: *Zasedaniia VS RSFSR*, 27-29 October 1960, 252.

1962-3: Paniugin, "Otchet", (1964), 16; Trubnikov, "Peresmotr sudebnykh reshenii", (1964), 45.

1963-4: Smirnov, Interview, (1965), 3.

1964-5: "Vybory narodnykh sudei", (1966), 3-4; "Navstrechu XXIII s"ezdu", (1966), 3.

1969: Supataev, Taigin, *Sozdanie i razvitie*, (1971), 192-193.

1978: Savitskii, *Chto takoe*, (1979), 14; cf. also Terebilov, Speech, (1978), 10; Alekseev, "Organizatsiia rassmotreniia", (1977), 18; *Soviet News* 11 March 1980, 87.

The absolute numbers, calculated from the figures of table 26, are nearly equal to the numbers of divorce suits filed with the higher courts.

Table 29: Disposition of Administrative Civil Cases (in percentages)

	filed	terminated	considered	petition rejected	petition satisfied
cases on arrears in taxes					
1953-55	100	27.6	72.4	1.1	71.3
1963	100	29.5	70.5	1.5	69
1964	100	24	76	2	74
1965	100	24.7	75.3	1.6	73.7
1966	100	25.6	74.4	1.6	72.8
1967	100	25.5	74.5	1.6	72.9
cases on fines					
1953-55	100	36.6	63.4		
1963	100	9	91	30	61
1964	100	7	93	33	60

Sources:

1953-5: Vetrov, "Zhizn' podskazyvaet", (1957); cf. also M. I. Piskotin, *Nalogi s sel'skogo naseleniia v SSSR. Pravovye voprosy*, M. 1957, 170-172 and "Aktivnee preduprezhdai' grazhdanskii pravonarusheniia", *Sov. Iust.* 1966 No. 12, 2-3. Smith gives for 1966-71 (RSFSR) 90.4-90.8% of all cases in: *The Soviet Procuracy*, (1978), 41.

1963-7: Chechot, *Administrativnaia iustitsiia*, (1973), 113-115, 128.

Table 30: Number of Satisfied Claims as % of All Cases

		labor cases				
	civil cases	reinstatement	wages	damages	all labor disputes	industrial accidents
1924	82.2					
1925	82.9					
1957-8		61.5	68.6			
1963	<86 or 89.6	63	70			
1966				80		
1969				85.7		
1971					77.7	
1972		63	69	84		93
1977			65.4	86		
1978	93.1*		65			
1980		54		88.6		
1982				90	81.8	

* claims

Sources:

1924-5: Tarnovskii, "Narodnye sudy", (1926), 945.

1957-8: Perm province, Berezovskaia, *Okhrana prav grazhdan*, (1964), 117.

1963: Paniugin gave the first number in: "Vysshiaia sudebnaia instantsiia", (1965), and the second in his "Otchet", (1964), 13; cf. also *Kommunist* 1965 No. 9, 63.

1966: Paniugin, "Za strogoe sobliudenie", (1967), 15; cf. also V. I. Chudnov, *Iuridicheskaia sluzhba predpriiatiia v sovremennykh usloviakh*, M. 1970, 33.

1969: Paniugin, "Rassmotrenie grazhdanskikh del", (1970), 10-11.

1971, 1980: Gladkova, Pavlodskii, "Statisticheskii analiz", (1983), 67.

1972: *BVS SSSR* 1973 No. 6, 5.

1977: *BVS SSSR* 1979 No. 1, 4-5; 1978 No. 2, 4; No. 4, 33; *Trud* 10 March 1979.

1978: *BVS SSSR* 1979 No. 5, 7. This number is said to be for all *filed* claims, though this would seem impossible.

1982: *BVS SSSR* 1983 No. 2, 5.

Therefore, we may use a proportion of 25% for adjustment of the number of terminated non-claim cases in the years until 1961. For other years and other cases, we assume that 15% of the cases are terminated (cf. table 26).

A number of data is available on the proportion of civil cases in the case load of the courts (mainly the people's courts). These data enable us to calculate the total case load, but at first sight the results are very unsatisfactory, especially for the 1940s and 1950s. Moreover, according to Paniugin, writing in 1975, civil cases made up at least 75% of all filed cases from 1936 on, but according to Boldyrev the percentage was only 64% in 1947.⁸ We will return to this question in the chapter on criminal cases (see pp.264, 288ff. of this appendix).

Table 31: Relative Occurrence of Civil Cases in the Case Load of the People's Courts

	civil cases as % of all filed cases		territory
1919I	25		
1919II	18		
1920I	17		
1921	17		Moscow
1923	33–35		RSFSR
1924	34.7		RSFSR
1925	55		RSFSR
1926	70		RSFSR
1927	56.9		RSFSR
1931	34		W. Siberia
1932	36		W. Siberia
1933	39		W. Siberia
1934	50		W. Siberia
1935	60; 63.2		RSFSR, W. Siberia
1936	63; 70–80		RSFSR, W. Siberia
1937	75.9		
1938 I	80.2**		Belorussia
1939 II	78.8**		Belorussia
1947	64**		RSFSR
1954*	75***	“courts”	
1956*	77		RSFSR
1956	81.6		RSFSR
1957	80**		RSFSR
	81**		Kursk province
1959*	>85**	“courts”	RSFSR
1959	79.3***		Ukraine
	71.5**		Novgorod province
1962*	85		
1963*	>85		
1964 I	83.8		RSFSR
1964*	~80		
1965	86.3***		Ukraine
1969*	>80**	“courts”	Kirgizia
1973*	>75	“courts”	
1973*	80**	“courts”	
1975	>75		
1978*	80**	“courts”	Lithuania
1980*	80***	(all courts?)	
1981*	85***	“courts”	

* the year is estimated

** considered cases

*** not specified whether filed or considered cases

Sources:

1919, 1920: Khlebnikov, *Sudebnaia statistika*, (1939), 38.

1921, 1923: Paniugin, “Sudebnaia zashchita”, (1977), 237.

1923–5: Tarnovskii, “Narodnye sudy”, (1926), 943.

1926: *Sov. iust.* 1928 No. 31, 853; the increase of the proportion of civil cases occurred in the second half of the year, as it was only 54.6% in the first half, *Dva goda raboty pravitel'stva RSFSR 1924–1926*, 219.

1927: *Osnovnye itogi raboty*, (1928), 165, calculated.

1931–6: West Siberian territory: *Sots. Zak.* 1937 No. 2, 98, calculated.

1935: RSFSR: Reikhel, “Sostoianie grazhdanskikh del”, (1936), 28–29; *Sov. iust.* 1937 No. 2, 6, 8; Kozhevnikov, *Istoriia*, (1957), 284.

1936: Khlebnikov, *Sudebnaia statistika*, (1939), 42; *Sots. Zak.* 1937 No. 2, 88; *Sov. iust.* 1937 No. 2, 6, 8.

1937: 4th quarter: Khlebnikov, *Sudebnaia statistika*, (1939), 104.

1938–9: *Sov. iust.* 1940 No. 9–10, 19; cf. also *Sov. iust.* 1939 No. 15–16, 47.

1947: Boldyrev, “Nash narodnyi sud”, (1957).

1954: Gorshenin, “Sovetskii sud”, (1954), 68.

1956: Boldyrev, “Nash narodnyi sud”, (1957); Rubichev, “Za vsemernoe ukreplenie” (1957), 11; cf. also *Sov. iust.* 1957 No. 9, 8; 22; D. S. Karev, in *SGiP* 1957 No. 5, 96.

1957: “Bol'she vnimaniia rassmotreniiu”, (1958), 1; *Sov. iust.* 1958 No. 5, 64.

1959: *Sov. iust.* 1960 No. 2, 17 (9 months); Rubichev, “Vazhnye zadachi sudov”, (1960), 4; Suslo, *Istoriia sudu*, (1968), 218.

1962: Paniugin, “Bol'she vnimaniia rassmotreniiu”, (1963), 8.

1963: “Vysshiaia sudebnaia instantsiia”, (1965).

1964: “Vybory narodnykh sudei”, (1966), 3; cf. also Berman, “The Educational Role”, (1972), 85; 1964 I: Sergeeva, “Uluchshit' kachestvo”, (1964), 2.

1965: Suslo, *Istoriia sudu*, (1968), 218.

1969: Supataev, Taigin, *Sozdanie i razvitie*, (1971), 179.

1973: Paniugin, “Ukreplenie zakonnosti”, (1974), 71; *BVS SSSR* 1974 No. 3, 10.

1975: Paniugin, “Sudebnaia zashchita”, (1977), 237.

1978: Likas, *Imenem respubliki*, (1979), 152.

1980: Terebilov, “XXVI s'ezd”, (1981), 7; probably: “filed at all courts”. In 6 years, one Estonian judge considered 350 criminal cases and 1,200 civil cases, thus for him 77.4% of all considered cases were civil cases, *Sovetskoe pravo* 1982 No. 2, 117.

1981: *Yearbook USSR* 1982, 55.

Table 32: Relative Occurrence of Considered Civil, Criminal, and Administrative Criminal Cases in the Case Load of the Lithuanian People's Courts, 1963–1968

	civil cases	crim. cases	adm. crim. cases	civil cases	crim. cases
1963	62.5	10.8	26.7	85.3	14.7
1964	64.4	10.4	25.2	86.1	13.9
1965	58.0	10.7	31.3	84.4	15.6
1966	55.4	11.4	33.2	82.9	17.1
1967	62.0	12.4	25.6	83.3	16.7
1968	62.2	12.0	25.8	83.8	16.2
1978				80	

Source:

A. Liakas, “Teisingumo tobulinimo Lietuvos TSR pirmosios instancijos teismu organizacijoje ir veikloje, nagrinejant baudžiamasias bylas, klausimu”, *Lietuvos TSR Aukstuju mokyklų mokslo darbai. Teisė*, Vol. IX, Vilnius 1969, 151; Likas, *Imenem respubliki*, (1979), 152.

3. Family Law Disputes

Divorces

Divorce suits can be combined with other claims, e.g. about the upbringing of children, the exaction of alimony, and the partition of property. However, "the completeness of the consideration by the court of divorce suits is not the leading principle in today's court practice", remarked Riasentsev in 1967.⁹ Palestina found in a sample that disputes about the upbringing of children occurred in only 1.8% of all cases, alimony for the children was claimed in 20.4% of all cases, the question of alimony between the spouses came to the fore in only 0.4% of all cases and partition of property in 16.1%.¹⁰

Deprivation of parental rights

Cases about the deprivation of parental rights made up 0.5% of all family law disputes in 1969 and 0.9% in 1976 (table 40). Data on the territorial distribution of such cases in 1976 give a total number of 13,400 filed cases or 0.5% of all civil cases (table 26). In Estonia, these cases made up 1% of all civil cases in the years 1975-1978,¹¹ but there the number of cases is proportionally more than twice the USSR figure (table 38).

On the basis of the data for 1976, we can adjust the total number of family law disputes in that year at $(13,373 \div 0.009 =) 1,486,000$ filed cases.

Paternity cases

Until 1944 and again since 1968, the courts have been competent to consider paternity cases. Such a case is handled as a regular civil claim. If the father has died, the interested party may approach the court in order to prove that the father had unofficially acknowledged his paternity of the child. This question is considered as a special proceeding.¹²

Pavlodskii gives data on paternity cases which enable us to calculate that 23,800 cases were filed in 1976 (table 39). We also find this number based on Pavlodskii's figures on the types of family law cases (table 40). However, other data given by the same author render 18,400 filed cases (table 41). It seems likely that the latter figure is calculated on the basis of a set of figures that contains a misprint, though Pavlodskii published this set of trend figures twice. The trend figures would show that the number of cases sharply decreased in 1975-1976 as compared with 1972-1974 (table 41), but we could not find any confirmation for this.¹³ However, the trend figure for 1974 is correct: Pergament and Palestina assert that in 1974 paternity cases made up 1.1% of all civil claims considered by the courts, while paternity related cases

Table 33: Divorces and Divorce Suits

	divorces				filed divorce suits		
	p/ 1,000 inh.	absolute numbers			p/ 1,000 inh.	abs. no.	% of all cases/ claims
		all	admin- istrative	judi- cial			
1925	1.5	213	–	213		240	6.6
1926	1.5	218	–	218		180	4.9
1927	3.1	461	461	–		–	
1940	1.1	205.6	206	–		–	
1950	0.37	67.4	–	68		71*	
1955	0.6	127.2	–	127		130*	
1958	1.1	220.3	–	220		230	
1959	1.1	242.0	–	242		254*	
1960	1.3	270.2	–	270		284*	
1961	1.3	276.2	–	276		290*	
1962	1.3	297.2	–	297		312*	
1963	1.3	291.5	–	292	1.6	306*	13.7**
1964	1.5	333.8	–	334		350*	
1965	1.6	360.4	–	360		378*	
1966	2.8	646.1	–	646	3.5	820	
1967	2.7	646.3	–	646	3.1	730	30.6
1968	2.7	648	–	648	2.9	690	>25
1969	2.6	615	100*	515*	2.4	580	
1970	2.6	636.2			2.4	580	
1971	2.6	644.8			2.5	610	
1972	2.6	652.4			2.6	640	
1973	2.7	678.9			2.7	670	
1974	2.9	743.4	110	630	2.9	730	
1975	3.1	783.4			3.1	790	
1976	3.4	860.7			3.5(3.2?)	900(830?)	
1977	3.5	898.0	200	690	3.4	868	31.3**
1978	3.5	911.2					
1979	3.6	951.2	200	750	4.2	<1,100	35.4
1980	3.5	929.6				950	

* adjusted

** claims

Sources:

col. 1:

1925–7: Aliakrinskii, “Brak i razvod v usloviakh sovremennogo byta”, *Adm. Vestnik* 1929 No. 3, 13; cf. for 1936–8, V. Kolbanovskii, “Voprosy kommunisticheskoi nravstvennosti”, *Bol'shevik* 1939 No. 15–16, 108; cf. also p. 112.

1940–79: *Nar. Khoz. SSSR 1956–1980*.

col. 2:

Naselenie SSSR 1973, 150; *Vestnik Statistiki* 1967 No. 11, 93; 1969 No. 2, 92; 1973 No. 12, 89; 1974 No. 12, 89; 1975 No. 12, 89; 1976 No. 11, 90; 1977 No. 12, 79; Korolev, *Brak i razvod*, (1978), 185, 187; Buloshnikov, “Razvod”, (1978), 84. Other years col. 1.

col. 3:

1927, 1940: col. 1; 1974: table 37; 1977, 1979: col. 4.

col. 4:

col. 2; 1974: table 37; 1977: Pavlodskii, "Obobshchaiushchie pokazateli", (1978), 12; 1979: Gusev, "Rassmotrenie sudami del", (1981), 52.

col. 5+6:

1963, 1977, 1979: col. 7; 1966-77: *Pravovaia statistika*, (1980), 142. The 1976 figure (3.5) seems to be a misprint; we have calculated the 1976 figure from the data in Pavlodskii, "Statisticheskii analiz", (1978), 94, 98, 99, cf. table 40; see also Pavlodskii, Chaadaev, *Grazhdansko-pravovaia statistika*, (1982), 42.

col. 7:

1925-6: *Vestnik Verkhovnogo suda SSSR* 1926 No. 3, 53-54; 1928 No. 1, 41-43.

1963: Paniugin, "Otchet", (1964), 14; "Vysshiaia sudebnaia instantsiia", (1965).

1967: Gorkin, "Zabota", (1968), 3: 30.6, probably of all claims, see table 26.

1968: Paniugin gave "more than one fourth", *BVS SSSR* 1970 No. 1, 39.

1969: significantly lower than in 1968: *BVS SSSR* 1970 No. 1, 8.

1976: calculated from data presented in table 40.

1977: Pavlodskii, "Obobshchaiushchie pokazateli", (1979) gives 23.4% but this is a misprint.

1979: Gusev, "Rassmotrenie sudami del", (1981), 52.

Table 34: Disposition of Divorce Suits (in millions)

	filed	considered	terminated/ postponed	refused	satisfied	% of filed cases
1963	0.306				0.292	95
1967	0.73	0.72*	0.06	0.018	0.65	89
1974	0.73				0.62	85
1977	0.87	0.85	0.14	0.015	0.69	79
1979	1.0	1.0*	0.29	0.016*	0.75	75
1980	0.93	0.92	0.16	0.020	0.74	79.7

* adjusted

Sources:

1963, 1974: table 33; 37.

1967: Kulikov, "Stoiat", (1968).

1977: Pavlodskii, Iani, "Primenenie sotsiologicheskikh metodik", (1980), 120; cf. also Pavlodskii, "Statisticheskii analiz", (1978), 95, and Naumov, "Zadachi organov suda", (1979), 15.

1979: Gusev, "Rassmotrenie sudami del", (1981), 52.

1980: "Rassmotrenie del o rastorzhении braka", (1982), 15; a reconciliation of the parties took place in 14.5% of all filed cases (135,000).

made up 6.1% of all special proceedings.¹⁴ We find that 23,700 cases were filed in 1974. If all filed cases were also considered in 1974, the courts would have considered $(23,700 \div 0.011 =)$ 2.15 million claims and this figure is in accordance with the number of civil cases calculated *supra* (table 26).

Therefore, Pavlodskii's figures are useful for the reconstruction of the statistics with the exception of the trend figures for 1975-1976 (table 42). Moreover, we can correct the data on divorce suits in 1976 (tables 33, 40).

Table 35: Number of Divorce Suits and Divorces per Republic (1977)

	divorce suits			divorces	
	abs. no.	p/ 1,000 inh.		p/ 1,000 inh.	abs. no. (thousand)
		1977	1979		
Latvia	13,682	5.45	5.1	4.9 (1976)	
Estonia	5,831	4.03	4.4		
RSFSR	511,069	3.77	4.2	4.1	556
Lithuania	12,468	3.73	4.1		
Ukraine	175,096	3.55	3.8	3.7	185.3
Belorussia	31,272	3.32	3.6	2.9	
Moldavia	10,044	2.58	2.8		
Kazakhstan	33,445	2.31	2.5	2.5	36.0
Kirgizia	5,966	1.73	1.9	1.7	6.1
Tadzhikistan	5,767	1.61	1.7	1.4	
Armenia	4,420	1.53	1.7		
Georgia	7,556	1.51	1.5	1.2 (1976)	
Turkmenia	3,792	1.43	1.5		
Uzbekistan	20,498	1.42	1.5	1.4	20.0
Azerbaidzhan	6,901	1.19	1.2	1.2	
total	847,807				
USSR	867,877	3.35	3.6	3.5	910

Sources:

col. 1:

Pavlodskii, Iani, "Primenenie sotsiologicheskikh metodik", (1980), 120.

col. 2:

calculated.

col. 3:

Pavlodskii, Litovskii, "Statisticheskii analiz", (1982), 164.

col. 4:

data taken from the republican statistical yearbooks and from *Sotsiologicheskie issledovaniia* 1981 No. 2, 115.

col. 5:

calculated.

Cf. concerning the difference in the number of divorce suits in the republics and in the USSR, *supra*, p. 26.

Maintenance (alimony)

Precise data are known for 1967, 1969, 1970 (Estonia), 1976-1977; some vague data for 1962-3 and 1972. The data do not present many problems, except for the figure for 1962. Paniugin asserts that in that year alimony cases made up 1/3 of all claims,¹⁵ but he gives 1/5 of all cases for 1963.¹⁶ It might be that the 1962 number refers to claims considered by the people's courts (then about 600,000 maintenance cases would have been considered) and that the 1963 number refers to all cases filed at the courts. Then, in 1963 the number of cases would have been 570,000.

Table 36: Number of Spouses Without Minor Children in Filed Divorce Suits

	%	abs. number		%	abs. number
1964	49	200	1972	19.3	112
1965	46	200	1973	15.9	107
1966	35	287	1974	17.1	125
1967	34	248	1975	16.8	133
1968	30.8	213	1976	17.0	140
1969	19.3	112	1977	16.7	145
1970	17.6	102	1979	22.6	250
1971	16.9	103			

Sources:

Pavlodskii, "Predmet i zadachi", (1976), 94; *id.*, "Vyborochnyi metod", (1977), 91; *id.*, "Statisticheskii analiz", (1978), 95; *id.*, "Obobshchaiushchie pokazateli", (1979), 122-3 (the precise number is 44,583); Gusev, "Rassmotrenie sudami del", (1981), 52.

Table 37: Proportion of Administrative Divorces To All Divorces in the Republics (1974)

Armenia	20	USSR	15
Uzbekistan	19	Georgia	13
Azerbaidzhan	19	Moldavia	12
Tadzhikistan	18	Kazakhstan	12
Kirgizia	17	Belorussia	12
Estonia	17	Turkmenia	10
RSFSR	15	Lithuania	10
Ukraine	15	Latvia	9

Source:

Pavlodskii, "Vyborochnyi metod", (1977), 95; *id.*, "Statisticheskii analiz", (1978), 96.

Table 38: Territorial Distribution of Cases on Deprivation of Parental Rights (1976)

	disputes p/ 100,000	abs. number		disputes p/ 100,000	abs. number
Latvia	13.34	334	Kirgizia	3.13	107
Estonia	11.61	168	Moldavia	2.70	104
Lithuania	9.76	325	Ukraine	2.43	1,195
RSFSR	7.23	9,770	Turkmenia	1.55	41
Georgia	6.74	335	Tadzhikistan	1.25	44
USSR	5.21	13,373	Uzbekistan	1.04	148
Kazakhstan	4.64	669	Armenia	0.45	13
Belorussia	4.21	395	Azerbaidzhan	0.14	8

Source:

Pavlodskii, "Statisticheskii analiz", (1978), 98. The small difference between the total number of cases in the union republics (13,656) and in the USSR can be caused by the population data used by Pavlodskii. We have taken the average value of the numbers given in *Nar. Khoz. SSSR 1975*, 10 and *Nar. Khoz. SSSR za 60 let*, 42.

Table 39: Territorial Distribution of Paternity Disputes (1976)

	disputes p/100,000	abs. number		disputes p/100,000	abs. number
Moldavia	12.86	497	Tadzhikistan	8.11	287
Estonia	11.96	173	Belorussia	7.83	735
RSFSR	10.59	14,310	Kirgizia	7.82	266
Latvia	10.59	265	Ukraine	7.53	3,704
Kazakhstan	10.56	1,522	Armenia	7.39	212
Georgia	9.96	496	Uzbekistan	5.04	720
Lithuania	9.83	327	Azerbaidzhan	2.99	171
Turkmenia	8.67	227			
USSR	9.27	23,794			

Source:

Pavlodskii, "Statisticheskii analiz", (1978), 98. The divergence in figures for the union republics (23,912) and the USSR can be caused by the population data used by Pavlodskii. We have taken the average value of *Nar. Khoz. SSSR 1975*, 10 and *Nar. Khoz. SSSR za 60 let*, 42.

Table 40: Types of Family Cases (provisional data)

	1969		1976	
	%	abs. no.	%	abs. no.
divorces	47.5	580,000	55.1	829,000
maintenance	49.1	600,000	40.2	597,000
paternity	1.1	13,400	1.6	23,800
parental rights	0.5	6,100	0.9	13,400
other	1.8	22,000	2.2	32,700
all family cases	100	1,221,500	100	1,486,000

Source:

Pavlodskii, "Statisticheskii analiz", (1978), 94. The absolute numbers for 1969 are calculated on the basis of the number of divorce suits (table 33). For 1976, we have used the data about parental rights' cases (table 38). The number of paternity cases in 1976 cannot have been lower than 21,500 on the basis of the data collected in this table.

In 1967, alimony cases made up at least 25.3% of all filed cases: 22.8% were for children, 2.5% between adult members of a family.¹⁷ The number of other cases (e.g. between former spouses) is not given.

The changes in the procedure for the exaction of alimony payments introduced in 1967 may have caused a decrease in alimony cases,¹⁸ but in 1969 their number was the same as two years before. In the past 20 years the number of alimony cases was much higher than before the war. According to data of Khlebnikov, 11.3 cases were filed per 100,000 inhabitants in 1937,¹⁹ but 240 in 1977. In 1925, there were some 200 cases.²⁰

Table 41: Paternity Cases (claims, provisional data)

	trend	abs. number (thousands)		Moscow province (trend)
1969	100	13.4	17.4	100
1970	137	18.4	23.8	134
1971	163	21.8	28.3	160.6
1972	177	23.7	30.7	173.5
1973	190	25.5	33.0	178.1
1974	177	23.7	30.7	174.3
1975	136?	18.2	23.6	174
1976	137?	18.4	23.8	172.7
1977				173.0

Sources:

col. 1:

Pavlodskii, "Statisticheskii analiz", (1978), 97; *id.*, "Obobshchaiushchie pokazateli", (1979), 128; Pavlodskii, Chaadaev, *Grazhdansko-pravovaia statistika*, (1981), 41; 90% of the claims were satisfied.

col. 2, 3:

Calculations are based on the figures for 1969 and 1976 (table 40); see also table 50.

col. 4:

S. Ia. Palestina, "Sotsial'no-pravovye aspekty ustanovleniia otsovstva", *Problemy sovershenstvovaniia sovetskogo zakonodatel'stva Trudy* 16 (1979), 118.

Table 42: Filed Paternity Cases (claims, reconstruction)

	trend	abs. number
1933		42,500
1969	100	13,400
1970	137	18,400
1971	163	21,800
1972	177	23,700
1973	190	25,500
1974	177	23,700
1975	176	23,600
1976	179	23,800

Sources:

1933: Vorozheikin, *Pravovye osnovy braka*, (1969), 150; 87% were satisfied.

1969-76: table 41.

Family law disputes: summary

Taken together, the trend of family law disputes is known for the years 1963-1980 (table 44); family law disputes made up some 30% of all civil cases in 1963, and this number increased to more than 55% in 1966. The number of family cases decreased in 1969 as a result of the change in divorce proceedings, but their proportion to all civil cases (nearly 60%) increased. As total civil litigation increased in the 1970s, the proportion decreased to 55% of all civil cases.

Table 43: Maintenance Cases (in millions)

	% of all civil cases	abs. number
1962	1/3*	0.6
1963	1/5	0.6
1967	25.3*	0.61
1969	25	0.6
1976	21.7	0.6
1977	22.6*	0.625

* claims

Sources:

1962: Paniugin, "Bol'she vnimaniia", (1963).

1963: Paniugin, "Otchet", (1964), 14 gives 1/5 of all civil cases i.e. of all filed cases. In 1965 maintenance cases made up 38% of all considered civil cases in Leningrad, Chechina, *et al.*, "Rol grazhdansko-protsessual'nykh norm", (1967), 344.

1967: Gorkin, "Zabota", (1968), 3, probably of all claims, cf. the data on divorces in table 33; cf. also Paniugin in *BVS SSSR* 1970 No. 1, 39.

1969: Table 40; cf. also the Estonian figures for 1969 in Plutus, "Usilit' prokurorskii nadzor", (1975), 175.

1976: Table 40.

1977: Pavlodskii, "Obobshchaiushchie pokazateli", (1979), 125.

Table 44: Family Law Disputes, 1962-1980 (thousands)

	divorce suits	main-tenance	paternity	parental rights	other disp.	all family disp.	
						abs. no.	% of all civil cases*
1962	310	600	—				36
1963	310	570	—			~930	~37
1967	730	610	—			~1,350	~50
1969	580	600	13.4	6.1	22	1,222	48
1972	640	~650	23.7			~1,350	52
1976	830	600	23.8	13.4	32.7	1,486	54
1977	868	625				1,515	~55
1980	950					1,642	55

* divorce suits are counted once, cf. table 26

4. Labor Disputes

The concept labor dispute (*trudovoi spor*) is not defined clearly. Not all disputes between a worker and his employer are labelled labor disputes; this applies only for disputes about matters regulated in the Labor Codes. In the literature before 1970,

the total number of labor disputes did not always include cases lodged by the employer (esp. recovery of losses caused to the enterprise), but only cases in which workers acted as plaintiff. So, Paniugin asserted that in 1963 labor disputes made up 5.6% of all civil cases and cases on the recovery of losses 9%. Chechina declared that in 1964 labor disputes constituted 13% of all civil cases, considered by the courts of first instance. The question is of special importance for the years before 1957 (table 46).

Pre-World War II period

Some data are available on the number of disputes filed at the courts. In the 1920s, wages were the dominant issue and formed about half of all claims. Reinstatement cases constituted, at least in Moscow, 11% of all cases in 1926-1927 and 16% in 1928.²¹

In the first half of 1937, labor disputes made up 12.6% of all civil cases filed at the people's courts of the RSFSR, which was 36.4% higher than the 1936 number (cf. table 45). Therefore, in 1936 about 260 thousand cases were filed in the RSFSR and in 1937 about 100 thousand more (cf. table 19 for the total number of civil cases in the RSFSR in 1936), or two to three times as much as 10 years earlier. However, nothing has been said about the nature of these disputes.

If the RSFSR figures are representative of the whole of the USSR, the number of labor disputes would have been about 0.2 million in 1927, 0.45 million in 1936, and 0.6 million in 1937. These figures for 1936-1937 are in agreement with Smirnov's assertion that the number of labor disputes decreased by 50.3% between 1940 and 1975. In 1975, the number of cases was probably somewhat higher than in 1977 when

Table 45: Labor Disputes, 1924-1940

	46 towns	Leningrad	Moscow	RSFSR	USSR (mill.)
1924	12,842				
1925	24,925	9,710	22,682 (1925-6)	~230,000	
1926	39,438		32,608 (1926-7)		
1927		10,902	32,132 (1927-8)	120,000	
1928		15,032	17,298 (1928 II)		
1936				260,000	0.45
1937				360,000	0.6
1940					0.5

Sources:

1924-8: McAuley, *Labour Disputes*, (1969), 26; *Dva goda raboty pravitel'stva 1924-1926*, 219 gives 10.8% of all civil claims in 1924 or 1925.

1936-7: In the first half of 1937, labor cases constituted 12.6% of all civil cases filed at people's courts (RSFSR); their number was 36.4% above the 1936 number, Borisov, "Sud i prokuratura", (1938), 32. However, in the first quarter of 1938 it was only 6.7% in Voronezh province, Khlebnikov, *Sudebnaia statistika*, (1939), 103.

1940: Smirnov, "Leninskie idei", (1977), 24, gives a decrease by 50.3% between 1940 and 1975. Cf. for 1975, table 51 below.

232 thousand labor disputes were filed (table 46). Therefore, the 1940 figure is about half a million, i.e. of the same order of magnitude as the figures found for 1936-1937. As Smirnov had in mind all labor disputes, the 1940 figure includes damage cases. Therefore, it seems very likely that also the figures for 1936-1937 include cases on the reimbursement of damage done to the employer, but the figures for the 1920s do not include such disputes (in those years damage cases were a rarity).

Post-World War II period

The first post war data are available for 1956, since Paniugin has compared the number of labor disputes in 1956, 1963, and 1966. However, the figures can only be analyzed after analysis of data for later years (cf. p.228 below).

The total number of labor disputes after 1956 is known for some years. Other figures can be calculated from figures published by Nikitinskii on the trends in the number of damage, reinstatement, wage claims and other labor disputes between 1964 and 1968, and similar data published for other years (table 51).

Reinstatement into work

Many details are known about this type of case. However, all data regarding the number of cases for the entire USSR are given as trend figures. Only republican or provincial data are sometimes mentioned in absolute figures.²²

The absolute number of filed cases can be calculated as follows: in 1975, about 6,000 cases were terminated upon withdrawal of the claim. The number of terminated cases made up 14.1% of all filed cases.²³ Therefore, in 1975 nearly 42,500 cases were filed and 36,500 considered. The 1975 number is important because it enables us to calculate or adjust the absolute number of filed cases in the years between 1956 and 1979 (table 47).

The number of considered cases in 1967 can also be calculated from the available data: in that year 2,466 judgments were quashed in cassation or 5.9% of all judgments;²⁴ therefore, 41,800 cases were considered.²⁵ Other data on the number of cases considered can be adjusted as follows: Chechina gives the trend in the number of cases considered in 1957-64 and the first nine months of 1965;²⁶ the number of cases which were terminated is known for Georgia in 1964 (14.1%).²⁷ This enables us to adjust the number of cases considered for 1964.

However, this is only an estimate. The number of cases which were terminated varies considerably: in Georgia it was 14.1% in 1964, 13% in 1965, and 21% in 1968.²⁸ In the Ukraine it was 20% in 1973;²⁹ in Estonia 20.6% in 1973, 17% in 1974, 28.8% in 1976 and 15.4% in 1979.³⁰ About one half of the terminated claims have been withdrawn upon rescission of the dismissal by management (in 1975 59.5%; in Estonia in 1979 50%³¹).

In other instances, the hearing of the case is postponed. This happened in 3% of the cases in Estonia in 1979, but USSR data are unknown.

One of the effects of the differences between numbers of filed and considered cases is that different figures are published about the number of satisfied claims. This

Table 46: Labor Disputes (provisional data, thousands)

	trends	% of all claims			abs. number	p/ 100,000 workers
		damage	other disputes	all disputes		
1963		9	5.6	14.6	314	445
1964				13*		
1966	100					
1968	80.3					
1971	100			10.2	236	254
1972	99.3				234	246
1973	103.7				244	250
1974	100.0			10	236	237
1975	100.2				236	231
1976	99.6			9	235	225
1977	97.2	6.4	2.5	8.9	229	215
1978	94.2				222	204
1979	93.6				221	200
1980	96.7				228	203

* of all considered cases including non-claims

Sources:

1963: Paniugin, "Otchet", (1964), 14; *id.*, Speech June 1964, 27; *id.*, "O deiatel'nosti", (1964), 26; *Materialy nauchnoi konferentsii*, (1965), 142, gives 10% for cases on damages.

1964: Chechina *et al.*, "Rol' grazhdanskikh protsessual'nykh norm", (1967), 335. We assume the same proportion for filed cases.

1965: In the first half of 1965, the courts issued a writ of mandamus ("chastnoe opredelenie")^{31a} in 7,241 cases; 18,297 cases were heard in a circuit session; 5,406 with representatives of society, Chechina *et al.*, *loc. cit.*

1966-8: The number of cases decreased by 19.7%, Kulikov, "Sud", (1970), 7.

1971: S. A. Ivanov, in *Trudovoe pravo i povyshenie effektivnosti obshchestvennogo proizvodstva*, Moskva 1972, 328; Pavlodskii, Chaadaev, *Grazhdansko-pravovaia statistika*, (1981), 28. Although these figures are said to be "conditional", they must be real figures, see also the note to table 48.

1971-1980: Gladkova, Pavlodskii, "Statisticheskii analiz", (1983), 67, gives the trend in labor disputes per 100,000 working persons; see for the number of workers *supra*, p. 128f.

1974, 1976: Pavlodskii, Chaadaev, *loc. cit.*

1977: Pavlodskii, "Obobshchaiushchie pokazateli", (1979), 125. According to Pavlodskii's data, the number of labor disputes was 229,000 ± 1,000. This gives for 1971: 235,000-237,000.

1979: The courts issued a writ of mandamus in 12,362 or 6.5% of all labor disputes; 29,547 (15.5%) cases were heard in a circuit session; 6,951 (3.6%) with participation of representatives of society, "Primenenie sudami zakonodatel'stva", (1980), 13. Therefore, the courts considered 191,000 cases. With a possible 15% of terminated cases this results in about 225,000 filed cases.

1980: In 1980, reinstatement cases made up 14.4% of all labor disputes, and the number of reinstatement cases was 30 per 100,000 workers, Gladkova, Pavlodskii, "Statisticheskii analiz", (1983), 68, 76. Therefore, the number of labor disputes was 245,000 ± 15,000. On the basis of the data for 1977, the number of disputes would have been 227,000-229,000.

In the first 9 months of 1982, labor disputes (without damage cases) made up 1.5% of all civil claims in Tataria, A. Tazetalinov, "Aktivnee borot'sia s narusheniami trudovoi distsipliny", *Sov. Iust.* 1983 No. 7.

Table 47: Reinstatement Into Work, 1956–1982 (thousands)

	filed cases		cons. cases abs. no.	reinstated workers		
	trend (1957=100)	abs. no.		% filed**	abs. no.	trend
1956	~162	120		65.3	78.5	
1957	100	73.3	63	57.2	41.9	100
1958	100.6	73.7	63.5	51.1	37.7	90
1959	106.0	77.8	68	52.0	40.5	97
1960	98.4	72.1	62	54.9	39.6	94
1961	106.4	78.0	68	54.5	42.5	101
1962	101.3	74.2	63	53.6	39.8	95
1963	103.5	75.8	65	53.9	40.9	98
1964	111.9	82.0	71	54.3	44.5	106
1965	97.4	71.4		60.3	43.1	103
1966	84.0	61.6		61.0	37.6	90
1967	69.6	51.0	41.8	59.6	30.4	73
1968	64.4	47.3	37	58.4	27.6	66
1969				57.2		
1970	~56	41.3		55.3	22.8	55
1971	67	49		~56	27.1	65
1972	~64	47	41	54	26	62
1973	65.8	48.2	41.5			
1975	58.0	42.5	36.5	54.9	23.3	56
1976	~60	44		53	23.5	56
1977	53.8	39.4		~51	~20	48
1978	49	~36				
1979	~46	34*		~51	~17	~41
1980	45	32.8		50.3	16.5	39
1982	41	~30*	~28	<50	~15	~36

* adjusted

** of filed cases

Sources:

col. 1:

1956: M. Kopylovskaja, "Trevozhnaia statistika", *Sov. Iust.* 1960 No. 7, 12, states that claims for reinstatement dropped by half between 1956–7 and 1958–9 as a result of the 1958 legislation on the trade union committees but this seems impossible as the number of cases was rather equal in 1957, 1958, and 1959. Paniugin, "Na strazhe", (1965), gives a reduction by 1/3 in 1963 as compared with 1956; Paniugin, "Za strogoe sobliudenie", (1967), 15, asserts that claims dropped by half between 1956 and 1966. 1957–68: Nikitinskii, *Effektivnost' norm*, (1971), 113.

1968: Kulikov, "Sud i ukreplenie", (1970), 7, gives a reduction by 24.6% between 1966 and 1968, but we have taken Nikitinskii's figures (=23.4%).

1971: Kulikov, *BVS SSSR* 1974 No. 2, 38, asserts that the number of cases was 40% of that of 15 years before. Probably, he compared 1956 and 1971; see also col. 2.

1972, 1979: The number of cases decreased by 30%, "Primenenie sudami zakonodatel'stva", (1980), 13.

1973: decrease by 21.7% compared with 1966, Kulikov, "O zakonnosti", (1974), 125.

1975: Smirnov, "Leninskie idei", (1977), 13, gives a decrease by 30.9% between 1966 and 1975.

1982: between 1978 and 1982, the number of claims decreased by 16.4%, V. I. Zamiatin, *BVS SSSR* 1983 No. 2, 3; cf. also *Sov. Iust.* 1983 No. 12, 3.

other years: col. 2.

col. 2:

1957–68, 1970–1: calculated from the number of cases filed in 1975.

1970: between 1968 and 1970 the number reduced by nearly 6,000, Kulikov, “Prava i obiazannosti”, (1971).

1971, 1977, 1980: The number of reinstatement cases per 100,000 workers was 53 in 1971, 48 in 1972, 37 in 1977, and 30 in 1980: Gladkova, Pavlodskii, “Statisticheskii analiz”, (1983), 76; Pavlodskii, “Obobshchaiushchie pokazateli”, (1979), 125; table 48.

1975: about 6,000 cases were terminated upon withdrawal of the claim or 14.1% of all filed claims, Kulikov, “Zadachi sudov”, (1977), 15; “Rassmotrenie sporov o vosstanovlenii”, (1977), 37.

1977: Calculated from Pavlodskii, “Obobshchaiushchie pokazateli”, (1979), 125–6.

Other years: the number of cases increased in 1970 and 1976, it remained at the level of 1971 in 1972 and 1973, but the general trend is downward, Pavlodskii, *loc. cit.*

1980: Gladkova, Pavlodskii, “Statisticheskii analiz”, (1983), 68; it was 14.4% of all labor disputes, see table 46.

col. 3:

1957–64: Chechina *et al.*, “Rol' grazhdanskikh protsessual'nykh norm” (1967), 336.

1965, 1968: adjusted from Georgian data on the number of cases which were terminated (cf. the text).

1967: *BVS SSSR* 1968 No. 12, 39.

1972–3: 14% of all cases were terminated, Kulikov, “O zakonnosti”, (1974), 125; “Rassmotrenie sudami del o vosstanovlenii”, (1974), 38.

1975: 14.1% of all cases were terminated, cf. the annotation of col. 2.

1982: in the past 10 years, the number of cases considered decreased by 1/3, *Sov. Iust.* 1983 No. 4, 2. See also *Sots. Zak.* 1982 No. 9, 19 for Ivanovo province.

col. 4:

1956: Nikitinskii, *Effektivnost' norm*, (1971) 110, gives 65.3% in the years 1953–6.

1957–70: Nikitinskii, *loc. cit.*; cf. for 1963 also Paniugin, Speech, (1964), 27, and for 1966 Paniugin, “Rassmotrenie grazhdanskikh del”, (1970), 10; however, in “Za strogoe sobliudenie”, (1967), 15, he gives 53.3%.

1969: Smoliarchuk, “Ukreplenie zakonnosti”, (1970), 38; Paniugin, “Rassmotrenie grazhdanskikh del”, (1970), 10; *Trud* 28 March 1970; Remnev, “Pravovaia propaganda”, (1970), 17; a writ of mandamus was issued in 6,557 cases, Gorkin *et al.*, *100 otvetov*, (1970), 74.

1970: *BVS SSSR* 1971 No. 6, 3; Kulikov, “Prava i obiazannosti”, (1971).

1971: between 1971 and 1975, the number of reinstated employees decreased by 14%, “Rassmotrenie sporov o vosstanovlenii”, (1977), 29. According to *Trud* 6 May 1972 the number of workers reinstated in 1971 was 60% lower than in 1956.

1972: *BVS SSSR* 1973 No. 6, 5.

1975: “Rassmotrenie sporov o vosstanovlenii”, (1977), 29; Kulikov, “Zadachi sudov”, (1977), 14. It was 74.6% in Uzbekistan and about 65% in many southern republics; cf. also *BVS SSSR* 1976 No. 5, 5.

1976: *BVS SSSR* 1978 No. 2, 4: the number of reinstated workers decreased by 23% as compared with 1967.

1980: *Zaria Vostoka* 29 November 1981.

1982: Terebilov, “Pervoocherednye zadachi”, (1983).

col. 5–6:

calculated; see also Rekunkov, “Sotsialisticheskaia zakonnost'”, (1978).

number is usually given as a proportion of all filed cases. However, sometimes the number of considered cases is used: for Georgia Nikitinskii gives 60.4% of the claims being satisfied, for 1965 62.5%, for 1968 57.7%. However, other sources give 70.4% for 1964, 72% for 1965, 73.3% for 1968 and 72% for 1969.³²

Table 48: Territorial Distribution of Reinstatement Cases, 1972

	filed cases		abs. number
	p/ 100,000 workers	p/ 100,000 inhab.	
Estonia	23	10	140
Latvia	32	14	340
Uzbekistan	34	07	940
Ukraine	37	13	6,300
Lithuania	37	14	450
RSFSR	48	21	27,500
Turkmenia	49	11	250
Tadzhikistan	53	11	350
Moldavia	56	17	620
Kazakhstan	60	22	2,990
Kirgizia	68	18	570
Azerbaidzhan	70	17	930
Georgia	75	25	1,190
Belorussia	83	30	2,740
Armenia	86	29	780
USSR	48	19	46,100

Source:

Pavlodskii, Chaadaev, *Grazhdansko-pravovaia statistika*, (1981), 34. The authors assert that the figures are not taken from actual statistics (they are called *tsifry uslovnnye*), but no doubt they are real ones: the figures enable us to calculate the proportion of workers among the entire population, (e.g. in the RSFSR: 43.8%), and this proportion is also known from the demographic data published in the statistical handbooks. A comparison of these proportions shows that the figures are based upon the distribution of cases in 1972.

Wages disputes

Table 49: Cases on Wages (provisional calculation)

trends		abs. number (thousands)
1956	100	~150-200
1963	25	
1964	100	36
1965	89.9	33
1966	79.7	29
1967	74.4	27
1968	63.4	23
1972		100
1975	53.6	15.5
1976		100
1977	<44.3	19
1978		18*
1979		16
1980	83	14
1982		100
		86.3
		75.9

* adjusted

Sources:

col. 1:

Paniugin, "Na strazhe interesov", (1965), see p. 228 below.

col. 2:

1964-8: Nikitinskii, *Effektivnost' norm*, (1971), 115; in 1975, they had decreased by 32.7% compared with 1966, Smirnov, "Leninskie idei", (1977), 13; in 1977 their number was more than 30% below the 1968 figure, *BVS SSSR* 1979 No. 1, 4-5; "Razreshenie sporov", (1979), 25.

col. 3:

"Primenenie sudami zakonodatel'stva", (1980), 13.

col. 4:

Smirnov, Radiospeech, (1981).

col. 5:

V. I. Zamiatin in *BVS SSSR* 1983 No. 2, 3.

col. 6:

1956: This figure is calculated, taking 1963 as 40-50 thousand.

1977: Pavlodskii, "Obobshchaiushchie pokazateli", (1979), 126, gives 7.0% of all labor cases; "Razreshenie sporov", (1979), 25, gives 6.5%, probably for 1977 and the first half of 1978. See for the number of all labor cases tables 46 and 51.

1980: Gladkova, Pavlodskii, "Statisticheskii analiz", (1983), 68, state that they made up 5.8% of all labor disputes.

Other years: calculated. S. Gusev gives 7,000 in 6 months of 1978, *Trud* 10 March 1979. However, the calculated numbers seem somewhat too high, see table 51.

Cf. for other data *BVS SSSR* 1979 No. 1, 4-5 and *BVS RSFSR* 1977 No. 1, 7; "Primenenie sudami zakonodatel'stva", (1980), 13. According to this source 16.3% of these cases are claims for backpay upon management's refusal to give the worker his labor book and therefore are connected with a dismissal.

Damage disputes

The number of cases filed between 1964 and 1980 by employers on damage caused by a worker may be adjusted on the basis of the data collected in table 50. We are not sure whether all figures are correct. Glazyrin and Lapaeva, who gave the trend figures for the years 1968-1976, do not comment on the large decrease in the number of cases in 1975 and 1976 as compared with the years 1968-74; the figures for paternity cases, analyzed *supra* (cf. tables 41 and 42) were also distorted for 1975 and 1976. Probably, these figures are based upon incomplete data. Therefore, we have used these only to connect the data for 1964-1968 with those for 1971-1980. The numbers of damage cases obtained in this way fit nicely in the set of all data about labor disputes (see tables 50-51), if we assume that, due to rounding off, the absolute numbers calculated on the basis of the data collected in table 46 are somewhat too low.

Pre-1963 data about the number of damage cases in labor relations are not available. Moreover, until mid-1956, a worker did not have the right to quit without the employer's agreement, but he could bring suit to the court to challenge the employer's disagreement³³ and we not not know how such cases were counted. Data from Sverdlovsk province suggest a decrease in the number of all civil claims in 1957 as compared with 1956 by 1-1.5 million (cf. tables 22 and 26). We would suggest that a large part of these 1-1.5 million cases were labor disputes about dismissal and especially about damages.³⁴

Table 50: Damage Cases (data, reconstruction)

	trend		number p/ 100,000	% of all labor disp.	abs. number (thous.)
		p/ 100,000 workers			
1964	100				234
1965	93.5				219
1966	92.5				217
1967	85.2				200
1968	76.4	100			179
1969		90.4			162
1970		87.2			156
1971		89.4	100	173	160
1972		88.8	98.8	171	163
1973		94.2	102.3	177	173
1974		87.8	95.4	165	165
1975		69.2	96.5	167	171
1976		66.5	93.1	161	168
1977			91.3	158	168
1978			88.4	153	166
1979			87.9	152	168
1980			90.8	157	177
1982				76.5 76	

Sources:

col. 1:

Nikitinskii, "Effektivnost' norm", (1971), 115.

col. 2:

Glazyrin, Lapaeva, "Effektivnost'", (1978), 145. These figures are not compatible with the figures of col. 3, see the text, p. 226.

cols. 3, 4:

Gladkova, Pavlodskii, "Statisticheskii analiz", (1983), 68.

col. 5:

Pavlodskii, "Obobshchaiushchie pokazateli", (1979); Gladkova, Pavlodskii, *loc. cit.*; *BVS SSSR* 1978 No. 3, 3; 1983 No. 2, 9.

col. 6:

Calculated from cols. 1-4.

Table 51: Labor Disputes: their absolute number (in thousands) and the number per 100,000 workers (reconstruction)

	all disputes		damages	lab. disp. proper		rein- statement	wages	other disputes
	abs.	p/100,000		abs.	p/100,000			
1956				320*	633	120	110*	90
1963	320	454	200	120	170	76	26*	18*
1964	366	498	234	131	178	82	29	20
1965	335	436	219	115	150	71	26	18
1966	320	401	217	103	129	62	23	18
1967	286	348	200	87	106	51	22	14
1968	258	303	179	79	93	47	19	13
1969	237	270	162	75*	85	44*		
1970	226	251	156	70*	78	41		
1971	239	257	160	79	85	49		
1972	237	249	163	74	78	47*	16	11
1973	248	254	173	75	77	48		
1974	239	239	165	74	74	46*		
1975	239	234	171	69	68	43	16	10
1976	238	228	168	70	67	44	16	10
1977	232	218	168	64	60	39	16	8
1978	225	207	166	59	54	36*	15	8
1979	224	202	168	56	51	34*	13	8
1980	231	205	177	54	48	33	13	8
1982	250*	217	200	48*	42	30*	11	7

* adjusted

Sources:

Tables 46–50; see also the text.

Data for 1956: Paniugin, "Na strazhe interesov", (1965); *id.*, "Za strogoe sobliudenie", (1967); see also *Kommunist* 1965 No. 9, 63 which compared 1956 with 1963 and 1966 and reported a reduction of:

	1956–1963	1956–1966
reinstatement	2/3	1/2
wages	1/4	} nearly 1/5
other disputes	1/5	

The number of reinstatement and wage cases in 1956 may be adjusted from data given by Paniugin at 120,000 and about 110,000. Problematical are the "other disputes", which could be labor disputes proper or labor disputes including damage cases. Paniugin also gives the number of satisfied claims (as 73%) and this makes it unlikely that damage cases are included, since the number of satisfied damage cases usually is given as 80% or more.³⁵ Paniugin's figures are compatible with the other data collected in this table if we assume that 26,000 wage disputes were filed in 1963 and 18,000 "other" disputes. This assumption yields for 1956: 110,000 wages disputes and 90,000 "other" disputes, and for 1966: 41,000 "other" disputes (or 23,000 wages disputes and 18,000 "other" disputes). Therefore, the number of labor disputes proper filed in 1956 was about 320,000, consisting of 120,000 reinstatement cases, 110,000 wage disputes and 90,000 other disputes. Such a distribution of the disputes is confirmed by Mary McAuley's data for Leningrad (1951–1956: wages 1/2, reinstatement 1/3, and other disputes 1/6 of all disputes).³⁶ Data for Moscow³⁷ suggest that during 1954 some 0.7 million labor disputes (0.2 million, reinstatement; 0.2 million, wages; 0.3 million, other disputes) were filed; see also M. Kopylovskaja, *Sov. Iust.* 1960 No. 7, 12.

5. Housing Disputes

Table 52: Housing Disputes, 1937–1940, 1963–1982

	number p/ 100,000 inhabitants			% of all civ. claims	abs. number		trend	
	USSR	RSFSR	Lith.		(thous.)	Lithuania	p/ 100,000	
1937–9	~240			7–8*	~400			
1940	~310			12	~540			
1963	77			8.1	174		100	100
1964	72			7.4	164		94	93
1965	67	82		7.5	155		89	89
1970	62	74		6.9	151		87	80
1971	63	76		~6.7	154		89	81
1972–3	63	76		~6.6	157		90	82
1976	70			~7.0	180		103	91
1977	72			7.3	186		107	93
1978	72			~7.1	188		108	93
1979	73	89	107	~7.0	192	3,650	110	94
1980			120			4,146	[125]	
1981			124			4,269	[129]	
1982			112			~3,890	[117]	

* of all cases

Sources:

col. 1:

1937–40, 1963: adjusted from cols. 4, 5.

1971–3: adjusted from col. 2.

Other years: Pavlodskii, “Predmet i zadachi”, (1976), 93; *id.*, “Obobshchaiushchie pokazateli”, (1979), 125; Pavlodskii, Litovkin, “Statisticheskii analiz”, (1981), 162.

col. 2:

Pavlodskii, “Predmet i zadachi”, (1976), 93; Pavlodskii, Litovkin, *op. cit.*, 163, 164.

col. 3:

calculated from col. 6; table 55.

col. 4:

1937–9: Belorussia, *Sov. Iust.* 1940 No. 12, 16. In Moscow city, 34,316 housing disputes were filed in 1937; in Voronezh province, housing disputes made up 5.6% of all civil cases in the first quarter of 1938, Khlebnikov, *Sudebnaia statistika*, (1939), 85, 103.

1963: Paniugin, “Otchet”, (1964), 14; *Materialy nauchnoi konferentsii*, (1965), 142 (8%); cf. also *BVS SSSR* 1963 No. 2, 8.

1977: Pavlodskii, “Obobshchaiushchie pokazateli”, (1979), 125.

Other years: calculated; in the past “15 years (1964–1979), they made up 7% of all claims”, Pavlodskii, Litovkin, *op. cit.*, 161.

cols. 5–7:

1940: Smirnov, “Leninskie idei”, (1977), 21.

Other years calculated from cols. 1 and 4; table 55; the speech of I. A. Misiunas in *Zasedania VS Litovskoi SSR*, 1–2 December 1982, 131–132 (considered cases).

Table 53: Types of Housing Disputes, 1979

	%	absolute number
Eviction from state-owned housing	24.4	46,900
– without provision of accommodation	19.2	36,900
– with provision of accommodation	5.2	10,000
Eviction from departmental housing on the basis of art. 62 Principles		
Civil Law	12.6	24,200
Eviction from personal housing	5.7	10,900
All evictions	42.7	82,000
Disputes in House Building Cooperatives	2.0	3,800
Subtotal	44.7	85,800
Other disputes	55.3	
about the right to a living space		27,000–32,000
about partition of living space		16,000–21,000
about exchange of living space		5,000–10,000
about forcible exchange of living space		5,000–10,000
other disputes		32,000–42,000
Total		192,000

Sources:

Pavlodskii, Litovkin, "Statisticheskii analiz", (1981), 161, 168; the data on the other disputes are based on a sample of 1,399 cases considered in 1977–1980. The total number of disputes is derived from table 52. In 1982, the number of all evictions before Lithuanian courts amounted to 27.8% of all housing disputes, cf. the speech of I.-A. Misiunas, *Zasedaniia VS Litovskoi SSR*, 1–2 December 1982, 131–133.

The different types of housing disputes are known for 1979 (table 53). For other years, some data have been published for eviction cases (tables 54 and 55) but there is at least one misprint in the figures on such cases. As this misprint is in a trend figure for 1975 – and other figures for that year (paternity disputes, damage disputes)³⁸ seem to have been taken from an incomplete set of figures – this figure may also have been taken from such an incomplete set.

Data published by Pavlodskii enable us to calculate the absolute number of eviction cases from state-owned housing in 1973 (nearly 50,000), but the data for the entire USSR and for the union republics show a difference of about 14,000 cases (see table 55).

Table 54: Eviction Cases

all eviction cases			subdivisions							
trends		abs. no.	% of all housing cases	with duty to provide other accommodation		without such duty		dep. housing		priv. housing abs. no.
				trend	abs. no.	trend	abs. no.	trend	abs. no.	
1957	100									
1959			65							
1962	94			100	16,800	100	63,700		~12,000	~27,400
1964	100	120,000	>69							
1965	72	>80,000	>50					100		
1966				76	12,700					
1968				66.5	11,100	66.9	42,600			
1970										
1972										
1973		~84,000	~53	65	10,900		39,000	160		
1974				77.1	12,900	59.2	37,700			
1975				~70	12,000	59.7	38,000			12,800
1979	68	82,000	42.7	59.6	10,000	57.9	36,900	24,200		10,900

Sources:

- col. 1:*
Chechina *et al.*, "Rol" grazhdanskikh protsessual'nykh norm", (1967), 363. The figure for 1965 is for the first half of the year.
- col. 2:*
Calculated from col. 3.
- col. 3:*
1964: calculated from col. 6, 8, 10 and 11.
1965: calculated from col. 4 and table 53.
1973: adjusted.
- 1979: Pavlodskii, Litovkin, "Statisticheskii analiz", (1981), 161.
- col. 4:*
Pavlodskii, "Obobshchaiushchie pokazateli", (1979), 127; Pavlodskii, Litovkin, *op. cit.*, 164.
We assume that one of the figures for 1975 is a misprint; cf. also Pavlodskii, Chaadaev, *Grazhdansko-pravovaya statistika*, (1982), 41.
- col. 5:*
The 1979 figure is known from Pavlodskii, Litovkin, *op. cit.*, 161, and from table 52.
Other figures are calculated with the aid of col. 4.
- col. 6:*
Pavlodskii, Litovkin, *op. cit.*, 164; Smirnov, "Leninskie idei", (1977), 21–22.
- col. 7:*
The 1979 figure is known from Pavlodskii, Litovkin, *op. cit.*, 161, and from table 52.
Other figures are calculated with the aid of col. 6. The 1973 figure is based upon the data collected in table 55 and in col. 6 of this table.
- col. 8:*
Smirnov, *loc. cit.*
- col. 9:*
The 1979 figure is known from Pavlodskii, Litovkin, *op. cit.*, 161, 168. Between 1964 and 1979 the number doubled, *ibid.*, 165.
- col. 10:*
Smirnov, *loc. cit.*; Pavlodskii, Litovkin, *op. cit.*, 161, 166 and table 52.

Table 55: Territorial Distribution of Eviction Cases (1973) and Housing Disputes (1979)

	per 10,000 inhabitants		abs. number		living space p/person in 1973 (sq. m.)
	evictions	housing disp.	evictions	housing disp.	
USSR	2.0	7.3	49,940	192,300	11.4
Estonia	4.0	12.3	565	1,810	14.8
Armenia	3.7	14	998	4,300	10.0
Lithuania	3.5	10.7	1,137	3,650	12.1
Latvia	3.3	11.7	806	2,950	14.8
Georgia	2.5	9.7	1,214	4,880	12.3
Kazakhstan	1.8	5	2,486	7,400	10.1
Kirgizia	1.8	3	573	1,100	9.1
Belorussia	1.7	7	1,570	6,700	11.1
RSFSR	1.4	8.9	18,557	122,800	11.5
Azerbaidzhan	1.3	5.0	711	3,000	9.6
Ukraine	1.1	5	5,322	25,000	12.2
Moldavia	1.1	4	412	1,600	10.1
Uzbekistan	0.8	2	1,047	3,000	8.4
Tadzhikistan	0.8	3	259	1,200	8.9
Turkmenia	0.7	4	168	1,100	10.2
total	1.4		35,825	190,000	
other cases	0.57		14,115		

Source:

Pavlodskii, "Predmet i zadachi", (1976), 92 gives the figures in cols. 1 and 5. The total number of eviction cases in the republics calculated from this data is about 14 thousand below the number of cases in the whole of the USSR (or 28%). This difference could be connected with the existence of the special courts (see *supra*, p. 26). However, Pavlodskii asserts that he gives data for the number of eviction cases from state-owned housing, based upon Art. 61 of the Principles of Civil Legislation. The special courts consider cases about evictions especially on the basis of Art. 62 of these Principles, as this article allows evictions from departmental housing. Therefore, a misprint is not impossible. The figures in col. 2 are published in Pavlodskii, Litovkin, "Statisticheskii analiz", (1981), 162-164; the data are not accurate enough to draw conclusions from them.

NOTES

1. Paniugin, "Otchet", (1964), 14.
2. Povolotskii, El'evich, "Istoricheskii ocherk", (1949), 459.
3. *SP SSSR* 1958 No.11 item 92; Chechot, *Neiskovye proizvodstva*, (1973), 7.
4. Cf. Ostroumov, *Sovetskaia sudebnaia statistika*, (1962).
5. Orlov, "Deiate'nost' sudov", (1981), 3; *Sov. Iust.* 1981 No.22, 31.
6. Cf. below, pp.223.
7. Cf. table 34 and for divorce cases also Pavlodskii, Iani, "Primenenie sotsiologicheskikh metodik", (1980), 118; S. Palestina, "K desiatiletiu Kodeksa o brake i sem'e RSFSR", *Sov. Iust.* 1979 No.13, 6.
8. Paniugin, "Sudebnaia zashchita", (1977), 237; Boldyrev, "Nash narodnyi sud", (1957).
9. V.A. Riasentsev, *Semeinoe pravo*, M. 1967, 119-120.
10. S.Ia. Palestina, "Effektivnost' norm o rastorzhennii braka", *Pravovedenie* 1981 No.4, 34.
11. Odar, "O delakh sviazannykh s lisheniem", (1978), 411; in *Nizhnii Tagil*, the number of such cases increased rapidly between 1955 and 1963, *Voprosy bor'by s prestupnost'iu*, Vol.7, (1967), 26.
12. Paniugin in *BVS SSSR* 1970 No.1, 40.
13. During 4 months of 1974, 230 cases were filed in Belorussia, or nearly 700 in the whole year, G.V. Iakovleva, *Okhrana prav nezamuzhnei materi*, Minsk 1979, 5. In 1976, 735 cases were filed, cf. table 39.
14. Pergament, Palestina, "Razvitie", (1975).
15. Paniugin, "Bol'she vnimaniia rassmotreniiu", (1963), 8.
16. Paniugin, "Otchet", (1964), 14.
17. Gorkin, "Zabota", (1968), 3.
18. *Sov. Iust.* 1967 No.17, 26.
19. Khebnikov, *Sudebnaia statistika*, (1939), 75; Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 134.
20. In 1925, they made up 9.8% of all civil claims in the RSFSR, *Dva goda rabota pravitel'stva RSFSR 1924-1926*, 219.
21. McAuley, *Labour Disputes*, (1969), 26.
22. See for some examples, Van den Berg, "Judicial Settlement", (1983).
23. Kulikov, "Zadachi sudov", (1977), 15; "Rassmotrenie sporov o vosstanovlenii", (1977), 37.
24. *BVS SSSR* 1968 No.6, 39.
25. We neglect the lapse of time between the hearing of the case by the people's court and in cassation.
26. Chechina *et al.*, "Rol' grazhdanskikh protsessual'nykh norm", (1967), 236.
27. Nikitinskii, *Effektivnost' norm*, (1971), 113.
28. Cf. the data presented in note 32.
29. "Rassmotrenie sudami del o vosstanovlenii", (1974), 38.
30. *Ibid.*; "Rassmotrenie sporov o vosstanovlenii", (1977), 37; Nurmela, "Chto pokazalo obobshchenie", (1978), 19; Kollom, "O sudebnoi praktike", (1980), 107. As in Estonia the number of filed cases is very low (less than 100 each year), these figures are not representative for the entire USSR.
31. "Rassmotrenie sporov o vosstanovlenii", (1977), 37; Kollom, "O sudebnoi praktike", (1980), 107.
- 31a. On the writ of mandamus in Soviet law, see S.L. Levitsky, "'Chastnoe Opredelenie': A Soviet Mandamus?", *Rev. Soc. Law* 1983 No. 2.
32. Nikitinskii, *Effektivnost' norm* (1971), 113; *Pr.* 16 March 1965; *SGiP* 1965 No.6, 42; 1972 No.2, 39; Romanov, "O dal'neishem uluchshenii", (1969); *Trud* 10 September 1970.
33. On the basis of art.4 of the USSR edict of 26 June 1940, *Ved. SSSR* 1940 No.20; *Zakonodatel'stvo o trude Kommentarii*, M. 1947, 37-38.
34. We do not know whether these disputes were mentioned in statistical reports on labor disputes.
35. Cf. appendix table 30.
36. McAuley, *op. cit.*, 47.
37. Gromov, in *BVS SSSR* 1960 No.1, 43.
38. Cf. tables 41, 42, and 50 of this appendix.

APPENDIX III

ARBITRATION STATISTICS

In 1975¹ Petrov published a, for the Soviet Union, remarkable number of graphs, tables, and figures on the number of disputes considered by USSR arbitration agencies between 1950 and 1968/1970. However, the graphs are drawn rather badly, their axes are not always marked with figures, and the figures are not always complete. Nevertheless, the data enable us to estimate the number of property disputes from a table on the trend in property disputes expressed in percentages of the preceding year. The percentages were given in round figures and this can give a big margin of error when using figures based upon these percentages. Moreover, one misprint in the table would carry over mistakes to all other figures. Fortunately, the table gives a graph for trends in the number of property disputes (1950 = 100) which is quite similar to the graph given by Petrov.² The circumstance that Petrov's graph indicates that the number of disputes in 1958 was somewhat higher than in previous years can be used to adjust the trend figures calculated from the above-mentioned table. In this manner, a reliable table of trend figures is obtained.

Petrov remarked that "in 1966 and 1967, the number of property disputes decreased by about 2500 per year in comparison with 1965".³ As the number of disputes decreased by 1% between 1965 and 1967, the yearly number of disputes was about 0.5 million between 1965 and 1967. With the aid of the trend figures, the absolute number of property disputes between 1950 and 1970 can be calculated and this gives about 0.43 million disputes in 1950.

The number of all disputes is equal to the number of property disputes and the number of precontractual disputes. The frequency of the disputes can be found with the aid of Petrov's graph on the number of precontractual disputes⁴ and data on the trend in the number of all disputes (table 56). This gives about 15,000 precontractual disputes in 1950 and 68,000 in 1965 (= 12% of the total number of disputes). In recent years, 12% is the figure usually given in the Soviet literature⁵ (cf. table 58).

The total number of disputes considered in 1950 by USSR arbitration agencies is therefore 0.44 million.

Table 56: Number of Disputes Considered by State Arbitration (data)

	USSR		RSFSR			
	absolute numbers (thous.)	trend		absolute numbers (thous.)	trend	
		1950=100	1965=100		1964=100	1979=100
1935	400					
1936	404					
1937	362					
1938	330					
1950		100				
1953		106.1				
1954		103.9				
1957		94.8				
1958		110.7				
1964		132.9		356.122	100	
1965		128.9	100			
1971	760		133			
1972				442.554	124	
1973	700					
1974				423	119	
1975				400	112	
1976				394	111	
1978	650					~94
1979	650					100
1980						105.9

Sources:

USSR

1935: *Arbitrazh v sovetskom khoziaistve*, (1936), 3, 11.

1936–7: Goloshchekin, “O rabote”, (1938), 4; cf. Hazard, “Soviet Arbitration”, (1945).

1938: Johnson, “State Arbitration”, (1962), 190.

1950–65: Petrov, *Otvetstvennost'*, (1975), 57–8 (trend).

1965, 1971: Ustinov, “Vazhnaia rol' arbitrazha”, (1971), (trend).

1973: Anisimov, “Povyshenie roli organov”, (1974), 8.

1979: Tadevosian, *Ukreplenie*, (1980), 66, 125; Animosov, “Gosudarstvennyi arbitrazh”, (1980) 15.

RSFSR

1964: Kallistratova, “Zadachi dal'neishego sovershenstvovaniia”, (1966), 34.

1971–3: higher than in the first years of the economic reform (1965–1967), “Zadachi gosudarstvennogo arbitrazha”, (1975), 1. The economic reforms themselves did not cause a change in the total number of cases, but between 1965 and 1966 the number of precontractual disputes increased by 12% in the RSFSR, Ordynskii, “Provedenie ekonomicheskoi reformy”, (1967), 3; cf. also Petrov, *Otvetstvennost'*, (1975), 56.

1972: Bogoliubov, “Zadachi organov arbitrazha”, (1973), 1. According to Bogoliubov, the number of disputes decreased in 1972 for the first time in the last few years.

1972, 1975, 1976: Sapozhnikov, “Zadachi gosudarstvennogo arbitrazha”, (1977), 1. The total value of the exacted damages was 455 million rubles in 1976 (or 750 million for the whole of the USSR). Fines made up 65% of this amount. Sapozhnikov mentioned a figure of 350,000 in *Pr.* 26 August 1976, probably without precontractual disputes. In 1978, B. V. Kravtsov gave an annual number of up to 400,000, *SW/B SU/5923/B/4*, 22 September 1978.

1974: Sapozhnikov, “Gosudarstvennyi arbitrazh”, (1975), 3.

1978–80: Sapozhnikov, “Bor'ba organov arbitrazha”, (1981), 13. Some figures for Leningrad were published in: Shashorin, “Deiatel'nost' gosarbitrazha”, (1974), 11.

Table 57: Analysis of Petrov's Data on Property Disputes

	trend in number of disputes com- pared with the preceding year	trend in number of disputes (1950=100)		absolute number (millions)
		calc. from col. 1	adjusted	
1935				0.38
1950		100	100	0.43
1951	93	93	93.5	0.40
1952	99	92.1	93	0.40
1953	102	93.9	95	0.41
1954	100	93.9	95.5	0.41
1955	93	87.3	89	0.38
1956	99	86.4	88	0.38
1957	105	90.8	92	0.40
1958	109	99.0	101	0.43
1959	103	101.9	104	0.45
1960	115	117.2	119.5	0.51
1961	98.1	115.0	117	0.50
1962	104.8	120.5	123	0.53
1963	98.1	118.2	121	0.52
1964	98.4	116.3	119	0.51
1965	99.1	115.3	117.5	0.51
1966	99.5	114.7	117	0.50
1967	99.5	114.1	116.5	0.50
1968	115.8	132.2	135	0.58
1969	109.4	144.6	147.5	0.63
1970	104.3	150.8	154	0.66
1971				0.67
1974				0.62

Sources:

Petrov: *Otvetstvennost'*, (1975), 35, 60.

1935: Cf. table 56.

1971, 1974: Calculated with the aid of table 56.

Table 58: Number of Precontractual Disputes

	USSR		RSFSR	
	absolute numbers (thousands)	as % of all disputes	absolute numbers (thousands)	as % of all disputes
1935	20	5		
1950	15	3		
1953	63	13		
1954	50	11		
1957	26	6		
1958	42	9		
1964	81	14		
1965	68	12		
1966	76			
1967			42	
1971	91	12		
1972			48.092	10.9
1974	80	11	48	
1976			47	12

Sources:

1935: table 56.

1966: Ordynskii, "Provedenie ekonomicheskoi reformy", (1967).

1967, 1974: Sapozhnikov, "Gosudarstvennyi arbitrazh", (1975).

1971: Ostani, "50 let", (1972), 2.

1972: Bogoliubov, "Zadachi organov arbitrazha", (1973).

1975: Sapozhnikov, "Gosudarstvennyi arbitrazh", (1975), 3.

1976: Sapozhnikov, "Zadachi gosudarstvennogo arbitrazha", (1977); the number of these disputes increased by 45.6% in Estonia in 1981 as compared with 1980, *Sovetskoe pravo* 1982 No. 2.

Other figures: calculated from Petrov's data.

Table 59: Number of Disputes Considered by State Arbitration (reconstruction)

	abs. number of disputes (millions)		abs. number of disputes (millions)
1935	0.40	1971	0.76
1936	0.40	1972	0.73
1937	0.36	1973	0.70
1938	0.33	1974	0.70
1950	0.44	1975	0.66
1953	0.47	1976	0.65
1954	0.46	1978	0.62
1957	0.42	1979	0.65
1958	0.48	1980	0.69
1964	0.59		
1965	0.57		

Sources:

Tables 56–58. We have estimated the relation between figures for the USSR and the RSFSR from the data for 1964 and 1974.

NOTES

1. Petrov, *Otvetstvennost'*, (1975).
2. *Ibid.*, 35.
3. *Ibid.*, 56.
4. *Ibid.*, 34.
5. Sapozhnikov, "Gosudarstvennyi arbitrazh", (1975); Ostanii, "50 let", (1972), 2; Bogoliubov, "Zadachi organov arbitrazha", (1973); Sapozhnikov, "Zadachi gosudarstvennogo arbitrazha", (1977).

APPENDIX IV

CRIMINAL LAW STATISTICS

1. The Number of Criminal Cases

In his book *Revolutionary Law and Order*,¹ Peter Juviler uses figures from Soviet publications to estimate crime rates – the number of sentences during the 1960s and 1970s. The Soviet data usually take the form of a percentage decrease (or increase) in the number of sentences during a certain year as compared with (a) prior year(s). The authors frequently use the years 1928, 1940, and 1958 as a reference. As most recent data refer to 1958, we can reconstruct the number of sentences in later years. However, this provides us only with percentages, as the absolute number of sentences in 1958 has not yet been published. The approximate number of sentences in 1928 is known, but almost every comparison with the 1928 number is imprecise. E.g. the Chairman of the Criminal Chamber of the USSR Supreme Court, G.Z. Anashkin, has declared that “the number of sentences per 100,000 of the population in 1964 diminished to less than a half in comparison with the pre-war period (1940) and less than 1/3 in comparison with 1928”.² There is one comparison of this kind which is more exact when it states that if we take “the number of persons sentenced in 1928 in the USSR as 100, in 1955 it dropped to 63 although during that time the population grew from 147 to 200 million persons”.³

As the data used by Juviler do not give an accurate correlation between the set of comparisons for 1928 and those for 1958, he had to use rather vague statements like those from Anashkin, to calculate the absolute number of sentences in the 1960s. Moreover, these calculations are based on the assumption that each figure reflects the same phenomena, i.e. it stands for the number of sentences delivered by all courts operating in the Soviet Union.

Soviet statements on the precise definition of the number of sentences (*sudimosti*) in a given year are absent, except for occasional statements during the 1920s. Therefore, the answer to the question of whether all courts are included in these figures is unclear.

The data found in Soviet publications on the annual number of criminal cases may provide us with an answer. For this purpose the civil law statistics are particularly important as numbers have been published on the relative occurrence of civil and criminal cases filed at the people's courts after 1930 (table 31).

We use the term “number of cases filed at a court” to denote cases brought to court by the agencies allowed to do so under the Code of Criminal Procedure, or by private citizens in circumstances which empower them to do so. The decision to bring a filed

Table 60: Criminal Cases Filed at the People's Courts in the RSFSR (boundaries of 1926–1927, in thousands)

	incomplete	incomplete	RSFSR- ASSR's	RSFSR	trend (1923 = 100)
1920	1,169		1,330	1,510	77
1921	1,459		1,740	1,970	101
1922	1,438	1,332	1,715	1,945	99
1923		1,340	1,736	1,955	100
1924			2,032	2,290	117
1925			1,281	1,440	74
1926			1,456	1,645	84
1927			1,625	1,842.4	94
1928			1,490	1,690	86
1929			1,380	1,565	80

Sources:

col. 1:

Tarnovskii, "Dvizhenie prestupnosti", (1923), 115, all figures are for the same area. He gives 1,187,169 cases filed in 1920: *Proletarskaia revoliutsiia i pravo* 1921 No. 15; Isaev, *Obshchaia chast'*, (1925), 75.

col. 2:

Tarnovskii, "Dvizhenie prestupnosti", (1924), 649, all figures are for the same area.

col. 3:

Tarnovskii, "Sudebnaia deiatel'nost'", (1926), 204; *id.*, "Narodnye sudy", (1926), 918, 943; Gernet, *Prestupnost'*, (1931), 75. The figures for 1923–4 are for an area encompassing the RSFSR minus the ASSR's and minus the Oirat and Chechen Autonomous Region (409.9 thousand inhabitants in 1926). Tarnovskii gives also the complete figures for 1924I and 1925I, which we have used to correct for the omission of these two regions. The other figures are calculated from "Kharakter dvizheniia prestupnosti", (1930), 54. These data are from the PC of Justice, and probably refer to the RSFSR minus the ASSR's, but the area may have varied, especially between 1920 and 1924. In 1923 the number of cases was equal to Tarnovskii's figure. For these reasons, we have calculated the figures for 1920–2 from col. 1 and 2.

col. 4:

Calculated from col. 3. The 1927 number is known from the data in *Stat. Sprav. SSSR 1928*, 894–895. It is corrected for the absence of data from the Kara-Kalpak ASSR (with a population of 304,000). The figures quoted in *Dva goda raboty RSFSR 1924–6*, 218 and *God raboty RSFSR 1926–7*, 173, are incomplete: 1924: 1,966,131; 1925: 1,250,371; 1926: 1,370,001; 1927I: 818,676; see also *Vestnik VS SSSR 1927* No. 4, 54. Kuznetsova, *Prestuplenie*, (1969), 188–9, gives 1,623,432 cases filed at all courts in 1928, but this figure is for the RSFSR-ASSR's, cf. Gernet, *Prestupnost'*, (1931), 78. The 1929 figure is calculated from Kudriavtsev, "Tendentsii prestupnosti" (1980), 7. He states that the 1929 figure was 15% below the 1927 figure.

col. 5:

Calculated from col. 4. Quite similar figures can be found in Gertsenzon, "Osnovnye tendentsii", (1928), 71.

case to trial is made by one of the judges or by an administrative session of the court. Since in many cases a trial does not take place, the "number of considered cases" is smaller than the number of cases filed at the court. After completion of the trial the court will pass a "judgment", which is either a "sentence" or an "acquittal". The number of "sentences" (the number of sentenced individuals) usually surpasses the number of "judgments" due to the occurrence of group crimes.

The numbers of filed criminal cases were published regularly during the 1920s (tables 60-63). Although the data are incomplete, the number of cases filed at the people's courts and at the higher courts can be estimated rather accurately.

The numbers of cases filed in the RSFSR during the 1930s can be adjusted from the number of civil cases. The figures for a number of later years, can also be derived in this way. Moreover, Petrukhin published data on trends in the number of criminal cases filed between 1957 and 1960, and in 1966⁴ (table 65).

Table 61: Criminal Cases Filed at the Ordinary Courts in the RSFSR, 1920-1929 (thousands)

	people's courts abs. no.	higher courts		ordinary courts		
		abs. number	trend 1923 = 100	abs. number	trend 1923 = 100	
1920	1,510	52	60	1,56	77	76
1921	1,970	58	67	2,03	105	99
1922	1,945	57	66	2,00	104	98
1923	1,955	87	100	2,04	100	100
1924	2,290	195	224	2,49	123	122
1925	1,440	152	143	1,59	75	78
1926	1,645	138	145	1,78	83	87
1927	1,842	129		1,97		96
1928	1,690	125		1,82		89
1929	1,565					

Sources:

col. 1:

Table 60.

col. 2:

1920-2: calculated from the trend figures in col. 3. Tarnovskii gives 23,447 cases at revolutionary tribunals and 167,162 at revolutionary military tribunals, Tarnovskii, "Dvizhenii prestupnosti v predelakh RSFSR", (1921); Isaev, *Obshchaia chast'*, (1925), 75.

1923-7: estimated from the incomplete data published in *Ten Years*, 109-111, and the *Stat. Sprav. SSSR 1928*, 894-895. Cf. also Tarnovskii, "Sudebnaia deiatel'nost'" (1926), 204, and "Gubernskie sudy", (1926), 1063; figures for the RSFSR minus the ASSR's ("Kharakter dvizheniia prestupnosti", (1930), 55) give somewhat lower values, but in the ASSR's relatively more cases were handled by the higher courts; cf. also the figures published in "Obzor karatel'noi politiki", (1927), 6. The figures in the RSFSR government reports for these years are incomplete, *Dva goda (God) raboty RSFSR 1924-6*, 218; 1926-7, 183; *Vestnik VS SSSR 1927* No. 4, 54; if we correct them with the aid of the figures for the people's courts, we arrive at 149,000 cases in 1925; cf. also Brandenburgskii, "Neskol'ko myslei", (1925). 1928: "Kharakter dvizheniia prestupnosti", (1930), 55.

col. 3:

Gertsenzon, "Osnovnye tendentsii", (1928), 71, gives figures per 100,000 inhabitants.

col. 4:

Calculated from col. 2. As far as is known, Gertsenzon did not adjust for underreporting.

col. 5:

Col. 1 + 2. Kuznetsova's figures in her *Prestuplenie*, (1969), 186 have been taken from the government reports mentioned in the annotation at col. 2 and are therefore incomplete.

col. 6-7:

Cf. ad col. 3-4.

Table 62: Criminal Cases Filed With the People's Courts in the USSR, 1923–1927 (thousands)

	RSFSR	Belo- russia	Ukraine	Armenia	Georgia	Azer- baidzhan	Turk- menia	Uzbek- istan	USSR
1923	1,955	41.9							3,117
1924	2,290	152.1		11.2					3,812
1925	1,440	93.1	742.0	19	44	42		25.6	2,412
1926	1,645	96.4	745.4	20.3	55.2	50	6.8	24.7	2,644
1927	1,842	132.3	751.8	21.0	51.9	44.2	7.4	30.2	2,881
1928	1,690								2,643

Sources:

Table 60 and the data in *Ten Years*, 109–111, and the *Stat. Sprav. SSSR 1928*, 894–5. The Armenian figure for 1925 is adjusted on the basis of data about the number of considered cases in 1925–6, (16,487 and 17,540), *Vestnik VS SSSR 1927* No. 4 (7), 46. In the budget year 1925–6 51,209 cases were filed in Georgia, *id.*, 48; this gives about 47,000 cases in 1925. The Azerbaidzhan figures for 1925–6 are adjusted from the number of all filed cases (criminal and civil), given in *id.*, No. 3 (6), 49; the 1926 figure in *Ten Years*, 111 is a misprint. The Uzbek figure for 1925 is adjusted from data about cases filed in the first 9 months of 1925, *Vestnik VS SSSR 1927* No. 2 (5), 47; the figure for 1926 is adjusted from the number of criminal cases filed at all courts in 1926 and 1927 (32, 177 and 39,332 resp.), *Dva goda raboty pravitel'stva Uzbekskoi SSSR 26/27–27/28 g.*, Samarkand 1928, 126–8; in the Uzbek figures, the traditional *kazi*-courts are not included, cf. *Vestnik VS SSSR 1927* No. 2 (5), 47.

Table 63: Criminal Cases Filed With All Official Courts in the USSR, 1923–1927

	people's courts (millions)	higher courts (thousands)	all ord. courts (millions)	military tribunals (thousands)
1923	3.117	142	3.25	
1924	3.812	314	4.1	62.2
1925	2.412	228	2.65	36.1
1926	2.644	233	2.9	
1927	2.881	221	3.1	
1928	2.643		2.8	

Sources:

col. 1:

Table 62.

col. 2:

See table 61, ad col. 2.

col. 3:

Col. 1+2. Kuznetsova, *Prestuplenie*, (1969), 186, gives 2,519,400 for 1924, but this number has been taken from *Ten Years*, 110, and data from the Ukraine and other republics are not included.

col. 4:

“Sudebnaia rabota voennykh tribunyalov”, (1925), 33–34; (1926), 33–34. The Military Chamber of the USSR Supreme Court considered in 1927 3,031 cases in cassation, in 1928 4,020, *Ot s'ezda k s'ezde 1927–1929*, 179–180.

The number of filed criminal cases in the 1930s can be estimated from data about their part in the case load of the people's courts (table 31). The number of cases decreased rapidly after 1933 (from 3 million in 1933 to only 1 million in 1936, table 64). In 1938, some 1.3-1.4 million cases were filed (if the Belorussian data about the case load at the people's courts are representative for the entire USSR).

The same method would result in a number of considered cases of 2.8 million in 1947 (the 6 million civil cases made up 64% of the case load, tables 26 and 31) and 1.4-1.7 million in 1954. However, we do not know how the term "criminal cases" is used. In 1977, Smirnov asserted that from 1936 onwards⁵ civil cases made up more than 75% of the case load of the people's courts, but this can only be true if he used a definition other than that found in similar data. Some authors have hinted that criminal labor cases (about arbitrary quitting and absence from work, a crime between 1940 and 1956)⁶ are not always taken into account when calculating a figure.

These criminal labor cases have been considered by the people's judge since September 1940⁷, and only summary statistics of these cases have been collected.⁸ Although such summary statistics were also drawn up concerning other minor criminal cases,⁹ only criminal labor cases were considered by the people's judge. It seems possible that the data on the case load of the people's courts (i.e. the people's judge with two assessors) were in fact data on the case load of the people's judge (hearing cases with and without his assessors).¹⁰

Suslo has given figures for the number of criminal cases "by the courts" of the Ukrainian SSR (table 65). He remarks that in 1947 the number of criminal labor cases considered in the Ukraine was insignificant.¹¹ But he may have used figures concerning the courts (and not the people's judges).

Therefore, different figures about criminal statistics could exist in the years between 1940 and 1956. In 1956, criminal liability for illegal quitting disappeared from the statute books.¹² However, in December of the same year a new category of cases was introduced when the people's judge was empowered to consider cases about petty hooliganism.¹³ These cases were not held to be criminal cases, but administrative cases. Therefore, we find very low figures for criminal cases in the 1960s (table 65), e.g. in 1962-1963 civil cases made up 85% of the case load of the people's courts. As these courts received about 2.5 million cases and considered about 2.2 million cases, the number of criminal cases was 0.4-0.5 million (tables 26 and 31 for the civil cases). Such a number of cases in the 1960s is confirmed by data from the Tatar Republic. The number of criminal cases considered by the Tatar courts can be adjusted: according to Avrakh, in 1962 social accusers participated in 1,022 cases considered by the Tatar courts and in 1963 in 1,066 cases.¹⁴ Fatkullin asserts that in 1962 social accusers participated in 13.2% of all cases considered by the Tatar people's courts and in 1963 in 19.3%.¹⁵ If Avrakh's figures relate to the people's courts, these courts considered in 1962 about 7,740 cases and in 1963 about 5,520 cases. If Avrakh also included the Tatar Supreme Court (which in 1963 considered 61 criminal cases as court of first instance)¹⁶, the number of criminal cases considered by the people's courts was about 7,510 in 1962 and 5,470 in 1963, and that considered by all courts was about 7,650 in 1962 and 5,500 in 1963. Therefore, in 1962 the Tatar courts considered between 7,600 and 7,800 cases, and in 1963 between 5,500 and

5,600 cases, which entails, with a population of 3,011 million, 250-260 cases per 100,000 inhabitants in 1962 and 180-190 in 1963. If this is representative for the entire USSR, the Tatar figures yield 0.56-0.58 million considered cases in 1962 and 0.40-0.42 million cases in 1963.

In the first half of 1964, civil cases made up 83.8% of all cases considered by the RSFSR people's courts.¹⁷ If this figure is valid for the entire USSR for the whole of 1964, all people's courts within the USSR would have considered¹⁸ 0.43 million criminal cases.

Social accusers participated in more than 55,000 criminal cases and social defense counsels in 34,000 cases considered in 1969.¹⁹ In the same year, 8.8% of all criminal cases which resulted in a judgment (*prigovor*) were considered with participation of a social accuser,²⁰ and 5.2% with participation of a social defense counsel.²¹ Therefore, 0.65 million judgments were rendered. However, other figures concerning participation of social representatives are available for 1969.²² Therefore, the number of judgments may only be used in combination with other data.

In the 1970s, civil cases made up about 80% of cases considered by the courts.²³ This results – with 2.5-3 million civil cases – in 600,000-750,000 criminal cases considered annually during the 1970s by the (9,230) people's judges²⁴ or between 5.9 and 7.4 criminal cases per people's judge every month (a people's judge works 11 months a year). At a meeting of the USSR Ministry of Justice Collegium on 11 April 1975, it was recognized that the case load of one judge in the field of criminal law should not be more than 6 cases on average considered during one month,²⁵ although in fact the average case load per judge varies between 3 and 25 cases.²⁶ Therefore, the number of criminal cases was in agreement with the norm.

According to a poll conducted in 1973-1974 among more than 2,000 judges, the average number of quashed judgments was 1.26 case per judge and 2.07 judgments were changed.²⁷ With some 8,500 judges,²⁸ these figures yield 28,300 reversed judgments. As in 1975 4.7% of all judgments were reversed,²⁹ the number of criminal cases considered in the people's courts in the first half of the 1970s was about 600,000.

It seems likely that the decriminalization decrees of 1977 resulted in a decrease in the number of criminal cases and an increase in the number of administrative criminal cases. Therefore, notwithstanding the growing number of people's judges (9,230 in 1976; 10,303 in 1982, an increase of 11.6%, table 64) the number of criminal cases could have decreased somewhat during the past 6 years: in 1982, civil cases made up 85% of all cases,³⁰ therefore with about 3 million civil cases only some 0.5 million criminal cases were filed.

The total number of criminal cases may be found by adding the number of cases tried by the higher courts of the ordinary court system to those tried by the people's courts. However, data on the number of cases filed with higher courts are only known until 1928 and from 1957 onwards. During 1926-1928, higher courts considered about 7% of all criminal cases. Subsequently, this percentage probably became much higher, but details have not been published. Soon after Stalin's death, the percentage was well below 10%.³¹ Percentages of only 2-3% have been reported between 1957 and 1980 (table 66).

The Tatar Supreme Court, acting as a provincial court, considered in the first half

Table 64: Number of Judges and Lay Assessors (1 January, absolute figures, figures per 10,000 inhabitants)

	people's judges				all judges USSR	lay assessors USSR	
	USSR		RSFSR	Ukr.		total	p/ 10,000
	total	p/ 10,000			total p/ 10,000		
1939				252	0.45		
1940	8,674	0.45					
1945				968			
1946				1,088			
1947				1,217	262		0.36
1948				1,217	273		0.37
1949				275	0.36		
1954				1,283			
1955	7,460	0.38	4,580	1,370		550,000	26
1958	7,490	0.36	4,600		253	~585,000	28
1960	7,150	0.30					
1963				231	0.27		
1966	7,592	0.33		1,191	244		0.28
1968						10,713	
1969	7,912	0.33	4,919			517,203	22
1970	8,074	0.33	5,021	1,263	245	582,771	24
1971	8,352	0.34	5,128	1,334	263		
1972	8,351	0.34	5,142	1,328	258		
1973	8,480	0.34	5,253	1,348	254	605,153	25
1974	8,597	0.34	5,275	1,369	270	626,606	25
1975	8,705	0.34	5,328	1,400	265		
1976	9,238	0.36	5,547	1,486	301	649,286	26
1977	9,220	0.36	5,543	1,481	300		
1978	9,340	0.36	5,590	1,545	308	693,700	27
1979	9,420	0.36	5,613	1,567	312		
1980	9,535	0.36	5,700	1,567	315	718,700	27
1981	9,828	0.37	5,854	1,629			
1982	10,312	0.38	6,150	1,665	340	~12,900	738,800

Sources:

From 1969 onwards, the data are calculated from the statistical data on Soviet females, published in one of the first annual issues of *Vestnik statistiki*, or in the booklets *Zhenshchiny (i deti) v SSSR*. Other sources are: M. Shalamov, *Sudebnoe ustroistvo Kazakhstana*, (1941), 72; Kozhevnikov, *Istoriia*, (1957), 319; *Sov. Iust.* 1957 No. 10, 4; Boldyrev, "Nash narodnyi sud", (1957); Raginskii, *Vospitatel'naia rol'*, (1959), 136; G. Z. Anashkin, *Narodnye zasedateli v sovetskoi sude*, M. 1960, 8; *Stud i pravosudie v SSSR*, M. 1974, 93; K. S. Sladkov, *Poriadok vyborov raionnykh (gorodskikh) narodnykh sudov*, M. 1965, 7; Kulikov, "Garantiia zakonnosti", (1967); Anashkin, "O zadachakh", (1966), 11; *Sud i pravosudie v SSSR*, M. 1974, 93; Gorkin, "Sotsialisticheskoe pravosudie", (1972), 29; *Sovetskaia Rossiia* 17 Dec. 1970; Terebilov, *The Soviet Court*, (1973), 67; Gorkin, Anashkin, Paniugin, *Nastol'naia kniga*, (1974), 12; *Soviet News* 25 July 1978, 261; Sukharev, Pashkevich, *Nash narodnyi sud*, (1981), 44; *Ved. RSFSR* 1977 No. 13, 261; *Sots. Zak.* 1982 No. 11, 73. Ukraine: *Bulletin of the Institute for the Study of the History and Culture of the USSR* 1954 No. 9, 22; Suslo, *Istoriia sudu*, (1968). Belorussia: *Ocherki istorii gosudarstva i prava BSSR*, Vol. 2, Minsk 1969, 144, 217, 294; *Istoriia gosudarstva Belorusskoi SSR*, Vol. 2, Minsk 1976, 104; I. I. Martinovich, *Istoriia suda v Belorusskoi SSR*, Minsk 1961, 168. Cf. for Lithuania: *Ocherki razvitiia gosudarstvennosti sovetskikh pribaltiiskikh respublik (1940-1965 gg.)*, Tallin 1965, 97; *Lietuvos TSR valstybis ir teises istoria*, Vilnius 1979, 256.

Table 65: Number of Criminal Cases Filed at People's Courts, 1938–1982 (trend figures)

	filed cases		considered cases	
			(Ukraine)	
1938	100			
1940			100	
1947			115	
1950			78	
1953			66	
1954			66	
1957		91.6	79	
1958	67.8	100		
1959		77		
1960		46.2		
1962			100	
1963			52	
1965			41	
1966		57.3		100
1970				112
1971			105	

Sources:

col. 1:

Ostroumov, *Sovetskaia sudebnaia statistika*, (1962), 269; gives the trend in the number of prosecuted persons.

col. 2:

Petrukhin, Baturov, Morshchakova, *Teoreticheskie osnovy*, (1979), 90.

col. 3:

The number of prosecuted persons increased by 5% in 1971 as compared with 1962, see the data on speculation in *Kriminologiya*, (1976), 352–353.

col. 4:

Suslo, *Istoriia sudu*, (1968), 196, 217 (Ukraine only).

col. 5:

Calculated from the data collected in table 69, col. 5 and Gorkin, “XXIV s’ezd KPSS”, (1971), 7.

of 1963 only 61 criminal cases as a court of first jurisdiction or only 2% of the cases considered by all courts of this autonomous republic. In the first half of 1964, criminal cases made up 3.8% of the case load of the RSFSR provincial (and similar) courts.³² As in that year these courts almost exclusively considered divorce suits, all USSR provincial courts considered some 350,000 civil cases, and therefore only about 13,000–14,000 criminal cases (nearly 3% of all criminal cases).³³ During 1969, the Kirgiz people’s courts handled 97.5% of all criminal cases. The provincial courts considered 0.8% and the Kirgiz Supreme Court 1.7% of all criminal cases as courts of first jurisdiction (table 66). If the Kirgiz figures are representative for the whole of the USSR, all provincial (and similar) courts would have considered, in 1969, only 5,000 cases and all republican Supreme Courts 10,000. Confirmation for this may be found in the fact that in 1964 the USSR Supreme Court considered only about 200 protests

Table 66: Case Load of the Higher Courts (as a % of all criminal cases filed at or considered by ordinary courts)

	all cases (100%)		all cases (100%)
1923	4.6	1957	2 (RSFSR)
1924	7.3	1959	3 (RSFSR)
1925	8.2	1963	2 (Tatar Rep.)
		1964	2
1926	7.8	1965	2 (RSFSR)
1927	7.1	1969	2.5 (Kirgizia)
1928	6.3 (RSFSR)	1969-71	1.8
		1977-80	2-3

Sources:

1923-6: *Ten Years*, 109-111.1927: *Stat. Sprav. SSSR 1928*, 894.

1928: "Kharakter dvizheniia prestupnosti", (1930), 55.

1957: "Za strogoe sobliudenie", (1958), 2.

1959: *Zasedaniia VS RSFSR*, 25-27 October 1960, 252.1963: Calculated from data in *Organizatsiia suda*, (1965), 121, and Fatkullin, *Obvinenie*, (1965), 417.

1964: Smirnov, Interview, (1965), 3.

1965: "Navstrechu XXIII s'ezdu", (1966), 3; in Kazakhstan: 4%, Sapargaliev, *Istoria*, (1966), 13.1969 (Kirgizia): Supataev, Taigin, *Sozdanie i razvitie*, (1971), 192.1969-71: Baskov, *Prokurorskii nadzor*, 249; id., *Nadzor prokurora*, (1975), 6.1977-80: *Organy sovetskogo obshchenarodnogo gosudarstva*, (B. N. Topornin, ed.), M. 1979, 295; Terebilov, Speech, (1978), 10; Savitskii, *Chto takoe*, (1979), 14; A. Sukharev, P. Pashkevich, *Nash narodnyi sud*, 2nd ed., M. 1981, 30; P. Kuris, *Zasedaniia VS Litovskoi SSR*, 3-4 Dec. 1981, 130-131; *Soviet News* 11 Mar. 1980, 87.

against sentences of republican Supreme Courts, which were acting as courts of first jurisdiction.³⁴

The USSR Supreme Court may also consider criminal cases as a court of first instance, but this happens only rarely: during its first 50 years, the Criminal Chamber of this court considered "more than 70 cases"; between 1962 and 1979 less than 13 cases.³⁵ Therefore, the higher levels of the court system can be disregarded in calculating the number of filed criminal cases. As the military tribunals consider some 50-70,000 cases (see Chapter II), the total number of criminal cases did not exceed 0.5-0.6 million in 1962-1963. In the 1970s, some 0.7-0.75 million criminal cases were handled each year. This is confirmed by a 1978 statement, saying that Soviet courts hear at most about 800,000 cases.³⁶

However, we need a greater amount of detail for a more precise estimate of the number of criminal cases, due to changes in the relation between the number of filed cases and that of considered cases.

Cases are filed at the court by the agency conducting an inquiry or preliminary investigation (cases upon public accusation) or are filed upon private accusation of the victim in cases of insult, defamation, and minor bodily injury (*dela chastnogo obvineniia*, art.27, Code of Criminal Procedure). Whether cases filed by an agency will be brought to trial is decided by a judge (or in an administrative session) of the

court. The judge may rule to bring the accused to trial; to return the case for supplementary investigation; to refer the case to the proper jurisdiction; or to terminate or suspend the case. After the accused is brought to trial, cases are subject to termination in the judicial session under certain circumstances (art.259, Code of Criminal Procedure). Therefore, the number of judgments is lower than the number of cases considered in judicial session (number of trials) and the latter number is lower than the number of cases filed.

The relation between numbers of cases and numbers of judgments has varied widely due to the different attitudes of courts vis-à-vis private accusations as compared with public accusations. Private accusations result in a sentence only in a rather small number of cases, since many cases are terminated by the courts after reconciliation of the parties, and the number of acquittals is very high. However, at least in the past 20-30 years, nearly all public accusations, have resulted in a sentence.

Therefore, the relation between numbers of cases filed and judgments (or sentences) depends largely on the number of private accusations, and the latter number depends largely on the existence and degree of activity of the comrades' courts, as these courts are competent to consider the same petty crimes (insult, defamation, minor bodily injury), which may be the object of a private accusation.

In the mid-1920s, cases upon private accusation made up about 40% of all cases filed but the number of sentences in these cases was only about 16% of all sentences.³⁷ The transfer of these cases (upon agreement of the victim-accuser) to the jurisdiction

Table 67: Sentences Upon Private Accusation, 1928-1938 (RSFSR)

	priv. accusations		sentences for crimes against the person	
	% of all sent.	trend 1929 = 100	% of all sent.	trend 1929 = 100
1928	17.4		26.2	93
1929	13.7	100	21.5	100
1930	6.0	50.6	12.2	55
1931	2.9	26.9	7.1	36
1932	1.7	16.9	5.6	23
1933	0.6	6.5	3.3	18
1934	0.8		4.4	18
1935			7.5	24
1938 I			13.1	37

Sources:

col. 1 + 3:

Gertsenzon, "Organy iustitsii v bor'be s prestupleniiami", (1935), 28; Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 203; *Sov. Iust.* 1939 No. 5, 37; these data are for all courts.

col. 2:

"Obshchestvennye sudy", (1959), 5; Kat'kalo, Lukashevich, *Sudoproizvodstvo*, (1972), 12; these data are for people's courts only.

col. 4:

Calculated from col. 3 and table 88, col. 1.

of the comrades' courts – which were revived in 1929 – brought with it a sharp decrease in the number of cases filed at the ordinary courts and also a decline in the number of sentences upon private accusation. As such cases made up the majority of all cases connected with crimes against the person, sentences for crimes against the person also decreased sharply after 1929 (table 67).

With the withering away of the comrades' courts in the second half of the 1930s, the number of cases upon private accusation increased.³⁸ The high percentage of acquittals (table 68) in this period may have been caused by acquittals in cases upon private accusation. According to reports on the Belorussian, Armenian, and Azerbaidzhan courts, in 1937-1938 about 50% of the cases did not result in a sentence.³⁹

Since the comrades' courts remained inoperative in criminal law matters, or simply did not exist until the end of the 1950s, the number of cases upon private accusation

Table 68: Number of Acquittals (people's courts, as % of all sentences)

1923	25	(RSFSR)	1957	1.9	(Moscow*)
1924	25	"	1959	3.1	(Tatar Rep.)
1926	25.4	"	1960	3.0	"
1927	32.7	(Belorussia)	1961	1.3	" ; 4 (Moldavia)
1928	30.2	"	1962	1.1	"
1935	11.7	(USSR)	1963	0.8	"
1936	10.9	(RSFSR)	1964 I	0.8	"
1937	10.3	"	1965**	0.21	(Leningrad*)
1938	13.4	"	1966**	0.25	"
1939	11.1	"	1967**	0.18	" ; 1.5 (Moldavia)
1941	11.6	"	1968**	0.03	"
1942	9.4	"	1971	0.8	(sample)
1943	9.5	"	1975	0.5	(sample)
1944	9.7	"			
1945	8.9	"			

* the city

** filed cases

Sources:

1923-4: *Politicheskoe-ekonomicheskii ezhegodnik SSSR 1925-1926*, M. 1926, 410.

1926: Ordzhonikidze, "Otchet TsKK-RKI XV s'ezdu VKP(b)", (1927), 451-2; Estrin, "XV s'ezd partii", (1928), 5.

1927-8: Zlotnik, *Deiatel'nost' organov*, (1969), 456.

1935: Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 198; all courts of first instance.

1936-45: Kozhevnikov, *Istoriia*, (1957), 283, 355, it is not clear whether criminal labor cases are included.

1957: "Povysit' trebovatel'nost' sudov", (1958), 2.

1959-64: Fatkullin, *Obvinenie*, (1966), 290, 346. He also gives figures for Udmurtia and Gorno-Altai.

1965-8: Alekseev, Lukashevich, *Leninskie idei*, (1970), 80. See also Liede, Lukashevich, "Zakonnost'", (1968), 161.

1971, 1975: Petrukhin, Baturov, Morshchakova, *Teoreticheskie osnovy*, (1979), 275.

Moldavia: Petrukhin, "Prichiny sudebnykh oshibok", (1970), 105; Petrukhin also gives figures for Tadzhikistan: 1960/1961 2.5%; 1966/1967 1.4%. The Ukrainian number was halved in 1963-7, though the number of cases remained equal.

Table 69: Cases and Sentences in Cases Upon Private Accusation, 1957-1978

	(1) % of all filed cases		(3)	(4) % of all considered cases		(6) % of all sentences		(8)	(9)	(10)	(11) trend in number of sentences Belor., 1958 = 100
	(2)			(5)		(7)					
	(1)		(4)		(6)		(7)				
	Leningrad	prov.	USSR	Tatar Rep.	USSR	Leningrad	prov.	RSFSR, USSR	Belorussia	total	
1957											
1958			31.3		~20				22	8.4	100
1959	40.8	34			16.2	14.7	16.8	20.2*			
1960	33.5	17.8		24.7		11.9	9.1	14.3*			
1961	19.6	10.5		9.2		7	5.2			2.1	
1962	15	10.1		8.3		5	6.4			1.6	
1963	21.5	14.5		8.2		6.6	5.9				
1964	16.3	13.5		5.1**		4.4	8.1				
1965	14.9	12.3				4.5	9.6				
1966	10.3	7.9			5.4	2.9	5.6		10		28
1967	9.8	6.2			4.6	2.8	2.9	6.2*	9	1.1	24
1968	9.6	6.8			6.9*	2.6	3.1		10		26
1969	9	6.3			7.1	2.3	2.7		9		26
1970	9.2				6.6	2.4			8	0.8	25
1971					3.7				8		25
1972					3.7			3*			
1973					3.4*						
1974					3.1					0.5	
1976								3			
1977								2.4			
1978				2.5				2.1			

* RSFSR; 1959, second half of the year; 1960, first three months; 1967, 1972

** first half of the year

Sources:

- col. 1, 2, 6, 7:
 Kat'kalo, Lukashevich, *Sudoproizvodstvo*, (1972), 9, 12, 198; S. I. Kat'kalo, "O peredache del chastnogo obvineniia v tovarishcheskii sud", *VLU* 1963 No. 23, 123; cf. also N. Rumiantsev, *Izv.* 30 Aug. 1956; *Sots Zak.* 1954 No. 5, 58.
- col. 3:
 A. F. Gorkin at a conference in the Party College of the CPSU CC, Dec. 1959, *SGiP* 1960 No. 2, 138. It was 30–40% before the end of 1959, Gorkin "Sotsialisticheskoe pravosudie", (1961); Kuznetsova, *Prestuplenie*, (1969), 193. At a conference in Sverdlovsk it was stated that such cases made up about 30% of the total number of criminal cases in the people's courts and that 65 out of every 100 cases resulted in reconciliation between the parties, *SGiP* 1960 No. 3, 134. The number of filed cases at all people's courts in the USSR was, if we take 1963 as 100, 67.8 in 1965, Gorkin, "Za dal'neishee sovershenstvovanie", (1966), 8; V. Kriger (*Sov. Iust.* 1966 No. 15, 19) gives for 1965 1/4 of the 1961 level. In 1963 (1st quarter 53.8%) and in 1964 (1st quarter 59.1%; 2nd 63.1) more than 50% of all cases on private accusation filed at RSFSR courts were diverted to the 140,000 comrades' courts, *BI'S RSFSR* 1964 No. 11, 3; in 1970–1, 70–75% in a Belorussian province, Poteruzha, *Sud i obshchestvennost'*, (1974), 53.
- col. 4:
 Fatkul'in, *Obvinenie*, (1966), 38; in "the past years" the number did not exceed 2.5%, however, in the Belgorod province the number was about 10%, *BI'S RSFSR* 1979 No. 12, 3.
- col. 5:
 Before 1958: Anashkin, *Izv.* 14 Dec. 1957 (nearly 1/4); Usmanov, "Chastnoe obvinenie", (1958), gives 20%. In 1954, it was 42% of all considered criminal cases in the people's court of the Dzerzhinskii district (Leningrad); and in 1955 50%, N. Rumiantsev, "Pochemu kritika snizu otstaetsia bez vnimaniia", *Sots. Zak.* 1956 No. 8, 63; about half of these cases ended in reconciliation of the parties.
- 1958, 1966: Anashkin, "Sud, rozhdennyi", (1967), 9; G. Shafrin in *Sots. Zak.* 1969 No. 1, 33; cf. also Ostroumov, *Sovetskaia sudebnaia statistika*, (1976), 296, who gives the 1966 number for 1967. It was 14–16% in 1958, Gorkin, "Sotsialisticheskoe pravosudie", (1961); Kuznetsova, *Prestuplenie*, (1969), 193.
- 1965: Anashkin, "O zadachakh", (1966), 9; cf. also *Sots. Zak.* 1969 No. 1, 33 (5%).
- 1967–70: Savitskii, *Gosudarstvennoe obvinenie*, (1971), 321. According to Kondrashkov, "Issledovanie statisticheskikh dannykh", (1969), 11, between 1965 and 1968 the number varied from 4–8%. The number of considered cases decreased in 1970 by 5.6% as compared with 1966, Gorkin, "XXIV s'ezd KPSS", (1971), 7.
- 1970–3: Savitskii, *Ocherk teorii*, (1975), 78.
- 1976: Ostroumov, *Ugolovnaia statistika*, (1976), 26; cf. also *Sov. Iust.* 1973 No. 2, 6. Smirnov asserted in 1979 that the number was still decreasing, Smirnov, "Sudebnaia praktika rassmotreniia del", (1979), 6; cf. also *BI'S RSFSR* 1979 No. 12, 3.
- col. 8:
 Rubichev, "Vazhnye zadachi sudov", (1960), 2. According to *Sovetskaia kriminologiya*, (1966), 73, 75, sentences for crimes upon private accusation made up 14–16% of all sentences in 1958, and in the late 1950s the average number was also given as 15%. In 1959 I, it was 16–18%, Kuznetsova, "Uchastie obshchestvennosti", (1962), 310. In the first half year of 1960, the number of sentences decreased by 60% compared with the corresponding period in 1955, Gorkin in: *BI'S SSSR* 1960 No. 6, 2–3; *Konstitutsionnye osnovy*, (1981), 299.

col. 9, 11:

The number of sentences upon private accusation in 1958 is calculated from Gorelik's statement that, if the number of sentences upon private accusation and home distilling would have been the same in 1958 and 1969, the numbers of all sentences in those years would relate as 100 and 92. Herefrom one can conclude that sentences upon private accusations made up 22% of all sentences in 1958. The other figures of col. 9 are calculated from col. 11 and the trend in the number of sentences in Belorussia; all data are from Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 29. The Belorussian numbers are high compared with other regions. This might have been caused by the frequent prosecution of infliction of light bodily injury (32–48% of all crimes against the person).

col. 10:

Cf. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 14–15 for the trend in the number of sentences (1959 = 100; 1961 = 19; 1962 = 17; 1967 = 10; 1970 = 9; 1974 = 5). The numbers have been calculated with the aid of the figures calculated in table 139 of this appendix.

Table 70: Sentences to Fines in Cases Upon Private Accusation as Proportion of All Sentences and of All Sentences to Fines, 1946–1972

	% of all sentences	% of all sentences to a fine	sentences upon private accusation as % of all sent.	
			Leningrad	Belorussia
1946	3.3	51		
1947	2.7	54		
1948	4.1	48		
1949	6.5	68		
1950	8.2	72		
1951	9.2	73		
1952	9.6	69		
1953	10.6	80		
1954	12.7	81		
1955	13.9	81		
1956	10.9	77		
1957	10.1	77		
1958	10.8	74		22
1959	11.8	72	15.8	
1960	9.2	84	10.5	
1961	4.4	46	6.1	
1962	3.4	31	5.7	
1963	3.3	37	6.3	
1964	2.3	39	6.3	
1965	2.4	39	7.1	
1966	1.8	30	4.3	10
1967	1.6	29	2.9	9
1968	2.1	24	2.8	10
1969	2.0	30	2.5	9
1970	1.7	27	2.5	8
1971	1.2	19		8
1972	1.3	21		

Sources:

Tadevosian, *Shtraf*, (1978), 26, 66; see also table 128 of this appendix; Leningrad: the average value in Leningrad city and Leningrad province is calculated from the data of col. 6 and 7 of table 69; see for Belorussia table 69, col. 4.

increased to about 30–40% of all cases filed at the people's courts in the 1950s. E.g. in the city of Leningrad this number was 40.8% in 1959 (table 69). But the number of sentences resulting from private accusations was much lower⁴⁰ and made up only 14.7% of all sentences. These figures are similar to those from the 1920s with the difference that the number of these cases terminated by the courts was much higher and the number of acquittals was much lower in the 1950s than in the 1920s (table 68).

Upon the revival of the comrades' courts in 1959, the number of cases filed upon private accusation decreased sharply as did the number of sentences (table 69). Thus in Moldavia, the number of cases filed upon private accusation decreased, if we take

Table 71: Relation Between the Number of Cases and of Sentences, 1959-1975

	Tatar Rep.				Leningrad				sample			
	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1971	1975
% of cases sent back for suppl. investigation	2.1	2.1	2.1	1.8	1.5	1.5	1.5	1.3	1.3	1.3	2.1	3.2
% of cases terminated	13.7	11.5	4.2	3.1	3.0	1.9					3.0	3.7
- cases on private accusation	13.2	10.8	2.7	2.6	2.8	1.6						
- other cases	0.5	0.7	1.5	0.5	0.2	0.3		1.7	0.8	2.3		
number of cases which did not result in a verdict	15.8	13.6	6.3	4.9	4.5	3.4	3.5	4	3	3	5.1	7.4
number of acquittals												
as % of all cases	2.0	0.8	0.3	0.2	0.2	0.2(1)	0.3	0.3	0.2	0.1	0.8	0.5
number of cases which did not result in a sentence	17.8	14.4	6.6	5.1	4.7	3.6					5.9	7.9

Sources:

Tatar Republic: Fatkullin, *Obvinenie*, (1965), 111, 124, 290, 346.

Leningrad: Alekseev, Lukashovich, *Leninskie idei*, (1970), 81.

Sample: Petrukhin, Baturov, Morshchakova, *Teoreticheskie osnovy*, (1979), 275. Cf. also for Saratov: Perlov, *Opredelenie suda*, (1977), 73 (in 1973, 2.7% of the cases were sent back for supplementary investigation); in 1979, the courts of the Rostov province sent back 206 cases, *SGIP* 1981 No. 11, 79. In 1981, it was stated that 1 out of every 40 cases is sent back, *Konstitutsionnye osnovy*, (1981), 111. In 1982, 87 cases were sent back in Vladimir province, Orlov, "Vysokaia otvetstvennost'", (1983), 6. In 1967, 43.9% of all cases upon private accusation were terminated upon reconciliation of the parties (in 1968, 39.2%; in 1969: 39.4%). In 1967, 1.2% of all cases upon private accusation were sent back to preliminary investigation in the RSFSR (in 1968: 1.1; in 1969: 1.3%); the corresponding USSR figures are: 1967: 1; 1968: 1.2; 1969: 1.3%. Savitskii, *Gosudarstvennyi obvinenie*, (1971), 325, 334.

Table 72. Number of Cases Filed and Considered in People's Courts and the Number of Sentences

	(1) filed cases				(2)				(3)				(4)				(5)				(6) considered cases				(7)				(8)				(9)				(10)				(11) sentences				(12)				(13)				(14)				(15)			
	pub. acc.	priv. acc.	total		abs.	trend	pub. acc.	priv. acc.	total		abs.	trend	pub. acc.	priv. acc.	total		abs.	trend	pub. acc.	priv. acc.	total		abs.	trend	pub. acc.	priv. acc.	total		abs.	trend	pub. acc.	priv. acc.	total		abs.	trend	pub. acc.	priv. acc.	total		abs.	trend																		
			abs.	trend					abs.	trend					abs.	trend					abs.	trend					abs.	trend					abs.	trend					abs.	trend			abs.	trend	abs.	trend	abs.	trend	abs.	trend	abs.	trend	abs.	trend	abs.	trend	abs.	trend	abs.	trend
1947	914	9	90	1,000			870	4.1	37	907			1,044	3.2	35	1,079			1,044	3.2	35	1,079			1,044	3.2	35	1,079			1,044	3.2	35	1,079			1,044	3.2	35	1,079			1,044	3.2	35	1,079														
1950	566	24	180	750			539	12.3	76	615			647	10	72	719			647	10	72	719			647	10	72	719			647	10	72	719			647	10	72	719			647	10	72	719														
1953	459	30	200	660			437	15.9	83	520			524	13.1	79	603			524	13.1	79	603			524	13.1	79	603			524	13.1	79	603			524	13.1	79	603			524	13.1	79	603														
1954	442	35	240	680			421	19.1	99	520			505	15.7	94	599			505	15.7	94	599			505	15.7	94	599			505	15.7	94	599			505	15.7	94	599			505	15.7	94	599														
1957	554	29.4	231	785			528	15.2	95	623			634	12.4	90	724			634	12.4	90	724			634	12.4	90	724			634	12.4	90	724			634	12.4	90	724			634	12.4	90	724														
1958	589	31.3	268	857		100	561	16.2	108	669		100	673	13.3	103	776			673	13.3	103	776			673	13.3	103	776			673	13.3	103	776			673	13.3	103	776			673	13.3	103	776		100												
1959	434	34.2	226	660		77	456	17.7	98	554		83	547	14.5	93	640			547	14.5	93	640			547	14.5	93	640			547	14.5	93	640			547	14.5	93	640			547	14.5	93	640		82												
1960	294	25.7	102	396		46	280	13.8	45	325		49	336	11.3	43	379			336	11.3	43	379			336	11.3	43	379			336	11.3	43	379			336	11.3	43	379			336	11.3	43	379		49												
1962	568	12.6	82	650		76	541	5.1	29	570		85	649	4.1	28	677			649	4.1	28	677			649	4.1	28	677			649	4.1	28	677			649	4.1	28	677			649	4.1	28	677		87												
1963	408	18.0	90	498		58	389	5.0	21	410		61	467	4.1	20	487			467	4.1	20	487			467	4.1	20	487			467	4.1	20	487			467	4.1	20	487			467	4.1	20	487		63												
1964	420	14.9	73	492		57	399	5.0	21	430		64	479	4.0	20	499			479	4.0	20	499			479	4.0	20	499			479	4.0	20	499			479	4.0	20	499			479	4.0	20	499		64												
1965	321	13.6	51	372		43	306	5.4	17	323		48	367	4.2	16	383			367	4.2	16	383			367	4.2	16	383			367	4.2	16	383			367	4.2	16	383			367	4.2	16	383		49												
1966	447	9.1	45	491		57	426	4.6	20	446		67	511	3.6	19	530			511	3.6	19	530			511	3.6	19	530			511	3.6	19	530			511	3.6	19	530			511	3.6	19	530		68												
1970	506	7.8	43	549		64	482	3.7	18	500		75	578	2.9	17	595			578	2.9	17	595			578	2.9	17	595			578	2.9	17	595			578	2.9	17	595			578	2.9	17	595		77												
1973	610	7	46	656		77	581	3.1	19	600		90	697	2.5	18	715			697	2.5	18	715			697	2.5	18	715			697	2.5	18	715			697	2.5	18	715			697	2.5	18	715		92												

Sources:

col. 1: 1.05 times col. 6; col. 4—col. 3.

col. 2: 1960–70: average value for Leningrad (table 69).

1957–59: 1958: table 69; 1957, 1959: relation with 1958 in col. 7.

1947–54: col. 3.

col. 3: 1947–54: 2.4 times col. 8; combinations of col. 1 and 2 or col. 2 and 4.

col. 4: 1957 can be calculated from the 1957 figure in col. 9; other figures: col. 5 or col. 9.

col. 5: Table 65 (1958–60; 1969; 1970); other figures: col. 4.

- col. 6: See ad col. 1; col. 9–col. 8.
 col. 7: 1958: table 69; other figures adjusted by taking 1.5 times the figures of col. 1 of table 70.
 col. 8: col. 7 + col. 6 or col. 7 + col. 9.
 col. 9: 1962, 1963: the Tatar figures, calculated *supra* p. 249; 1973: see p. 250; other figures: the Ukrainian figures of table 65 or calculated from col. 1–4; 1964: the RSFSR figure, calculated *supra* p. 250.
 col. 10: Calculated from col. 9.
 col. 11: 1, 2 times col. 6.
 col. 12: col. 13 + col. 14.
 col. 13: 0.95 times col. 8.
 col. 14: col. 11 + col. 12.
 col. 15: Calculated from col. 14.

1959 as 100, to 54.3 in 1960, and to 36.7 in 1961. In the RSFSR, between October 1963 and July 1964 more than 50% of all such cases were transferred to the comrades' courts.⁴¹

The data enable us to draft a model for computing the number of sentences imposed by the people's courts from the number of cases filed or considered, which is based upon several assumptions mentioned in the annotation to table 72. A problem is that we do not know the number of persons sentenced in each case. This number depends on the incidence of group crime. It has been stated in Soviet literature that group crimes constitute about 30% of all crimes.⁴²

However, group crimes are not always heard in one trial. Moreover, the concept of "group crime" is rather vague and a clear definition of the concept used is absent. It is possible that such high percentages are only valid for intentional crimes. A 1976 textbook of criminology⁴³ mentions a percentage of 11-12% for group crimes. Gavrilov and Kolemaev stated in 1970 that the average number of sentenced persons per case considered was 1.2.⁴⁴ We have used this figure to calculate the number of sentenced persons per case filed (table 72). As we will show below, the number of cases calculated from the data presented is incomplete as the number of criminal labor cases is not taken into account. The incompleteness of the figures may be shown here on the basis of the available data: according to data on the case load of the people's courts, civil cases made up 64% of all cases considered in 1947 and 75% in 1954 (table 31). As about 6 million civil cases were considered in 1947 (table 26) the people's courts considered 3.4 million criminal cases; in 1954, the latter number was 1.6 million. However, our estimates result in only 1 million cases in 1947 and 0.52 million cases in 1954 (table 69). The difference can be found in the number of criminal labor cases: about 1.8 million in 1947 and 1 million in 1954.

Table 73: Number of Cases in 1947 and 1954, Including Criminal Labor Cases

	filed				considered			
	publ. acc.	priv. acc.	labor cases	total	publ. acc.	priv. acc.	labor cases	total
1947	0.9	0.1	1.9	2.9	0.9	0.04	1.8	2.8
1954	0.4	0.2	1.1	1.8	0.4	0.1	1.1	1.6
sentences								
	publ. acc.	priv. acc.	labor cases	sentences				
1947	1.0	0.04	1.7	2.8				
1954	0.5	0.1	0.9	1.5				

Sources:

Tables 26, 31, and 72.

Table 74: Relative Occurrence of Criminal Cases in the Case Load of the People's Courts (in millions and percentages)

	civil cases				criminal cases, people's courts		crim. cases in case load of people's courts	
	filed		considered		filed	consid.	filed	consid.
	all courts	people's courts	all courts	people's courts				
1950	5.8	5.7	4.86	4.8	0.75	0.62	12	12
1953	5.8	5.7	4.9	4.8	0.66	0.52	10	10
1957	3.7	3.5	3.1	2.9	0.79	0.62	18	18
1958	4	3.8	3.4	3.2	0.86	0.67	18	17
1959	3.9	3.6	3.2	3.0	0.66	0.55	15	15
1960	3.9	3.6	3.2	3.0	0.40	0.33	10	10
1962	2.9	2.5	2.5	2.2	0.65	0.57	20	20
1963	2.9	2.5	2.6	2.4	0.50	0.41	17	15
1964	2.9	2.6	2.6	2.3	0.49	0.43	16	16
1965	2.9	2.5	2.6	2.2	0.37	0.32	13	13
1966	2.9	2.9	2.6	2.6	0.49	0.45	14	15
1970	2.4	2.4	2.1	2.1	0.55	0.50	19	19
1973	2.5	2.5	2.2	2.2	0.66	0.60	21	21

Sources:

Table 26 and 27; compare with table 31. Criminal labor cases have not been included.

2. Numbers of Sentences and Their Analysis

a. The Number of Sentences in the 1920s

The proper understanding of data on the number of sentences published in the Soviet Union is a complex task for several reasons. The data are rather abundant, bearing in mind that the official court statistics themselves have been held to be secret since 1928; in addition, those figures that are available are not always compatible. Soviet authors who have access to such data and who are able to publish particulars often do not mention which courts have pronounced the sentences (people's courts, ordinary courts, official courts, all courts). Other information, such as data on the completeness of the area covered or on the assumptions made to correct for under-reporting, are not usually given. Moreover, we can only calculate the numbers of sentences in absolute figures by making comparisons with the numbers reported for 1928. We know many details with regard to 1928, but the data seem rather contradictory.

According to Gertsenzon, writing in 1930, the total number of sentences during 1928 was 953,715 but he warned that his figures were incomplete.⁴⁵ In 1932, he gave a figure of 909,254 without such a caveat.⁴⁶ The RSFSR People's Commissar of Justice, Ianson, provided details on the number of sentences during 1928 in a report to workers in the Soviet courts. According to these data, that number can be calculated to be 955,300.⁴⁷ This number has been given more precisely by Kuznetsova in her 1969 study on criminality where she mentioned a figure of 955,629⁴⁸ (should be:

955,269). However, according to Gernet, the precise number should be 1,046,352 sentences and he states that he has corrected his figure for under-reporting,⁴⁹ but his estimates seems unreliable at first sight. Juviler makes use of two statements of Shliapochnikov on the number of sentences for the RSFSR in order to calculate the 1928 number.⁵⁰ He arrives at 1,106,000 sentences or 16% more than the figures cited by Ianson and Kuznetsova. But this number seems incompatible with data given by Khalfin who asserts that he gives figures for “all civil and military court institutions from the people’s courts up to the USSR Supreme Court”; he states that the number of sentences was about 1 million; this figure is based on material of the Central Statistical Board which disposed of 95.2% of all data.⁵¹

There are also several figures for 1927, but fortunately we know more details about their nature. According to a report by the USSR government, the peoples’ courts of the RSFSR received 1,649,589 criminal cases in 1927 and they delivered 830,206 sentences. The higher courts received 104,942 cases and delivered 49,851 sentences.⁵² According to the official statistics,⁵³ the people’s courts received in the same year (if we correct the figures for the omitted territory) 1,842,200 cases and delivered 966,900 sentences. The higher courts received 129,500 cases. Of course, the data in the government report are incomplete, but they enable us to estimate the total number of sentences by higher courts at $(129.5 \times 49.9 \div 104.9 =) 61,500$ sentences. Therefore, during 1927 the ordinary courts of the RSFSR sentenced approximately 1,028,400 individuals.

Gernet estimated the same figure on the basis of the number of files made up of accused and sentenced individuals (790,085) and the reported number of unfiled sentenced individuals in 1927 in the RSFSR. On this basis he arrives at a total of 1,026,084 sentences.⁵⁴

Therefore, we arrive at nearly the same number of sentences in the RSFSR in 1927 using two different approaches. However, Shliapochnikov gives a figure of 1,073⁵⁵ sentences per 100,000 inhabitants and this would give about 1,100,000 sentences.⁵⁶ The question arises whether we may and should take this figure for 1927 as being the highest, and therefore the best, figure.

Analysis of Shliapochnikov's figures

In the 1920s, authors quite frequently cited figures on the number of sentences for the territory of the RSFSR minus the ASSR’s (the 12 autonomous republics, inhabited by about 17% of the population). Sometimes this was stated explicitly, but frequently nothing was said about it. E.g. in 1935, Estrin published a table on the frequency of sentences for some types of crime in the RSFSR,⁵⁷ but in the same year other authors gave the same figures for the RSFSR minus the ASSR’s.⁵⁸

In many autonomous republics, the number of sentences per 100,000 of the population was very low: in 1927 in Kirgizia this number was only 20% of the RSFSR value (cf. table 75). The effect is that the number of sentences per 100,000 inhabitants in the RSFSR minus the ASSR’s was much higher than the corresponding number for the entire RSFSR.

Therefore, if Shliapochnikov’s figures for the number of sentences per 100,000

Table 75: Territorial and Ethnic Distribution of the Number of Sentences, 1926–1927 (people's courts, thousands)

region	population 1926 census	sentences in 1926		sentences in 1927	
		total	per 100,000	total	per 100,000
Karelia	269.7	14.4	0.32		
Chuvasia	894.5				
Kalmykia	141.6				
Volga-Germans	571.9				
Tatar Rep.	2,594.0				
Bashkiria	2,695.0	13.9	0.52	16.1	0.6
Crimea	714.1	9.9	1.39	11.0	1.6
Dagestan	788.1	3.6	0.46	4.0	0.5
Buriat-Mongolia	491.3	5.7	1.16	6.0	1.3
Kazakhstan*	6,187.1			23.6	0.4
Kirgizia	993.1			1.8	0.2
RSFSR-ASSR's**	83,934	836.0	0.97		
RSFSR**	100,274.6			964.2	1.0
Belorussia	4,983.9	44.0	0.88	54.3	1.1
Ukraine	29,020.3	346.8	1.20	299.4	1.0
Georgia	2,660.9	17.0	0.64	12.2	0.5
Azerbaidzhan	2,313.2	1.7	0.07	1.3***	0.06
Armenia	876.6			2.1	0.3
Uzbekistan	5,270.2			8.8	0.2
Turkmenia	1,030.5			3.0	0.3
USSR****	146,478.7			1,349.4	0.9

* minus Karakalpakia (304,600 inhabitants)

** minus Karakalpakia and Yakutia (583,400)

*** minus Nagorno-Kabardinia and Nakhichevan (230,300)

**** minus all these autonomous republics (813,700)

Sources:

Ten Years, 110–111; *Stat. Sprav. SSSR 1928*, 894–895. The number of sentences in 1926 in the first five listed ASSR's can be calculated by deducting the number for the RSFSR minus the ASSR's (published in: *Vestnik VS SSSR 1928* No. 10, 41–44) from the incomplete figure from *Ten Years* for the entire RSFSR. We use the population figures from the 1926 census, therefore the 1926 numbers (col. 3) were somewhat lower and the 1927 numbers (col. 5) higher. The figures for the ASSR's are less favorable than they would have been had we taken into account that there the number of sentences by the higher courts was higher than the RSFSR-average.

inhabitants are figures for the RSFSR minus the ASSR's, they are much higher than the RSFSR figures. In the same article, Shliapochnikov gave numbers of sentences for crimes against ownership and crimes against the person in the RSFSR minus the ASSR's, and he stated this in so many words. These figures enable us to calculate the number of sentences in this area per 100,000 inhabitants (tables 76 and 77).

These calculations show the significance of Shliapochnikov's figures; they reflect sentences in the RSFSR minus the ASSR's per 100,000 inhabitants, therefore we may not use these figures as a correction to Gernet's figures,⁵⁹ which are for the entire RSFSR.

Table 76: Analysis of Shliapochnikov's Figures

	Shliapochnikov's figures	crimes against the person			number of all sentences per 100,000	
		sentences per 100,000		% of all sentences	per 100,000	
		absolute number	trend 19281=100		calcul.	result
1925	1000					1000
1926		211		20.3*	1039	~1039
1927	1073					1073
1928 I			100	118	536	} 1098
II			146.6	173	562	
1929	1363	290		21.3	1362	1363
1930 I		} 161	71.6	85	726	} 1334
II			64.7	76	608	
1931 I		54		54	761	761

* RSFSR

Sources:

col. 1-3:

Shliapochnikov, "Likvidatsiia", (1932).

col. 4:

Calculated from col. 2+3.

col. 5:

Shliapochnikov, "Prestupnost'", (1935); the 1926 number is taken from Gertsenzon, "Organy iustitsii v bor'be s prestupleniiami", (1935).

col. 6:

Calculated from col. 4+5; the error involved is only 0.5% in 1929 and 1% in 1930. The error in the 1926 figure is large as we know only the 1926 figure in col. 5 for the RSFSR.

col. 7:

The 1929 figure in col. 6 and 7 is the same; however, see table 79 for the correct 1929 figure.

Although population figures were published during the 1920s, it is difficult to adjust the population figures in the area of the RSFSR minus the ASSR's as precisely as would be necessary to calculate the absolute number of sentences from Shliapochnikov's figures. Moreover, we do not know whether Shliapochnikov's figures are calculated using those precise data. However, rather precise data on the absolute number of sentences are available and we can use Shliapochnikov's figures to understand their significance.

A comparison of data in col.1 and 9 of table 78 proves that Shliapochnikov's figures also encompass sentences by the higher courts. Col.8 and 9 show that Ianson, who gave numbers of sentences "by all courts of the RSFSR"⁶⁰ gave numbers for the people's courts and higher courts of "the RSFSR minus the ASSR's". Gertsenzon's figures in col.4 are incomplete, as he stated himself. Also his figures for 1928-1929 in col.5 are incomplete, although he does not say anything about this.

Therefore in 1928, the people's courts and higher courts of the RSFSR minus the

Table 77: Crimes Against Ownership, 1927- 1931

		Shliapochnikov's figures	crimes against ownership		all sentences p/ 100,000 inh.
			sentences p/ 100,000 inh.	% of all sentences	
1927		1073			
1929 I	}	1363	328	25.4	24.1
II				22.9	
1930 I	}		303	23.2	22.7
II				22.0	
1931 I			158	20.0	790
II			<158	21.5	<735

Sources:

col. 1, 2:

Shliapochnikov, "Likvidatsiia", (1932).

col. 3, 4:

Estrin, *Sovetskoe uголовное pravo*, (1935), 140-141.

col. 5:

The 1929 figure, calculated from col. 2 and col. 4, is equal to Shliapochnikov's figure, therefore we know its precise meaning; however, see table 79 for the correct 1929 figure.

ASSR's sentenced 955,269 persons. This figure seems to be complete but the figure for 1929 leaves some room for doubt.

Gernet gave a figure of 1,243,902 sentences for 1929 (RSFSR minus ASSR's) and divided this number among several types of crime.⁶¹ He gave 175,329 sentences for hooliganism,⁶² whereas Bulatov and Shliapochnikov cited 175,996.⁶³ Therefore Gernet's number is not complete. Probably Gernet derived his number from the same set of data as Ianson.⁶⁴ In 1930 Ianson asserted that according to preliminary data for the second half of 1929 the number of sentences should have been 36.8% above the level of the first half of 1928, but additional data increased this to 42.9%.⁶⁵ However, in 1935 an increase of 43.9 has been mentioned.⁶⁶

If we take the latter figure as being the complete one, we can calculate the complete figure for 1929 to be 1,248,400. If we correct Gernet's figure for 1929 with aid of the figures for hooliganism, we arrive at 1,248,600. Therefore, in 1929 the total number of sentences was 1,248,400 in the RSFSR minus the ASSR's, or about 1,400 per 100,000 inhabitants. The latter number is given by Shliapochnikov as 1,363⁶⁷ and is based on the lowest figure given by Ianson for 1929II for the number of sentences in the RSFSR minus the ASSR's (table 79).

Analysis of Gernet's figures

The analysis of Shliapochnikov's figures proves that his figures reflect the number of sentences by ordinary courts in an area encompassing the RSFSR minus the ASSR's. We know that these courts pronounced 955,269 sentences in 1928.

Table 78: Data on Number of Sentences by RSFSR Courts, 1924–1930 (in thousands)

(1) people's courts	(2) RSFSR ASSR's	(3) Gernet	(4) Gertsenzon		(6) Vestnik RSFSR-ASSR's	(7) people's courts	(8) Ianson	(9) Shliap- chnikov RSFSR- ASSR's	(10) Khalfin
			(1930)	(1931)					
1920	630								
1921	850								
1922	1,100								
1923	1,201								
1924	1,679								
1925	710	869.035			1,665.324*			812	
1926	830	975.105	881.9		742.667*			860	
1927	887	1,026.084	940		895.831	835.983		910	
1928		1,046.352	953.7	909.254			955.269	955	1,042.5
1929		1,310.965		1,175			1,243.902	1,215	
1930								1,210	

* RSFSR minus the ASSR's and two unidentified provinces.

Sources:

col. 1:

1920–4: Tarnovskii gives incomplete figures for 1920–2, and 1922–3 which enable us to calculate the trend in the number of sentences between 1920 and 1923; cf. Tarnovskii, "Dvizhenie 1920–1923", 115, and "Dvizhenie 1922–1923", 649. In "Sudebnaia deiatel'nost'", (1926), 203, Tarnovskii gives figures for an area encompassing nearly the RSFSR minus the ASSR's. See also Brandenburgskii, "Neskol'ko myslei", (1925).

1925–7: *Ten Years*, 109–111 (estimations); *Stat. Sprav. SSSR 1928*, 894–895.

col. 2:

ibid.

col. 3:

Gernet, *Prestupnost'*, (1931), 79.

col. 4:

Gertsenzon, *Alkogolizm*, (1930), 48; he again gave other figures in *Sovetskoe pravo* 1929 No. 3, 103 (1926: 832,2 th.; 1927: 919,0; 1928: 952,1).

col. 5:

Gertsenzon, "Repressiia", (1931), 150–1; Gertsenzon does not give figures about application of the death penalty, but Estrin – whose data are based on the same number of sentences – includes the death penalty, Estrin, *Razvitiie*, (1933), 227. Probably, the figures represent the number of files made up of all sentenced individuals in the RSFSR minus the ASSR's (Gernet gives 994,035 files for the RSFSR in 1928).

col. 6+7:

Vestnik Verkhovnogo Suda SSSR 1927 No. 4, 53–54; 1928 No. 10, 41–44.

col. 8:

Ianson, Speech, (1930); Kuznetsova, *Presuplenie*, (1969), 187; Gernet, *Presupnosti*, (1931), 78 gives for 1928: 955,629 (but this should be 955,269) and for 1929: 1,243,902; similar figures are given by Estrin, "Ugolovnaia politika", (1931), 394. According to these sources, the figures for 1928 and 1929 are: 1928 I – 466,240, II – 489,029; 1929 I – 577,476, II – 666,426. Other figures are given by Chernev, "Prinudraboty", (1930), 57: 1928 I – 483,385, II – 475,869; 1929 I – 554,727. These figures are analysed in table 79.

col. 9:

Tables 76 and 77: see for population data table 2.

col. 10:

Khalfin, "Zhiznennost'", (1930).

Table 79: Number of Sentences in 1928–1929 in the RSFSR minus the ASSR's

	abs. number	trend 1928 = 100		abs. number	sentences p/100,000
1928 I	466,240	100	1928	955,269	1,100
II	489,029	104.9			
1929 I	577,476	123.9	1929	1,215,292	1,362
II	637,816	136.8		or 1,243,902	or 1,395
	or 666,426	or 142.9		or 1,248,395	or 1,400
	or 670,919	or 143.9			

Sources:

col. 1:

1928 I, II; 1929 I: see table 78, annotation at col. 8.

1929 II: calculated from col. 2; however, the absolute number corresponding with an increase by 42.9% is precisely known from Ianson, Speech, (1939), 1.

col. 2:

1928 I, II; 1929 I: Shliapochnikov, "Prestupnost'", (1935).

1929 II: 136,8 and 142,9: Ianson, Speech, (1930), 1; 143,9: Shliapochnikov, "Prestupnost'", (1935).

col. 3:

1928: the figure of 955,269 is given by Gernet, *Prestupnost'*, (1931), 78.

1929: the figure of 1,243,902 is given by Gernet, *loc. cit.*; see also Ianson, Speech, (1930); the other figures are calculated from col. 1.

col. 4:

1928: table 76.

1929 I: calculated from col. 3 and the population data of table 2 (89.2 million in 1929); the other figures of this column are calculated with aid of this number.

Gernet gives a number of 1,046,353 sentences for the entire RSFSR,⁶⁸ but we are not certain that this figure is correct, since it is based on the total number of files made up of sentenced individuals, which is corrected with the aid of the reported number of unfiled sentences. *Supra*, it has appeared that Gernet's figure for 1927 is equal to a number which can also be calculated from other data. Therefore, the 1928 figure could also be a good approximation for that year. Moreover, Khalfin stated that the number of sentences by all courts for 1928 was about 1 million, basing this statement on material from the Central Statistical Board, which disposed of 95.2% of all data.⁶⁹

Khalfin did not give the precise number of sentences in 1928, but he did give figures on some crimes and their proportion of all sentences: e.g. 141,017 sentences for hooliganism took place, which constituted 14.2% of all sentences. Though Khalfin's list of figures contains (at least) one misprint (the number of sentences for theft is given as approximately 137,000 instead of 139,845),⁷⁰ we can calculate the number of sentences which he used to be 992,500 (table 60). Therefore, Khalfin's figures result in a total number of sentences of $(992,500 \div 0.952 =) 1,042,500$ sentences or 99.6% of Gernet's figure (1,046,352). Khalfin stated that his article was based on the number of sentences by "all civil and military court institutions from the people's courts up to the USSR Supreme Court" and that the number of military crimes was insignificant.⁷¹

As Gernet's number basically equals Khalfin's for 1928, we can conclude that Gernet's figure for the number of sentences in the RSFSR is a figure which includes all sentences of all official courts.

Table 80: The Most Frequent Sentences in 1928 (RSFSR) According to Types of Crime

	Arts. RSFSR CC	Khalfin
hooliganism	74	141,017
theft	162	136,845
beatings	146	93,625
defamation	159	79,400
home distilling	101	38,291
light b. injury	143	32,050
embezzlement (by officials)	116	29,710
tax evasion	60	27,913
violation labor law	133	22,452
neglect	111	22,044
defamation, officials	76	18,551
swindling	169	16,913
resistance, officials	73	16,071
arrogation	90	15,506
moonshine	102	13,220
weapons	182	13,024
prices	107	12,589
embezzlement	168	12,232
destruction	175 ¹	10,772
forestry rules	85	10,319
intentional homicides	136 + 137	~11,300
other homicides		~2,680

Source: Khalfin, "Zhiznennost'", (1930).

Number of Sentences in the Entire USSR in 1928

Table 81: Number of Sentences in the RSFSR, 1928-1929 (thousands)

	RSFSR all crts.	people's crts.	RSFSR-ASSR's all crts.	people's crt.s.
1928 all sentences	1,046.352*	970	955.269*	885
all available files	994.035*	920.5*	909,254*	840
difference	52.317			
1929 all sentences	1,310.965*	1,247	1,248.4*	1,187
all available files	1,234	1,174	1,175	1,117
difference	77.0			

* data given by Gernet, Gertsenzon and Ianson, see table 78; the other figures are estimated.

The corresponding USSR figures could be adjusted by taking the population figures for the USSR and the RSFSR; this would result in 1.5 million sentences in

Table 82: Reconstruction of the Number of Sentences, 1925–1930 (thousands)

	RSFSR-ASSR's			RSFSR absolute number
	absolute number	trend 1925 = 100	per 100,000 inhabitants	
1925	810	100	1,000	
1926	896	106.8	1,039	
1927	940	113.6	1,073	1,026.1
1928	955.3	117.9	1,100	1,046.4
1929	1,248.4	154.1	1,400	1,311.0
1930	1,207.6	149.1	1,338	

1927. This number is probably too high: the number of sentences in the Ukraine was about 315,000 and in Belorussia about 58,000 (table 83). The figure for the 5 remaining republics can hardly exceed 50,000. Therefore, the 1927 figure for the USSR is close to $(1.028 + 315 + 58 + 50 =) 1.45$ million, or 1.37 million sentences by people's courts and 0.08 million by the higher courts.

In 1928, the RSFSR minus the ASSR figure was 4% higher than in 1927. But the Ukrainian and Belorussian figures were probably somewhat lower than in 1927. Therefore, the 1928 figure for the whole of the USSR is close to the 1927 value. If we estimate the number of sentences by military tribunals to be 50,000 (i.e. twice the 1925-number), we arrive at a (maximum) number of 1.5 million sentences by all official courts of the USSR. Gernet gives a number of 9.8 sentences per 100,000 inhabitants,⁷² a figure quoted by Kudriavtsev in 1980.⁷³ This results in 1.49 million sentences by all official courts of the USSR.

b. The Number of Sentences in the 1930s

The RSFSR

Rather abundant data are available on the number of sentences between 1930 and 1935; data for 1936–1938 are incomplete but good enough to adjust for the number of sentences in these years (tables 84–88). However, two problems have to be solved. Firstly, we can draw up two rows of numbers – one published in the USSR,⁷⁴ the other calculated on the basis of other data. These two rows are incompatible with one another. In addition, the second row can be constructed only if we know population trends between 1930 and 1934, i.e. in the period of collectivization and the resulting famines. In 1933 and 1935, figures were published on the absolute number of sentences for hooliganism in the years 1926–1934, in an area encompassing the RSFSR minus the ASSR's (1926–1932) and in an area encompassing the RSFSR minus the ASSR's minus the autonomous provinces and the Far Eastern territory (hereinafter referred to as “the smaller territory”, see table 85). In 1935 Gertsenzon published data on the number of sentences for hooliganism per 100,000 inhabitants.

Table 83: Number of Sentences in the Entire USSR: Data (thousands)

	1925	1926	1927	1928	1929	1930
RSFSR						
– RSFSR-ASSR's						
people's courts	710	836	887			
ordinary courts	810			909	1,175	
official courts	810	896	940	955	1,248	1,208
– RSFSR						
people's courts	775	907	967			
ordinary courts	885			994	1,234	
official courts	896	975	1,026	1,046	1,311	
Ukraine						
people's courts	350.0	346.8	299.4			
ordinary courts			405.7	266.6	292.2	
Belorussia						
people's courts	56.4	44.0	54.3			
ordinary courts	59.3	46.6	57.9	50.5	55.0	
Azerbaijan						
people's courts		1.7	>3.0			
ordinary courts	3.4	4.5	4.1			
Armenia						
people's courts		20.3*	>4.5			
ordinary courts	12.0	14.5	8.9			
Georgia						
people's courts	14	17.0	12.2			
ordinary courts		19	14			
Uzbekistan						
people's courts			>8.8			
ordinary courts	8.9	11.0	12.0	18.7	19.8	
Turkmenia						
people's courts		6.8*	3.0			
ordinary courts	3.1	4.0	4.4	5.4	7.8	

* = cases

Sources:

RSFSR: table 82.

Belorussia: *Vestnik VS SSSR* 1927 No. 5–6 (8–9), 81.

Other republics: people's courts: *Ten Years*, 109–111; *Stat. Sprav. SSSR* 1928, 894–895. However, the reliability of these figures is uncertain. Gernet gives the same figures (except for Georgia) for the number of files made up of sentenced individuals.

These numbers enable us to calculate the population figures used by Gertsenzon, as evidently Gertsenzon's numbers are also for the RSFSR minus the ASSR's (table 84). The results are not precise, but the margin of error of the calculation is rather low ($\frac{1}{2}$ –1%).

We can find similar figures on population development from data on the total number of sentences and of sentences for crimes against the person. Also these figures are given partly for the RSFSR minus the ASSR's (1928–1931) and partly for the

Table 84: Sentences for Hooliganism and Population Figures, 1928–1934: RSFSR-ASSR's

	RSFSR-ASSR		smaller territory (Shliap.)	sentences p/100,000 inh. RSFSR-ASSR	population (in millions)	
	Bulatov	Shliap.			RSFSR- ASSR	smaller territory
1923 I	4,836					
II	7,136					
1924 I	10,257					
II	12,376					
1925 I	4,993	14,5				
II	4,629					
1926 I	20,154	88,720				
II	68,566					
1927 I	76,274	133,547				
II	57,273					
1928 I	65,452	139,217		74	88.4	
II	73,765			84	87.8	
1929 I	84,861	175,996		94	90.3	
II	91,135			101	90.2	
1930 I	97,339	193,103		107	91.0(94.9?)	
II	87,675			95	92.3(96.3?)	
1931 I	95,414	100,236		102	93.5(98.3?)	
II	100,415			106	94.7	
1932 I	73,012		69,947	91(81?)	90.1	86.4
II			55,004	64	89.7	85.9
1933 I			46,663	54	90.2	86.4
II			41,287	47	91.6	87.8
1934 I			46,221	53	91.0	87.2
II			52,277			
1935 I+II				112		

Sources:

col. 1:

1923–5: Tarnovskii, "Statistika", (1926); Lavogier, "Rost' khuliganstva", (1926); these figures are for 48 gubernia.

1926–32 I: Bulatov, "Khuliganstvo", (1933), 70. Cf. also 1926 II–81: *Dva goda raboty pravitel'stva RSFSR 1927–8*, 184, with the same figures; Briskin, "Nekotorye itogi", (1928), 492.

col. 2:

1926–31: Shliapochnikov, "Likvidatsiia", (1932). Khalfin, "Zhiznennost'", (1939), gives for 1928: 141,017 (1.3% higher than Shliapochnikov); Gernet, *Prestupnost'*, (1931), 80, gives 141,172; these figures are incomplete, the figure should have been about 148,400. With regard to the area of the RSFSR-ASSR's, Gernet gave at p. 84 also the number of 1928 (139,217) and for 1929 (175,329), but the latter figure is incomplete as Gernet's data for 1929 are all incomplete. The reason for the differences in 1930–1 between Bulatov's and Shliapochnikov's figures of 4.5% (or about 4.2 million people) is unknown. The population of the Chuvash ASSR diminished somewhat in 1930 as a consequence of the formation of the Mordavian autonomous province, but this affected only a small portion of the population.

col. 3:

Shliapochnikov, "Prestupnost'", (1935).

col. 4:

Gertsenzon, "Organy iustitsii v bor'be s khuligantvom", (1935), 14. In 1930–1, sentences for hooligan-

ism constituted 1/7 of all sentences. Probably the value for 1932I is a misprint. Gertsenzon's figures are for the territory of the RSFSR minus the ASSR's the 1935 figure for the RSFSR is calculated from Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 203.

col. 5:

Calculated from col. 1, 4. The figures for 1932II–34 have been adjusted from col. 6 assuming that the population in the RSFSR minus the ASSR's and in the "smaller territory" are related in the same way as the number of sentences for hooliganism in these areas (73,012:69,947 = 1.044).

col. 6:

Calculated from col. 3, 4. We have calculated the figure for 1932I by assuming a number of 81 sentences per 100,000 inhabitants.

smaller territory (1932-1935) (table 85). In 1935 Shliapochnikov gave figures on the total number of sentences (1932 is omitted) and trends in sentences for crimes against the person per 100,000 inhabitants (table 85). We can calculate from them the trends in the total number of sentences per 100,000 inhabitants in 1928, 1930, 1933, and 1934I. A comparison of the latter number with the numbers on all sentences passed in the area yields trends in population development which are similar to those found *supra*.

Table 85: Number of Sentences in the RSFSR, 1928–1934 (trends, data)

	number		crimes against the person				trend in population 1928 I = 100
	RSFSR- ASSR	smaller terr.	as % of all sentences		no. p/100,000 inh.		
			RSFSR- ASSR	smaller terr.	RSFSR- ASSR	smaller terr.	
1928 I	100		22.0		100		100
II	104.9		30.8		146.6		100.2
1929 I	124		24.0				
II	143.9		19.0				
1930 I	141		11.7		71.6		104.7
II	118		12.5		64.7		103.6
1931 I	152.7		7.1				
II	138.3		7.3				
1932 I			5.6	5.7	31.9		
II			5.4	5.4	27.6		
1933 I		152.2	2.9	3.0		20.7	100.3
II		143.3	3.6	3.7		24.1	100.0
1934 I		116.8		4.4		24.1	96.9
II		101.4		5.5			

Sources:

col. 1–6:

Shliapochnikov, "Prestupnost'", (1935); Gertsenzon, "Organy iustitsii v bor'be s prestupleniiami", (1935); Estrin, *Sovetskoe uголовное pravo*, (1935), 140–141.

col. 7:

Calculated.

Table 86: Sentences for Official Crimes, 1932–1935

	as % of all sentences		trend 1932I = 100	trend in all sent. (smaller territory)
	RSFSR-ASSR	smaller terr.		
1932I	23.3	23.1	100	100
II	19.4	19.8	79	92.2
1933I	21.6	21.5	118.2	127.0
II	28.7	28.7	147	118.3
1934I		33.1	139	97.0
II		28.9		
1935I + II	27.3 (RSFSR)			

Sources:

col. 1:

Estrin, *Sovetskoe ugodovnoe pravo*, (1935), 140–141; Gertsenzon, *Sovetskaia ugodovnaia statistika*, (1937), 203; see also S. Mitrichev, “O dolzhnostnykh prestupleniakh v kolkhosakh”, *Sovetskoe stroitel'stvo* 1935 No. 3, 73.

col. 2, 3:

Shliapochnikov, “Prestupnost'”, (1935); cf. also Shliapochnikov, “Za ukreplenie”, (1934), 49.

col. 4:

Calculated. Similar numbers can be found with aid of data on speculation given in Mitrichev, “Otmena kartochnoi sistemy”, (1935), 40.

The number of sentences in 1932 can be found by data given on the number of sentences for misconduct in office (table 86).

We now have a connection between Shliapochnikov's figures (i.e. 1928–1934) and other figures published on the total number of sentences in the RSFSR between 1933 and 1938 (table 87). As these data partly overlap, we may conclude that they are derived from one set of figures. Although some data are given for the RSFSR, other data for the RSFSR minus the ASSR's and still other data for the smaller territory, this question is of minor importance since we are dealing only with trend figures.

The data collected include sentences by the higher courts and probably by military tribunals for several reasons:

1. The data for the years 1932–1935 correspond with the data in table 79 which reflect sentences by all ordinary courts and probably by military tribunals.
2. The figures given by Man'kovskii (1937 and 1938)⁷⁵ also include the higher courts as he also gives figures for the occurrence of official crime, a crime considered mainly by the higher courts. Therefore, we now have a rather complete picture of the trend in number of sentences by the courts of the RSFSR (table 87).

The data used so far are only part of the available data. In 1938 Dmitriev published quite other numbers. According to him the number of sentences should have decreased, if we take 1930 as 100, to 94.7 in 1933, 83.4 in 1935 and 58.2 in 1937. In the first half of 1938, it was nearly 50% below the figure of 1935I (table 89). At first sight, these figures are incompatible with the figures collected in table 87, which, if the assumptions are valid, are for sentences by all courts operative in the RSFSR, including the military tribunals and other tribunals (then called special courts), but

Table 87: Number of Sentences in the RSFSR minus ASSR's, 1928-1941

number of all sentences					number of sentences p/ 100,000 inh.		
RSFSR-ASSR			smaller terr.		RSFSR- ASSR	trends	absolute numbers
trend 1928 I = 100	absolute numbers		trend 1928 I = 100	trend 1932 I = 100	1933 I = 100		
1928 I	100	466,240	955.3			100	
II	104.9	489,029				104.8	100 1,100
1929 I	124.0	578,1	1,249.2				
II	143.9	671,1					128 1,404
1930 I	141.0	657,4	1,207.6			134.7	
II	118.0	550,2				113.9	121 1,331
1931 I	152.7	711,9	1,356.7				
II	138.3	644,8					134 1,475
1932 I	125.7*	586	120.4	100		122.9	
II	115.9*	540	111.0	92.2		112.2	115 1,265
1933 I	158.9*	741	152.2	127.0	100	151.8	
II	147.9	690	143.3	118.3	93.1	141.8	143 1,575
1934 I	124.9	582	116.8	97.0	78.6	123.5	
II	109.6	511	101.4		69.0	~108	~113 1,245
1935 I	96.4	449			60.7		
II	89	415			56		80 880
1936 I	82.3	384			51.8		
II							64 700
1937							67 740
1938 I	81.9	382				~74	~820
1941						63	~700
			~750				

* adjusted

Sources:

col. 1:

1928-34: Tables 85 and 86.

1935-6: Col. 6; 1938 I: Man'kovskii, "Voprosy ugolovnogo prava", (1939), 88.

col. 2:

Col. 1 and table 79.

col. 3:

Col. 2; 1937 RSFSR: Man'kovskii, *loc. cit.*; Vyshinskii, "XVIII s"ezd", (1939), 17; 1941: Kozhevnikov, *Istoriia soverskogo suda*, M. 1948, 306, cited in Shargorodskii, Alekseev, "Aktual'nye voprosy", (1954), 167. This source states that the number of sentences had decreased by nearly one-half in the RSFSR and the Ukraine compared by 1933. Therefore, it was nearly equal to the 1940 figure, see table 99 below.

col. 4, 5:

Tables 85 and 86.

col. 6:

1933-5: Shliapochnikov, "Za ratsionalizatsiiu", (1936), 24.

1936 I: Leplevskii, "O sostoianii", (1937), 83; he gives for registered crime in 1936 59.85% of the 1934 figure; if the trend in the number of sentences was similar, we arrive at 270,000 sentences in 1936 II.

col. 7-9:

Calculated.

without special boards. If Dmitriev's figures encompassed only the people's courts the following picture would arise (table 89) – in which we have assumed that 1935 was a normal year as far as the courts are concerned.

If Dmitriev's figures also encompassed the other ordinary courts, but not the the

Table 88: Correction for Sentences Upon Private Accusation (thousands)

	all sentences		crimes against the person		priv. accus. trend	col. 1–col. 3	
	abs. no.	trend	% of all sent.	trend		abs. no.	trend
1928	955.269	100	26.2			705	100
1929	1,249.2	131	21.5	100	100	980	139
1930	1,207.6	126	12.2	55	50.6	1,060	150
1931	1,356.7	142	7.1	36	26.9	1,260	178
1932	1,126	118	5.6	23	16.9	1,063	151
1933	1,431	150	3.3	18	6.5	1,384	196
1934	1,093	114	4.4	18		1,045	148
1935	864	90	7.5	24		799	113
1936	654	~68					
1937	685	72					
1938 I	382	80	13.1	37		332	94

Sources:

Tables 67 and 87.

Table 89: Analysis of Dmitriev's Figures (figures in thousands or trend figures)

	Shliapochnikov		Dmitriev trend 1930=100	other courts abs. no.	people's courts abs. no.
	abs. no.	trend 1930=100			
1930	1,208	100	100	308	900
1931	1,357				
1932	1,126				
1933	1,431	118.5	94.7	588	843
1934	1,093				
1935	864	71.5	83.4	122*	742
1936	650				
1937	685	58	58.2	167	518
1938**	764	63	~43	381	383

* calculated on the basis of 50,000 sentences in 1928 (see *supra*, p. 273) and a trend equal to the general trends

** on the basis of the data for 1938 I

Sources:

Table 87; Dmitriev, *Speech*, (1938), 37; Shargorodskii, Alekseev, "Aktual'nye voprosy", (1954), 166–167; *Kurs sovetskogo ugolovnogo prava*, Vol. I (1968), 190.

military and other tribunals, the number of cases handled by these tribunals would be much lower (216,000 in 1930; 501,000 in 1933; 45,000 in 1935; 128,000 in 1937; and 172,000 in 19381).

The USSR

The RSFSR figures are not entirely indicative for the USSR. In 1936 Vyshinskii asserted that the number of sentences in the Ukraine was "much higher" than the average for the USSR. Scattered data on the republics show that the number of sentences in some republics decreased much faster than in the RSFSR.⁷⁶ However, all reports are unanimous in showing a large decrease in sentences which occurred between 1933 and 1937. Therefore, we may expect that over the USSR as a whole the number of sentences decreased faster than in the RSFSR.

We may adjust the number of sentences, issued during 1935 in the entire USSR from the figures for the RSFSR (table 87) in two ways: if we assume that the relation between the figures for the USSR and RSFSR was the same in 1935 as it was in 1928, we find 1,292,000 sentences in 1935; if we assume that during 1935, the number of sentences per 100,000 inhabitants in the entire USSR was the same as in the RSFSR (table 87) we arrive at 1,408,000 sentences. Therefore, a figure of 1,350,000 would seem to be a good approximation. Data given by Gertsenzon and Man'kovskii enable us to calculate the number of sentences issued during 1937 and the first half of 1938 (table 90). According to these figures, the number of sentences in the territory outside the RSFSR (but including the autonomous republics) decreased much faster than in the RSFSR (table 91).

Table 90: Number of Sentences and Their Types in the Entire USSR (1935-19381, in thousands and as % of all crimes)

	official crimes	crimes against ownership	crimes against order of administration	
1935	378.0 (28.0)	325.4 (24.4)	509.0 (37.7)	
1936	253.6	252.8	406.6	
1937	193.4 (19.9)	241.1 (24.8)	321.8 (33.1)	
1938I	106.6 (21.8)	86.9 (17.8)	175.9 (36.1)	
	crimes against persons	law of 7 August 1932	other crimes	all sentences
1935	105.3 (7.8)	13.5 (1.1)	18.8 (1.4)	1,350
1936		4.5 (0.5)	~20 (~2)	~1,000
1937		1.4 (0.1)	~100 (10)	972
1938I	64.0 (13.1)	1.0 (0.2)	53.8 (11.0)	488.2

Sources:

Gertsenzon, *Sovetskaia ugolovnaia statistika*, (1937), 203; Man'kovskii, "Voprosy ugolovnogo prava", (1939), 88-89; Vyshinskii, "XVIII s'ezd", (1939), 16-17; Krasnogorskii, "Sudebnaia praktika", (1940), 1; Solts, "Piat' let", (1937), 15; *Sov. iust.* 1937 Nos. 10-11, 41-42; cf. also *Sots. Zak.* 1937 No. 8, 39.

Table 91: Trend in the Number of Sentences, 1935–1938

	USSR	RSFSR-ASSR	other republics and the ASSR's
1935	100	100	100
1936		76	
1937	72	79	59
1938 ¹	72	88	44

Sources:

Table 90; Man'kovskii, "Voprosy ugolovnogo prava", (1939), 88–89; Vyshinskii, "XVIII s"ezd", (1939), 17. See also note 76 and some local trend figures published in Krasnogorskii, "Rabota", (1939), 55–58 (about embezzlements); see also *Sots. Zak.* 1937 No. 8, 39.

A second remarkable phenomenon is that the figures published during the purges under Stalin show a spectacular increase in the number of sentences for "other crimes" – from 1.4% of all sentences in 1935 to 10–11% in 1937–1938; in absolute figures a sixfold⁷⁷ increase. Thus, in 1937 and also in 1938, some 100,000 persons were prosecuted for these "other crimes", i.e. for crimes against the state or, as they were called in those days, for counterrevolutionary crimes. Convictions by the Special Boards are not included in these figures.

c. Comparisons of the Number of Sentences in Recent Years with 1928, 1940, and 1958

The first post-war statement on the number of sentences is an uncommented quote by A. Rubichev in January 1957, saying that in the RSFSR the number of sentences decreased by 57% between 1946 and 1956.⁷⁸ In the same year, other comparisons were also made (between 1947, 1954 and 1956,⁷⁹ and between 1928 and 1955)⁸⁰ clearly with the aim to stress the differences between the Stalinist years and the period of destalinization following the XXth Congress of the CPSU. However, the interpretation of these figures is only possible after an analysis of some rather extensive sets of figures of relative numbers of sentences. Three such sets are available.

Mironov revealed in 1969:

"If we take [...] the total number of sentences in the country during pre-war 1940 as 100%, this index had already decreased to 63% in 1945, i.e. at the moment of the end of the Patriotic War; it was 52.5% in 1950; 33% in 1955, and 24.6% in 1962."⁸¹

A second set is calculated from comparisons of numbers of sentences during the 1960s with the 1958 number (table 92). The 1975 figure presents a problem (cf. pp.284ff. below).

At the VIth International Congress of Criminology (Madrid 1970), Professor V.K. Zvirbul stated (according to an abstract published in the Soviet Union):

"In a comparison with the average seven year coefficient per 100,000 inhabitants (1920–1926), the number of sentences diminished 2.3 times in 1928; 3.2 times in 1935; 2.6 times in 1946; 4.2 times in 1958; 4.8 times in 1962, and nearly 6 times in 1969."⁸²

Although we do not know the exact numbers of sentences during 1920-1926 for the entire USSR, enough details are known to allow us to conclude that the number of sentences during 1928 was nearly equal to the average number in the period from 1920-1926 (tables 78 and 82). The number of sentences was very high during 1924, but in other years it had nearly decreased to the 1928-value or was even lower. Zvirbul's figures are also incompatible with the other data, especially with data on comparisons with 1928 (table 93).

It is possible that Zvirbul left out some types of cases, especially cases filed upon private accusation, but this assumption does not give satisfactory results. As we could not find any interpretation of Zvirbul's figures that would be compatible with the other data, unless we were to assume that he made several mistakes in his statement, we will neglect his statement in our calculations and return to them below (tables 105 ff.).

Comparisons with 1958

Table 92: Comparisons of Numbers of Sentences With the 1958 Number (data, reconstruction)

	data				reconstruction	
	1958 = 100	1962 = 100	1963 = 100	1964 = 100	1958 = 100	p / 100,000
1958	100				100	100
1959	80.6				80.6	79.1
1960	50				50	48.3
1962		100			76	70.9
1963	63.6	83.8	100		63.6	58.4
1964	57.3		90.2	100	57.3	51.9
1965	53	69.7	83.3	92.4	53	47.5
1966	70.2				70.2	62.2
1968	65				65	56.4
1975	82*				82*	

* interpretation as yet uncertain

Sources:

col. 1-4:

1959: In 1959 the number of sentences had diminished in comparison with 1958 by 19.4% (19.2%, Kuznetsova, *Dela o prestupleniakh*, (1962), 6); in 1960 it had decreased by more than 1/3 compared with 1959, Gorkin, "Sotsialisticheskoe pravosudie", (1961); Mironov, "O nekotorykh voprosakh", (1961), 4-5; cf. also *Sov. Just.* 1960 No. 3, 39.

1960: If we take 1958 as 100 the number of sentences during 1960 was 50; Petrukhin, Baturov, Morshchakova, *Teoreticheskie osnovy*, (1979), 90.

1961: The total number of sentences in cases with a preliminary investigation decreased by 19.6% in 1961 as compared with 1958, Gorkin, "Zadachi sotsialisticheskogo pravosudiia", (1962), 4. However, a summary of speeches by Gorkin and Rudenko in *BVS SSSR* 1962 No. 4, 11 mentions 19.6% without such a precisation (this figure is not included, as it is derived from another set of figures).

1962-5: The number of sentences had decreased by 7.6% in 1965 as compared with 1964 (*Sots. Zak.* 1966 No. 4, 18; No. 7, 5); by 30.3% as compared with 1962, and by 47% as compared with 1958, Kulikov,

"Za uprochenie", (1966), 16; by 42% in 1964 as compared with 1958, Kudriavtsev, *Sovetskaia kriminologiya*, (1967); by 16.2% in 1963 as compared with 1962, Mironov, "Vosstanovlenie", (1964), 28; "Vysshiaia sudebnaia instantsiia", (1965) (16%); by 36.4% in 1963 as compared with 1958, Kulikov, "K sorokaletiiu", (1964), 9; Kulikov, "Vysshemu organu", (1964), 25; "Vysshiaia sudebnaia instantsiia", (1965), 2; *Izv.* 2 Dec. 1964; by 7.6% in 1965 as compared with 1963, Anashkin, "O zadachakh", (1966). 1966: The number of sentences during 1966 was 29.8% lower than in 1958, Gorkin, "Piatidesiatiletie sovetsoi vlasti", (1967), 20; Kulikov, "Garantsiia", (1967).

1968: The number of sentences in 1968 as compared with 1958 fell by 35%, Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 246; Gorkin, *Pr.* 25 Feb. 1969.

1975: A comparison of data on sentences during 1975 with "the index" for 1958 shows its decrease by 18%, Smirnov, "Leninskie idei", (1977), 75.

col. 5:

In the Bezhitskii district (Briansk) the number decreased: 1961=100; 1962=95.0; 1963=87.3; 1964=81.6, *Sov. Iust.* 1966 No. 3, 20.

Comparisons with 1928

Comparisons with the number of sentences passed during 1928 and 1940 are usually rather vague. Only a few precise figures have been given, but we may use these figures together only if we have shown that they belong to the same set of data. We know that the number of sentences during 1955 was 63, if we take 1928 as 100.⁸³ Mironov's figures imply that the number of sentences during 1962 was 74.5 if we take 1955 as 100. If we combine these figures, we have a relation between 1928 and the set of figures for the period 1958-1975. The more vague comparisons between 1928 and the years 1963-1968 show that we may do this, at least as a first approach (table 93).

However, some comparisons with 1928 are followed by comparisons with 1940. Anashkin asserted that in 1963 the number of sentences per capita was less than 1/3 of that in 1928 and that it was half the 1940 number.⁸⁴ According to Mironov's figures, the number of sentences per capita in 1963 was only 18% of the 1940 value. Therefore, Mironov's figures must belong to a set of data which is calculated differently from the other data.

Moreover, a look at col.4 and 5 of table 94 raises a number of doubts with regard to the question as to whether we may assume that the numbers for 1955 and 1962 in col.1 of table 93 reflect the same phenomena. Why did Soviet authors say that the number of sentences in 1964 was less than 1/3, 1/3.5 or 1/3.8 of that in 1928,⁸⁵ if less than 1/4 would have been possible provided our assumptions are valid. One answer to this question could be that it forms part of the mystery surrounding statistics in this field. Another answer could be that these data also belong to a different set of figures. Such figures as "1/3 or 1/3.5" may be very imprecise, but a decrease to "less than 1/3.8" (1928-1964)⁸⁶ must be a more accurate expression. Using this number for our calculations has resulted in a number for the 1960s which is higher by 10%.

Before we can make a definite choice between these two approaches, i.e. between col.2+3 of table 94 and col.5+7, we have to look more precisely at the comparisons with 1940.

Table 93: Comparisons With 1928 (data)

	number of sentences			number of sent. p/ 100,000 inh.	
	1928 = 100	1940 = 100	1958 = 100	1928 = 100	Zvirbul
1928	100			100	100
1940		100			
1955	63	33			
1958			100		55
1962		24.6	76		48
1963			63.6	<33.3	
1964			57.3	<26.3	
1966			70.2	28.6	
1967				<33.3	
1968			65	<28.6	
1969					38

Sources:

col. 1:

1955: Rudenko, Speech, (1957), 268.

col. 2:

Mironov, *Ukrepnenie zakonnosti*, (1969), 52-53.

col. 3:

Table 92.

col. 4:

1963: Number of sentences per capita in 1963 had decreased to less than 1/3 as compared with 1928, "Vysshiaia sudebnaia instantsiia" (1965); Kapeshev, *Narodnyi sud*, (1965), 23.

1964: In 1964 it had decreased to less than 1/3.8, *Sovetskoe ugodovnoe pravo*, (1969), 87; cf. also Anashkin, "O zadachakh", (1966) (less than 1/3); Ostroumov, "Prestupnost'", (1968) 63 (less than 1/3.5).

1966: Number of sentences per 100,000 inhabitants during 1966 had decreased to 1/3.5 as compared with 1928, Anashkin, "Peines non privatives de liberté", (1968), 139.

1967: Number of sentences per 100,000 inhabitants had decreased to less than 1/3 compared with 1928, Anashkin, "Pravosudie", (1968), 11.

1968: Between 1928 and 1968 the "number of crimes" had decreased to less than 1/3.5, Anashkin, "Otvettvennost' starshego", (1969).

col. 5:

Zvirbul, "Osnovnye napravleniia", (1973).

Comparisons with 1940

Analysis of Smirnov's Figures – When we look at Mironov's figures and other comparisons with 1940, we find that the number of sentences during 1940 (according to Mironov) is two to three times higher than could be expected from other data (table 95). According to many authors, the number of sentences per 100,000 inhabitants in the 1960s was about 50% of the 1940 number (table 95, col.1). These data would imply that the number of all sentences in 1962 was only about 30% below the 1940 level, but Mironov gives a decrease of more than 75%. Mironov's figures do not seem to contain misprints, since other authors also report a large decrease in numbers

Table 94: Comparisons With 1928 (calculation)

	total number of sentences		sentences p/ 100,000 inh.				total number of sentences
1928	100	100	100	100	100	100	100
1955	63	63	48.8		48.8		63
1958		61.8	45.4		50.6	55	68.9
1962	47	47	32.2		35.9	48	52.4
1963		39.3	26.5	<33.3	29.5		43.8
1964		35.4	23.6	<26.3	26.3		39.4
1966		43.4	28.2	<28.6	31.4		48.4
1967				<33.3	<33		<51.2
1968		40.2	25.6	<28.6	28.5		44.8
1969						38	

Sources:

col. 1:

Calculated from col. 1 and 2 of table 93; we assume that the figures belong to one set.

col. 2:

Col. 1 and table 92.

col. 3:

Calculated from col. 2.

col. 4:

Data taken from table 93, col. 4.

col. 5:

Calculated on the basis of the figure for 1964 in col. 4.

col. 6:

Zvirbul, "Osnovnye napravleniia", (1973).

col. 7:

Calculated from col. 5.

of sentences in the post-Stalin period as compared with the 1940s: Vetrov gave a decrease to 1/3 for 1955 as compared with the 1940 number for Belorussia.⁸⁷ Similar decreases have been reported for 1954 and 1956 as compared with 1946, 1947 and 1949 (table 97).

We will return to the questions posed by Mironov's figures after the analysis of Smirnov's figures for 1940 and 1975. In 1977 Smirnov stated: "In 1975 sentences decreased by 44.1% compared with pre-war 1940. A comparison of data on sentences in 1975 with the index of 1958 relates on its decrease with 18%".⁸⁸

We have assumed that Soviet authors are at least consistent in their statements on comparisons of numbers of sentences. But Smirnov does not comply with this rule, as his data are only compatible with the other data published on numbers of sentences between 1940 and 1975 if we assume that he used both the number of sentences per 100,000 population and the total number of sentences (table 95).

Analysis of Mironov's Figures and the Problem of Criminal Labor Cases – We can now return to the other data for 1940 (Mironov's figures) and to other years of the Stalinist period. We have collected these data in table 97. All these figures give the impression that they have been calculated in a way which differs significantly from

Table 95: Number of Sentences in 1940 and 1975 (calculation)

	number of sentences p/100,000 inh.		number of sentences	
	1940 = 100	1958 = 100	1940 = 100	1958 = 100
1940	100		100	100
1958		100	91.3	100
1962		70.9	69.4	24.6
1963	50	58.4	58.1	63.6
1964	<50	51.9	52.3	57.3
1966	50	62.2	64.1	70.2
1967	>50			
1975-1	55.9*	65.3	73.4	80.3
1975-2	70	82*	92	101
1975-3	42.6	49.7	55.9*	61.2
1975-4	57	66.7	74.9	82*

* the possible values for 1975 as compared with 1940 and 1958; other figures for 1975 are calculated taking a value of 50 for 1963 in col. 1

Sources:

col. 1:

1963: The number of sentences per 100,000 inhabitants in 1963 was half the number of 1940, "Vysshiaia sudebnaia instantsiia", (1965); Kapeshov, *Narodnyi sud*, (1965), 23.

1964: In 1964, it had decreased to less than a half in comparison with 1940, Anashkin, "O zadachakh", (1966); in Leningrad the "number of crimes" had decreased by 50%, A. Sokolov, "Gumanizm - ne vseproshchenie", *Izv.* 2 Sept. 1964.

1966: In 1966 it was a half of that in 1940, Anashkin, "Peines non privatives de liberté", (1968), 139.

1967: In 1967 it had decreased to almost half, Anashkin, "Pravosudie", (1968), 11.

1975: Cf. annotation under the table.

col. 2:

Table 92.

col. 3:

Calculated on the basis of 1963=50 in col. 1.

col. 4:

Mironov, *Ukreplenie zakonnosti*, (1969), 52-53. Mironov's figure for 1962 is almost 1/3 of the value we receive for 1962 on the basis of other data (table 95, col. 3). If we assume that the number of sentences per 100,000 inhabitants in 1963 was precisely half the number of 1940, we can calculate the decrease in the number of sentences in 1975 as compared with 1958 from the decrease between 1940 and 1975. Such a calculation shows that Smirnov's statement is only compatible with the other data collected in table 95 if we assume that the comparison with 1940 is in number of sentences per 100,000 inhabitants and with 1958 in total number of sentences. If this is correct, we can arrive at an accurate number of sentences for 1940 and 1975 (table 96).

col. 5:

Table 92.

that used in later years. The figures collected are partly for the USSR and partly they are regional data, but their nature seems to be the same; they show a decrease in the number of sentences in the post-Stalinist period which is much larger than the numbers collected in table 96 would convey. A similar decrease is reported for the

Table 96: Number of Sentences During 1940 and 1975 (reconstruction)

	number of sentences			number of sentences p/ 100,000 inh.	
	1940 = 100	1940 = 100	1958 = 100	1940 = 100	1958 = 100
1940	100	100		100	
1958	88.6		100	84.0	100
1962	67.3	24.6	76	59.6	70.9
1963	56.4		63.6	49.2	58.4
1964	50.8		57.3	43.8	51.9
1966	62.3		70.2	52.3	62.2
1967	>60.3		68	>50	59.7
1975	72.7		82	55.9	66.7

Source: Table 95.

number of crimes in 1960: it would be only 1/4 of the 1940 number,⁸⁹ but in Belorussia the decrease was only 29% between 1940 and 1973.⁹⁰ The explanation for these differences may be found in: a. the existence of the extraordinary courts (until 1953); b. the omission of some types of criminal sentences in one set of figures; c. a combination of a and b.

Several arguments can be put forward to show that Mironov could have included the extraordinary courts (the Special Boards) in his figures:

a) as these courts disappeared in 1953, his figures for 1955 and 1962 fit in with the other sets of data in which extraordinary courts might not have been included;

b) there is also evidence that statistical data have been collected of the convictions by the Special Boards, though these data were collected by the People's Commissariat for Internal Affairs instead of by the People's Commissariat of Justice;⁹¹

c) Mora and Zwierniak concluded from reports of Polish citizens, imprisoned in 1940-1941 in the Soviet Union, that about 80% of the prison population had been sentenced by the Special Boards and only 20% by the people's courts.⁹² As in 1941 the people's courts applied deprivation of liberty in only 2/3 of all sentences (table 110), we may expect the number of sentences by all courts to be three times higher than the number of sentences by people's courts. Mironov could therefore have included the Special Boards in his figures for 1940, 1945, and 1950.

However, some objections could be raised. It does not seem very likely that precise figures about the extent of the Stalinist purges have been published in the Soviet Union. Moreover, Mironov's figures reflect the number of sentences in the entire USSR, but the other data which give a large decrease in the number of sentences in the post-Stalin years are mainly for union republics. Since the Special Boards were agencies of the USSR, it seems unlikely that they are included in republican or provincial statistics.

Another interpretation could be that the differences result from the introduction in 1956 of a special category of administrative criminal cases. These cases, which are

Table 97: Mironov's Comparison With 1940

	(1) Mironov's figures	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9) other fig.	(10) cons. cases Ukraine
	USSR		Belorussia		RSFSR			total		
1940	100		100					100	100	100
1945	63							63		
1946					100			75		
1947						100		97		115
1949							100	80		
1950	52.5							53		78
1952		100						66	110	
1953				100						66
1954						40		39		66
1955	33		<33					33		
1956					43	<33	40	32		
1957										79
1958									89	
1959									71	
1960				53					44	
1962	24.6				<33			25	67	
1963									56	52
1964									51	
1965									47	41
1966									62	
1967									60	
1968									58	
1971		40						26	70	
1975									73	
1976		~40							70	

Sources:

col. 1:

Mironov, *Ukrepnenie zakonnosti*, (1969), 53.

col. 2:

In the last 20 years the number of sentences decreased to less than 1/2.5, Shchekolov, "Stroitel'stvo kommunizma", (1972), 54; according to *Sovetskoe ugodovnoe pravo*, (1977), 87, Shchekolov had in mind the last 20 years until 1971. Thus he referred to the years 1952–1971; Ostroumov, *Sovetskaia sudebnaia statistika*, (1976), 293, referred to "in the period 1952–1972". It is possible that Shchekolov repeated his 1972 statement in 1975 in, Shchekolov, "Nasha militsiia", (1975), 10; cf. also Muramets, Shamba, *Pravoporiadok*, (1979), 94; in 1978 Shchekolov adapted his 1972 statement: during the past 25 years the number of sentences for crimes decreased to 1/2.5, Shchekolov, "Voprosy ukrepleniia pravoporiadka", (1978), 7; *id.*, "V bor'be", (1980), 191; cf. also Kuznetsova in *Viktimologii i profilaktika pravonarushenii*, Irkutsk 1979, 24, summary in *Obshchestvennye nauki v SSSR* 1981 No. 4, 201.

col. 3:

I. Vetrov in *Sovetskaia Belorussia* 8 Apr. 1956; 8 *CDSP* 1956 No. 16, 20; cf. also Kuznetsova, *Dela o prestupleniakh*, (1962), 6.

col. 4:

Mironov, *Ukrepnenie zakonnosti*, (1969), 52–53.

col. 5:

In the RSFSR, the number of sentences decreased between 1946 and 1956 by 57%, Rubichev, "Za

vsemernoe ukreplenie", (1957), 9. Between 1946 and 1956 the number of sentences decreased to a half, between 1946 and 1962 to less than 1/3, *Izv. 2 Jun. 1963*; Mironov, "Vosstanovlenie i razvitie", (1964), 28; see for 1946–1962 also Kuznetsova, "O putiakh", (1964), 55.

col. 6:

Compared with 1947, the number of sentences in 1954 in the RSFSR was 1/2.5 and in 1956 1/3 thereof, Boldyrev, "Nash narodnyi sud", (1957). Evidently, these figures reflect sentences by all (ordinary or official) courts.

col. 7:

In the Sverdlovsk and Cheliabinsk provinces the number of sentences in 1956 was 1/2.5, resp. 1/3 of that in 1949, Boldyrev, "Nash narodnyi sud", (1957); Ostroumov, *Sovetskaia sudebnaia statistika*, (1962), 269.

col. 8:

Calculated from col. 1–6.

col. 9:

Tables 92 and 97. The number of sentences in 1963 was half the 1952 number, Anashkin in "Vysshiaia sudebnaia instantsiia", (1965); the number of prosecuted persons increased by 5% between 1962 and 1971, see the data about sentences for speculation in *Kriminologiya*, (1976), 352–353.

col. 10:

Suslo, *Istoriia sudu*, (1969), 196, 217.

considered by the people's judge, are not included in the usual data published in the 1960s (especially in the figures collected in table 92). But until 1956, criminal labor cases, which were ordinary criminal cases, were also considered by the people's judge, instead of by the court. *Supra* we found that the number of criminal cases filed at the people's courts in 1958 was about 1/3 of the 1947 number (table 65). The figures collected in table 97 also give such a decrease.

A number of objections may be raised. In the first place: is such a statistical mess possible? This question may be answered in the positive as becomes clear from the analysis of other figures in this appendix. As a political leader, Mironov wanted to prove that everything was much better under Khrushchev than under his predecessor. Therefore, he published a set of figures which shows great improvement. Criminologists and court officials usually give other numbers because they attempt to compare things which are comparable (though sometimes their statements are misleading). A second objection is that the number of sentences for criminal labor cases (introduced on 26 June 1940)⁹³ would have been about 2 million in 1940, in 6 months. This number would seem to be very high, but the very fact that the cases were transferred from the people's court to the people's judge⁹⁴ shows that such a high number is not impossible. Another objection could be that, according to the trade union membership rules, an employee who was sentenced to deprivation of freedom or to corrective labor (even if he served the latter penalty in his 'own' enterprise) was also dismissed from union membership.⁹⁵ But trade union membership did not decrease significantly in 1940 and 1941 until the German attack upon the Soviet Union (table XXVIII, p.127).

However, in 1940–1941 the trade unions only encompassed 83% of the total work force and about 5 million workers were not members of the trade unions. We may assume that the undisciplined workers, who left their jobs unlawfully, belonged to the category of people who did not join the trade unions.

A third objection is Suslo's remark that in 1947 the number of criminal labor cases

considered by the Ukrainian courts was insignificant,⁹⁶ but if our interpretation is valid, Suslo's figures do not include these cases (table 97, col.8 and 9).

Also Pashkov and Khrustalev have reported that "in the 1950s, as appears from the practice of the judicial and procuracy agencies, instituting a criminal case for quitting or absenteeism against workers and employees was a rare phenomenon".⁹⁷ However according to Liede, in 1954-1955, criminal labor cases were among the 4-5 most frequently prosecuted crimes in a people's court, together with stealing of socialist property, hooliganism, and cases upon private accusation.⁹⁸

Kronid Liubarskii assumes that many workers were prosecuted under the 1940 decrees;⁹⁹ according to unofficial estimates, the number of prosecutions was between 8 and 22 million.¹⁰⁰ If the differences between Mironov's figures and other figures are entirely attributed to the criminal labor cases, my calculations deliver figures for 5 years, in the course of which about 5.5 million workers would have been sentenced.

Some data have been published for 1941 and the other war years. In the first half of 1941 about 1 million workers were prosecuted.¹⁰¹ During the war (1941-1945), "the average annual level of criminality" was about 1/7 higher than the 1935-1940 level without taking into account sentences under war decrees.¹⁰² According to our calculations, the average pre-war level was 1,200,000 sentences (table 87). Therefore, the level during the war was about 1,400,000. About one half of the number of cases considered by the courts were criminal labor cases.¹⁰³ According to Kulikov, 63.6% of all cases tried during the war by regular courts were tried under war decrees,¹⁰⁴ thus the share of criminal labor cases was about 50%, that of other war decrees 14%, and that of ordinary criminal cases 36%. Therefore, the average annual number of sentences during the war years (1941-1945) was 1.9 million criminal labor cases, 0.5 million under war decrees and 1.4 million for ordinary crimes.

Some figures on the sentencing policy during the war have been published (table 110) and about 2/3 of all sentences were to deprivation of freedom. Shliapochnikov has remarked that "already immediately before the war, in the war years and in the post-war years, deprivation of freedom occupied the first place [among all types of penalties] and it reached nearly 70% as a result of the edicts of 26 June 1940 and 10 August 1940".¹⁰⁵ Therefore, also data on sentencing policy seem to include criminal labor cases, but Shliapochnikov's statement is misleading.¹⁰⁶

We arrive at the conclusion that figures published for the years 1940-1956 may belong to a set of figures which includes criminal labor cases or to a set which refers only to the ordinary criminal cases. However, as in 1956 criminal liability for violations of the labor law was abolished,¹⁰⁷ figures for later years reflect the same phenomena. Therefore, using the figure given by Mironov for 1962, together with other figures for years after 1956 we can reconstruct the trend figures taking 1940 as 100.

Pursuant to our analysis we can only obtain an accurate correlation between the comparisons with 1928 (table 94) and with 1940 (table 98) if the trend figures given by Rudenko (1928=100; 1955=63) also includes criminal labor cases. However, the analysis also shows that all trend figures published in the 1950s include criminal labor cases, but those published after 1960 usually do not include such cases.¹⁰⁸ Therefore, it seems likely that Rudenko's figures refer to all criminal cases.

Table 98: Comparisons of Numbers of Sentences With 1940 (reconstruction)

	sentences by courts	cons. cases (Ukraine)	all criminal court sent. (incl. people's judge)		criminal labor cases 1940 = 100
			1940 = 100	compared with col. 1*	
1940	100	100	100	274	100
1945			63	172	
1946			75	205	
1947	115	115	97	265	83
1949			80	220	
1950	74	78	53	145	37
1952	110		66	181	41
1953	61	66			
1954	59	66	39	107	~14
1955	~72		33	90	~10
1956			32	88	
1957	73	79	30	from 1957	
1958	88.6		32	onwards	
1959	71.4		26	identical	
1960	44.3		16	with col. 1	
1962	67.3		24.6		
1963	56.4	52	21		
1964	50.8		19		
1965	47	41	17		
1966	62.3		23		
1967	>60.3		22		
1968	57.6		21		
1971	~70		26		
1975	72.7		27		

* with the value for 1940 in col. 1 (taken as 100)

Sources:

col. 1:

Tables 92 and 97 col. 3; cf. for 1955, the Ukrainian figures collected in table 104, col. 4.

col. 2:

Suslo, *Istoriia sudu*, (1969), 196, 217.

col. 3:

Table 97 and col. 1.

col. 4:

Calculated on the basis of the figures for 1962 in col. 1 and 3 which reflect the same absolute numbers. From 1958 onwards, the figures of col. 1 suit in this column.

col. 5:

Calculated from the differences between col. 4 and col. 1 and 2. The 1955 figure is calculated on the basis of the figures for the Ukraine, col. 4 of table 104.

d. Numbers of Sentences in the Republics, 1953-1976

In 1973 and 1976 Professor I.I. Gorelik of the University of Minsk published the most extensive collection of numbers of sentences for the past 50 years.¹⁰⁹ He gives *inter alia* a series of trends in the number for all sentences between 1958 and 1971 in Belorussia. Along with this, he gives the number of individuals sentenced for hooliganism as a percentage of all individuals sentenced by Belorussian courts in the years 1961-1974.

These figures enable us also to calculate trends in the number of sentences in 1972-1974, although one number is absent in the series on sentences for hooliganism. However, it is possible to reconstruct these numbers by comparing different data with each other (table 100).

A comparison of the calculated trend in the number of all sentences with the trends given by Gorelik shows that the number for 1971 is absent in the figures for hooliganism.

Therefore, the trend in the number of sentences in Belorussia is known for the years 1958-1974.

Table 99: Summary of Tables 83, 87, 91-98 (trend figures, 1928=100)

	total		total p/ 100,000 inh.	
	with labor cases	without labor cases	with labor cases	without labor cases
1928		100		100
1930		126		121
1935		91		86
1937		65		60
1938		65		59
1940	190.9		149.8	
1945	120.3	69.8	110.0	54.8
1950	100.2	~75	84.6	~63
1955	63	~50	48.8	~39
1958		61.8		45.4
1959		49.8		35.9
1960		30.9		21.9
1962		47		32.2
1963		39.3		26.5
1964		35.4		23.6
1965		32.8		21.6
1966		43.4		28.3
1967		42		>27
1968		40.2		25.6
1975		50.7		30.3

Table 100: Belorussian Figures on Hooliganism, 1961–1974

	sentences for crimes against public order as % of all sentences	sentences for hooliganism			trend in number of all sentences: 1961 = 100		
		as % of all sentences	trends in this number: 1961 = 100		calculated	Gorelik	
1961	19.1	15.1	100	100	100	100	100
1962	15.2	11.7	–	91	–	116.7	115.9
1963	15.0	10.7	91	73	128.4	103.0	104.0
1964	17.3	12.7	73	70	86.8	83.2	83.5
1965	21.6	15.9	70	84	66.5	79.8	79.3
1966	29.6	24.4	84	173	51.9	106.9	107.5
1967	32.9	27.5	173	188	94.7	102.9	103.5
1968	32.8	26.4	188	184	107.4	105.1	105.1
1969	33.2	25.5	184	198	108.7	117.0	115.8
1970	33.2	24.5	198	202	121.9	124.4	124.3
1971	31.3	20.9	202	142	145.4	102.2	124.2
1972	29.9	19.4	142	162	110.1	125.6	
1973	29.5	18.2	162	192	134.3	159.2	
1974	32.4	21.1	192		137.0		

Sources:

col. 1–4:

Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1975), 24–25. Col. 3 and 4 should be read as: “in year X the number of sentences for hooliganism had decreased, in comparison with 1961, by the figure in col. 3 or the figure in col. 4 or the number of year X is not given”. If we know the absent year, then the numbers in the preceding years have to be taken from col. 3 and after the absent year from col. 4.

col. 5–6:

Calculated from col. 2–4. The figures for years after 1965 have a similar meaning to those in col. 3–4 but then for all sentences.

col. 7:

Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 23 gives the trend between 1961 and 1971 as compared with 1958 = 100 (table 101).

Table 101: Trend in Number of Sentences in Belorussia, 1958–1974

1958	100	1967	59.1
1959	85.1	1968	60.0
1960	40.2	1969	66.1
1961	57.1	1970	71.0
1962	66.2	1971	70.9
1963	59.4	1972	62.9
1964	47.7	1973	76.7
1965	45.3	1974	78.2
1966	61.4		

Source:

Table 100; see also *BVS SSSR* 1962 No. 4, 15. The margin of error in the figures for 1972–4 is about 1%.

Table 102: Correction of the Belorussian Figures for Cases of Home Distilling

	cases on home distilling			all sent. except home distilling 1958 = 100
	trends		% of all sent.	
	RSFSR	Belorussia	Belor. elsewhere	
1958	100	100	22	100
1959	78			14
1960	2			
1961		43	16.4	61
1962		86	28.5	61
1963		66	100	58
1964		33	50.5	52
1965		29	44.1	7
1966		61	21.8	~2
1967		47	17.5	62
1968		42	15.4	65
1969		(31?)41	13.7	73
1970		42	13.2	79
1971		42	13.1(?)	79
1972				
1973				
1974		40	11.3	89

Sources:

col. 1:

RSFSR: Kriukov, "Usilit' bor'by", (1961), 12; in 1960 in Voronezh province there were only 5 cases, N. Zarubin, S. Uskov, *Sov. Iust.* 1961 No. 13, 11; in some Kazakh provinces, criminal cases which were widespread before 1959, did not occur in 1959 II or 1960 I, Beisenov, "O bor'be", (1962).

col. 2:

1966-71: Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 29. These figures are in agreement with the figures of col. 4, except for the 1969 figure. Col. 4 should deliver a figure of 41. Therefore, Gorelik's figure of 31 is a misprint.

1961-5, 1974: calculated from col. 3 and 4.

col. 3:

1963-5: Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 27. This decrease was the result of an edict of 4 Dec. 1963.

col. 4:

1958: calculated from the data in col. 2.

1961-71: Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 27; see for 1962 also: Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 18. Gorelik states that his figures are for the years 1961-7, but this should be 1961-71. Moreover, the figure for 1970 (13.2) is printed twice.

1974: Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 18.

col. 5:

1959, 1965: Lithuania, cf. Chapter III, table IX.

1967: Ostroumov, *Ugolovnaia statistika*, (1975), 26 gives 5% for all economic crimes; only a few cases did occur in 1963 or 1964, Gertsenzon in *Izv.*, 27 Jun. 1965.

col. 6:

Calculated from col. 4 and table 101.

Table 103: Correction for Petty Crime (home distilling and cases upon private accusation)

	all sentences trend	priv. acc. % of all sent.	home distilling % of all sent.	all sent. except home dist. and priv. acc.
1958	100	22	22	100
1966	61.4	10	22	75
1967	59.1	9	18	80
1968	60.0	10	15	81
1969	66.1	9	14	92
1970	71.0	8	13	101
1971	70.9	8	13	101

Sources:

Tables 101, 102, and 69, col. 9. Gorelik asserted: "if the number of sentences for cases upon private accusation and for home distilling would have been the same in these years i.e. in the 1960s as it was in 1958, the number of all sentences would relate as 100 and 92 in this year and e.g. in 1969", Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 29.

e. Analysis of Zvirbul's Figures for 1920-1969

According to the data for the 1920s, the number of sentences in 1928 should approximate the average number for the years 1920-1926 (table 78), but Zvirbul gives a decrease to less than 50%.

A comparison with the data from table 92 shows that Zvirbul's figures are incompatible with the figures published for 1958, 1962, and 1968-1969.¹¹⁰

I have tried several assumptions to discover the reasons for the differences between Zvirbul's figures and mine, such as: Zvirbul only gave figures for people's courts or he did not include cases upon private accusation. But, these assumptions do not yield satisfactory results.

A clue for my interpretation of Zvirbul's figures can be found in a paper by Kudriavtsev, that gives a decrease in the number of sentences between 1923-1926 and 1928 from 2,213 sentences per 100,000 inhabitants to 980, that is: the 1928 number would be 1/2.26 of that in 1923-1926 (table 106). However, although Kudriavtsev states that he gives numbers of "sentenced individuals" (*koeffitsient sudimosti*)¹¹¹ for the years 1923-1926, these figures actually are for the number of filed criminal cases or more likely the number of persons brought to trial (table 106). After all, in the English version of the original Russian paper the term "*koeffitsient sudimosti*" is once given as "persons brought to trial".¹¹²

The differences between Kudriavtsev's figures and my figures for the number of filed cases are small, especially if we take into account that my figures are for the territory of the RSFSR minus the ASSR's and only for the people's courts.¹¹³ If we assume that the proportion between Kudriavtsev's figures and mine did not change during the entire period, we arrive at an average number of 2,276 persons per 100,000 inhabitants brought to trial in 1920-1926.

When Zvirbul's figure for 1928 is used, this would lead to 990 persons, which nearly

Table 104: Number of Sentences in the Republics

	Belo- russia	RSFSR	Estonia	Ukraine	Kazak- stan	Lith- uania	Latvia	Moldavia	USSR
1955				100					
1958	100	100					100		100
1959	85.1	80				100	82.4		80.6
1960	40.2			62			~42		50
1961	57.1					61			
1962	66.2			100				100	76
1963	59.4			76	100			82	63.6
1964	47.7	63	100		88				57.3
1965	45.3	60	63		77				53
1966	61.4		95						70.2
1967	59.1								
1968	60.0								65
1969	66.1								
1970	71.0								
1971	70.9								
1972	63								
1973	77								
1974	78								
1975									82
1976	~85								

Sources:

Belorussia: Table 101; cf. also table 97. In 1976, the absolute number of sentences was about 32,000 ($\pm 15\%$), cf. the data published in *Osnovaniia ugolovno-pravovogo zapreta*, (1982), 256, or some 30% over the 1969 figure.

RSFSR: *Zasedaniia VS RSFSR*, 25–27 Oct. 1960, 225; Radio Moscow I, 24 Jun. 1965 at 16.00 h.; “Vazhnye zadachi organov”, (1966), 1; see also: *Sots. Zak.* 1960 No. 6, 7; Anashkin, Babin, “Obshchestvennost’”, (1962), 61; Rubichev, “Vazhnye zadachi”, (1960), 1; Boldyrev, *Sovetskii sud*, (1960), 7. These sources show that the decrease in the number of sentences started in the second half of 1959.

Estonia: Calculated from the data presented in *Primenenie permanentnykh avt. sistem*, (1978), 21, 29; cf. also Beermann, “Delinquency”, (1973), 218.

Ukraine: Gertsenzon, Smirnov, “Klevetnicheskie izmyshleniia”, (1961), 135; Anashkin, “Otchet”, (1964), 17.

Kazakhstan: Pankov, “Sovershenstvovanie pravovykh institutov”, (1965), 39; Sapargaliev, *Istoria narodnykh sudov*, (1966), 414.

Lithuania: *BVS SSSR* 1962 No. 4, 16.

Latvia: B. A. Azan, *Zasedaniia VS Latviskoi SSR*, 5–6 January 1961, 286; L. Kliuchiskaia, *Sovetskii sud v period razvernutoi stroitel'stva kommunizma*, Riga 1960, 32–33.

Moldavia: Anashkin, “Otchet”, (1964), 17.

USSR: Tables 92 and 95.

equals the figure given by Gernet (and quoted by Kudriavtsev) for the number of all sentenced individuals per 100,000 inhabitants in the USSR in 1928 (which is given as 980).¹¹⁴

Therefore, Zvirbul must have compared the number of persons brought to trial in the years 1920–1926 with the number of sentences in 1928 for the construction of his table. But, the figures are not without any value as Zvirbul used real data.

Table 105: Zvirbul's Figures on Number of "Sentences"

	decrease in number of "sentences" per 100,000		all "sentences", trends		
	1920-6 = 1	trend	Zvirbul		my figures 1928 = 100
			1920-6 = 100	1928 = 100	
1920-6	1	100	100		
1928	1/2.3	43.5	49	100	100
1935	1/3.2	31.3	37	76	90
1946	1/2.6	38.5	48	99	143*
1958	1/4.2	23.8	36	74	61.8
1962	1/4.8	20.8	34	70	47
1968					40.2
1969	<1/6	>16.7	>30	>61	

* criminal labor cases included (for 1947 this figure is 185; but only 80 if we do not take into account criminal labor cases, table 98)

Sources:

col. 1:

Zvirbul, "Osnovnye napravleniia", (1973). See also Shchekolov's claim that the number of committed crimes has decreased to 18% as compared with 1922, Shchekolov, "Ukreplenie", (1977); *id.*, "Voprosy ukrepleniia", (1978), 7, and Kuznetsova's claim of a 7-fold decrease in 1980, as compared by 1922, *Obshchestvennye nauki v SSSR* 1981 No. 4, 201. Therefore, Zvirbul's figure for 1969 does not seem to be a misprint.

col. 2-4:

Calculated from col. 1. We have taken an average population in 1920-1926 of 136 million.

col. 5:

Cf. tables 98 and 99.

Table 106: Analysis of Kudriavtsev's Figures for 1923-1928 (numbers p/100,000 inhabitants)

	Kudriavtsev	persons brought to trial	number of filed cases RSFSR-ASSR's
1920			1,750
1921			2,450
1922			2,317
1923	2,442		2,255
1924	2,910	2,493	2,556
1925	1,725	1,217	1,578
1926	1,774		1,754
1927			1,914
1928	980 (USSR)		1,715

Sources:

col. 1:

Kudriavtsev, *Tendentsii prestupnosti*, (1980), 4.

col. 2:

"O deiatel'nosti", (1927), 53-54.

col. 3:

Table 60 (people's courts); see also "Kharakter dvizheniia prestupnosti", (1930), 55.

Table 107: Analysis of Zvirbul's Figures (number p/100,000 inhabitants)

	Zvirbul	my figures	differences between Zvirbul's and my figures	
			p/100,000 inh.	% of Zvirbul's figure
1920-6	2,250 ± 50			
1928	980	980	-	-
1935	700 ± 30	840		
1946	870 ± 30	850	20	2
1958	540 ± 15	500	40	7
1962	470 ± 15	350	120	26
1969	>375 ± 15	310	65	17

Sources:

Table 99 and Gernet, *Prestupnost'*, (1931), 79. The margin of error in the figures of col. 4 can be as large as 10%. If we take for 1935 the number of sentences by people's courts (table 89) and if we assume that the RSFSR figures are representative for the entire USSR, the figure for 1935 in col. 2 would be 721.

Table 108: Persons Whose Case is Not Brought to Trial as % of All Persons, Having Committed a Crime

	1962-3	35-37
	1965-6	20-25
	1967-8	18-20

Sources:

Kondrashkov, "Analiz raionnoi statistiki", (1966), 40; *id.*, "Issledovanie statisticheskikh dannykh", (1969), 11; Shliapochnikov, "V. I. Lenin o printsipakh", (1970), 90; Gal'perin, "V. I. Lenin", (1970), 104. This happened especially (50% or more) in cases about petty crimes, e.g. home distilling cases and in cases of juvenile delinquency, Kondrashkov, "Statisticheskii uchet", (1965), 108.

When we compare Zvirbul's figures for later years with those calculated *supra*, we find that they deliver numbers of sentences which are 17-32% higher than the numbers of sentences derived from many other Soviet sources (table 99). The differences between these figures are of the same order of magnitude as figures on the number of persons who did not stand trial although they were found to have committed a crime by the prosecuting agencies (table 108). Moreover, Zvirbul's figures fit nicely in data on the trend in the number of persons found to have committed a crime (table 109).

As there was some increase in the crime rate in 1958 and 1962, we may expect a somewhat higher number for these years than for adjacent years. Zvirbul's figures show this in 1958 as compared with 1956 (an increase of 5.6%) and in 1962 as compared with 1961 (an increase of 8.4%). Therefore, Zvirbul's figures are crime rates, with the exception of the number for 1928. If our interpretations are valid, they give information on the number of persons found to have committed a crime. An

Table 109: Persons Found to Have Committed a Crime

	p/ 100,000 inhabitants			total number (thousands)
	Zvirbul	result	abs. number	
1946	100	100	870	1,480
1956	58.6	58.6	510	1,010
1958	62	62	540	1,110
1961	50	~50	~430	~940
1962	54	54	470	1,040
1966	47.2	47.2	410	950
1967	<46.5	<46.5	<400	<950
1969	>43	>43	>370	>900
1971	50.2	50.2	440	1,060
1972	50	~50	430	~1,060
1973	50	50	430	1,080
1975	<50	<50	<430	<1,100
1980		~37	~320	~850

Sources:

Kriminologii, (1968), 116, 117 (1946–67, “according to comparable data”; 1961–7, decrease of more than 7%); Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 246; *id.*, *Sovetskaia sudebnaia statistika*, (1976), 116; M. P. Maliarov, “Po vsej strogoti zakona”, *Pr.* 11 July 1972, cf. also *SGiP* 1972 No. 11, 39; Gusev, “Zadachi”, (1974), 3; *Kriminologii*, (1976), 118; N. A. Shchekolov, “Na strazhe poriadka”, *Pr.* 17 March 1973. In Lithuania the number of criminals in 1972 was about 9% above the 1966 – level, cf. data about juvenile crime in Kairialin, “Koordinatsiia”, (1973); in 1973, the Estonian number was 30% over the 1967 level, Kudriavtsev, “Opyt bor’by”, (1979); see also data for 1973 in Kuznetsova, “Ukrepnenie sotsialisticheskoi zakonnosti”, (1975), 122–3. See for 1976 and 1980, Shchekolov’s and Kuznetsova’s works quoted in the annotations to table 105. See also Suslo, *Istoriia sudu*, (1968), 196, 218; Shchekolov, “Konstitutsiia SSSR”, (1979), 7. See for 1946 (when there was a short-lived rise in crime by almost 40%), also *SWB* SU/8766/B/2, 17 Mar. 1978.

additional argument is that Grishaev quotes Zvirbul’s figures, but asserts that they reflect the “average level of criminality”.¹¹⁵

f. The Absolute Number of Sentences

The trend in the number of sentences (table 99) is calculated without recourse to absolute numbers. These numbers have proven to be compatible with each other, if we assume that the numbers sometimes reflect different phenomena.

The data used in our calculations do not specify whether the sentences have been delivered by the people’s courts (or all ordinary courts) or whether they have also included sentences by military and other tribunals. We have found data on the number of criminal cases heard by people’s courts and have estimated, on their basis, the number of sentences over a period of several years. A comparison of these numbers with the relative numbers of sentences extracted from Soviet publications shows that they follow a similar trend (tables 72 and 99).

As far as may be guessed, convictions by extraordinary courts never were included in the number of sentences (except for the revolutionary tribunals in the first years after the revolution). Such agencies could apply penalties, but they were set up as administrative bodies and not as courts.¹¹⁶

Whether sentences by military tribunals and other tribunals are included in the published trends in the numbers of sentences is open to question. Republican statistics do not usually include these tribunals,¹¹⁷ because they are organized as federal courts. The figures published on number of sentences during the 1920s were usually for the regular courts only, although some figures include these tribunals (e.g. Khalfin's and Gernet's figures, *supra* p.273). If military tribunals are included in the trend figures of table 99, the number of sentences in 1958 by all courts would be about 920,000 (61.8% of the 1928 number, i.e. 1.49). On the basis of the data about the people's courts, we would expect some 0.78 million sentences by people's courts and about 0.98 million (or less) sentences by all courts, as the people's courts considered in 1958 "more than 80%" of all criminal cases.¹¹⁸ It seems therefore likely that all courts are included in the collected trend figures.

The Belorussian figures allow a rough estimate of the absolute numbers of sentences in 1968-1969. Gorelik gives some data on the most frequent sentences for the most frequent crimes, i.e. with more than 1,000 sentences annually (table 140). In 1969, crimes against traffic rules, which made up 4.9% of all sentences in this year (table 146), joined this "select" group.¹¹⁹ Therefore, we can calculate minimum and maximum values for the absolute number of sentences for this year. This gives the number of all sentences during 1969 at more than 20,500, but less than 28,200 (230-315 per 100,000 inhabitants).

For 1973 we can then derive a number of sentences of between 24,000 and 33,000, or between 260 and 370 per 100,000. According to Timoshenko, in 1973 the crime rate (the number of registered crimes) was 200 per 100,000 inhabitants.¹²⁰ Taking into account the frequency of group crimes, the low official percentage of unsolved crimes in the USSR,¹²¹ and the high number of cases upon private accusation in Belorussia (table 69), such a figure could result in 250-300 sentences per 100,000 inhabitants. Therefore, we may estimate the number of sentences to be between 250 and 300 per 100,000 inhabitants in 1973.

In a period of 15 years (1967-1981), 705 persons have been sentenced for rape in Estonia.¹²² As such sentences made up 1.5-1.9% of all sentences in those years, the average number of all sentences was between 2,500 and 3,000. If Estonia is representative of the entire USSR, the USSR average was between 0.4 and 0.5 million.

According to Kvitsinia, in 1975, the "coefficient of the number of sentences" in Georgia was "0.243%".¹²³ This means that in Georgia the number of sentences was 243 per 100,000 inhabitants. If Georgian figures may be used to adjust USSR figures, the number of sentences in the USSR would have been 618,000 in 1975.

Whether we may use Belorussian or other local figures to calculate the absolute number of sentences for the whole of the USSR is doubtful. Belorussia is a rather rural republic and the incidence of typical rural crimes (especially home distilling) is high, while e.g. the incidence of traffic offenses is rather low. According to data published in the Soviet Union, we know that trends in the number of sentences are

equal in the republics. But the absolute level may be quite different. Nevertheless, we may expect that these differences remain within certain boundaries. In any case, the Belorussian figure for 1973 is of the same order of magnitude as the figure found for the entire USSR.

Some Soviet statements confirm the correctness of our analysis:

1. In 1975, Viktorov gave a decrease in the number of sentences of about 70% in the past 40 years.¹²⁴ In 1977, Zvirbul stated that "in comparison with pre-war years, the number of sentences in the country has decreased to 30%, while the country's population increased by 90 million". Source of this statement may have been Ostroumov's 1973 assertion of a 3.5-fold decrease "in 40 years, while the population increased by 90 million".¹²⁵ Our analysis yields a decrease of about 68% between 1933 and 1972 (when population increased by 91 million). As the estimate of the 1933 figure is based on RSFSR figures, the real 1933 figures could have been somewhat higher.

2. In 1977, Zvirbul gives a decrease in the number of sentences per 100,000 inhabitants in the 1970s to less than 1/3 of the number of the 1920s.¹²⁶ Our analysis gives: 1,036 sentences per 100,000 inhabitants in the period 1925-1929 and 332 in the period 1970-1975 (or a decrease to 32%).

3. At a USSR Supreme Court's Plenum session at the end of 1976, a 3.5-fold decrease was reported in 50 years, while population increased by 117 million.¹²⁷ With 2.8 million sentences in 1924, this results in 0.8 million in 1973. Our analysis leads to a somewhat higher number in 1973.

4. According to Shchekolov in 1980, population had increased by 120 million since 1922 and criminality had decreased to 1/3.5. The level of the number of sentences per 100,000 inhabitants (*sudimost'*) has decreased to 1/2.5 of the level during the past 25 years.¹²⁸ If Shchekolov's second assertion refers to the years 1953 and 1977 and includes for 1953 the criminal labor cases, it does not conflict with our findings.

Therefore, our analysis yields results which are consistent with all figures given in the Soviet Union, although the significance of some statements need first to be clarified. However, in an article published in 1979 in the West the former Soviet lawyer Fridrikh Neznansky, stated that he had obtained some figures on Soviet criminal statistics from the USSR Ministry of Internal Affairs. According to these data, the number of sentences by courts and tribunals during 1976 was equal to 976,090 or 380 sentences per 100,000 inhabitants,¹²⁹ 16% higher than the 1975 number, calculated *supra*.

We did not find any statement in the Soviet press about the number of sentences during 1976, which would confirm Neznansky's figure of nearly 1 million sentences. Our calculations based upon the number of cases, the number of sentences, and data from Belorussia show that the number of sentences for crimes in the Soviet Union during the first half of the 1970s was much higher than during many years of the 1960s, though it remained considerably lower than in 1958 when 920,000 sentences occurred, while in 1975¹³⁰ about 750,000 individuals were sentenced (or 297 per 100,000). It is not impossible that the number of sentences increased in 1976, as big leaps in conviction rates also occurred earlier (59% in 1961, 33% in 1966). However, these leaps can be explained by changes in criminal policy, analyzed *supra*. As far as is

known, in 1975-1976 no laws were adopted which could explain a big leap in the number of sentences. According to Soviet data, in 1976 criminality decreased as compared with 1975 at least locally (in Estonia by 9.7%; Lvov by 9%; Starorusskii and Volotovskii districts by 5.8%).¹³¹ This does not prove that the conviction rate would not have increased in the entire USSR, but it does make an increase of more than 15% most unlikely.

According to Ostroumov and Iakovleva, the "coefficient of the number of sentences" (*koeffitsient sudimosti*) would have decreased by one-third between 1967 and the time of writing their paper published in the January 1978 issue of *Sotsialisticheskaia Zakonnost'*.¹³² As this index usually gives the number of sentences per 100,000 inhabitants, the absolute number of all sentences should have decreased by about 27% as compared with 1967.

This would only seem to be possible if Ostroumov and Iakovleva compared 1977 (or the first half of 1977) with 1967 since in the beginning of 1977 a new decriminalization campaign was launched which affected criminal policy with regard to hooliganism and other petty crimes.¹³³ It has been reported that sentences for hooliganism made up 25% of all sentences in 1966-1967, but 10 years later hooliganism made up only 13-15% of all detected crimes.¹³⁴ In 1967 it was 33% of all sentences in Belorussia (in Estonia, 24.7%), but in 1977 it made up only 10% of all crime (in 1976-1980, 12.5% in Estonia).¹³⁵ If in Belorussia the frequency of all other crimes would have remained stable, the decrease in prosecutions for hooliganism alone would have caused a decrease in the number of crimes (sentences) in 1977 as compared with 1967 by 20-25%.¹³⁶

Ostroumov and Iakovleva asserted also that the number of sentences for official crimes in 1977 would only be one-eighth of the 1967 number.¹³⁷ In the latter year, sentences for official crimes constituted 4% of the total number of sentences, or about 30,000 sentences.¹³⁸ In 1977, this number would have decreased, if we may believe Ostroumov and Iakovleva, to 4,000 or to less than 0.5% of all sentences. Such a decrease seems unlikely, but is not impossible since the Procuracy may have changed its approach towards official crimes, especially as it has appeared that the number of civil tort cases instituted by the Procuracy in connection with misconduct in office increased significantly in the 1970s (see *supra*, pp.47ff.). According to Neznansky the relative frequency of sentences for this type of crime in 1976 would have been similar to the 1967 frequency (4%).¹³⁹ However in 1971, official crimes made up only 2.1% of all sentences,¹⁴⁰ but no data are available to prove that the number of sentences for these crimes again increased after 1971. In my opinion, the increasing number of tort cases connected with official crime furnishes evidence for the statement that, while the number of detected crimes may have remained at the same level, the number of criminal prosecutions decreased, as the recovery of damage inflicted on the state is considered to be a reason to abstain from a criminal case.

Another problem posed by Neznansky's figures is that we do not know many details of the number of cases considered by comrades' courts. As only local statistics are made up,¹⁴¹ we wonder whether any USSR figures on the activities of the comrades' courts are available. It is possible that within the Ministry of Internal Affairs the number of cases transferred to the comrades' courts by police and

Procuracy is known. But the comrades' courts do not consider all these cases while on the other hand they consider criminal cases filed to these social courts by other agencies or by private individuals.

Neznansky's figure of 976,090 "sentences" seems to be more in harmony with the data collected in table 109 about the number of persons found to have committed a crime. In any case, the Ministry of Internal Affairs where Neznansky got his figures collects such data. The number of sentences is collected by the Ministry of Justice.

Therefore, we did not include Neznansky's figures in our tables about the number of sentences by Soviet courts.

3. Sentencing Policy of Soviet Courts

a. Until the End of World War II

Table 110: The Sentencing Policy, 1923–1944

	depr. of freedom			corr. labor	susp.* sent.	fine	exile	public cens.	dis- missal	other**
	total	long- term	short- term							
1919	25			8	11	46		6		10
1920	20			23	14	30		6		13
1921	21			28	17	16		6		17
1922 I	21	5	16	21	12	28		4		18
1923	21.4	7.3	14.1	23.6	11.8	38.1		1.5		3.2
1924	16.8	4.4	12.4	14.4	14.2	50.1		1.9		2.5
1925	32.7	6.8	25.9	15.9	21.6	26.1		2.4		1.2
1926	40.2	6.3	33.9	14.1	14.3	28.7		1.5		1.1
1927	36.3	5.3	31.0	18.3	8.1	33.8		2.1		1.3
1928	33.1	6.0	27.0	23.3	7.7	32.8		2.8	0.1	0.1
1929	11.8	8.0	3.8	51.2	3.4	26.9	1.6	4.4	0.3	0.4
1930	9.6	7.8	1.8	57.0	2.7	17.1	4.5	6.0	0.5	2.5
1931	12.6	10.7	1.9	57.6	0.7	13.1	7.3	4.2	0.2	0.9
1932	18.9	17.4	1.5	54.2	1.1	12.2	3.9	3.7	0.1	5.8
1933	29.0	28.3	0.7	49.7	1.2	7.2	4.3	2.2	0.08	6.3
1934	25.7	24.3	1.4	56.9	1.4	5.3	0.5	2.2	0.06	7.9
1935	37.4	36.3	1.1	48.3	7.1	5.0				2.2
1936	39.3			46.8						
1937	44.6			40.4						
1938 I	38.4			43.7						
1939					8.3					
1940					5.7					
1941 II	67.4	44.3	23.1	19.1	3.4	7.5		1.7		0.9
1942	67.6	45.6	22.0	18.9	5.4	6.6		0.7		0.8
1943	54.0	36.5	17.3	26.4	13.1	5.7		0.7		0.7
1944	50.5	23.3	27.2	29.1	14.5	5.0		0.7		0.2

* incl. suspended sentences to corrective labor

** including capital punishment and also exiles, public censure and dismissal from office if the corresponding figure is not available

Sources:

1919–22: Tarnovskii, “Sudebnaia represia”, (1922), 77. These figures are only for people’s courts, cf. also Kuznetsova, *Prestuplenie*, (1969), 29.

1923–38: Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 211–212; *Sovetskaia ugodovnaia represia*, (1934), 82, 167, 174, 194, 203; Estrin, *Sovetskoe ugodovnoe pravo*, (1935), 115, 129; Shliapochnikov, “Prestupnost’ i represia”, (1935), 99; Gertsenzon, *Bor’ba*, (1928), 114; *Dva goda (God) raboty pravitel’stva RSFSR 1926–1927, 1927–1928*, 184; *id.*, M. 1931, 144–5; Ashraf’ian, L’vov, Kuz’min, “Programma”, (1930); Shargorodskii, *Nakazanie*, (1958); *id.*, *Nakazanie*, (1973), 90; Man’kovskii, “Voprosy ugodovnogo prava”, (1939), 94; see also *Problemy ugodovnoi politiki*, Vol. I, (1935), 72.

1940: Shargorodskii remarks that “already immediately before the war (as a result of the edicts of 26 Jun. 1940 and 10 Aug. 1940), during the war years and in the postwar period, deprivation of freedom occupied the first place and it reached nearly 70%”, Shargorodskii, *Nakazanie*, (1973), 91.

1941–1944: Iakubovich, “O pravovoi prirode”, (1946), 55–56. The figures are based upon “the total number of sentences for all crimes in the entire USSR (9 union republics)”. Criminal labor cases are not included in these figures (see p. 316 below). See also Schultze-Willebrand, *Die bedingte Verurteilung*, (1977), 68 for figures from the RSFSR.

Table 111: Measures of Social Defense, 1928–1935, RSFSR-ASSR’s

	1928		1929		1930	1935
	abs.	%	abs.	%	%	USSR
death penalty		0.03		<0.1	<0.1	
depr. of freedom	284,060	31.2	137,293	11.7	9.7	37.4
<2 weeks	22,303	2.5	19	<0.1	1.9	—
2 w. – 1 month	43,337	4.8	44	<0.1		
1–3 months	79,379	8.7	172	<0.1		
3–6 months	49,067	5.4	22,510	1.9		
6 m – 1 year	38,382	4.2	22,514	1.9	4.6	1.1
1–2 years	26,084	2.9	53,898	4.6		19.8
2–3 years	9,700	1.1	15,480	1.3	1.6	
3–5 years	8,860	1.0	12,743	1.1	1.0	
5–8 years	5,128	0.6	7,038	0.6	0.6	16.4
8–10 years	1,820	0.2	2,875	0.2		
corr. labor	200,215	22.0	596,417	50.8	56.5	48.3
exile, banishment	144	<0.1	19,047	1.6	4.5	
susp. sentence	66,330	7.3	39,922	3.4	2.6	7.2
fine	282,520	31.1	313,501	26.7	17.2	5.0
public censure	23,368	2.6	52,036	4.4	6.0	
other penalties	52,617	5.8	16,914	1.4	3.5	2.1
without penalty		5.6		0.7	0.2	
	909,254		1,175,130			

Sources:

A. G-n, “Repressia”, (1931), 151; Estrin, “Ugodovnaia politika”, (1931), 414; Gertsenzon, *Sovetskaia ugodovnaia statistika*, (1937), 211; Estrin, *Razvitie*, (1933), 229; cf. also *Dva goda raboty*, (1931), 144. 1935: Gertsenzon, *Sovetskaia ugodovnaia statistika*, (1937), 212; capital punishment, exiles and public censure are included in “other penalties”.

Table 112: Occurrence of Death Sentences, 1922–1934

	% of all sentences			% of all sentences RSFSR
	USSR	RSFSR		
1922II		0.1	1930	<0.1
1923	0.2	0.1	1931	<0.1
1924	0.2	0.1	1932I	0.0
1925	0.1	0.1	II	0.2
1926	0.1	<0.1	1933I	0.3
1927	0.1	<0.1	II	0.1
1928		0.03	1934I	0.1
1929		<0.1		

Sources:

Estrin, *Razvitie*, (1933), 129; *Sovetskaia ugolovnaia repressiia*, (1934), 82; Estrin, *Sovetskoe ugolovnoe pravo*, (1935), 115, 129; Shliapochnikov, “Prestupnost’”, (1935), 99; see also *Sudebnaia praktika Verkhovnogo suda RSFSR* 1927 No. 2, 28.

b. Sentencing Policy Since 1946

General

Data are available for Belorussia (1958–1975) and for the Tatar ASSR (1959–1964). The latter data do not add up to 100%, probably due to some misprints (of 1%), nevertheless the figures have been used for understanding figures from Belorussia.

“Other” penalties include capital punishment, exile and banishment, disqualification from holding specific positions, and public censure.

Table 113: Penalties in the Tatar ASSR, 1959–1964 (people’s courts)

	1959	1960	1961	1962	1963	1964
deprivation of freedom	46.1	52.5	61.6	56.4	52.9	50.2
short-term	9.7	6.5	14.8	13.5	9.5	8.0
1–2 years	11.8	10.7	16.8	15.7	15.4	14.7
>2 years	24.5	35.4	30.0	27.1	28.0	27.5
corrective labor	25.4	18.8	18.3	22.4	27.8	28.2
suspended sentence	8.9	13.3	7.0	7.8	9.9	11.5
fine	16.9	13.4	10.9	13.5	8.6	8.4
public censure	1.3	1.8	0.9	0.6	0.5	0.4
other	0.3	0.2	–	0.3	0.3	0.2
total	98.9	100	98.7	101	100	98.9

Sources:

Fatkullin, *Obvinenie*, (1965), 331–3; in 1957 public censure was rendered in 1.5% of all sentences in the RSFSR, Raginskii, *Vospitateľnaia rol’*, (1959), 136.

Table 114: Penalties in Belorussia, (1958–1975), Estonia (1976–1979), and Penza Province (1982)

	deprivation of freedom			corr. labor	susp. sent.	fine	other**		
	total	short-term	long-term				total	exile labor	unknown
1958	40.9	15.5	25.4		6.2		52.9		52.9
1959	32.9	12.9	20.0		9.4		57.7		57.7
1960	37.5	9.7	27.8		18.4		45.9		45.9
1961	44.6	15.2	29.4	20.8	10.6	22.6	1.4		1.4
1962	34.9	10.1	24.8	23.1	12.6	28.2	1.2		1.2
1963	36.0	5.8	30.2	25.5	13.3	23.7	1.5		1.5
1964	39.1	4.2	34.9	27.2	16.4	16.2	1.1		1.1
1965	40.0	3.2	36.8	26.8	15.3	16.3	1.6		1.6
1966	44.8	5.9	38.9	20.3	10.8	23.2	0.9		0.9*
1967	45.0	8.7	36.3	20.6	9.8	19.6	5.0		5.0
1968	46.1	10.5	35.6	21.6	10.0	19.3	3.0		3.0
1969	47.4	11.7	35.7	24.5	10.3	17.0	0.8		0.8
1970	45.3	12.3	33.0	22.8	8.6	17.0	6.3	5.7	0.6
1971	38.9	9.5	29.4	23.0	9.3	17.0	11.8	11.0	0.8
1972	40.9			23.3	7.8	17.0	11.0	10.6	0.4
1973					7.3			11	
1974	41.4			25.0	7.3	12.4	13.9	11.6	2.3
1975				23.0	7.3	9.4			
1976	55.7			14.0	14.7	2.4	13.2	11.1	2.1
1982	55			15.2	5.8	9.1	13.5	13.5	

* 0.4% death penalty, cf. table 118

** public censure on the average 0.5%; disqualification from holding a specific position 0.03–0.1%

Sources:

Belorussia: 1958–71: Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 33, 34, 38; cf. for 1966 also Sarkisova, *Gumanizm*, (1969), 90; for 1971 (col. 8) Shkurko, "Razvitie norm", (1973), 97. See also Gal'perin, "Zadachi sovershenstvovaniia", (1972), 18, who states that deprivation of freedom was applied in 50–60% of all sentences. If we take all other penalties as 100, then corrective labor is applied 50–52 times, suspended sentences 23–25, and a fine 13–15 times. Other penalties make up 10%. Exile is applied in only 0.2% of all sentences.

1972–4: Sarkisova, *Ugolovno-pravovye sredstva*, (1975), 128, 144, 149; *id.*, *Predupreditel'naia rol'*, (1979), 100.

1975: Dedkov, *Pravonarusheniia*, (1977), 33.

1976–9: Tombak, "O prichinakh", (1983), 74–75.

1982: Simonov, "Vazhnoe sredstvo", (1983), 9; in Estonia, deprivation of freedom was meted out in 44.5% of all sentences of women, Kil'g, "Nekotorye dannye", (1982), 99–100, see also *Sov. Iust.* 1984 No. 5, 28 (corrective labor: 17–20%).

See table 127 for data on suspended sentences.

Table 115: Sentencing Policy in Belorussia, 1958–1974 (trends)

	number of sent.	depr. of freedom			susp. sent.	corr. labor	fines	
		total	short	long			total	corr.*
1958	100	100	100	100	100			
1959	85	68	71	67	129			
1960	40	37	25	44	119			
1961	57	62	56	66	98	100	100	100
1962	66	56	43	65	135	129	145	85
1963	59	52	22	71	127	128	109	66
1964	48	46	13	66	126	109	60	39
1965	45	44	9	66	112	79	57	44
1966	61	67	23	94	107	105	110	77
1967	59	65	33	85	93	103	90	70
1968	60	68	41	84	97	109	90	82
1969	66	77	50	93	110	136	87	83
1970	71	79	56	92	164**	136	94	90
1971	71	67	43	82	233**	137	93	90
1972	63	63			187**	123	83	
1973	77				226**			
1974	78	79			238**	161	75	56

* without home distilling

** including exile labor

Sources:

Tables 101, 102 and 114. Col. 8 is calculated on the assumption that fines are applied in 70% of all sentences for home distilling (table 116). In col. 3, the figures for 1961 and 1970 are equal, Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 32.

Table 116: Penalties for Home Distilling (in percentages)

	depr. of freedom	fine	suspended sentence	corrective labor
1955 (Belorussia)	7			
1958 (Kazakhstan)				
for trade	55.7	–	25	19.2
not for trade	41.2	6	25.1	27.6
1960 (RSFSR)	4.9			
1961–74 (Belorussia)	<5	~70	~15	~10
1971 (RSFSR)	3.7	85.7	6.2	3.2

Sources:

1955: Vetrov, "Zhizn' podskazyvaet", (1957).

1958: Beisenov, "O bor'be, (1962).

1960: Kriukov, "Usilit' bor'by", (1961), 12.

1961–74: Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 18–19.1971: "Zadachi sudov v bor'be", (1972), 6; Iu. Tkachevskii, in *Pr.* 9 Jan. 1973.

Table 117: Sentencing Policy in Belorussia, Corrected for Home Distilling Cases

	deprivation of freedom				corr. labor	susp. sent.	fine	exile labor
	total	short	long					
		% col. 1						
1958	50.5	17.9	35.4	32.6		7.9		
1961	52.4	17.2	32.8	35.2	23	9.7	13.3	
1962	46.9	12.2	26.0	34.7	28.3	11.6	11.5	
1963	46.0	6.1	13.3	39.9	30.5	12.8	8.9	
1964	45.2	4.0	8.8	41.2	30.3	13.3	6.5	
1965	45.8	2.9	6.3	42.9	29.6	13.9	7.5	
1966	55.9	6.1	10.9	49.8	23.1	9.6	10.1	
1967	53.5	9.5	17.8	44.0	22.8	8.7	8.8	
1968	53.5	11.5	21.5	42.0	23.8	9.1	10.0	
1969	54.1	12.7	23.5	41.4	26.8	9.5	8.6	
1970	51.4	13.4	26.1	38.0	24.8	7.6	9.0	6.6
1971	44.0	10.1	23.0	33.9	25.0	8.4	9.0	12.7
1974	46.0				26.9	6.3	5.1	13.1

Sources:

Table 115; the assumption is made that deprivation of freedom was applied in 7% (1958) and 5% (1961–74) of all sentences for home distilling; corrective labor in 13 resp. 10; suspended sentences in 10 resp. 15; a fine in 70% of all such sentences, cf. table 116. However, even after this correction, Belorussian courts seem rather mild compared with the USSR average.

Table 118: Sentencing Policy, Belorussia, 1966, 1971

	percentage		trend	
	1966	1971	1966	1971
death penalty	0.4	unknown		
deprivation of freedom	44.8	38.9	100	100.3
of which >8 years	1.0	10.4		
5–8 years	2.6		100	96
3–5 years	8.9			
2–3 years	11.4	19	100	83
1–2 years	15.1			
≤1 year	5.9		100	124.9
exile labor	–	11.1		
corrective labor	20.3	23.0	100	130.8
suspended sentence	10.8	9.3	100	99.4
finest	23.2	17.0	100	84.6
other (1971: unknown)	0.5	0.8*	100	
of which public censure	~0.4			

* including death penalty

Sources:

Table 115; Sarkisova, *Gumanizm*, (1969), 91; *id.*, *Ugolovno-pravovye sredstva*, (1975), 128, 144, 149. Sarkisova gives the distribution of the length of terms of deprivation of freedom in 1966, however the figures add up to 110.2%. Probably, the figure for terms of between 3 and 5 years must be 10% lower than the 29.8% given by Sarkisova (see also table 113). At p. 97 she gives the "extremely insignificant" number of death penalties of 0.4% of all sentences. Since Sarkisova's figures are taken from the statistical reports of the Belorussian Supreme Court, the military tribunals are not included. In 1971, about 28% of all sentences for a term of up to 3 years were sentences to exile labor (*Sots. Zak.* 1972 No. 8, 27). As exile labor occurred in 11.1% of all sentences, sentences up to 3 years made up 39.6% of all sentences; therefore 19% of all sentences are for terms of between 1 and 3 years. This leaves 10.4% for the sentences to terms of over 3 years.

Death penalty

Pobegailo has published data on the sentencing policy in cases of murder. The data are in percentages, but the absolute numbers used by Pobegailo to construct his table, can be easily found. In 1962, 1.1% of all sentences in cases of first degree murder were sentences to corrective labor. This must have been one (or more) person(s). Therefore, in 1962 about 90 sentences (or two times as many, etc.) must have been pronounced. A similar reasoning can be applied to the data on simple murder (table 119). In view of the figures for murder, collected in table 145, it seems unlikely that we must take double (or more) the figures calculated in this way. As Rostov province had a population of 3,587,000 on 1 Jan. 1962,¹⁴² the Rostov figures, if representative, would mean an average annual number of 12,390 sentences for homicide in the entire USSR. This number somewhat surpasses the figure for the USSR (we could expect some 10,000 sentences).¹⁴³ Moreover, the proportion between sentences for first degree murder and for simple murder corresponds with other data.¹⁴⁴ Therefore, the lowest possible figures are the actual ones.

We can conclude that, if the Rostov data are representative for the entire USSR in 1961-1963, the annual number of death penalties for first degree murder was nearly 2,200.

Deprivation of freedom

Apart from the Belorussian and Tatar figures, collected in tables 113 and 114, some other precise data are known about the application of deprivation of freedom in the period 1959-1966. These data show that the Tatar figures seem to be more representative of the entire USSR than the Belorussian ones, although the trends in the figures are quite similar (table 121).

Khan-Magomedov has defined an index on the application of penalties (penalty index) in the following way:¹⁴⁵

– K_1, K_2, \dots, K_n : the coefficient of the severity of a penalty. This coefficient is equal to one for a sentence of one year of deprivation of freedom, to two for a sentence of two years, etc. A sentence to corrective labor for a term of one year is equal to 0.33. A sentence to other penalties (fines, etc.) is equal to 0.1. Suspended sentences are deemed to have a severity of zero; capital punishments have not been included, at

Table 119: Death Penalty for Murder, Rostov Province, 1961–1963

	1961		first degree murder				total abs. no.
			1962		1963 I		
	%	abs. no.	%	abs. no.	%	abs. no.	
death penalty	32.8	41	35.5	33	28.6	14	88
depr. of fr.							
10-15 y.	17.6	22	21.5	20	26.5	13	55
8-10 y.	15.2	19	17.2	16	16.3	8	43
5- 8 y.	19.2	24	21.5	20	18.4	9	53
<5 y.	15.2	19	3.2	3	10.2	5	27
corr. labor	-	-	1.1	1	-	-	1
Total		125		93		49	267

	1961		simple murder				total
			1962		1963 I		
	%	abs. no.	%	abs. no.	%	abs. no.	
depr. of fr.							
8-10 y.	28.4	29	38.3	36	28.6	10	75
5- 8 y.	18.6	19	24.5	23	17.1	6	48
3- 5 y.	23.5	24	20.2	19	42.9	15	58
<3 y.	25.5	26	16.0	15	11.4	4	45
corr. labor	1.0	1	-	-	-	-	1
susp. sent.	3.0	3	1.0	1	-	-	4
Total		102		94		35	231

Source:

Põbegailo, *Umyshlennye ubiistva*, (1965), 201–2; Van den Berg, “The Soviet Union”, (1983).

Table 120: Sentences to Deprivation of Freedom as % of all Sentences, Siberia (1961–66)

	1961	1962	1963	1964	1966
Novosibirsk province	64.1	60.5	55.5	56.8	
Sverdlovsk province	66.35	59.6	55.2	57.6	
Cheliabinsk province	68.2	67.6	62.2	61.9	
Khabarovsk territory					70.9
Sovetskaia Gavan (city)					73.3
average	66.2	62.6	57.6	58.8	72.1

Sources:

Efimov, *Problemy lisheniia svobody*, (1968), 18–21; Fediukin, “O nekotorykh voprosakh”, (1969), 15.

least Khan-Magomedov does not say anything about them; however, Ostroumov gives for the death penalty 20–25, for exile labor 0.5, and for suspended sentences with stay of execution 0.2;¹⁴⁶

– n_1, n_2, \dots, n_n : the number of sentences to all kinds of penalties and to deprivation of freedom for the different terms;

Sources:

- col. 1, 5, 8: Table 117; the figures are corrected for incidence of home distilling cases.
 col. 2, 6, 9: Table 113.
 col. 3: Efimov, *Problemy lisheniia svobody*, (1966), 11, as cited in Bushuev, *Ispravitel'nye raboty*, (1968), 88; cf. also Fetisov, "Sovershenstvovat' praktiku", (1970), 27.
 col. 4, 7, 10:
 1960-5: Sergeeva, Pomchalov, "Effektivnost'", (1968), 28-9; col. 10 is calculated.
 1967: *Sov. Iust.* 1969 No. 18, 27 (entire USSR).
 1969: Fetisov, "Sovershenstvovat' praktiku", (1970), 28 gives (seemingly) 28-29% of all camp inmates.
 1969-72: Central Black-Earth Region; the figures are estimated on the basis of data presented in Schultze-Willebrand, *Die bedingte Verurteilung*, (1979), 214.
 1972 (col. 4): Karpets, *Nakazanie*, (1973), 99.
 col. 11:
 Table 120.
 col. 12:
 1962: USSR, Anashkin, "Gumanizm", (1963), 47.
 1963: Latvia, *SGiP* 1966 No. 1, 105.
 1968: USSR, Kuznetsova, *Prestupleniye*, (1969), 196; *Sov. Iust.* 1969 No. 18, 27; Chalidze, *Ugolovnaia Rossiia*, (1977), 309.
 1969: locally; Solopanov, Zhuravlev, "Novyi vid", (1970), 20.
 1970: Gal'perin, "Zadachi sovershenstvovaniia", (1972), 18; *id.*, "Rol' nakazaniia", (1972), 117.
 1971: Lithuania, A. Likas, "Osuzhden uslovno", *Pr.* 25 March 1973; *id.*, *Imenem respubliki*, (1979), 50; he gives 68-70% for the late 1960s.
 1975: Smolentsev, "Sud", (1977), 222.
 1976: Baturov, "Increasing Use", (1977), 75.
 1977-80: according to a sample, *Sovetskoe ugolovnoe pravo*, (1981), 319; however, the years are not indicated; it was 55.7% in Estonia in 1976-9 (table 114, col. 1).
 1982: Penza province, Simonov, "Vazhnoe sredstvo", (1983), 9.

Table 122: Terms in Sentences to Deprivation of Freedom, Saratov province 1950–1964; USSR

	≤3	3–5	5–10	>10 years			
					USSR		abs. no.
					Saratov	trend	
1950	24.7	16.2	43.3	15.8			
1951	32.5	15.7	39.6	12.2			
1952	36.3	17.1	35.8	10.8			75,000
1953	34.3	24.7	34.3	6.7			
1954	44.6	21.4	26.9	7.1			30,000
1955	42.4	20.5	30.6	6.5			
1956	51.9	18.5	22.9	6.7			
1957	57.1	17.9	18.7	6.3			
1958	61.0	17.1	16.4	5.5		100	25,000
1959	65.1	16.8	14.9	3.2			
1960	58.6	18.6	20.3	2.5			
1961	69.1	19.1	10.5	1.3			
1962	72.1	17.5	9.6	0.8	1.6	33	8,000
1963	69.5	19.6	9.5	1.4			
1964	62.9	22.7	12.7	1.7			~4,000
1965					1.4	20	4,000
1966	72.4	19.8					
1966	71.8	19.1	8.2	0.9			
67–70	~75						
1971	73						
1972	70						

Sources:

1950–64: Saratov province, Noi, *Teoreticheskie voprosy*, (1965), 21; without especially dangerous state crimes; military and other tribunals are not included.

1966, 1971: Belorussia, table 118; Khabarovsk territory, Fediukin, “O nekotorykh voprosakh”, (1969), 15, who also gives figures for the people’s courts of Sovetskaia Gavan in 1966.

1967–70, 1972: USSR: according to Bannikov, “Voprosy sudebnoi praktiki”, (1973), 4–6, the total number of sentences to deprivation of freedom decreased by 9.5% in 1972 compared with 1969–70; at the end of the 1960s, the Moldavian courts applied sentences to deprivation of freedom for a term of under one year in 3–4% of all such sentences, a term of between 1 and 3 years in 38–40%, between 3 and 5 years in 25–27%, and 5–15 years in 30% of all such sentences, Kondrashkov, “Issledovanie statisticheskikh dannikh”, (1969), 5. Kondrashkov’s figures are only compatible with other data if we assume that sentences to a term of one year are not included in the number of sentences for a term up to one year, etc. According to Sergeeva, Pomchalov, “Effektivnost”, (1968), 32, a short-term sentence usually (nearly 80%; Fetisov, “Sovershenstvovat’ praktiku”, (1970), 28, gives 70%) is a sentence of one year. Therefore, short-term sentences made up about 15% of all sentences to deprivation of freedom. *Sov. Iust.* 1969 No. 18, 27 gives: half of all sentences are for terms of up to 2 years; 20–25 up to 1 year.

col. 5–6:

USSR: Anashkin, “Gumanizm”, (1963), 47; id., “O zadachakh”, (1966), 9. He gives 0.8% for 1965, but this figure seems to be for sentences with terms of more than 10 years as % of all sentences. See also *Sovetskoe ugovnoe pravo. Obshchaia chast’*, (1969), 88; Ostroumov, *Sovetskaia sudebnaia statistika*, (1976), 334 gives 0.9% in 1965. According to Kondrashkov, “Statisticheskii uchet”, (1965), 110, the 1964 number was 1/6 of the 1958 number in absolute terms and the 1965 number 1/5–1/6 of the 1958 number, Anashkin, *loc. cit.*; *Sovetskoe ugovnoe pravo, loc. cit.* See also *Sots. Zak.* 1969 No. 8, 33. col. 7: Estimated from col. 4–6.

Table 123: Frequency of Sentences to Terms of More Than 5 Years, 1925–1934, 1952–1966

	% of all sentences		% of all sentences to depr. of freedom		abs. number (thousands)		very long terms per 10,000 inh.
	5–10 y.	>10 y.	5–10 y.	>10 y.	5–10 y.	>10 y.	
1925	0.8	–	2.6	–	10	–	7
1927	0.6	–	2.1	–	9	–	6
1928	0.8	–	2.2	–	10	–	8
1929	0.8	–	7.7	–	16	–	10
1930	0.6	–	6.3	–	11	–	7
1931	0.6	–	4.8	–	13	–	8
1932	3.8	–	20.1	–	69	–	44
1933	12.3	–	42.4	–	274	–	175
1934	7.0	–	27.2	–	110	–	70
1952*	13	4	35.8	10.8	249	75	170
1954*	10	3	26.9	7.1	113	30	74
1958	7	2	16.4	5.5	76	25	49
1959	7	1	14.9	3.2	56	12	32
1960	10	1	20.3	2.5	52	6	27
1961	6	0.8	10.5	1.3	49	6	25
1962**	6	0.5(0.9)	9.6	0.8(1.6)	43	4(8)	21(23)
1963	5	0.8	9.5	1.4	34	5	17
1964	6	0.8	12.7	1.7	34	5	17
1965**	(0.8)		(1.4)		(4)		
1966	4.3		9.6		31		13

* see the remark at table 122, col. 1

** figures between brackets: USSR

Sources:

Tables 111, 122; Estrin, *Razvitie*, (1933), 162, 229; Shliapochnikov, "Prestupnost", (1935), 99; Gertsenzon, *Sovetskaya sudebnaya statistika*, (1937), 211–212.

– N: the total number of sentences to all kinds of penalties and of suspended sentences.

The penalty index K is equal to:

$$K = \frac{K_1 n_1 + K_2 n_2 + \dots + K_n n_n}{N}$$

Khan-Magomedov has calculated the penalty index of four republics (he does not specify them, but it appears that the republics are Tadzhikistan, Georgia, Moldavia, and Latvia) and of the USSR over a period of 9 years (1961–1969).¹⁴⁷ He gives, in his article, the average value of the indexes for these republics, the minimum and maximum value of the index for each republic, and an indication of the index for the entire USSR.

This means that the differences between the republics are very high. If we know the value of the penalty index, we can calculate the average length of sentences to

Table 124: Penalty Index During the 1960s

	minimum value	average value	maximum value
Tadzhikistan	1.39	1.50	1.88
Georgia	1.01	1.21	1.40
Moldavia	1.52	1.69	1.89
Latvia	1.35	1.43	1.57
USSR (estimated)	1.4	1.6	1.8

Source:

Khan-Magomedov, "Nekotorye matematicheskie metody", (1973), 120.

deprivation of freedom on the basis of the data on the occurrence of the other penalties.

Moreover, it is known that under Brezhnev sentences to deprivation of freedom were used much more frequently than under Khrushchev (tables 115 and 121), therefore we may assume that the minimum value of the penalty index occurred under Khrushchev and the maximum value under Brezhnev. Another argument for this is that according to Karpets, the average length of terms in sentences for malicious hooliganism was 3.2 years before 1966 and 3.8 years later on during the 1960s.¹⁴⁸

If we use this data to calculate the average length of terms in sentences to deprivation of freedom, we arrive at 2.7 years during 1961-1964 and at 3.1 years during the second half of the 1960s.

According to the data published on the distribution of sentences to deprivation of freedom in Moldavia at the end of the 1960s the average length of terms should have been 3.5 years and Khan-Magomedov's data would give 3.1 years for the second half of the 1960s (see table 122).

Table 125: Penalty Index

	value		value
1922	0.34	1935	1.7
1924	0.30	1952	2.8
1926	0.43	1954	2.1
1928	0.40	1961-5	1.4
1930	0.45	1966 (Belorussia)	1.37
1932	0.87	1966-9	1.8
1934	1.2	1971 (Belorussia)	1.2

Sources:

1922-35: Calculated from Estrin, *Razvitie*, (1933), 162, 229 and Gertsenzon, *Sovetskaia ugolovnaia statistika*, (1917), 211-212.

1952-71: tables 118 and 122; assumption: suspended sentences made up about 8% of all sentences. See also for 1976-9 the data about the penalty index for cases of theft in Estonia, Tombak, "O roli sudimosti", (1983). This index was about 1.8.

Table 126: Average Length of Terms in Sentences to Deprivation of Freedom (in years)

		period	average value
1919/20	3	1919–1920	3
1922II	1.1		
1923	1.63	1922–1924	1.3
1924	1.25		
1925	0.89		
1926	0.72	1925–1928	0.8
1928	0.75		
1929	1.95		
1930	2.1	1929–1931	2.1
1931	2.2		
1932	3.3		
1933	4.6	1932–1935	4.0
1934	3.8		
1935	4.2		
1950	6.6		
1951	5.9		
1952	5.5	1950–1954	5.5
1953	5.1		
1954	4.6		
1955	4.7		
1956	4.2		
1957	3.9	1955–1959	3.9
1958	3.7		
1959	3.2		
1960	3.5		
1961	2.8		
1962	2.6	1960–1964	2.7
1963	2.7		
1964	3.0		
1966	2.7	1966–1969	3.1
1971	2.4		
1974	3.4		

Sources:

1919–20: Cf. V. R. Iakubson, “Ugolovnaia repressiia v pervye gody revoliutsii”, *Sov. Iust.* 1922 No. 4, 3.

1923–6: Gertsenzon, *Bor’ba*, (1928), 91; Estrin, *Razvitie*, (1934), 101.

1928–30: Calculated from table 111.

1931–5: Calculated from Gertsenzon, *Sovetskaia ugolovnaia statistika*, (1937), 211–212.

1950–64: Saratov province, calculated from table 122; without criminal labor cases.

1966, 1971: Belorussia, calculated from table 118, on the assumption that the relative incidence of sentences to different terms was similar in 1966 and 1971 in sentences to terms of between 3 and 15 years.

1974: Sakharov, *My Country*, (1975), 43; Chalidze, *Ugolovnaia Rossiia*, (1977), 309. However, these figures seem very high, as the number of sentences to short terms remained high also after the introduction of exile labor in 1970. In 1976–9, according to Estonian figures, the average length of the terms in sentences for crimes against ownership, committed by recidivists, was 3.5 year, cf. Tombak, “O roli sudimosti”, (1983).

col. 2:

Calculated from col. 1; for 1960–1969, we have used the data given by Khan-Magomedov, “Nekotorye matematicheskie metody”, (1973), 19–20; Karpets, *Nakazanie*, (1973), 228–229.

According to Sakharov, the average length of the terms should be 3.45 years in the first half of the 1970s.¹⁴⁹

A sentence to deprivation of freedom usually entails confinement in a camp. Only 0.3-0.8% of all sentences involve incarceration in a prison.¹⁵⁰

Other penalties

Table 127: Application of Suspended Sentences as % of All Sentences, 1958–1982

	(1) USSR	(2) Belorussia	(3) exile labor	(4) Kirgizia	(5) Ukraine	(6) Reconstruction (USSR)	(7) exile labor
1958	6.3	6.2				6.3	
1959	11.5	9.4				11.5	
1960	17.1	18.4		21.7*	16.8*	17.1	
1961	10–12	10.6		7.7/8.2	7.8*	10	
1962	10–12	12.6		8.1		11	
1963	10–12	13.3		11.0		12	
1964	~13	16.4		13.5		14	
1965	13.2	15.3		14.4		13.2	
1966	9	10.8		16.6		9	
1967		9.8			1/6	8	
1968		10.0			1/6	9	
1969		10.3				9	
1970	10.9	8.6	5.7			9	6
1971		9.3	11.0			11	11
1972		8.2	10.6			9	11
1973		7.3	11			8	11
1974		7.3	11.6			8	11
1975		7.3				8	
1982						5.8	13.5

* first quarter

Sources:

col. 1:

1958–60: *BVS SSSR* 1961 No. 3, 7; cf. also *BVS SSSR* 1960 No. 3, 6, No. 6, 2–3 (Gorkin); *Sov. Just.* 1960 No. 3, 39; Rubichev, “Vazhnye zadachi sudov”, (1960), 1; V. I. Laputin, “Programma KPSS i dal’neishee ukreplenie sotsialisticheskoi zakonnosti i pravoporiadka”, *SGiP* 1961 No. 11, 19. These sources give: first quarter of 1959 7.6%, second quarter 8.1%, third quarter 14.7%, last quarter 22.5%, 13.8% in 1960 I. In the RSFSR, the percentages were 6.9% in 1958 II and 27.2% in 1959 II, 6% in the first quarter of 1959 and 23% in the first quarter of 1960, Anashkin, “Nekotorye voprosy sudebnoi praktiki”, (1960), 49; in Armenia, it was 7.5% in 1959 I, 21.1% in 1959 II, and even 29.2% in the first quarter of 1960, *BVS SSSR* 1961 No. 3, 28.

1961–3: Mironov, *Ukreplenie zakonnosti*, (1969), 155; in sentences upon public accusation the percentage was 9.1 in 1961, Gorkin, “Zadachi sotsialisticheskogo pravosudiia”, (1962), 7–8.

1964: Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 265, gives about 30%; this must be for the

number of all sentences not entailing deprivation of freedom, therefore it was $(0,3 \times 43 =)$ 13% of all sentences.

1965–6: Anashkin, “O zadachakh”, (1966), 10; Ostroumov, *Sovetskaia sudebnaia statistika*, (1976), 334.

1967–9: Gal’perin, “Zadachi sovershenstvovaniia”, (1972), 18; *id.*, “Rol’ nakazaniia”, (1972), 117, gives 23–27% of all sentences not entailing deprivation of freedom or 10–12% of all sentences; cf. also Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 265.

1970: Gorkin, “XXIV s”ezd”, (1971), 6.

col. 2:

Sarkisova, *Vospitatel’naia rol’*, (1971), 5 gives for 1964–5 16.4 and 15.3; cf. also *id.*, *Predupreditel’naia rol’*, (1979), 144. In *id.*, *Gumanizm*, (1969), 101, she gives for 1964–5 13.6 and 13, these low figures (probably the USSR figures, see col. 1) are also given by Gorelik, cf. table 114.

col. 3:

Sarkisova, *Predupreditel’naia rol’*, (1979), 149; cf. also Gorelik’s figures in table 114.

col. 4:

Gorkin, “Zadachi sotsialisticheskogo pravosudiia”, (1962), 7–8; Kydyralieva, *Uslovnoe osuzhdenie*, (1968), 59.

col. 5:

Gorkin, “Zadachi sotsialisticheskogo pravosudiia”, (1962), 7–8; *Sots. Zak.* 1967 No. 12, 60; *Nakazaniia, ne sviazannye*, (1972), 100.

col. 6:

According to *Sovetskoe ugovolnoe pravo. Obshchaia chast’*, (1981), 426, suspended sentences and exile labor are applied in 11% of all sentences. The 1982 data are for the Penza province, Simonov, “Vazhnoe sredstvo”, (1983.)

Table 128: Sentences to Fines as % of All Sentences

	USSR		USSR	Tatar Rep.	Belorussia
1946	6.5	1958	14.6		22
1947	5.0	1959	16.3	16.9	
1948	8.5	1960	10.9	13.4	
1949	9.6	1961	9.6	10.9	13
1950	11.4	1962	11.0	13.5	12
1951	12.6	1963	8.9	8.6	9
1952	13.9	1964	5.9	8.4	7
1953	13.3	1965	6.2		8
1954	15.7	1966	6.0		10
1955	17.2	1967	5.6		9
1956	14.1	1968	8.8		10
1957	13.2	1969	6.6		9
		1970	6.3		
		1971	6.5		9
		1972	6.1		
		1974			5

Sources:

Tadevosian, *Shtraf*, (1978), 26, 66, see also table 70; Anashkin gives for 1965 3.8%, *Sots. Zak.* 1966 No. 9, 18, but this figure is for sentences upon public accusation only, cf. table 70. According to Kuznetsova, fines occurred in at most 7% of all sentences, *Sovetskoe ugovolnoe pravo, obshchaia chast’*, M. 1974, 303; cf. also *SGiP* 1981 No. 6, 94; *Sovetskoe ugovolnoe pravo*, (1981), 343.

Tatar Rep.: Table 113.

Belorussia: table 121 (corrected for home distilling cases).

The other property penalty (confiscation) was applied in 0.9% of all sentences in 1962, Anashkin, “Gumanizm”, (1963), 47.

Table 129: Application of *Poruka* in Suspended Sentences, 1959–1976

	% of all suspended sentences				% of all sentences		trend 1960=100 Belorussia
	Belor.	USSR	RSFSR	Kirg.	Belor.	USSR	
1959	11				1.0		35
1960	34.2			55.0	6.3		100
1961	22.4			23.4	2.4		54
1962	22			36.5	2.8		73
1963	12.2			18.9	1.6		38
1964	28		35	14.1	4.6	4.5	87
1965	23	23.1		13.5	3.5	3.0	63
1966	14	18.0		15.5	1.5	1.6	37
1967	13.1				1.3		30
1968	22.3				2.2		53
1969	12				1.2		32
1970	11.3				1.0		27
1971	12.6	21.6	29.6		1.2	2.4	33
1972	19.3	28.9	29.7		1.6	2.6	39
1973	17.4	30.5	32.0		1.3	2.5	39
1974	12.7	30.9	32.5		0.9	2.5	29
1975		32.3	34.2			2.5	
1976		30.9	32.4				

Sources:

col. 1, 5, 7:

Sarkisova, *Gumanizm*, (1969), 5, 13; *id.*, *Ugolovno-pravovye sredstva*, (1975), 144, 149; the figures in col. 4 and 5 are calculated with the aid of the data of tables 101, 102, and 114. See also Poteruzha, *Sudi obshchestvennost'*, (1973), 128.

col. 2, 3:

1964: El'kind, in *Aktual'nye problemy sovetskogo gosudarstva*, (1967).

1965–1966: (including sentences to corrective labor), Gorkin, "Vospitatel'naia rol'", (1967).

1971–1976: Iakimov, *Pravosudie*, (1977), 100. In 1969 Gal'perin gave "about 33%" for a sample, *Sots. Zak.* 1969 No. 7, 28, but he also remarks that there are large regional differences; see also *Sov. Iust.* 1960 No. 3, 10, for some local figures.

col. 4:

Kydyralieva, *Uslovnnoe osuzhdenie*, (1968), 143.

4. Some Special Questions

a. Juvenile Delinquency

If we assume that the proportion of minors (those under 16 years of age) out of all juveniles prosecuted or sentenced in 1959 was equal to the 1955–1956 proportion, we can calculate some figures for 1945–1946. As the Commission for Minors Affairs was created in 1961, it seems better to compare 1959 with 1955–1956 than with the beginning of the 1960s, when the proportion was lower (13–15%). As we may take for 1946 the number of sentences excluding criminal labor cases (1.45 million, table I), the number of all sentenced juveniles is known in that year (table 130).

Table 130: Prosecution of Juveniles, 1936-1980

	% of all criminals	% of all prosec.	% of all sentences	under 16 y.		16 + 17 y.	
				trend (sent.)	% of all prosec.	trend (sent.)	% of all prosec.
1939				100			
1945						100	
1946	15-20		11.7	114.6			
1954			5.8				
1955		5.6	5.6		1.2		4.4
1956		5.2			1.0		4.2
1957		5.4					
1958		4.9	5.3				
1959		3.1	3.3	10.4		22.5	
1960		2.9	<3/<2.5				
1963	7						
end 60s	9-12						
1971-4	9-10						
end 70s	10-11						
1980s	10						

Sources:

col. 1:

1946, 1971-4: Kuznetsova, "Ukreplenie", (1975), 124.

1963: Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 255.

end 60s: *Sovetskoe ugolovnoe pravo*, (1969), 88.

end 70s: Smirnov, Radiospeech, (1981); *Kriminologiya*, (1976), 286, gives between 3-4% and 9-10%; in large cities these percentages are somewhat higher; *Kriminologiya*, (1979), 192, gives in most areas 8-12%.

1980s: S. I. Gusev, "Povyshat' uroven' sudebnoi deiatel'nosti", *SGiP* 1984 No. 5, 5.

In 1959, the number decreased by 42.5% compared with 1958, *Sovetskaia obshchestvennost' na strazhe sotsialisticheskoi zakonnosti*, M. 1960, 106; at the end of the 1970s it was less than half the 1946 figure, Shchekolov, "Konstitutsiia SSSR", (1979), 7.

col. 2:

Rudenko, Speech Supreme Soviet 1957; Grishanin, "K itogam", (1957), 4; Boldyrev, *Mery preduprezhdeniia*, (1964), 7; Kuznetsova, *Prestuplenie*, (1969), 206. In 1959, it was 45% of the 1958 number, Ostroumov, *Sovetskaia sudebnaia statistika*, (1962), 289.

col. 3:

Smirnov, *Sots. Zak.* 1961 No. 1, 50; Gertsenzon, Smirnov, "Klevetnicheskie izмышleniia", (1961), 136; Rudenko, "XXII s"ezd KPSS", (1962), 8; *Sovetskaia pedagogika* 1964 No. 12, 135.

col. 4, 6:

See annotation at col. 3. In 1955, 13 children between 12 and 14 years were sentenced in Belorussia, Vetrov, "Zhizn' podskazyvaet", (1957). According to Minkovskii, writing in 1964, children under 16 years of age made up 13-15% of all prosecuted juveniles; in the 1970s this was 15-20%, Connor. *Deviance*, (1972), 126; *Kriminologiya*, (1976), 289; *Kriminologiya*, (1979), 193.

Table 131: Sentenced Juveniles, Estonia 1964–1980

	% of all sent.	trend	Tallin	trend Latvia	14 + 15 y.	16 + 17 y.
1964	9.8	100	100	100		
1965	12.8	82	54.0	88		
1966	11.8	112	75.7	84		
1967	11.6	97.7	63.7	74		
1966–70	14.8				3.4	11.4
1970		80				
1971–5	15.8				3.9	11.9
1976–80	17.5				4.6	12.9

Sources:

Randalu, Napa, "O prestupnosti", (1968), 291; Leps, "Prestupnaia aktivnost", (1981), 354. In Lithuania it was 12.3% in 1966 and 9.4% in 1972, a decrease by 16.6%, Kairialis, "Koordinatsiia", (1973). Latvia: L. Kliuchinskaia, in *Nepilnamečiu teisetvarkos pažeidimu profilaktikos problemas*, Vilnius 1971, 120.

Table 132: Sentenced Juveniles, 1939–1980 (reconstruction, total number of sentences in thousands)

	all juveniles		under 16 y. total sent.	16–17 y.	
	total sent.	p/ 100,000		total	p/ 100,000
1936			10		
1939			53		
1945	~150*	870	50	97	1090
1946	170*	1040	61	109	1240
1954	46	250			
1955	52	290	10	43	460
1956	47	290	9	38	420
1957	50	360			
1958	55	490			
1959	27	290	5	22	400
1960	<13	140			
1963**	<46	340			
1966–70**	<70–90	400–500			
1971–4**	~75	380			
end 1970s**	<80–90	450			

* criminal labor cases excluded

** of all criminals

Sources:

Table 130. In 1932 and 1934 the number of sentenced juveniles between 16, 17, and 18 years made up about 7% of all sentences, Shliapochnikov, "Prestupnost", (1935). This gives about 125,000 sentenced juveniles in 1932. In 1936 I, 5,000 juveniles under the age of 16 were sentenced, S. Bulatov, "Zakon 7 aprilia 1935 g. v sisteme sovetskogo ugovolnogo prava", *Sots. Zak.* 1937 No. 4. The number of juveniles has been calculated on the basis of the data of Chapter I of this appendix.

Table 133: Sentencing Policy, Juveniles

	depr. of freedom as % of all sentences		terms, Estonia			suspended sentences			corr. labor Estonia
	local*	Estonia sample USSR**	≤1 y.	1-2 y.	2-3 y.	>3 y.	local*	Estonia USSR	
1952	63						13		
1954	36						50		
1962	70.5						22.4		
1963	67.6						26.6		
1964	70.9	71.2		45.9	15.2	10.0	21.9	26.2	2.5
1965	71.4	69.3					23.0	25.2	5.5
1966		80.7						14.7	4.3
1967		78.2	18.1	35.1	11.9	13.1		16.1	5.5
1968		70.3							
1969		71.3							
1970		72-73							
1971	63.6								
1972		66					27.1		
1976	58.9								
1977		~60					36.6	32.2	
1980		51.3						21.3	
1981		53							
		~55							

* Lithuania (1952-4), Kazakhstan (1962-5), Sverdlovsk (1971, 1976)

** USSR (1976-81)

Sources:

- Lithuania*: J. Blička, in *Mokslo darbai ekonomikos ir teisės mokslo serija*, Vol. II, Vilnius 1957, 26.
- Kazakhstan*: Connor, *Deviance*, (1972), 128; M. M. Babaev, *Individualizatsiia nakazaniia nesovershennoletnikh*, M. 1968, 84, 100, 108, gives for deprivation of freedom 70–60%, for corrective labor 6%, suspended sentences 20%.
- Estonia*: Randalu, Napa, “O prestupnosti”, (1968), 294–295; *Primenenie perm. avt. sistem*, (1978), 51.
- Sample*: G. V. Drovosekov, “Primenenie nakazanii, ne sviazannykh s lisheniem svobody, k nesovershennoletnim”, *Trudy Kievskoi vysshei shkoly MVD SSSR*, Vol. 8, Kiev 1974, 161.
- Sverdlovsk*: A. Konev, “Perevospitanie nesovershennoletnykh, osuzhdennykh k nakazaniiam ne sviazannym s lisheniem svobody”, *Sots. Zak.* 1977 No. 7, 33.
- USSR*: A. Filatov, “Praktika primeneniia sudami stat'i 39 Osnov ugovnogo zakonodatel'stva”, *Sots. Zak.* 1978 No. 7, 18. The introduction in 1977 of stay of execution did not only affect the number of actual sentences to deprivation of freedom (their percentage decreased by 8.7% at the USSR level; in the Ukraine: 14.5%; in Turkmenia: 4.4%) but also the number of suspended sentences (their percentage decreased by 10.9%; in Turkmenia: 16.5%) and all penalties not entailing deprivation of freedom (their percentage decreased by 9.3% in the USSR; 16.5% in Turkmenia; 3.8% in the Ukraine, but zero in Estonia). The figures for the USSR in col. 3 (1976–1981) are adjusted from Filatov's data, the data for Sverdlovsk (in combination with the data of col. 9 and 10) and from Smirnov's remark that in 1976 the percentage was slightly higher than in 1980; in 1980 it was 53%, Smirnov, Radiospeech, (1981). In 1981, more than 1/4 of all sentences were to deprivation of freedom with stay of execution or nearly 1/2 of all sentences to deprivation of freedom, *BY S SSSR* 1982 No. 3, 37; cf. also *Sots. Zak.* 1978 No. 7, 18; *Sov. Iust.* 1980 No. 2, 2; V. M. Sidorova, *Otsrochka ispolneniia prigovora nesovershennoletnemu*, M. 1982, 6–7.

Table 134: Average Level of Criminal Activity of Different Age Groups, Estonia, 1966–1980

age group	1966–70	1970–75	1976–80	average
14–15 y.	0.70	0.78	1.01	0.83
16–17 y.	2.34	2.40	2.80	2.51
18–25 y.	1.40	1.50	1.48	1.46
26–30 y.	1.46	1.34	1.30	1.37
31–50 y.	} 1.71	0.74	0.73	0.73
≥50 y.		0.44	0.38	0.41

Sources:

The average level of criminal activity is found by dividing the share of the age group in the total criminality by its share in the entire population. Thus, for the entire population the level is one. Leps, “Prestupnaia aktivnost’”, (1981), 353; the age group 14–15 years is criminally responsible for a limited number of crimes; therefore, the crime level for this age group would be higher without the restrictions imposed by Art. 10 of the Principles of Criminal Legislation. These figures are not wholly representative for the entire USSR, where the age group of 26–29 has the highest level of criminal activity, followed by the 18–25 group and the 14–17 group, *Kriminologiya*, (1979), 212.

b. Soviet Criminal Law Enforcement During World War II

Any reconstruction of the criminal statistics of the Stalin period is barred by the unavailability of published figures about the scope of political repression. However, some details have recently been published which allow us to reconstruct at least some parts of the statistics of the World War II period.

From the end of 1938 onwards the ordinary courts (people’s courts, provincial and similar higher courts) considered only ordinary cases, i.e. cases investigated by the ordinary police and the procuracy. All cases investigated by the security police were considered by the Military Tribunals of the troops of the *NKVD*, thus by courts under the control of the security police itself. Other military tribunals considered, in essence, only cases about crimes by servicemen. The Special Boards, empowered under laws of 1934 to send “socially dangerous” persons to camps for a term of up to 5 years, were not liquidated, but they were not very active as a substitute for criminal courts after 1938.¹⁵¹ Details about their operations have, however, never been published.

As has been analyzed *supra*, statistical data over the period 1940–1956 do not usually contain the number of criminal labor cases, initiated under the USSR edict of 26 June 1940. Some data make a distinction between ordinary crimes in the war years and crimes under all war edicts, including the edict of 26 June 1940, adopted a year before the war (table 98).

According to Voloshchina, in 1941-1945 the average annual level of criminality was about 1/7 higher than in 1935-1940, without taking into account the number of sentences under war edicts.¹⁵² As the average number of sentences in the pre-war period was about 1.2 million, this average must have been about 1.4 million during the war if we assume a stable population. Sentences under war edicts made up 63.6% of all sentences of the ordinary courts. Therefore, the average number of all sentences was 3.8 million: 1.9 million criminal labor cases, 1.4 million ordinary crimes, 0.5 million sentences for other crimes under war edicts.

The number of cases about theft of state property is given by Kulikov to be "up to" 24.5% of all cases considered by the ordinary courts,¹⁵³ which would yield 0.9 million cases on theft in 1941-1945, or three times the 1935-1940 figure, if Kulikov's figure refers to all sentences. However, according to Voloshchina, the number of thefts of personal property and of state property (including petty theft) increased by only 1/3 as compared with the years 1935-1940. Probably, Kulikov refers to the number of ordinary criminal cases without criminal labor cases, although he refers to all sentences in other parts of his article. Should this assumption be true, Voloshchina's and Kulikov's data would be compatible: Kulikov's figures yield about 343,000 cases and Voloshchina's figures give $4/3 \times 255,000 = 340,000$ sentences. To these figures we must add the number of persons sentenced by the military tribunals and the transport tribunals, whose "share made up not more than one-fifth to one-seventh of the number of persons sentenced by the civil courts in some war years".

Unfortunately, Voloshchina does not specify which number of sentences is used to compare this share. However, it seems likely that criminal labor cases, which were considered by the tribunals if committed in the defense industry (with a penalty of 5-8 years of deprivation of freedom) are included in figures about such tribunals. Therefore, at least in 2 or 3 of the war years, the number of sentences issued by the

Table 135: Sentencing Policy, 1935-1945 (ordinary courts, in millions)

	sent.	deprivation of freedom			corr. labor	susp. sent.	fines	other penalties
		total	long	short*				
1935	1.35	0.51	0.49	0.01	0.65	0.1	0.07	0.03
1938	1.2	0.46	0.45	0.01	0.52	0.1	0.07	0.02
1940	1.16	0.6	0.50	0.2	0.4	0.07	0.07	0.02
1941-5	1.4	0.84	0.52	0.31	0.33	0.13	0.09	0.02

* one year

Sources:

Tables I and 110. Assumptions: in 1940, the courts were somewhat more severe as compared with 1938, and the number of short-term sentences increased rapidly due to the USSR edict of 10 Aug. on petty theft and hooliganism.

tribunals was between 0.4 and 0.45 million (1/7-1/5 of 3.8 million).

Iakubovich has given figures on the sentencing policy of the Soviet courts during the war (table 110). According to these figures, deprivation of freedom was meted out in 60% of all sentences, 37% were to long terms and 22% to short terms (up to and including one year).

In connection with these figures Shargorodskii has remarked that the increasing use of deprivation of freedom (between 1935 and 1938 it was only 40%) was a result of the criminalization of labor discipline and of petty stealings in 1940.¹⁵⁴ However, it seems unlikely that criminal labor cases were included in Iakubovich's figures because in that case there would have been a threefold increase, in absolute figures, in the number of sentences to long terms (37% in 1941-1945 against 36-43% in 1935-1938). Moreover, the statistical reporting of criminal labor cases was rather superficial. The increase in short-term sentences, reported in Iakubovich's figures, must have been the result of the criminalization of petty stealing and of hooliganism, punishable by one year of deprivation of freedom, which is considered to be a short-term sentence in the Soviet Union (table 110).

5. Types of Crime

General

Table 136: Some Types of Crimes (% of all crimes)

	USSR		Lithuania		
	1959	1963	1959	1965	1967-8
stealing of socialist property	20-25	20			13.4
petty theft	10-12		14	1.5	
hooliganism	15-20				25.0
common hooliganism,			12-13	12-13	
private accusations	15-18				
traffic crimes	4-5				
crimes against pers. ownership	10-15	14-21			15.8
speculation			12	3	
home distilling			14	7	

Sources:

Kuznetsova, "Uchastie obshchestvennosti", (1962), 310; in 1961, stealing of socialist property made up 32.6% of all sentences in the Ukraine, S. A. Tararukhin, *Sotsialisticheskaiia sobstvennost' - neprikosnovenna*, Kiev 1963, 125; *Sovetskaia kriminologiia*, (1966), 73, 75; see also S. S. Ostroumov, *Sovetskaia sudebnaia statistika*, M. 1969, 21 and Stumbina, "Struktura prestupnosti", (1974), 83; Kondrashkov, "Issledovanie statisticheskikh dannykh", (1969), 19; *SGiP* 1964 No. 6, 4; Lithuania, 1967-8, a sample of 6,771 cases decided by Lithuanian people's courts, M. Ignotas, A. Liakas in *Lietuvos TSR aukštuju mokyklų mokslo darbai, Teisė*, Vol. 9, (1969), 160.

Table 137: Some Types of Crimes (% of all crimes)

	1966	1967 (sentences)
crimes against socialist ownership		15
stealing of socialist property	17	
crimes against public order		>33
hooliganism	24	
traffic crimes	5	
crimes against personal ownership	16	16
crimes against the person	17	15
economic crimes	5	5
official crime	4	2.3
crimes against adm. of justice	1.5	1.5
crimes against order of administration	4.0	
crimes against political and labor rights		0.5
traditional crime		0.4

Source:

Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 248; *id.*, (1976), 298; *id.*, *Ugolovnaia statistika*, (1975), 26. As Ostroumov gives high figures for hooliganism and official crime, his data are for 1966; *Kriminologiya*, (1968), 119. See for crimes against state ownership in 1968 in Kazakhstan (17.3% of all sentences), Dzhekebaev, *O sotsial'no-psikhologicheskikh aspektakh*, (1971), 34. See also for Estonia: Randalu, Napa, "O prestupnosti", (1968).

Table 138: Main Subdivision of Sentences in Belorussia, According to the Chapters of the Criminal Code (1961–1974), % of all sentences

1961	persons	22.9	econ. crimes	~21	soc. ownership	20.1	public order	19.1
1962	econ. crimes	~30	persons	18.7	soc. ownership	18.4	public order	15.2
1963	econ. crimes	>26	soc. ownership	21.7	persons	18.2*	public order	15.0
1964	soc. ownership	24.3	persons	20.1	econ. crimes	~18	public order	17.3
1965	persons	22.3	public order	21.6	soc. ownership	20.9*	econ. crimes	~16
1966	public order	29.6	econ. crimes	>23	persons	15.9	soc. ownership	15.6
1967	"	32.9	econ. crimes	>19*	soc. ownership	16.4*	persons	15.9*
1968	"	32.8	soc. ownership	17.3	econ. crimes	>17*	persons	16.5*
1969	"	33.2	"	17.4	persons	15.9	econ. crimes	~15
1970	"	33.2	"	18.1	"	16.0	"	~15
1971	"	31.3	"	20.1	"	16.2	"	~15
1972	"	29.9	"	20.7	"	15.5	"	
1973	"	29.5	"	22.1	"	17.7*	"	
1974	"	32.4	"	21.8	"	16.5	"	~13

* corrected by use of other data

Source:

Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 8–9, 11, 24. As crimes against personal ownership count for 7–13% of all sentences, they take the 5th place in all years, though it is possible that they shared this place with economic crimes in 1974.

Table 139: Trend in Sentences to Some Types of Crimes, Belorussia (1958-1974, 1961 = 100)

I = percentage of all sentences		II = trend							
	number of all sent.	crimes against public order						crimes against soc. ownership	
		total		hooliganism		traffic crimes		I	II
		I	II	I	II	I	II		
1958	175.1								
1961	100	19.1	100	15.1	100	3.1	100	20.1	100
1962	115.9	15.2	92	11.7	90	2.6	99	18.4	106
1963	104.0	15.0	82	10.7	74	3.4	114	21.7	112
1964	83.5	17.3	76	12.7	70	3.8	102	24.3	101
1965	79.3	21.6	90	15.9	84	4.7	122	20.9	82
1966	107.5	29.6	167	24.4	174	3.6	123	15.6	83
1967	103.5	32.9	178	27.5	188	3.8	128	16.4	84
1968	105.1	32.8	180	26.4	184	3.9	131	17.3	90
1969	115.8	33.2	201	25.5	196	4.9	184	17.4	100
1970	124.3	33.2	216	24.5	202	5.1	206	18.1	112
1971	124.2	31.3	204	20.9	172			20.1	124
1972	110.1	29.9	172	19.4	142	6.5	231	20.7	113
1973	134.3	29.5	207	18.2	162	5.4	233	22.1	148
1974	137.0	32.4	232	21.1	192	5.4	240	21.8	149

	crimes against the person								ec. crimes: home dist.		others	
	total		rape		priv. acc.		defamation		I	II	I	II
	I	II	I	II	I	II	I	II				
1958					22	100			22	235		
1961	22.9	100	1.3	100			2.1	100	16.4	100	21.5	100
1962	18.7	95	1.0	89			1.6	88	28.5	201	20.2	109
1963	18.2	83	0.9	72					24.3	154	20.8	101
1964	20.1	73	1.1	71					15.3	78	23.0	89
1965	22.3	77	1.3	79					14.1	68	21.1	78
1966	15.9	75	1.1	72	10	28			21.8	143	17.1	86
1967	15.9	72	1.6	127	9	24	1.1	54	17.5	110	17.3	83
1968	16.5	76	1.5	121	10	26			15.4	99	18.0	88
1969	15.9	80	1.3	116	9	26			13.7	97	19.8	107
1970	16.0	87	1.4	134	8	25	0.8	47	13.2	100	19.5	113
1971	16.2	88	1.4	134	8	25			13.1	99	20.3	117
1972	15.5	75	1.4	119								
1973	17.7	104	1.5	155								
1974	16.5	99	1.6	169	2-3	10	0.4	26	11.3	94	18	115

Other data:

crimes against personal ownership:	7-13%	crimes against the rights of citizens:	0.3-0.9%
crimes against order of administration:	1.8-4%	especially dangerous state crimes:	only a few
crimes against administration of justice:	0.5%	other crimes against the state:	0.1-0.3%

Source: Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), *passim*; *id.*, *Voprosy osobennoi chasti*, (1976), *passim*; tables 100-103, 147.

Table 140: The Most Common Criminal Sentences in Belorussia, 1961–1974, % of all sentences

	1st place	2nd.	3rd	4th	5th	6th	7th
1961	h.d.	16.4	h.	15.1	l.i.	t.p.p.	t.s.p.
1962	h.d.	28.5	h.	11.7	e.	l.i.	t.p.p.
1963	h.d.	24.3	e.	10.7	t.s.p.	t.p.p.	t.p.p.
1964	h.d.	15.3	h.	12.7	e.	l.i.	t.p.p.
1965	h.	15.9	h.d.	14.1	e.	l.i.	t.p.p.
1966	h.	24.4	h.d.	21.8	e.	l.i.	t.s.p.
1967	h.	27.5	h.d.	17.5	e.	t.p.p.	l.i.
1968	h.	26.4	h.d.	15.4	t.p.p.	t.s.p.	l.i.
1969	h.	25.5	h.d.	13.7	t.p.p.	t.s.p.	e.
1970	h.	24.5	h.d.	13.2	t.p.p.	t.s.p.	e.
1971	h.	20.9	h.d.	13.1	t.s.p.	t.p.p.	6.7
1972	h.	19.4	h.d.		t.s.p.	t.p.p.	e.
1973	h.	18.2	h.d.		t.s.p.	t.p.p.	e.
1974	h.	21.1	h.d.	11.3	10–10.5	t.p.p.	7.2–7.5
							e.
							>7.2
							5.4
							5.4
							>5.2

Abbreviations:

- e. embezzlement of socialist property
- h. hooliganism
- h.d. home distilling
- l.i. light injury
- t.c. traffic crimes
- t.p.p. theft of personal property
- t.s.p. theft of social property (89 CC RSFSR)

Sources:

- home distilling, hooliganism: table 139.
- Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 27. This row contains one superfluous number probably Gorelik repeated the figure 13.2.
- embezzlement (1971): Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973), 39.
- traffic crimes (1969, 1974): table 147.

Table 141: Types of Crime in Percentages of All Sentences in 1974 (Belorussia) and 1975 (Georgia) (all references are to the RSFSR CC)

	1974	1975
Crimes Against Public Order	32.4	30.27
Hooliganism (206 CC)	21.1	11.38
Traffic Crimes (211 CC)	5.4	} 10.64
Joyriding (212-1 CC)	2.5	
Driving while Intoxicated (211-1 CC)	~1	
Parasitism (209 CC)	1.1	
Bringing Minors to Drinking (210 CC)	0.25	
Others	1.1	
Crimes Against Socialist Ownership	21.8	12.27
Theft (89 CC)	10-10.5	4.32
Embezzlement (92 CC)	7.2	5.79
Petty Stealing (96 CC)	3.3	
Open Stealing (90 CC)	0.5	
Destruction, Carelessness (98-100 CC)	0.2	
Stealing on Large Scale (93-1 CC)	0.02-0.17	
Robbery (91 CC)	0.04	
Others	0.3	
Crimes Against Persons	16.5	14.68
Light Bodily Injury (112 CC)	5.2	5.56
Rape (117 CC)	1.6	
Grave Injury (108 CC)	1.4-2.1	
Less Grave Injury (109 CC)	1.2-1.9	
Torture (113 CC)	0.3-0.8	
Insult (131 CC)	0.4	
Negligent Homicide (106 CC)	0.2	
Other Sex Crimes (Minus Rape)	0.1-0.4	
Sex with Minors (119 CC)	0.05-0.15	
Depraved Actions (120 CC)	0.06-0.16	
Pederasty (121 CC)	0.003-0.12	
Negligent Injury (114 CC)	0.1-0.3	
Defamation (130 CC)	0.12-0.17	
Abortion (116 CC)	0.1-0.3	
Others	3-4	
Homicide (102-105 CC)	1-1.5	
Non-Payment of Maintenance (122 CC)	2-3	
Economic Crimes	~13	15.36
Home Distilling (158 CC)	11.3	
Speculation (154 CC)	0.5	4.23
Deception of purchasers (156 CC)	~1	7.97
Others	0.5	
Crimes Against Personal Ownership	~12	12.10
Theft (144 CC)	7.2-7.5	8.35
Open Stealing (145 CC)	2.5	
Robbery (146 CC)	0.9	
Destruction (149-150 CC)	> 0.6	
Others	~1	

Table 141. (Continued)

	1974	1975
Crimes Against Order of Administration	~1.8–2.0	3.65
Resistance of Police (191–1 CC)	~0.7	
Threats Against Officials (193 CC)	~0.4	
Arrogation	~0.2	
Illegal Construction	~0.04	
Acts of Civil Status (201 CC)	0.002 (1 person)	
Others	0.7	
Official Crimes	1–1.5	6.64
Abuse (170 CC)	~0.5	
Neglect (172 CC)	~0.5	
Bribery (173–174 CC)	<0.2 (<100 persons)	~0.7
Crimes Against Administration of Justice	0.4	2.11
False Testimony (181 CC)	0.2	
Others	0.2	
Crimes Against Rights of Citizens	~0.9 (in 1976: 0.8%)	} 2.92
Violations of Labor Safety (140 CC)	0.9	
Crimes Against the State	0.1–0.3	
Safety of Transport (85 CC)	0.1	
Currency Speculation (88 CC)	0.01–0.1	

Sources:

Tables 138–140. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), *passim*; see for 1976: *Ugolovnoe pravo BSSR. Chast' osobennaiia*, Minsk 1978, Vol. II, 159; *Osnovaniia ugodovno-pravovogo zapreta*, (1982), 256; see for 1968 also Kazakhstan, Dzhekebaev, *O sotsialno-psikhologicheskikh aspektakh*, (1971), 34; Gabiani, Gachechiladze, *Nekotorye voprosy*, (1982), *passim*. The Georgian figures are the average percentages for a three-year period in the mid-1970s; see for bribery, Kvitsinia, *Vziatechnichestvo*, (1980), 122–124.

Table 142: Types of Crime in Percentages of all Persons Found to Have Committed a Crime, Estonia, 1976–1980

	men	women	total	Belorussia (1974)
Intentional Homicide (102–105)	1.5	1.1	1.1	1–1.5
Intentional Infliction of Especially Grave Injury (108)	1.8	0.7	1.7	1.4–2.1
Rape (117)	1.9	–	1.7	1.4–2.1
Open Stealing, Robbery (90, 91, 145, 146)	8.5	2.2	7.7	4
Theft of State Property (89) (excl. petty theft)	14.0	10.4	13.6	10–10.5
Embezzlement of State Property (92)	2.0	15.2	3.6	3.3
Theft of Personal Property (144)	15.3	20.2	15.9	7.2–7.5
Hooliganism (206)	12.5	2.0	11.2	21.1
Joyriding (212–1)	6.9	0.5	6.1	2.5
Traffic Crimes (211)	8.5	2.4	7.8	5.4
Other Crimes	27.1	45.1	29.2	32.6

Sources:

col. 1, 2:

Leps, "Prestupnaia aktivnost'", (1981); in 1976–81, 29.8% of all *sentenced* women had committed a crime against socialist ownership, 26% a crime against personal ownership (22.7% theft; 3.3% open stealing or robbery), Kil'g, "Nekotorye dannye", (1982), 99–100.

col. 3:

Calculated. Kudriavtsev, "Opyt bor'by", (1973), gives for hooliganism 24.7% in 1967; 11.5% in 1972. See also Nigola, "Osnovnye vidy", (1982), for data on property crimes. According to Tombak, in the years 1976–1979, all sentences for crimes against personal ownership made up 22.9% of all sentences; for crimes against socialist ownership it was 20%. Tombak, "O roli sudimosti", (1983), 73.

col. 4:

Table 141 (sentences).

Table 143: Sentences for Minors and Types of Crime

	1954–55	1961–63	1966–67	1972	1968–73	
					boys	girls
homicide	2.0	0.9	1.2	} 6–8	3.6	} 7.0
grave b. injury	4.2	2.7				
sex crimes	2.2	8.5				
all other crimes						
against persons						
hooliganism	15.3	6.2	36.3	} 80	28.4	5.7
ownership	71.0	53.4	47.3		53.9	87.3
joyriding	–	–			7.0	–
other crimes	5.3	28	14	12–14	3.7	3.1

Sources:

1954–55: Lithuania, J. Blika in *Mokslo darbai. Ekonomikos ir teisės mokslu serija*, Vol. II, (1957), 20.1961–63: Connor, *Deviance*, (1972), 84.1966–7: N. Gukovskaia, E. Iakovlev, "Izuchenie prichin prestupnosti nesovershennoletnykh", *Sots. Zak.* 1968 No. 12, 20, based on 1,000 cases in the RSFSR.1972: *Kriminologiya*, (1976), 286.1968–73: Estonia, T. Koitla, "O prestupnosti devochek v Estonskoi SSR", *Sovetskoe pravo* 1975 No. 5, 351–2; cf. also Stumbina, "Struktura prestupnosti", (1974), 87–88.

Official Crime

The USSR figures which are available for 1962-1971 are combined with some local figures in order to calculate the number of sentences per 100,000 inhabitants for official crime. The figures show that official crime constitutes only an insignificant part of all prosecuted crime and that it is decreasing. Such a decreasing trend was also reported in the 1979 criminological textbook. Neznansky's figure for 1976 (37,669 sentences or 3.9% of all sentences)¹⁵⁵ is not reproduced in table 144 as its significance is unclear.

Table 144: Official Crime, 1948-1974

	data			result			
	trend		% of all sent.	abs. no.	sent. p/ 100,000	trend	% of all sent.
	Tataria	Belor.					
1948	100				~23	100	
1959	68				~13	68	3.4
1961		100			~13	68	3.2
1962			100	32,710	15	79	4.1
1962-6			82	26,825	12	65	4.1
1966			4	28,800	12	65	4.1
1967			2.3	17,480	7.4	42	2.3
1968	37				~6.4	37	2.3
1967-71			47	15,375	6.4	37	2.0
1971			52	17,010	6.9	41	2.1
1974		64			~7	~43	2.0
1977				~2,000			0.5

Sources:

col. 1-3:

Lichnost' prestupnika, (1972), 80; Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 20; *Kriminologiia*, (1976), 395-6; cf. also table 137.

col. 4:

1966: Ostroumov, *Sovetskaia sudebnaia statistika*, (1970), 248; *id.*, (1976), 298.

1967: *Kriminologiia*, (1968), 119.

1971: *Kriminologiia*, (1975), 395; cf. also *Lichnost' prestupnika*, *loc. cit.*, which gives 2% over a number of years.

col. 5:

1977: Ostroumov, Iakovleva, "Pravovaia statistika", (1978).

col. 8:

It was 2% in a "series of years" in the Tatar Republic, *Lichnost' prestupnika*, (1972), 80.

Homicide

Table 145. Homicide (Arts. 102, 103 RSFSR Criminal Code)

	(1) USSR	(2)	(3)	(4)	(5)	(6) RSFSR	(7)	(8)	(9) p/100,000	(10) % of all crimes
1923							100		54	Moscow
1925									7.2	
1926									6.9	
1927									8.8	
1928	15,568	100				11,759			10.2	
1929						14,000		100	13.1	
1932						6,200			5.7	
1933						6,400	50		6.0	
1934						7,100			6.5	
1935						7,700		55	7	
1939						4,500		32	3.8	
1944						2,000				
1955	8,560	63							4.4	USSR
1958			100						4	Latvia
1959									2	Latvia
1961				100					5.6	Rostov
1962			100						5.4	Moscow
1963			80							
1964					100					
1965					87					
1967				84						
1968									5.4	Moscow
1975									4-5	Belor.
1976-80										1 1.5

Sources:

col. 1:

1928: Gernet, *Prestupnost'*, (1931), 90-1; 1955: col. 2.

col. 2:

Rudenko, Speech, (1957).

col. 3:

Kulikov, "Vysshemu organu", (1964), 25; Anashkin, "Otchet", (1964), 17.

col. 4:

Kriminologiya, (1968), 405; in 19671, it was 10% lower than in 19661.

col. 5:

"Za dal'neishee ukreplenie", (1966), 1.

col. 6:

1928-9: Gernet, *loc. cit.*; 1932-4: adjusted from Shliapochnikov, "Prestupnost'", (1935); 1935, 1939: col. 8; 1944: Voloshchina, "Rol' moral'no-politicheskikh faktorov", (1975).

col. 7:

A. A. Piontkovskii, *Prestupleniia protiv lichnosti*, M. 1938, 13; see also p. 29 for figures about babykilling.

col. 8:

Piontkovskii, *Kurs*, (1955), 514.

col. 9:

Calculated from col. 1-8;

1923, 1968: L. Shelley, *Crime in Moscow in 1923 and 1968-69. Progress or not?* (unpublished paper).
1958-9: Latvia, the number of sentences was 7-8 times higher in 1938 than in 1959; in 1959 it was half the 1958 number. In 1938, 337 persons were sentenced for murder, V. I. Lipins, *Zasedaniia Verkhovnogo soveta Latvinskoi SSR, 26-27 November 1959*, 152, 379.

1961-3: Rostov, cf. table 119.

1975: col. 10;

col. 10:

Dedkov, *Pravonarusheniia*, (1977), 33; Leps, "Prestupnaia aktivnost'", (1981).

Traffic crimes

Table 146: Sentences for Traffic Crimes in Belorussia (calculation)

crimes against public order*			traffic crimes					
as % of all sent.			possible trends		as % of all sentences			
1961 = 100			1961 = 100					
1961	4.0	100	100		100		3.1	
1962	3.5	88	99		85		2.6	
1963	4.3	108	114		110		3.4	
1964	4.6	115	102		127		3.8	
1965	5.7	143	122		154		4.8	
1966	5.2	130	123		114		3.5	
1967	5.4	135	128		124		3.8	
1968	6.4	160	131		125		3.9	
1969	7.7	193	184		159		4.9	
1970	8.7	218	206	-	166	-	5.2	-
1971	10.4	260	231	206	186	166	5.8	5.2
1972	10.5	263	233	231	212	210	6.6	6.5
1973	11.3	283	240	233	179	173	5.6	5.4
1974	11.3	283	-	240		175	-	5.4

* without hooliganism

Sources:

col. 1:

Table 139.

col. 2:

Calculated.

col. 3:

Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976), 26. The two columns for the years between 1970 and 1974 should be read as is explained in table 100.

col. 4:

Calculated from col. 3 and table 139.

col. 5:

Traffic crimes made up 12-22% of all sentences against public order, Gorelik, Tishkevich, *loc. cit.* This is only possible if, in 1961, traffic crimes constituted between 3.0 and 3.15% of all sentences.

Hooliganism

Table 147: Hooliganism, Crimes and Sentences, 1955-1980

	(1) USSR		(2)	(3)	(4)	(5) Belorussia		(7) Armenia	(8)		(9) Estonia	(10)		(11) sent. p/10,000
	abs. n.	trends				% of all s.	trend		crimes	sent.		trend	% of all crimes	
1955	170,000													9
1958		100			15-20									8
1959		68.1			20									5
1960		41.9												3
1961		~70												5
1962						18	100		100	100				
1963						16	91		83	113.1				
1964						14	73		68.2	64.6				
1965		~35			20*	15	70		40.2	48.9	100			3
1966			100		24	19	84		33.2	41	59			
1967			200			31	173		101.1	91	95			
1968						33	188		106	122.1	181	24.7		6
1969						31	184		108	104.1	165			
1970						30	198		104.3	111.7	152			
1971						28	202				136			
1972						24	172				107			
1973					20-30	~22	142				110	11.5		8
1974					25	21	162							8
1975						24	192							
1977-8							~180							
1976-80					13-15	10								4
1981													12.5	
													10.9	

* RSFSR

Sources:

- col. 1: Calculated from Rudenko, Speech, (1957).
- col. 2: Petrukhin, Baturov, Morshchakova, *Teoreticheskie osnovy*, (1979), 85, 89; cf. also Gorkin, in *SGiP* 1960 No. 3, 19; Anashkin, in *Izv.* 3 Mar. 1965.
- col. 3: Kuznetsova, *Prestuplenie*, (1969), 208–209; Maliarov gives an increase by 4.7% (Latvia) and 6.4% (Lithuania) in 1965 I compared with 1964 I, *Sots. Zak.* 1966 No. 1, 8.
- col. 4: 1958, 1966: Tables 136 and 137.
- 1959 I: Kuznetsova, “Uchastie obshchestvennosti”, (1962), 310.
- 1964–5: Smirnov, “XXIII s’ezd”, (1966), locally 25–30%.
- 1972: *Kriminologiya*, (1976), 374.
- 1973: Of all filed cases, Gorkin *et al.*, *Nastol’naya kniga*, (1974), 183.
- 1977–8: Kuznetsova in *Sovetskoe ugolovnoe pravo*, (1981), 90; 14% of all committed crimes, *Problemy pravosudii*, (1978), 52.
- col. 5, 6: Table 100; we have taken the number of sentences without sentences for home distilling (table 102); 1977–8: Kalmykov, *Khuligansivo*, (1979), 86; 1975: Dedkov, *Pravonarusheniia*, (1977).
- col. 7, 8: Sarkisov, *Preduprezhdenie narushenii*, (1972), 78, 80.
- col. 9: Calculated from Randalu, Napa, “O prestupnosti”, (1968), 291; A. Alekhov, “Ob effektivnosti mer administrativnogo vozdeistviia”, *Sovetskoe pravo* 1972 No. 2, 145; Kudriavtsev, “Opyt bor’by”, (1973).
- col. 10: Kudriavtsev, *loc. cit.*; Leps, “Prestupnaia aktivnost’”, (1981); Litvinov, “Rassmotrenie”, (1982), 258.
- col. 11: Estimated from col. 1–10; 1974: Kazan, calculated from *Lichnost’ prestupnika*, (1980), 54; 1974: 259 cases of hooliganism occurred in Ufa, *Koms. Pravda* 9 Oct. 1975.

NOTES

1. Juviler, *Revolutionary Law and Order*, (1936), 132.
2. Anashkin, "O zadachakh", (1966), 6-7.
3. Rudenko, Speech, (1957), 268.
4. Petrukhin, Baturov, Morshchakova, *Teoreticheskie osnovy*, (1979), 90.
5. Smirnov, "Leninskie idei", (1977), 21.
6. USSR edict of 26 June 1940, *Ved. SSSR* 1940 No.20; edict of 25 April 1956, *Ved. SSSR* 1956 No.10 item 203.
7. USSR edict of September 1940, *Sov. Iust.* 1940 No.14, 5.
8. Khlebnikov, "Sovremennoe sostoianie", (1945), 22.
9. Also data about cases under the USSR CM decree of 15 April 1942 (*SP SSSR* 1942 No.4 item 60) were only summarily collected.
10. Petrukhin, Baturov, Morshchakova, *Teoreticheskie osnovy*, (1979), 8, refer to numbers which do not include these cases.
11. Suslo, *Istoriia*, (1968), 196.
12. USSR edict of 25 April 1956, *Ved. SSSR* 1956 No.10 item 203; in 1951, absence from work was decriminalized.
13. See chapter IV.
14. Ia.S. Avrah, *O nekotorykh voprosakh uchastiia obshchestvennosti v ugolovnom sudoproizvodstve*, Kazan 1964, 55.
15. Fatkullin, *Obvinenie*, (1965), 37.
16. *Organizatsiia suda*, (1965), 121.
17. Sergeeva, "Uluchshit' kachestvo", (1964), 2.
18. Cf. tables 26 and 31. In 1964, the city court of Leningrad sentenced 195 persons, Alekseev, Lukashevich, *Leninskie idei*, (1970), 69. If the second level courts consider 2% of all cases, all Leningrad courts sentenced 10,000 persons and the regular courts of the USSR about 430,000.
19. Gorkin *et al.*, *100 otvetov*, (1970), 12. Cf. however, also G.Z. Anashkin, "Advokaty", *Lit. Gaz.* 7 January 1970.
20. Cf. Gorkin, "Vospitatel'naia rol'", (1967), 2.
21. Cf. for figures about participation of social representatives, E.N. Levakova, *Obshchestvennoe obvinenie i zashchita*, M.1976, 17; Iakimov, *Pravosudie*, (1977), 59, 102-103; Tarnaev, "Voznikovenie", (1980), 153; *id.*, *Obshchestvennyi obvinitel'*, (1981), 31; Gorkin, "Za dal'neishee", (1964), 12; *id.*, "Piatidesiatiletie", (1967), 18; *id.*, "Vospitatel'naia rol'", (1967), 2; Gorkin *et al.*, *Nastol'naia kniga*, (1974), 146; *Sov. Iust.* 1966 No.14, 3.
22. Savitskii, *Gosudarstvennoe obvinenie*, (1971), 237; Baskov, "Sootnoshenie", (1973), 78.
23. Cf. table 31. The figures are less precise than those for earlier periods.
24. Cf. table 64.
25. Petrukhin, Baturov, Morshchakova, *Teoreticheskie osnovy*, (1979), 359.
26. *Ibid.*, 355.
27. *Ibid.*, 356.
28. Cf. table 64.
29. Kulikov, "Verkhovnyi sud", II, (1977), 94; *id.*, I, 171-172.
30. *Sots. Zak.* 1982 No.11, 74. However, according to a report from 1981, in Lithuania the number of criminal cases increased by 10% annually, P. Kuris, in: *Zasedaniia VS Litovskoi SSR*, 3-4 December 1981, 130-131.
31. Gorshenin, *Sovetskii sud*, (1954), 55; Tarasenko, *Voprosy organizatsii*, (1958), 9.
32. Sometimes, higher figures are mentioned but these include the military tribunals, see *supra*, p.22.
33. Sergeeva, "Uluchshit' kachestvo", (1964).
34. "Vysshiaia sudebnaia instantsiia", (1965).
35. The USSR Supreme Court pronounced 175 sentences during 1924, 0 in 1926, *Vestnik Verkhovnogo Suda SSSR* 1925 No.1; 1927 No.2(5), 40. It considered 2 cases in 1925, 3 in 1927, and 5 in 1928, while a special court college considered the Shakhty-case in 1928. In the 8 cases of 1927-1928, 140

- persons stood trial, of them 123 were sentenced (14 death penalties, of which 12 were commuted), *Ot s'ezda k s'ezdu 1927-1929*, (1929), 179-180. The Military Chamber considered 54 cases in 1925, and 27 in 1927-1928, Kulikov, "K sorokaletiiu", (1964); Sheinin, "Iz istorii", (1964), 28. According to Smolentsev, the Supreme Court considered 4 cases in 5 years, Smolentsev, "Nashe pravosudie", (1977); *Moscow News* 1980 No.30 gives 4 criminal cases between 1964 and 1979.
36. *SWB SU/6007/B/6*; 4 January 1979.
 37. In 1927, they made up 35% of all considered cases in the RSFSR, Savitskii, *Gosudarstvennoe obvinenie*, (1971), 321.
 38. *Sov. Iust.* 1939 No.5, 37; *Sots. Zak.* 1960 No.1, 8.
 39. *Sov. Iust.* 1939 No.2, 55-58; No.8, 36. According to Shliapochnikov (*Sots. Zak.* 1936 No.6, 24) the number of cases ending without a verdict was 30-40%.
 40. In a people's court in Kuibyshev, they made out 28.9% of all considered cases, Gal'perin, "Ob ugovolnom presledovanii", (1957), 51-52; 62.2% of the cases were terminated, 7.7% of the accused were acquitted, and only 30.1% were sentenced.
 41. A. Lungu, A. Kesler, *Tovarishcheskii sud na strazhe sotsialisticheskogo pravoporiadka*, Kishinev 1962, 59-60; *BVS RSFSR* 1964 No.11, 3. In Armenia, the number of sentences decreased in the second half of 1959 compared to the first half with 10.1%, but in October-December the number was only one-half of the July-September number. In the first 3 months of 1960, the number decreased to only one-fifth of the value in the last 3 months of 1959. The creation of comrades' courts started in the last months of 1959: in the last quarter, 125 of such courts were created, and in the first quarter of 1960 1469. A. Aleksanian, "Profilaktika, vospitate'l'naia rabota – glavnoe v deiatel'nosti sudov", *BVS SSSR* 1960 No.3, 28. Therefore, in Armenia the trend in the number of sentences between the second quarter of 1959 and the first quarter of 1960 was 100, 120, 60, 12.
 42. Cf. on group crimes: F.G. Burchak, *Uchenie o souchastii po sovetskomu ugovolnomu pravu*, Kiev 1969, 4; Galiakbarov, "Povyshennuii opasnost' gruppovykh prestuplenii – tseleobrazna otrazil' v zakone"; A.M. Tsaregorodtsov, "Nekotorye voprosy povysheniia effektivnosti naznacheniia i ispolneniia nakazaniia organizatoram prestupnykh grupp", *Problemy effektivnosti ugovolnogo prava. Sbornik uchenykh trudov* No.37, Sverdlovsk 1974, 42, 124, and other literature cited there.
 43. *Kriminologiya*, (1976), 119. Also a figure of 4.2% has been reported, G.N. Beliusova, "Ob izuchenii sostoiianiia prestupnosti v administrativnom raione", *Chelovek i obshchestvo (sotsial'nye problemy prava), Uchenye zapiski*, Vol.12, Leningrad 1973, 199.
 44. Gavrilov, Kolemaev, "Matematicheskie modeli", (1970), 90. According to Petrukhin (*SGiP* 1976 No.1, 79) about 8% of the cases filed in the people's courts do not deliver a sentence.
 45. Gertsenzon, *Prestupnost' i alkogolizm*, (1930), 48. He uses the same number in *Sovetskoe pravo* 1929 No.3; cf. *Revista de criminologia* 1930, 746-748 and Jimenez de Asua, *Derecho penal sovietico*, (1947), 109-113.
 46. Gertsenzon, "Repressiia", (1931), 150-151; cf. also Gertsenzon, "Imushchestvennye prestupleniia", (1930).
 47. Ianson, *Speech*, (1930), 1. He gave the following data: number of sentences, first half of 1928: 466,240 (Estrin: 466,000). If we take this as 100%, the number was 105% in the second half of 1928 (Estrin: 489,000), 124% in the first half of 1929 (Estrin: 578,000) and 141.6% in the second half of 1929. He adds that this last percentage was reported first to be 136.8% but that later on additional data were received. He also gives the number 666,426 (Estrin: 666,000) for the second half of 1929 which should however, give a percentage of 142.9%. Estrin's numbers are taken from his "Ugolovnaia politika", (1931), 394. A RSFSR government report from 1931 gave data on the number of penalties in the second half of 1928 and the first half of 1930 which enable us to calculate the corresponding numbers of sentences: 1928(II) 489,400; 1930(I) 660,400, *Dva goda rabotu*, (1931), 144-145.
 48. Kuznetsova, *Prestuplenie* (1969), 187; Gernet, *Prestupnost'*, (1931), 79, also give 955,629, evidently a misprint.
 49. Gernet, *Prestupnost'*, (1931), 78-79.
 50. Shliapochnikov, "Likvidatsiia", (1932), 149; Juviler, *Revolutionary Law and Order*, (1976), 31, 234.

51. Khalfin, "Zhinnennost", (1930).
52. *Osnovnye itogi raboty*, (1928), 165.
53. *Stat. Sprav. SSSR 1928*, 894-895.
54. Gernet, *Prestupnost'*, (1931), 78-79.
55. Shliapochnikov, "Likvidatsiia", (1932), 149.
56. The population data used by Shliapochnikov are unknown.
57. Compare Estrin, *Sovetskoe ugodovnoe pravo*, (1935), 140.
58. Shliapochnikov, "Prestupnost'", (1935).
59. Cf. Juviler, *Revolutionary Law and Order*, (1976), 31, 234.
60. Ianson, Speech, (1930), 1.
61. Gernet, *op. cit.*, 79.
62. *Ibid.*, 84.
63. Bulatov, "Khuliganstvo", (1933), 70; Shliapochnikov, "Likvidatsiia", (1932).
64. Both authors use data of the RSFSR PC of Justice as their source.
65. Ianson, *loc. cit.*; cf. also note 47.
66. Shliapochnikov, "Prestupnost'", (1935).
67. Shliapochnikov, "Likvidatsiia", (1932).
68. Gernet, *op. cit.* 79.
69. Khalfin, *op. cit.* We find a similar difference (94.5%) between figures for 1929 given by Gertsenzon and Estrin (table 78, col.5), and by Ianson (col.8).
70. Compare Khalfin, *op. cit.* with Gernet, *op. cit.*, 80.
71. Khalfin, *op. cit.* A problem is that military tribunals which are USSR courts are also included, but it seems likely that the figures are only for the tribunals operative in the RSFSR.
72. Gernet, *op. cit.*, 79.
73. Kudriavtsev, *Tendentsii prestupnosti*, (1980), 5.
74. Cf. table 89.
75. Man'kovskii, "Voprosy ugodovnogo prava", (1939), 88.
76. See for the Ukraine: Shliapochnikov, "Za rationalizatsiiu", (1936), 24; *Sov. Iust.* 1937 No.2, 7; Vyshinskii, "O nekotorykh voprosakh", (1936), 4; *id.*, Speech, (1936), 34, and *id.*, "Organy iustitsii", (1936), 6; see also the figures for the Kharkov province in M. Bron, "Prestupnost' i bor'ba s nei v Khar'kovskoi oblasti", *Sots. Zak.* 1936 No.4, 25 ff. See for Belorussia: Shliapochnikov, *loc. cit.*; *Sov. Iust.* 1937 No.2, 7; Leplevskii, "O sostoianii", (1937), 83. See for Uzbekistan: *Istoriia sovetskogo gosudarstva Uzbekistana*, II, (1963), 635.
77. In 1935, traditional crime (Arts.194-204 RSFSR Criminal Code) made up 0.2% of all sentences, Gertsenzon, *Sovetskaia sudebnaia statistika*, (1937), 203.
78. Rubichev, "Za vsemernoie ukreplenie", (1957), 9.
79. Boldyrev, Interview, (1957).
80. Rudenko, Speech, (1957), 268.
81. Mironov, *Ukreplenie zakonnosti*, (1969), 52-53.
82. Zvirbul, "Osnovnye napravleniia", (1973), 32.
83. Rudenko, Speech, (1957), 268.
84. Anashkin in "Vysshiaia sudebnaia instantsiia", (1965).
85. See table 92, annotation at col.4.
86. *Sovetskoe ugodovnoe pravo*, (1969), 87.
87. Vetrov in *Sovetskaia Belorussia* 8 April 1956 (8 CDSP 1956 No.16, 20).
88. Smirnov, "Leninskie idei", (1977), 21.
89. *Izv.* 3 August 1967.
90. Timoshenko, "Collaboration", (1977), 42, gives a decrease from 28.5 per 10,000 inhabitants to 20 in 1973.
91. Gertsenzon, "Problema edinogo ucheta", (1937), 101; cf. also Gertsenzon, *Sovetskaia sudebnaia statistika*, (1948), 74; Ostroumov, *Sovetskaia sudebnaia statistika*, (1952), 85; (1954), 77.
92. S. Mora, P. Zwierniak, *Giustizia sovietica*, Roma 1945, 302.
93. *Ved. SSSR* 1940 No.20.

94. *Sov. Iust.* 1940 No.14, 5.
95. Decision of the ACCTU of 24 June 1936, *Sbornik vazhneishikh postanovlenii po trudu*, M. 1938, 56; see also *Spravochnik profsoiuznogo rabotnika*, M. 1951, 458.
96. Suslo, *Istoriia sudu*, (1969), 196.
97. A.S. Pashkov, B.V. Khrustalev, *Obiazannost' trudit'sia po sovetskomu pravu*, M. 1970, 55.
98. Liede, "Problema", (1957), 237.
99. He mentions the edicts of 26 June, 17 July (about the MTS), 19 October (about refusal to be transferred), and 28 December (the labor reserve).
100. Liubarskii, "Istoriia razvitiia", (1981), 45-46.
101. Calculated on the basis of figures contained in A. Volin, "God bor'by organov prokuratury RSFSR za vypolnenie Ukaza ot 26 iunia 1940g.", *Sots. Zak.* 1941 No.6, 9, cited by N.T. Mikhailenko, *Pravovye problemy diszipliny truda v SSSR (teoreticheskie aspekty)*, Frunze 1972, 187. We assume the same number of prosecutions in the first and second quarter of 1941.
102. Voloshchina, "Rol' moral'no-politicheskikh faktorov", (1975).
103. *Ibid.*
104. Kulikov, "Pravosudie", (1975).
105. Shargorodskii, *Nakazanie*, (1973), 91.
106. See pp.323ff. below.
107. *Ved. SSSR* 1956 No.10 item 203.
108. But there are exceptions, cf. table 98.
109. Gorelik, Tishkevich, *Voprosy obshchei chasti*, (1973); *id.*, *Voprosy osobennoi chasti*, (1976).
110. In 1977, Zvirbul stated that during the 1970s the number of sentences per 100,000 inhabitants was more than 3 times lower than in the 1920s, Gusev, Zvirbul, "Bor'ba s prestupnost'iu", (1977).
111. Kudriavtsev, *Tendentsii prestupnosti*, (1980). He gives at p.4 of the Russian version, the *koeffitsient sudimosti* for 1923-1926, which is translated as "the coefficient of court sentences per 100,000 population". In the same paragraph, the Russian word *sudimost'* is translated as "the number of persons brought to trial".
112. See also note 110.
113. Kudriavtsev did not mention a source for his figures.
114. Gernet, *Prestupnost'*, (1931), 79; Kudriavtsev, *op. cit.*, 5.
115. Grishaev, *Sovetskaiia kriminologiya*, (1977), 49.
116. Cf. pp.323ff. below.
117. See Stumbina's remark in her "Struktura prestupnosti", (1974), 86.
118. Gorkin, *Statement*, (1960).
119. Gorelik, Tishkevich, *Voprosy osobennoi chasti*, (1976).
120. Timoshenko, "Collaboration", (1973).
121. Cf. *supra*, p.14.
122. Tynismiagi, "Bor'ba", (1982), 107-110.
123. Kvitsinia, *Vziatochnichestvo*, (1980), 122-124.
124. Viktorov in *SWB* SU/5024/B2, 4 October 1975; cf. also SU/5052/B2, 6 November 1975 and SU/6219/B1; Kuznetsova, "Ukrepnenie sotsialisticheskoi zakonnosti", (1975), which give a reduction of 1/3.5 or more than 1/3.5.
125. Gusev, Zvirbul, "Bor'ba s prestupnost'iu", (1977); Ostroumov, *Ugolovnaia statistika*, (1973), 14; cf. also N.F. Kuznetsova in *Radians'ke pravo* 1975 No.8, 6.
126. Gusev, Zvirbul, *op.cit.*, 134.
127. *BVS SSSR* 1977 No.1, 3; Baturov, "Increasing Use", (1977), 5; see also Shchekolov, "Ukrepliaia pravoporiadok", (1977); *id.*, "Vo imia", (1981), 173; *Kriminologiya*, (1979), 58; Kobets, *Preduprezhdenie*, (1982), 23; F.S. Brazhnik, *Chto nado znat' ob ugolovnom kodekse*, M. 1982, 5.
128. Shchekolov, "V bor'be", (1980), 191; see also N.F. Kuznetsova in *ON v SSSR* 1981 No.4, 201, and Shchekolov, "Konstitutsiia SSSR", (1979), 7.
129. Neznanskii, "Statistika prestupnosti", (1979).
130. If we take for 1973 and 1974 the trend figures for Belorussia (table 101).
131. Cf. Bergson, "Kuritegevus", (1979), 29; *Sots. Zak.* 1977 No.10, 35; 47.

132. Ostroumov, Iakovleva, "Pravovaia statistika", (1978), 54. It does not seem likely that the authors quote the number of sentences for the whole year 1977, as the issue of *Sots. Zak.* went to print in 1977.
133. USSR edict of 1977, *Ved. SSSR* 1977. No.7 item 116.
134. Table 147, col.4.
135. *Ibid.*, col.5, 10.
136. If the number of other sentences would have been equal, it was 20%; if we neglect home distilling cases, the decrease was 25%.
137. Ostroumov, Iakovleva, *loc. cit.*
138. Table 144.
139. Neznanskii, "Statistika prestupnosti", (1979).
140. *Kriminologiya*, (1975), 395; cf. also table 144.
141. Cf. *supra*, pp.36ff.
142. *Nar. Khoz. SSSR* 1962, 21.
143. Cf. table 145.
144. According to Gertsenzon, writing in 1968, penalties for murder under aggravating circumstances (a sample) were: in 75% of all cases the penalty was 15 years deprivation of freedom or the death penalty (against less than 50% in Rostov in 1961-1963). A term of 4 years occurred in one case, terms of less than 10 years occurred in two cases, Gertsenzon, "Opyt konkretno-sotsiologicheskogo izucheniia", (1968), 99.
145. Khan-Magomedov, "Methodika", (1972).
146. Ostroumov, *Sovetskaia sudebnaia statistika*, (1976), 246; see also Shliapochnikov in *Sots. Zak.* 1974 No.3, 61.
147. Khan-Magomedov, "Nekotorye matematicheskie metody", (1973), 120.
148. Karpets, *Nakazanie*, (1973), 228-229.
149. Sakharov, *My Country Speaks*, (1975), 43.
150. Cf. I.V. Shmarov, F.T. Kuznetsov, P.E. Podymov, *Effektivnost' deiatel'nosti ispravitel'no-trudovykh uchrezhdenii*, M. 1968, 143 (0.3%); Shliapochnikov, "Leninskie printsipy", (1968), 20 (0.5-0.8%); Shkurko, "Razvitie norm", (1973), 97 (0.4-0.5% in Belorussia); R. Nishanov, *Zasedaniia VS SSSR*, 10-11 July 1969, 126 (<1%); Krakhmal'nik, *Kodifikatsiia*, (1978), 65.
151. See for details, *supra*, p.20.
152. Voloshchina, "Rol' moral'no-politicheskikh faktorov", (1975).
153. Kulikov, "Pravosudie", (1975).
154. Shargorodskii, *Nakazanie*, (1973), 91.
155. Neznanskii, "Statistika prestupnosti", (1979).

APPENDIX V

CONCLUSIONS

To assume that certain Soviet statistical data may have been deliberately falsified is self-destructive: any quantitative research would then be pointless since any such research has to start by providing evidence that figures which are quoted from Soviet statistical reports are not false ones. This does not mean that all figures are correct. A more useful assumption would be that figures which are presented as reflecting the same phenomena, in fact reflect different phenomena, or are incomplete or are given for (sometimes slightly) different areas. A well-known example of this deliberate vagueness are the Stalinist figures for grain harvests, which were not based upon the actual returns of the harvest, but upon estimates of the harvest from the crop in the fields.

Therefore, the figures are not false, but they are presented in a misleading way. A similar example is Brezhnev's statement that 10,000 managers had been dismissed upon the demand of the trade unions.¹ In his statement, Brezhnev used the wording of Art.20 of the Principles of Legislation of Labor of 1970, but in fact his figure reflects all cases in which the trade unions requested the dismissal of a manager; such a request was nearly always granted. Only in a few instances did the trade unions have to resort to their statutory power to demand such dismissal.²

The first question which has to be asked with regard to any published figure is not whether that figure is real or false, but rather – what is its precise meaning? In criminological publications dating from the 1920s and 1930s, the figures quoted for the number of sentences in the RSFSR sometimes only refer to the number of sentences passed by the people's courts; sometimes the figures only refer to the territory of the RSFSR *minus* the territory of the autonomous republics; or to an even smaller territory. Some publications have been written on the basis of the latest reports available at the time of writing, but which are still incomplete and which are not accompanied by a corresponding note. Therefore, figures which are apparently incompatible could be compatible if one accounts for such factors.

At first sight, these considerations give the impression that all the figures published are fairly useless figures. However, this is not true: when all the variations are known, the interpretation of these figures becomes quite easy, especially if one keeps in mind the habit of presenting all figures in such a way that all good things always become better, and all evil things always less evil.

All these problems are not unique to the Soviet Union, but they do take on a greater importance than is the case in western countries as Soviet researchers do not (or may not) ask themselves these questions; at any rate they are not allowed to

publish the results of their reflections. For instance, if a party official publishes figures on trends in criminality between 1940 and 1962 and if those figures are arranged in such a way that, even for the lay observer, the differences between the Stalinist period and the Khrushchev period are apparent,³ Soviet researchers may not subject such figures to a thorough analysis. The only thing they can do is to quote these figures together with other figures which are incompatible to the party-dictated figures. However, any capable researcher would notice the inconsistency between these data.

Therefore, the task for the researcher is to collect all available data and to find all the possible meanings of a presented figure, which have any relation with the given meaning; thus the term "courts" may mean: people's courts, all ordinary courts, all official courts (including special courts such as military tribunals). "Criminality" may reflect the number of crimes known to the law enforcement agencies, the number of persons found to have committed a crime, the number of persons brought to trial, or the number of sentenced individuals. On occasion, criminal labor cases, which were prosecuted between 1940 and 1956, have been included in crime figures, but other figures have been published without taking such cases into account. Such confusing use of terms is a corollary of the existing secrecy surrounding data on law enforcement policy, which in turn makes it necessary for scholars to rely on second-hand data.

The second question to be asked is whether researchers are thorough enough when determining the precise meaning of given data, which seem to be clear at first sight. All calculations of the number of camp-inmates which are based solely upon the results of Soviet elections do not take into account the fact that any camp-inmates who are not Soviet citizens cannot be traced in this manner. The problem of units of the Armed Forces who are based outside the USSR is not taken into account, and also the phenomenon of election avoidance is neglected in this connection.

Even if all these problems are taken into account, a third question should be asked which relates to the instructions used for presenting data in the statistical reports. If one has analyzed divorce proceedings in the courts, one will see that, until 1966, such proceedings consisted of two stages: the first before the people's court, and the second before the provincial (or similar) court. However, it takes a great deal of time and effort before one can come to the right conclusions from one's knowledge. A similar problem is posed by the figures published on the number of workers (workers and employees). The question as to whether or not employed camp-inmates are included in the figures published on the total work force, has only seldom been analyzed but is a crucial question for any calculation of the number of (employed) camp-inmates.

The most important conclusion to be drawn from this part of our research is that it seems to be possible to solve all these problems as long as one bases one's assumptions on the fact that, except for some misprints, all figures in the USSR correspond with reality, but that the meaning attributed to any given figure in the sources is not always clear at first sight.

NOTES

1. L.I. Brezhnev, "Istoricheskii rubezh na puti k kommunizmu", reprinted in L.I. Brezhnev, *Sovetskie profsoiuzy v usloviakh razvitogo sotsializma*, M. 1978, 555.
2. Van den Berg, "Judicial Settlement", (1983), 138-139.
3. Cf. the analysis of Mironov's figures, *supra*, pp. 285ff.

REFERENCES

- Aktual'nye problemy sovetskogo gosudarstva i prava v period stroitel'stva kommunizma*, (Alekseev, N.S., Kerimov, D.A., eds.), L. 1967.
- Alekseev, L., "Organizatsiia rassmotreniia grazhdanskikh del oblastnym sudom po pervoi instantsii", *Sov. Iust.* 1977 No.13.
- Alekseev, N.S., Lukashevich, V.Z., *Leninskie idei v sovetskom ugovnom sudoproizvodste (Vozbuzhdenie ugovnogo dela i predvaritel'noe rassledovanie)*, L. 1970.
- Anashkin, G.Z., "Nekotorye voprosy sudebnoi praktiki po primeneniiu Osnov ugovnogo zakonodatel'stva", *SGiP* 1960 No.5.
- , "Gumanizm sovetskogo ugovnogo prava", *SGiP* 1963 No.8.
- , "Otchet o rabote sudebnoi kollegii po ugovnym delam Verhovnogo Suda SSSR", *BVS SSSR* 1964 No.5.
- , "Lichnost', obstoiatel'stva i otvetstvennost'", *Lit. gaz.* 1965 No.9; 17 *CDSP* 1965 No.25.
- , "O zadachakh i tendentsiakh razvitiia sotsialisticheskogo pravosudiia", *VMU* 1966 No.4.
- , "Sud, rozhdennyi Velikim Oktiabrem", *Sots. Zak.* 1967 No.12.
- , "Peines non privatives de liberté", in *Symposium international*, (1968).
- , "Pravosudie, nakazanie, spravedlivost'", *Lit. gaz.* 1968 No.22.
- , "Otvetstvennost' starshego", *Pr.* 6 October 1969.
- , "Sudebnyi prigovor – vazhneishii akt sotsialisticheskogo pravosudiia", *Sots. Zak.* 1969 No.11.
- , "O rabote sudebnoi kollegii po ugovnym delam Verkhovnogo suda SSSR za 1968-1970 gg.", *BVS SSSR* 1971 No.2.
- , Babin, N., "Obshchestvennost' i ukreplenie sotsialisticheskogo pravoporiadka", *Kommunist* 1962 No.10.
- , Petrukhin, I.L., "Effektivnost' pravosudiia i sudebnye oshibki", *SGiP* 1968 No.9.
- Anisimov, E., "Povyshenie roli organov gosudarstvennogo arbitrazha v ukreplenii zakonnosti v khoziaistvennykh otnosheniakh", *Sots. Zak.* 1974 No.6.
- , "Gosudarstvennyi arbitrazh v SSSR na sovremennom etape", *Khoziaistvo i pravo* 1980 No.1, 15.
- Arabian, I.A., *Konstitutsiia SSSR i prokurorskii nadzor za ispolneniem ugovnogo zakonodatel'stva ob okhrane trudovykh prav grazhdan (po materialam Armianskoi SSR)*, Erevan 1980.
- Arbitrazh v sovetskom khoziaistve*, (I.K. Gamburg, ed.), M. 1936.
- Ashrafian, Z., L'vov, A., Kuz'min, P., "Programma pravovogo opportunizma v ugovnoi politike (K proektu UK t. Shirvindta)", *SGiP* 1930 No.11-12.
- Azan, B., "Sudy Latvii v bor'be s retsidivnoi prestupnost'iu", *Sots. Zak.* 1980 No.7.
- Babaev, M., *Individualizatsiia nakazaniia nesovershennoletnikh*, M. 1968.
- Bagrii-Shakhmatov, L.V., *Ugolovnaia otvetstvennost' i nakazanie*, Minsk 1976.
- Bannikov, S.G., "Voprosy sudebnoi praktiki i zadachi sovetskogo ugovnogo prava", *Problemy sovetskogo ugovnogo prava*, M. 1973.
- Bardin, I., "K itogam izucheniia sudebnoi praktiki po grazhdanskim zhilishchnym delam", *BVS SSSR* 1960 No.6.
- Bartykov, I.F., et al., *Administrativnye pravonarusheniia, rassmatrivaemye sudebnom poriadke*, M. 1964.
- Baskov, V.I., "Effektivnost' prokurorskogo nadzora v sude po ugovnym delam", *Sots. Zak.* 1973 No.9.
- , "Sootnoshenie gosudarstvennogo i obshchestvennogo obvineniia", *SGiP* 1973 No.9.
- , "Stadiia predaniia suda – odna iz garantii pravosudiia", *SGiP* 1975 No.8.
- , *Nadzor prokurora v sude po ugovnym delam*, M. 1975.
- , *Deiatel'nost' prokurora po rassmotreniiu ugovnykh del v poriadke nadzora*, M. 1975.
- , "Prokurorskii nadzor v stadii kassatsionnogo proizvodstva", *Sots. Zak.* 1975 No.6.
- , *Prokurorskii nadzor pri rassmotrenii sudami ugovnykh del*, M. 1980.
- , Temushkin, O.P., *Prokuror v sude vtoroi instantsii po ugovnym delam*, M. 1972.
- Baturov, G.P., "Increasing Use by Courts of Penalties Other than Prison", *Soviet News* 1 March 1977, No.5872.

- , Klenov, E.A., Filippov, E.I., “Sovershenstvovat’ raboty prezidiumov oblastnykh (kraevykh) sudov”, *Pravovedenie* 1966 No.1.
- Beermann, R., “Delinquency”, *ESL*, (1973), 218.
- , “Sex Crimes”, *ESL*, (1973), 611-613.
- Beisenov, B.S., *Alkogolizm: ugovolno-pravovye i kriminologicheskie problemy*, M. 1981.
- , “O bor’be s samogonovareniiem”, *Trudy instituta filosofii i prava AN Kazakhskoi SSR*, Vol.6, Alma-Ata 1962.
- Benediktov, S.B., Popov, Iu.N., *Voditel’ i bezopasnost’ dorozhnogo dvizheniia*, Minsk 1980.
- Berezovskaia, S.G., *Okhrana prav grazhdan Sovetskoi prokuratury*, M. 1964.
- Berg, G.P. van den, “Special Courts in the USSR: Their Nature and Activities”, *Rev.Soc.Law* 1982 No.3.
- , “The Soviet Union and the Death Penalty”, *Soviet Studies* 1983 No.3.
- , “Judicial Settlement of Individual Labor Disputes in the Soviet Union”, *Rev.Soc.Law* 1983 No.2.
- Bergson, R., “Kuritegevus Eesti NSV-s 1976 aastal”, *Kriminoloogia ja oigus-psiikholoogia küsimusi, Kriminoloogia-alaseid töid*, Vol. VII, Tartu 1979.
- Berman, H.J., “Soviet Law Reform”, 56 *Yale Law Journal* 1957 No.8.
- , “The Educational Role of the Court”, 19 *ICLQ* 1972 No.1.
- Boikov, A.D., Kriger, V.I., Noskova, N.A., *Tovarishcheskii sud*, M. 1980.
- Bogoliubov, N., “Zadachi organov arbitrazha v ukreplenii gosudarstvennoi planovoi i dogovornoii distsipliny”, *Sov. Iust.* 1973 No.12.
- Böhme, K.W., *Die deutschen Kriegsgefangenen in Sowjetischer Hand. Eine Bilanz. Zur Geschichte der deutschen Kriegsgefangenen des zweiten Weltkrieges*. Bd.VII, München 1966.
- Boldyrev, E.V., *Mery preduprezhdeniia pravonarushenii nesovershennoletnikh v SSSR*, M. 1964.
- Boldyrev, V.A., “Nash narodnyi sud”, Interview in *Lit. Gaz.* 14 December 1957; Ostroumov, *Sovetskaiia sudebnaia statistika*, (1962), 269.
- , *Sovetskii sud*, M. 1960.
- , *Sovetskii sud*, M. 1966.
- “Bol’she vnimaniia rassmotreniiu grazhdanskikh del”, *Sov. Iust.* 1958 No.2.
- Bongers, W., “Over criminele statistiek. Een bijdrage tot haar geschiedenis en haar theorie”, *Tijdschrift voor Strafrecht* 1937; *Verspreide geschriften*, Deel I, *Criminologie en criminele statistiek*, Amsterdam 1950.
- Borisov, B., “Okhrana material’no-pravovykh interesov trudiashchikhsia i proekt konstitutsii”, *Sots. Zak.* 1936 No.7.
- , “Sud i prokuratura na strazhe garantirovannogo Stalinskoi konstitutsiei prava na trud”, *Sots. Zak.* 1938 No.1.
- Brandenburgskii, Ia., “Neskol’ko myslei o kharaktere prestupnosti v RSFSR”, *Sov. Iust.* 1925 No.23.
- Briskin, B., “Nekotorye itogi bor’by s khuliganstvom”, *Sov. Iust.* 1928 No.16.
- Brodskii, I.L., Gal’perin, L.B., “Arbitrazhnaia statistika i puti ee sovershenstvovaniia”, *SGiP* 1969 No.4.
- Bron, M., “Prestupnost’ i bor’ba s nei v Khar’kovskoi oblasti”, *Sots. Zak.* 1936 No.4.
- Bukovskii, V., *To Build a Castle. My life as a Dissenter*, London 1978.
- Bulatov, G., Maiorov, N., “Pokazatel’nost dannykh ugovolnoi statistiki”, *Vestnik MU. Pravo* 1969 No.3.
- Bulatov, S., “Khuliganstvo i mery bor’by s nim v rekonstruktivnom periode”, *SGiP* 1933 No.4.
- Buloshnikov, M.Ia., “Razvod: nekotorye pravovye problemy”, *Razvitie zakonodatel’sva o brake i sem’e*, M. 1978.
- Burova, S.N., *Sotsiologiya i pravo o razvode*, Minsk 1979.
- Bushuev, I.A., “Ispravitel’no-trudovye raboty kak mera nakazaniia v sovetskom ugovolnom prave”, *SGiP* 1957 No.12.
- , *Ispravitel’nye raboty*, M. 1968.
- Chalidze, V., *Ugolovnaia Rossiia*, New York 1977, transl. as *Criminal Russia*.
- Chechina N.A., et al., “Rol’ grazhdanskikh protsessual’nykh norm v preduprezhdenii grazhdanskikh pravonarushenii”, in *Aktual’nye problemy sovetского gosudarstva*, (1967).
- Chechot, D.M., *Neiskovye proizvodstva*, M. 1973.
- , *Administrativnaia iustitsiia (teoreticheskie problemy)*, L. 1973.

- Chernev, V., "Prinudraboty i ikh real'nost'", *Adm. Vestnik* 1930 No.4.
The Citizen and the State in Contemporary Soviet Law, (Barry, D.B., et al., eds.), *Soviet Law After Stalin*, Part 1, (1977).
- Connor, W.D., *Deviance in Soviet Society. Crime, Delinquency, and Alcoholism*, New York and London 1972.
- Conquest, R., *The Great Terror. Stalin's Purge of the Thirties*, Penguin Books 1971.
- Dallin, D.J., Nicolaevsky, B.I., *Forced Labour in Soviet Russia*, London 1947.
- Dans'hin, I.N., Onishchuk, Z.M., Khristich, I.A., "Ob organizatsii tsentralizovannoi pravovoi statistiki", *Problemy sotsialisticheskoi zakonnosti*, Vypusk 5, Kharkov 1980.
- Dedkov, L.L., *Pravonarusheniia i bor'ba s nimi*, Minsk 1977.
- Dmitriev, I.P., Speech at the 2nd session of the USSR Supreme Soviet, *Sots. Zak.* 1938 No. 9; *Zasedaniia VS SSSR*, 10-21 August 1938, 487.
- Dobrovolskaia, T.N., *Verkhovnyi sud SSSR*, M. 1964.
- , et al., *Kak ustroeny sud i prokuratury v SSSR*, (Galkin, B.A., ed.), M. 1967.
- Dva goda raboty. Materialy k otchetu pravitel'stva RSFSR na piatnadsatom vs Rossiiskom s'ezde Sovetov*, M. 1931.
- Dva goda (God) raboty pravitel'stva RSFSR. Materialy k otchetu pravitel'stva za 1924-1925 i 1925-1926 gg.*; 1926-27 g.; 1927-28 g.; M. 1927-29.
- Dva goda raboty pravitel'stva Uzbekskoi SSR* 26/27 - 27/28 gg., Samarkand 1928.
- "Dvizhenie prestupnosti po raionam RSFSR", *Adm. vestnik* 1930 No.6.
- Dzhekebaev, U.S., *O sotsial'no-psikhologicheskikh aspektakh prestupnogo povedeniia*, Alma-Ata 1971.
- , *Prestupnost' kak kriminologicheskaiia problema*, Alma-Ata 1974.
- Effektivnost' ugovolnopravovykh mer bor'by s prestupnost'iu*, (Nikoforov, B.S., ed.), M. 1968.
- Efimov, M.A., "Lishenie svobody kak vid ugovolnogo nakazaniia", *Sbornik uchenykh trudov Sverdlovskogo iur. in-ta*, Vol. 1, (1964).
- , *Problemy lisheniia svobody kak vida nakazaniia v zakonodatel'stve, sudebnoi i ispravitel'no-trudovoi praktike*, avtoref. kand. diss., L. 1966.
- , *Problemy lisheniia svobody v zakonodatel'stve, sudebnoi i ispravitel'no-trudovoi praktiki*, avtoref. dokt. diss., Sverdlovsk 1968, cited in Fediukin, "O nekotorykh voprosakh", (1969).
- Encyclopedia of Soviet Law*, (Feldbrugge, F.J.M., ed.), Leiden 1973.
- Estrin, A.Ia., "Desiat' let sovetskoi ugovolnoi politiki", *Revolutsiia prava* 1927 No.4.
- , "Khoziaistvennoe stroitel'stvo i ugovolnoe pravo", *Revolutsiia prava* 1927 No.3.
- , "Ugovolnaia politika i ugovolnoe zakonodatel'stvo v 1929 i 1930 gg. i reforma UK", *Ezhegodnik sovetskogo stroitel'stva i prava* (1929-1930), M. 1931.
- , *Razvitie sovetskoi ugovolnoi politiki*, M. 1933.
- , *Sovetskoe ugovolnoe pravo. Obshchaia chast'*, M. 1935.
- Fatkullin, F.N., *Obvinenie i sudebnyi prigovor*, Kazan 1965.
- Fediukin, I.F., "O nekotorykh voprosakh lisheniia svobody kak mery ugovolnogo nakazaniia", *UZ VIL'Z* XVIII, Part 1, (1969).
- Feoktistov, I., *Uchet i otchetnost' v pervichnykh profsoiuznykh organizatsiakh*, M. 1983.
- Fetisov, V., "Sovershenstvovat' praktiku primeneniia kratkosrochnogo lisheniia svobody", *Sov. Iust.* 1970 No.20.
- Forced Labor in the Soviet Union*. Hearing before the Subcommittee on Human Rights and International Organizations of the Committee of Foreign Affairs. House of Representatives and the Commission on Security and Cooperation in Europe, 9 November 1983, Washington D.C. 1984.
- Freiburg, A., *Kriminalität in der DDR. Zur Phänomenologie des abweichenden Verhaltens im sozialistischen deutschen Staat*, Studien zur Sozialwissenschaft. Band 45, Opladen 1981.
- Gabiani, A.A., Gachechiladze, R.G., *Nekotorye voprosy geografii prestupnosti (po materialam Gruzinskoi SSR)*, Tbilisi 1982.

- Galiakbarov, R.R., "Povyshennuiu opasnost' gruppovykh prestuplenii tselesoobrazno otrazit' v zakone", *Problemy effektivnosti ugovolnogo zakona, Sbornik uchenykh trudov*, Vol.37, Sverdlovsk 1975.
- Gal'perin, I.M., "Ob ugovolnom presledovanii, osushchestvliаемom poterpevshim v sovetskom ugovolnom protsesse", *SGiP* 1957 No.10.
- , "V.I. Lenin o roli obshchestvennosti v bor'be s prestupnost'iu", in: *V.I. Lenin o zakonnosti i pravosudii, Voprosy bor'by s prestupnost'iu*, Vol.11 (1970).
- , "Rol' nakazaniia pri sotsial'nykh izmeneniakh", *SGiP* 1972 No.3, 115.
- , "Zadachi sovershenstvovaniia teorii i praktiki primeneniia nakazanii, ne sviazannykh s lisheniem svobody", in: *Nakazaniia ne sviazannye s lisheniem svobody*, (1972).
- , "Sovershenstvovat' metody nauchnykh issledovaniy v ugovolnom prave", *Problemy sovetskogo ugovolnogo prava*, M. 1973.
- , Mel'nikova, Iu.B., "Dopol'nitel'nye nakazaniia v sovremennykh usloviakh bor'by s prestupnost'iu", *SGiP* 1978 No.7.
- Gavrilov, O.A., Kolemaev, V.A., "Matematicheskie modeli v kriminologii", *Pravovaia kibernetika*, M. 1970.
- Gernet, M.N., *Prestupnost' za granitse i v SSSR*, M. 1931.
- , *Izbrannye proizvedeniia*, (Sakharov, A.B., ed.), M. 1974.
- Gertsenzon, A.A., "Osnovnye tendentsii dinamiki prestupnosti za desiat' let", *Sovetskoe pravo*, 1928 No.1 (31).
- , *Bor'ba s prestupnost'iu v RSFSR*, M. 1928.
- , "Bor'ba s prestupnost'iu v RSFSR", *Sovetskoe pravo* 1929 No.3.
- , *Prestupnost' i alkogolizm v RSFSR*, M. 1930.
- , "Imushchestvennye prestupleniia i reforma UK", *SGiP* 1930 No.10.
- , "Repressiia v 1928 i 1929 gg.", *SGiP* 1931 No.1.
- , "Gubernskie revoliutsionnye tribunaly, narodnye sudy i tovarishcheskie sudy v 1918-1920 gg. (materialy k istorii sovetskoi ugovolnoi politiki)", *SGiP* 1933 No.6.
- , "Organy iustitsii v bor'be s khuliganstvom", *Sots. Zak.* 1935 No.2.
- , "Organy iustitsii v bor'be s prestupleniiami protiv lichnosti", *Sots. Zak.* 1935 No.3.
- , "Problema edinogo ucheta prestuplenii i nakazanii", *Problemy ugovolnoi politiki*, Vol.3, (1937).
- , *Sovetskaia sudebnaia statistika*, 2nd ed., M. 1937.
- , *Sovetskaia sudebnaia statistika*, M. 1948.
- , "Osnovnye polozeniia i zadachi sovetskoi nauki ugovolnoi statistiki", in *Problemy iskoreneniia prestupnosti*, M. 1965.
- , *Vvedenie v sovetskuiu kriminologiu*, M. 1965.
- , "Opyt konkretno-sotsiologicheskogo izucheniia sostava prestupleniia", *SGiP* 1968 No.6.
- , *Ugovolnoe pravo i sotsiologiia (Problemy sotsiologii ugovolnogo prava i ugovolnoi politiki)*, M. 1970.
- , Smirnov, L.N., "Klevetnicheskie izmyshleniia gospodina Maurakha", *SGiP* 1961 No.4.
- , Vyshinskaia, Z., "Okhrana lichnosti i bor'ba s ubiistvami (Obzor)", *Problemy ugovolnoi politiki*, Vol.3, M. 1937.
- Gladkova, L.M., Pavlodskii, E.A., "Statisticheskii analiz del o vozmeshchenii ushcherba, prichinennogo rabochimi i sluzhashchimi", *Problemy sov. sovetskogo zak. Trudy* 25, M. 1983.
- Glazyrin, V.V., Lapaeva, V.V., "Effektivnost' norm o material'noi otvetstvennosti", *Problemy sov. sovetskogo zak. Trudy* 12, M. 1978.
- God raboty pravitel'stva RSFSR*, see *Dva goda (God) raboty*, etc.
- Goloshchekin, F., "O rabote gosudarstvennogo arbitrazha v 1937 g.", *Arbitrazh* 1938 No.7.
- Golunskii, S.A., Karev, D.S., *Sudoustroistvo SSSR*, M. 1946.
- Gorelik, I.I., Tishkevich, I.S., *Voprosy ugovolnogo prava (obshchei chasti) v praktike Verkhovnogo suda BSSR*, Minsk 1973.
- , *Voprosy ugovolnogo prava (osobnoi chasti) v praktike Verkhovnogo suda BSSR*, Minsk 1976.
- , *Primenenie ugovolnogo zakonodatel'stva v sudebnoi praktike BSSR*, Minsk 1982.
- Gorkin, A.F., statement in: *Vazhnyi etap v razvitii sovetskogo prava. (Novoe obshchesoiuznoe zakonodatel'stvo v oblasti ugovolnogo prava, sudoustroistva i sudoproizvodstva). Trudy nauchnoi sessii VIIuN*, M. 1960.

- , “Sotsialisticheskoe pravosudie i usilenie svyazi sudebnykh organov s obshchestvennost'iu”, in: *Ot sotsialisticheskoi gosudarstvennosti k kommunisticheskomu obshchestvennomu samoupravleniiu*, M. 1961.
- , “Zadachi sotsialisticheskogo pravosudiia v sovremennykh usloviakh”, *SGiP* 1962 No.8.
- , “Za dal'neishee razvitiie demokraticeskikh osnov sovetskogo pravosudiia”, *Sots. Zak.* 1964 No.4.
- , “Za dal'neishee sovershenstvovaniie sotsialisticheskogo pravosudiia”, *Sots. Zak.* 1966 No.7.
- , “Vospitatel'naia rol' sovetskogo suda”, *Sov. Iust.* 1967 No.20.
- , “Piatidesiatiletie sovetskoi vlasti i sotsialisticheskoe pravosudie”, *Sots. Zak.* 1967 No.11, 20.
- , “Zabota o sovetskoi sem'e”, *Sots. Zak.* 1968 No.9.
- , “XXIV s'ezd KPSS i zadachi sovershenstvovaniia pravosudiia”, *Sots. Zak.* 1971 No.9.
- , “Sotsialisticheskoe pravosudie”, *SGiP* 1972 No.12.
- , Anashkin, G.Z., Paniugin, V.E., *100 otvetov*, M. 1970.
- , Anashkin, G.Z., Paniugin, V.E., *Nastol'naia kniga narodnykh zasedatelei*, M. 1974.
- Gorshenin, K.P., *Sovetskii sud*, M. 1954.
- , “Sovetskii sud i ego rol' v ukreplenii sotsialisticheskoi zakonnosti”, *Kommunist* 1955 No.2.
- Gosudarstvo i pravo razvitoogo sotsializma v SSSR (K 60-letiiu Velikoi Oktiabr'skoi sotsialisticheskoi revoliutsii)*, L. 1977.
- Grajewski, J., Lammich, S., “Criminal Policy in Poland in the Light of the Criminal Code of 1969”, *Rev. Soc. Law* 1981 No.4.
- Grazhdannikov, E.D., *Prognosticheskie modeli sotsial'no-demograficheskikh protsessov*, Novosibirsk 1974.
- Grishaev, P.I., *Sovetskaia kriminologiya*, lektzii 4-9, M. 1977.
- Grishanin, I.F., “K itogam raboty plenuma Verkhovnogo suda SSSR v 1957 g.”, *Pravovedenie* 1958 No.2.
- Gurvich, M.A., “O nekotorykh usloviakh effektivnosti grazhdanskogo protsesssa (v plane sravnitel'nogo pravovedeniia)”, *Pravovedenie* 1971 No.4.
- Gusev, N., “O sudebnoi praktike po delam ob ustanovlenii faktov, imeiushchikh iuridicheskoe znachenie”, *BVS SSSR* 1966 No.3.
- Gusev, S.I., “Zadachi sovershenstvovaniia deiatel'nosti sledstvennogo apparata organov prokuratury”, *Sots. Zak.* 1974 No.12.
- , “Rassmotrenie sudami del o rastorzhenii braka”, *SGiP* 1981 No.6.
- , Zvirbul', V.K., “Bor'ba s prestupnost'iu, ee preduprezhdenie”, in: *Sovetskaia prokuratura. Istoriia i sovremennost'*, M. 1977.
- Hazard, J.N., “Trends in the Soviet Treatment of Crime”, *5 American Sociological Review* 1940 No.4.
- , “Soviet Commercial Arbitration”, *1 International Arbitration Journal* 1945 No.1.
- , *Settling Disputes in Soviet Society. The Formative Years of Legal Institutions*, New York 1960.
- Iakimov, P.P., *Pravosudie i obshchestvennost'*, Sverdlovsk 1977.
- Iakovleva, Z., Bulatov, G., “Rol' statistiki v sovershenstvovanii deiatel'nosti organov iustitsii i sudov”, *Sov. Iust.* 1973 No.16.
- Iakubovich, M.I., “O pravovoi prirode instituta uslovnogo osuzhdeniia”, *SGiP* 1946 No.11-12.
- Ianson, Speech at the 3rd Conference of Court and Procuracy Workers, “XVI partiinyi s'ezd i zadachi organov iustitsii”, *Sov. Iust.* 1930 No.24-25.
- Il'in, M., “Neskol'ko shtrikhov k kartine prestupnosti v SSSR”, *Posev* 1979 No.10.
- Iossel, A., “Na strazhe oboronosposobnosti SSSR”, *Sots. Zak.* 1935 No.1.
- Iotsius, Iu., Speech at the fourth Session of the Supreme Soviet of the Lithuanian SSR, *Zasedaniia VS Litovskoi SSR*, 4th session, 10th convocation, Vilnius 1982, 132-134.
- Isaev, M.M., *Obshchaia chast' ugolovnogo prava RSFSR*, L. 1925.
- Istoriia gosudarstva i prava Belorusskoi SSR*, Vol.I-II, Minsk 1970-1976.
- Istoriia sovetskogo gosudarstva i prava Uzbekistana*, (Sulaimanova, Kh.S., Ishanov, A.I., eds.), Vol.II, Tashkent 1963.
- Itogi desiatiletiia sovetskoi vlasti v tsifrakh 1917-1927*, M. 1928.
- Iurkevich, N.G., “Nekotorye voprosy razvoda v svete sotsiologii”, *Leninskie idei i novoe zakonodatel'stvo o brake i sem'e*, Saratov 1969.

- Ivanov, V.A., "Puti razvitiia sovetskoi sudebnoi sistemy", *Uchenye zapiski. Seriya iuridicheskikh nauk*, Leningrad University Vol.2, 1949.
- , "Organizatsiia suda i prokuratura", in: *40 let sovetskogo prava*, Vol.1 (1957).
- Jasiński, J., "Punitivność systemów karnych. Rozważania nad zakresem, formami i intensywnością, penalizacji", *Studia Prawnicze. Polska Akademia Nauk. Instytut nauk prawnych*, Z.35, Wrocław etc. 1973.
- Jimenez de Asua, L., *Derecho penal sovietico*, Buenos Aires 1947.
- Johnson, E.L., "State Arbitration in the USSR", *1 L'URSS Droit Economie Sociologie Politique Culture*, 1962.
- Justice and the Legal System in the USSR. Soviet Studies Series*, (Conquest, R., ed.), London etc. 1968.
- Juviler, P.H., "Crime and its Study", in *Soviet Politics and Society in the 1970s*, (Morton, Henry W., Tökes, U., eds.), New York and London 1975.
- , *Revolutionary Law and Order. Politics and Social Change in the USSR*, New York etc. 1976.
- , "Some Trends in Soviet Criminal Justice", in: *Soviet Law After Stalin*, Part III, (1979).
- , "Diversion From Criminal to Administrative Justice: Soviet Law, Practice and Conflicts of Policy", in: *Perspectives on Soviet Law for the 1980s*, (1982).
- Kairialis, A., "Koordinatsiia deistvii v bor'be s prestupnost'iu sredi nesovershennoletnikh", *Sots. Zak.* 1973 No.8.
- Kallistratova, R.F., "Zadachi dal'neishego sovershenstvovaniia zakonodatel'stva o gosudarstvennom arbitrazhe", *UZ VNIISZ*, Vol.6, M. 1966.
- Kalmykov, V.T., *Khuliganstvo i mery bor'by s nim*, Minsk 1979.
- Kapshov, V.V., *Narodnyi sud na strazhe sotsialisticheskoi zakonnosti*, M. 1965.
- Karakashev, V., *Problemi na prestapnostta i neitata struktura*, Sofia 1977.
- , *Problemi na opredeliane effektivnostta na nakazaniето lishavane ot svoboda*, Sofia 1982.
- Karpets, I.I., "Some Theoretical and Practical Problems of the Study and Prevention of Criminality in the Soviet Union", *A/Conf.26/L.7/Add. 1*.
- , "The Fundamental Methodological Principles of the Study of Crime and the Planning of Measures to Combat Crime in a Socialist Society", *A Policy Approach to Planning in Social Defence*, United Nations ST/SOA/114, New York 1972.
- , *Nakazanie. Sotsial'nye, pravovye, kriminologicheskie problemy*, M. 1973.
- Kat'kalo, S.I., Lukashevich, V.Z., *Sudoproizvodstvo po delam chasnogo obvineniia*, L. 1972.
- Khabibulkin, M.Kh., Levshin, A.I., "Bor'ba s khuliganstvom – vazhnaia zadacha sudebnykh organov", *Sov. Iust.* 1966 No.8.
- Khal'fin, V., "Zhiznennost' statei deistviushchego UK", *Adm. Vestnik* 1930 No.3.
- Khan-Magomedov, D.O., "Metodika sravnitel'noi otsenki tiazhesti nakazanii", *Voprosy bor'by s prestupnost'iu*, Vol.15 (1972).
- , "Nekotorye matematicheskie metody izucheniia dinamiki sudimosti i primeneniia nakazanii", *Voprosy bor'by s prestupnost'iu*, No.18 (1973).
- , "Problema povysheniia effektivnosti sudebnoi praktiki po primeneniiu ugovolnykh nakazanii", *Problemy sovetskogo ugovolnogo prava*, (1973).
- "Kharakter dvizheniia prestupnosti v 1924-1928 gody", *Adm. Vestnik* 1930 No.2.
- Khlebnikov, V.N., *Sudebnaia statistika*, M. 1939.
- , "Sovremennoe sostoianie i zadachi sovetskoi ugovolnoi statistiki v oblasti izucheniia prestupnosti", *Problemy izucheniia prestupnosti*, (1945).
- Kil'g, R., "Nekotorye dannye, karakterizuiushchie prestupnost' zhenshchin v Estonskoi SSR v 1976-1981 godakh", *Zadachi iuridicheskikh nauk*, (1982).
- Knabe, B., "Entlassungsfälle in der sowjetischen Arbeitswelt", *Berichte des BOIS* 1979 No.25.
- Kobets, N.G., *Preduprezhdenie pravonarushenii v proizvodstvennom kollektive: voprosy teorii i praktiki*, M. 1982.
- Kogan, V.M., *Sotsial'nye svoistva prestupnosti*, M. 1977.
- Kollom, T., "O sudebnoi praktike po delam o vosstanovlenii na rabote", *Sovetskoe pravo* 1980 No.2.
- Kondrashkov, N.N., "Statisticheskii uchet i analiz dannyyh o litsakh, sovershivshikh prestupleniia", *SGiP* 1965 No.9.

- , “Analiz raionnoi statistiki prestupnosti”, *Voprosy preduprezhdeniia prestupnosti* No.4 (1966).
- , “Issledovanie statisticheskikh dannykh o prestupnosti i merakh bor'by s neiu v soiuзноi respublike”, *Voprosy bor'by s prestupnost'iu* No.10 (1969).
- Konstitutsionnye osnovy pravosudiia v SSSR*, (Savitskii, V.N., ed.), M. 1981.
- Kopeiko, P., “Organizatsiia ucheta prestuplenii i statisticheskoi otchetnosti”, *Sots. Zak.* 1982 No.8.
- Koriagina, T., “Spetsializatsiia sudei po rassmotreniiu del o khishcheniiaakh sotsialisticheskogo imushchestva”, *Sov. Iust.* 1960 No.9.
- Korobeinikov, B.V., “Bor'ba s prestupnymi narusheniiami gosudarstvennoi distsipliny v narodnom khoziaistve (Otvettvennost' i preduprezhdenie)”, *SGiP* 1973 No.10.
- Korolov, Iu.A., *Brak i razvod. Sovremennye tendentsii*, M. 1978.
- Kozhevnikov, M.D., *Istoriia sovetskogo suda, 1917-1956*, M. 1957.
- Krakhmal'nik, L.G., *Trud zakliuchennykh i ego pravovoe regulirovanie v SSSR*, Saratov 1963.
- , *Kodifikatsiia ispravitel'no-trudovogo zakonodatel'stva*, M. 1978.
- Krasnogorskii, M., “Rabota sudebnykh organov i NKIu Azerbaidzhanskoi SSR”, *Sov. Iust.* 1939 No.2.
- , “Sudebnaia praktika po delam o khishcheniiaakh sotsialisticheskoi sobstvennosti i rastratakh”, *Sov. Iust.* 1940 No.9.
- Kriminologiya*, 2nd ed., M. 1968.
- Kriminologiya*, 3rd ed., M. 1976.
- Kriminologiya*, M. 1979.
- Kriukov, V., “Usilit' bor'bu s samogonovareniiem”, *Sov. Iust.* 1961 No.14.
- Krylenko, N.V., *Sudoustroistvo RSFSR*, M. 1923.
- Kudriavtsev, P., “Opyt bor'by s prestupnost'iu v Estonii”, *Sots. Zak.* 1973 No.7.
- Kudriavtsev, V.N., *Sovetskaia kriminologiya – nauka o preduprezhdenii prestuplenii*, M. 1967.
- , *Tendentsii prestupnosti i bor'by s nei v Sovetskom Soiuze*, VI Kongress OON po preduprezhdeniiu prestupnosti i obrashcheniiu s pravonarushiteli, M. 1980.
- Kulikov, V.V., “K sorokaletiiu Verkhovnogo suda SSSR”, *BVS SSSR* 1964 No.2.
- , “Vysshemu organu sovetskogo pravosudiia – sorok let”, *SGiP* 1964 No.4.
- , “Postoianno sovershenstvovat' organizatsiiu raboty sudov”, *BVS SSSR* 1964 No.5.
- , “K vyboram narodnykh sudei”, *BVS SSSR* 1965 No.5.
- , “Za uprochnenie sotsialisticheskoi zakonnosti”, *Sots. Zak.* 1966 No.7.
- , “Za dal'neishee usilenie okhrany truda”, *Sots. Zak.* 1967 No.7.
- , “Garantsiia zakonnosti”, *Izv.* 7 December 1967.
- , “Stoiat' ili vozvrashchatsiia”, *Izv.* 18 May 1968.
- , “V rabote s zhalobami i zaiavleniiami strogo sobliudat' leninskie printsipy”, *Sots. Zak.* 1968 No.6.
- , “Sud i ukreplenie trudovoi distsipliny”, *Sots. Zak.* 1970 No.3.
- , “Vnimanie – zhaloba”, *Izv.* 15 September 1970.
- , “Prava i obiazannosti”, *Trud* 1 August 1971.
- , “O zakonnosti i distsipline”, *Sots. Trud* 1974 No.7.
- , “Pravosudie v SSSR v voennye gody”, *SGiP* 1975 No.5.
- , “Zadachi sudov v iskorenении narushenii zakonodatel'stva o trude”, *Sots. Zak.* 1977 No.1.
- , “Verkhovnyi sud Soiuza SSR”, (I), in: *Sud v SSSR* (1977).
- , “Verkhovnyi sud Soiuza SSR – vysshee sveno sovetskoi sudebnoi sistemy”, (II), *SGiP* 1977 No.11.
- Kuris, P., Speech at the fourth Session of the Supreme Soviet of the Lithuanian SSR, *Zasedaniia VS Litovskoi SSR*, 4th session, 10th convocation, Vilnius 1982, 128-131.
- Kurs sovetskogo ugovolnogo prava v 6 tomakh*, (Piontkovskii, A.A., ed.), M. 1970-1972.
- Kurs sovetskogo ugovolnogo prava. Chasti' obshchaia*, (Beliaev, N.A., Shargorodskii, M.D., eds.), Vol.1, L. 1968.
- Kuznetsov, F.T., Podymov, P.E., Shmarov, I.V., *Effektivnost' deiatel'nosti ispravitel'no-trudovykh uchrezhdenii*, M. 1968.
- Kuznetsova, N.F., *Dela o prestupleniiaakh rassmatrivaemykh tovarishcheskimi sudami*, M. 1962.
- , “Uchastie obshchestvennosti v perevospananii pravonarushitelei, osuzhdennykh uslovno ili peredannykh na poruki”, *Sovetskoe gosudarstvo i obshchestvennost'*, (1962), 306-356.
- , “O putiakh suzheniia sfery ugovolnoi otvetstvennosti”, *SGiP* 1964 No.7.

- , *Prestuplenie i prestupnost'*, M. 1969.
- , “Effektivnost' ugovolnogo zakona i ee znachenie v bor'be s prestupnost'iu”, *VMU* 1974 No.4.
- , “Ukrepnenie sotsialisticheskoi zakonnosti i organizatsiia bor'by s prestupnost'iu v svete reshenii XXIV s'ezda KPSS”, *SGiP* 1975 No.3.
- , “O nauchnom pokhode k analizu dannykh ugovolno-pravovoi statistiki”, *Sovetskoe pravo* 1975 No.5.
- Kvashin, V.E., *Teoreticheskie osnovy profilaktiki neostorozhnykh prestuplenii*, M. 1977; summary in: *ON v SSSR IV*, 1978 No.2, 142.
- Kvitsinia, A.K., *Vziatochnichestvo i bor'ba s nim*, Sukhumi 1980.
- Kydyralieva, S., *Uslovnoe osuzhdenie po ugovolnomu pravu Kirgizskoi SSSR*, Frunze 1968.
- Lagovier, N.S., “Rost khuliganstva i rol' organov iustitsii v bor'be s nim”, *Sov. Iust.* 1926 No.43.
- Lammich, S., “Das Strafsystem und die Strafpolitik in der DDR und in anderen sozialistischen Staaten”, *Recht in Ost und West* 1980 No.4.
- Lebedev, S.N., “50-letie sovetskogo morskogo arbitrazha”, *Torgovoe moreplavanie i morskoe pravo*, Vol.10, 1982.
- Leplevskii, G., “O sostoianii prestupnosti v SSSR”, *Sots. Zak.* 1937 No.11.
- Leps, A., “Prestupnaia aktivnost' muzhchin i zhenshchin, a takzhe razlichnykh vozrastnykh grup”, *Sovetskoe pravo* 1981 No.5.
- Leshchevskii, I., “Mat' i shestaia chast' porosenka”, *Sovetskaia Rossiia* 4 December 1965.
- Lesnitskaia, L.F., *Peresmotr resheniia suda v kassatsionnom poriadke*, M. 1974.
- 40 let sovetskogo prava*, (O.S. Ioffe, et al., eds.), Vol.1-2, L. 1957.
- “50-letie obrazovaniia SSSR i zadachi dal'neishego ukrepleniia sotsialisticheskoi zakonnosti”, *BVS SSSR* 1972 No.6.
- Levshin, A.I., Khabibulkin, M.Kh., “Otvetsvennost' za khuliganstvo po ukazu PVS SSSR ot 26 iuliia 1966 v praktike sudebnykh organov Tatarskoi ASSR”, in: *Voprosy ugovolnogo i ugovolno-protsessual'nogo zakonodatel'stva*, (Malkov, V.P., Semen'kov, A.D., eds.), Kazan' 1969.
- Lichnost' prestupnika: ugovolno-pravovoe i kriminologicheskoe issledovanie*, (Volkov, B.S., ed.), Kazan 1972.
- Lichnost' prestupnika i primenenie nakazaniia*, (Volkov, B.S., ed.), Kazan 1980.
- Liede, A., “Problema osushchestvleniia vospitatel'nykh tselei sudebnogo proizvodstva po ugovolnym delam”, *UZ Latviiskogo gos. un-ta*, Tom.12, *Iuridicheskie nauki* Part 1, Riga 1957.
- , Lukashevich, V.Z., “Zakonnost' i obosnovannost' privilecheniia k ugovolnoi otvetstvennosti v stadii predvaritel'nogo rassledovaniia”, *UZ Latviiskogo universiteta*, Vol.93, Riga 1968.
- Likas, A., “Osuzhden uslovno”, *Pr.* 25 March 1973.
- , *Imenem respubliki*, M. 1979.
- Litvinov, V., “Rassmotrenie sudami del o khuliganstve”, *Sovetskoe pravo* 1982 No.4.
- Liubarskii, K., “Istoriia razvitiia pasportnoi sistemy v SSSR i ogranicheniia prava na svobodnyi vybor mesta zhitel'stva vnutri strany”, in *Papers on Soviet Law*, Institute of Socialist Law, Number 3, (Lipson, L., Chalidze, V., eds.), New York 1981.
- Liublinskii, P.N., “Statistika prestupnosti v SSSR”, *Vestnik Sovetskoi Iustitsii* 1928 No.4.
- Lorimer, F., *The Population of the Soviet Union: History and Prospects*, Geneva 1946.
- Luryi, Y., “The Right to Counsel in Ordinary Criminal Cases in the USSR”, *Soviet Law After Stalin*, Vol.I, (1977).
- , “Special Courts in the USSR: A Comment”, *Rev.Soc.Law* 1982 No.3.
- Maksudov, M., “Losses Suffered by the Population of the USSR 1918-1958”, *Samizdat Register II*, (Medvedev, R., ed.), London 1981.
- Man'kovskii, B., “Voprosy ugovolnogo prava v period perekhoda ot sotsializma k kommunizmu”, *SGiP* 1939 No.3.
- Marks, K., “Nekotorye voprosy kvalifikatsii seksual'nykh prestuplenii”, *Sovetskoe pravo* 1979 No.2.
- Martinovich, I.I., *Obshchestvennye sudy v sotsialistichskom stroitel'stve*, Minsk 1978.
- Materialy nauchnoi konferentsii “Novye grazhdanskie i grazhdansko-protsessual'nye kodeksy soiuznykh respublik, 14-16 oktiabria 1964”*, M. 1965.

- Materova, M.V., "Ustanovlenie otsovsstva v sudebnoi praktike", *SGiP* 1971 No.7.
 –, *Sudebnoe rassmotrenie del ob ustanovlenii otsovsstva*, M. 1972.
- McAuley, M., *Labour Disputes in Soviet Russia 1957-1965*, Oxford 1969.
- Mel'nikova, Iu., Mikhailov, V., Gus'kov, V., "Ustranit' nedostatki dopuskaemye v sudebnoi praktike pri naznachanii ispravitel'nykh rabot", *Sov. Iust.* 1966 No.10.
- Menshagin, V.D., "Ispravitel'no-trudovaia politika", *Ezhegodnik sovetskogo stroitel'stva i prava (1929-1930)*, M.-L. 1931.
- Mikhlin, A.S., et al., "Effektivnost' ispravitel'nykh rabot kak mery nakazaniia", in: *Effektivnost' ugolovno-pravovykh mer*, (1968).
- Mironov, N.R., "O nekotorykh voprosakh preduprezhdeniia prestupnosti i drugikh antiobshchestvennykh iavlenii i bor'by s nimi v sovremennykh usloviakh", *SGiP* 1961 No.5.
- , "Bor'ba s antiobshchestvennymi iavleniiami – vazhneishaia zadacha", in: *XXII s'ezd KPSS i voprosy ideologicheskoi raboty. Materialy vsesoiuznogo soveshchaniia po voprosam ideologicheskoi raboty 25-28 dekabria 1961 goda*, M. 1962.
- , "Nasushchnye voprosy dal'neishego ukrepleniia sotsialisticheskoi zakonnosti", *Kommunist* 1963 No.1.
- , "Main Thing is Prevention and Upbringing Work", *Izv.* 1 June 1963 (*CDSP* 1963 No.22).
- , "Vosstanovlenie i razvitie leninskikh printsipov sotsialisticheskoi zakonnosti (1953-1963 gg.)", *Voprosy istorii KPSS* 1964 No.2.
- , *Ukreplenie zakonnosti i pravoporiadka v obshchenarodnom gosudarstve - programnaia zadacha partii*, 2nd. ed., M. 1969.
- Mitrichev, S., "Otmena kartochnoi sistemy i bor'ba so spekulatsiei", *Sots. Zak.* 1935 No.11.
- Mora, S., Zwierniak, P., *Giustizia sovietica*, Roma 1945.
- Movsumov, D.G., *Sovetskaia sudebnaia sistema v Azerbaidzhane*, Baku 1970.
- Muramets, D.F., Shamba, T.M., *Pravoporiadok v razvitom sotsialisticheskom obshchestve*, M. 1979.
- Nakazaniia, ne svyazannye s lisheniem svobody*, (Gal'perin, M.I., ed.), M. 1972.
- Naselenie SSSR (chislennost', sostav i dvizhenie naseleniia) 1973 Statisticheskii sbornik*, M. 1975.
- Nauchno-prakticheskii kommentarii k Polozheniiu o voennnykh tribunalov*, (Borisoglebskii, ed.), M. 1960.
- Naumov, V.F., "Zadachi organov suda i ZAGS LatviiSSR po osushchestvleniiu konstitutsionnoi zashchity sem'i", in: *Aktual'nye zadachi sovetskogo prava po ukrepleniui sem'i i preduprezhdeniiu pravonarushenii nesovershennoletnikh v sovetskikh respublikakh pribaltiki. Tezisy dokladov nauchno-prakticheskoi konferentsii 19-20 aprelia 1979 g.*, Vol.1, Riga 1979.
- "Navstrechu XXIII s'ezdu partii", *Sov. Iust.* 1966 No.6.
- Neznanskii, F., "Statistika prestupnosti v SSSR", *Posev* 1979 No.5; cf. also No.9, 61-62; 1980 No.3, 59-60; a summary version is published as "New Information on Soviet Criminal Statistics: An Insider Report", 6 *Soviet Union/ Union Soviétique* 1979 No.2.
- Nigola, K., "Osnovnye vidy prestuplenii protiv imushchestva v ESSR i nakazanie za nikh v praktike sudov respubliki", *Zadachi iuridicheskikh nauk*, (1982).
- Nikitinskii, V.I., *Effektivnost' norm trudovogo prava*, M. 1971.
- , "Effektivnost' norm o pravakh FZMK", *Rol' sovetskikh profsoiuzov v regulirovanii trudovykh otnoshenii rabochikh i sluzhashchikh*, M. 1972.
- Noi, I.S., *Teoreticheskie voprosy lisheniia svobody*, Saratov 1965.
- Nurmela, V., "Chto pokazalo obobshchenie sudebnoi praktiki po delam o vosstanovlenii na rabote", *Sovetskoe pravo* 1978 No.1.
- "O deiatel'nosti sudebnykh uchrezhdenii RSFSR za 1925 god (Po otchetu NKIu RSFSR za 1925 god)", *Vestnik Verkhovnogo Suda SSSR* 1927 No.4, 53-54.
- "Obshchestvennye sudy – vazhneishaia forma bor'by s perezhitkami proshlogo", *SGiP* 1959 No.5.
- "Obzor karatel'noi politiki po predusmotrennym 113, 114 i 128 st. st. UK red. 1922 i dr. dolzhnostnym prestupleniiam v sudakh RSFSR za 1926 g.", *Sudebnaia praktika Verkhovnogo suda RSFSR* 1927 No.16.
- Odor, Ia., "O delakh svyazannykh s lisheniem roditel'skikh prav i otobraniiem detei", *Sovetskoe pravo* 1978 No.6.

- Ordynskii, S., "Provedenie ekonomicheskoi reformy i zadachi arbitrazha", *Sov. Iust.* 1967 No.12.
- , "Zadachi arbitrazha v svyazi s usileniem otvetstvennosti predpriatii", *Sov. Iust.* 1968 No.1.
- Ordzhonikidze, G.K., "Otchet TsKK-RKI XV s"ezdu VKP (b)", *XV s"ezd VKP (b). Dekabr' 1927 goda. Stenograficheskie otcheti*, Vol.2, M. 1961.
- Organizatsiia suda i prokuratury v SSSR*, (Karev, D.S., ed.), M. 1961.
- Organizatsiia suda i prokuratury v SSSR*, (Rad'kov, V.P., Ageeva, G.N., eds.), M. 1965.
- Organizatsiia sudebnoi deiatel'nosti*, (Baturov, G.P., ed.), M. 1977.
- Orlov, A.K., "Sud reshil", *Lit. gaz.* 22 Aug. 1979.
- , "Deiatel'nost' sudov – na uroven' trebovaniy XXVI s"ezda KPSS", *Sov. Iust.* 1981 No.11.
- , "Vysokaia otvetstvennost' sudei – vazhneishee uslovie osushchestvleniia pravosudiia", *Sov. Iust.* 1983 No.7.
- Oschlies, W., *Jugendkriminalität in Osteuropa. Deutungen, Dynamik, Daten*, Köln etc. 1979.
- Osipov, P.P., *Teoreticheskie osnovy postroeniia i primeneniia ugovolno-pravovykh sanktsii (Aksiologicheskii aspekt)*, Leningrad 1976.
- Osnovaniia ugovolno-pravovogo zapreta: kriminalizatsiia i dekriminalizatsiia*, (Kudriavtsev, V.N., ed.), M. 1982.
- Osnovnye itogi raboty pravitel'stva SSSR k perevyboram sovetov 1928-1929 g.*, M. 1928.
- Ostannii, N., "50 let sovetskomy gosudarstvennomu arbitrazhu", *Sov. Iust.* 1972 No.18.
- Ostroumov, S.S., *Sovetskaia sudebnaia statistika*, M. 1952.
- , *Sovetskaia sudebnaia statistika*, M. 1954.
- , "O sudebnoi statistike", *SGiP* 1957 No.1.
- , *Sovetskaia sudebnaia statistika*, M. 1962.
- , "Statisticheskie metody v kriminologii", *SGiP* 1967 No.7.
- , "Prestupnost' i ee prichiny", *Nauka i zhizn'* 1968 No.7.
- , *Sovetskaia sudebnaia statistika*, M. 1970.
- , "O nekotorykh aktual'nykh problemakh sudebnoi statistiki na sovremennom etape", *VMU* 1974 No.3.
- , *Ugolovnaia statistika i bor'ba s prestupnost'iu*, M. 1975.
- , "O nekotorykh aktual'nykh problemakh ugovolnoi statistiki", *Voprosy sovetskoi kriminologii*, Vol.1, (1976).
- , *Sovetskaia sudebnaia statistika (chast' obshchaia i spetsial'naia)*, rev. ed., M. 1976.
- , "Ugolovnaia statistika za gody sovetskoi vlasti", *VMU* 1977 No.6.
- , Iakovleva, Z., "Pravovaia statistika i preduprezhdenie pravonarushenii", *Sots. Zak.* 1978 No.1.
- , Panchenko, S., "Tsify – tozhe orudie", *Izv.* 29 Aug. 1967.
- , Panchenko, S.N., "Aktual'nye zadachi ugovolnoi statistiki i preduprezhdenie prestupnosti", *SGiP* 1971 No.8.
- , Panchenko, S., Kondrashkov, N., "Neotlozhnye zadachi ugovolnoi statistiki", *Sots. Zak.* 1972 No.5.
- , Panchenko, S., Kondrashkov, N., "Problemy grazhdansko-pravovoi statistiki", *Sots. Zak.* 1973 No.9.
- , Panchenko, S., Shliapochnikov, A., "Uchet i statistika pravonarushenii v svete leninskikh ukazanii", *Sots. Zak.* 1969 No.4.
- Ot s"ezda k s"ezde, (aprel' 1927 g. – mai 1928 g.). Materialy k otchetu pravitel'stva na V s"ezd sovetov Soiuza SSR*, M. 1929.
- Panev, B., *Skritata prestapnost*, Sofia 1982.
- Paniugin, V.E., "K itogam izucheniia sudebnoi praktiki po delam ob ustanovlenii iuridicheskikh faktov", *BVS SSSR* 1960 No.2.
- , "Bol'she vnimaniia rassmotreniiu grazhdanskikh del", *BVS SSSR* 1963 No.2.
- , "Otchet o deiatel'nosti sudebnoi kollegii po grazhdanskim delam Verkhovnogo suda SSSR", *BVS SSSR* 1964 No.6; cf. also *Sots. Zak.* 1964 No.4, 16.
- , Speech at June 1964 Plenum of the USSR Supreme Court, *Sots. Zak.* 1964 No.8.
- , "Na strazhe interesov truzhenika", *Trud* 11 February 1965.
- , "Za strogoe sobliudenie zakonodatel'stva o trude", *Sots. Zak.* 1967 No.12.
- , "Rassmotreniiu grazhdanskikh del – bol'she vnimaniia", *Sots. Zak.* 1970 No.12.
- , "Praktika rassmotreniia grazhdanskikh del v kassatsionnom poriadke", *Sots. Zak.* 1974 No.1.

- , “Ukrepnenie zakonnosti v grazhdanskikh pravootnosheniakh”, in: *Verkhovnyi sud SSSR* (1974).
- , “Rassmotrenie grazhdanskikh del v poriadke nadzora”, *BVS SSSR* 1975 No.3.
- , “Sudebnaia zashchita prav grazhdan i organizatsii”, in: *Sud v SSSR*, (1977).
- Pankov, D.A., “Sovershenstvovanie pravovykh institutov dosrochnogo osvobozhdeniia osuzhdennykh vazhnyi stimul ikh ispravleniia i perevospitaniia”, *SGiP* 1965 No.8.
- Pashkov, A.S., Chechot, D.M., “Effektivnost’ pravovogo regulirovaniia i metody ee vyivleniia”, *SGiP* 1965 No.8.
- Pavlodskii, E.A., “Problemy moral’noi statistiki”, *Problemy sov. sovetskogo zak. Trudy* 3, M. 1975.
- , “Predmet i zadachi grazhdansko-pravovoi statistiki”, *Problemy sov. sovetskogo zak. Trudy* 5, M. 1976.
- , “Vyborochnyi metod v statisticheskom analize grazhdanskikh sudebnykh del”, *Problemy sov. sovetskogo zak. Trudy* 10, M. 1977.
- , “Statisticheskii analiz sudebnykh sporov, vytekaiushchikh iz brachno-semeinykh otnoshenii”, *Razvitie zakonodatel’sva o brake i seme*, M. 1978.
- , “Obobshchaiushchie pokazateli v grazhdansko-pravovoi statistike”, *Problemy sov. sovetskogo zak. Trudy* 14, M. 1979.
- , Chaadaev, S.G., *Grazhdansko-pravovaia statistika*, M. 1981.
- , Iani, S.A., “Primenenie sotsiologicheskikh metodik v izuchenii praktiki po delam o rastorzhenii braka”, *Problemy sov. sovetskogo zak. Trudy* 17, M. 1980.
- , Litovkin, V.N., “Statisticheskii analiz zhilishchnykh sudebnykh del”, *Problemy sov. sovetskogo zak. Trudy* 22, M. 1981.
- Pergament, A.I., Palestina, S.Ia., “Razvitie sovetskogo zakonodatel’sva o brake i seme”, *SGiP* 1975 No.9.
- Perlov, I.D., *Kassatsionnoe proizvodstvo v sovetskom ugovnom protsesse*, M. 1968.
- Perlov, V.A., *Opreделение суда первой инстанции по уголовному делу*, Saratov 1977.
- Perspectives on Soviet Law for the 1980s*, (Feldbrugge, F.J.M., Simons, W.B., eds.), *Law in Eastern Europe*, No.24, The Hague etc., 1982.
- Petrov, I.N., *Orvestvennost’ khozorganov za narusheniia obiazatel’stv*, M. 1974.
- Petrukhin, I.L., “Prichiny sudebnykh oshibok”, *SGiP* 1970 No.5.
- , Baturov, G.P., Morshchakova, T.G., *Teoreticheskie osnovy effektivnosti pravosudiia*, M. 1979.
- Piontkovskii, A.A., Menshagin, V.D., *Kurs sovetskogo ugovnogo prava. Osobennaiia chast’*, M. 1955.
- Plutus, K., “Usilit’ prokurorskii nadzor za grazhdanskimi delami voznikshimi iz semeino-pravovykh otnoshenii”, *Sovetskoe pravo* 1975 No.2.
- Pobegailo, E.F., *Umyshlennye ubiistva i bor’ba s nimi. Ugolovno-pravovoe i kriminologicheskoe issledovanie*, Voronezh 1965.
- Pomorski, S., “State Arbitrazh in the USSR: Development, Functions, Organization”, 9 *Rutgers Camden Law Journal* 1977 No.1.
- Poteruzha, I.I., *Sud i obshchestvennost’ v preduprezhdenii pravonarushenii*, Minsk 1973.
- Povolotskii, L.I., El’evich, D.I., “Istoricheskii ocherk razvitiia sovetskogo grazhdanskogo protsessa”, *UZ LGU*, Vol.2, Leningrad 1949.
- “Povyshit’ trebovatel’nost’ sudov k materialam predvaritel’nogo sledstviia”, *Sov. Iust.* 1958 No.3.
- “Povyshit’ vnimanie k grazhdanskim delam”, *BVS SSSR* 1971 No.5.
- “Praktika sudebnogo rassmotreniia i prokurorskogo nadzora po grazhdanskim trudovym delam”, *BVS SSSR* 1968 No.6.
- Pravo i sotsiologiya*, (Tikhonov, Iu.A., Kazimirschuk, V.P., eds.), M. 1973.
- Primenenie permanentnykh avtomatizirovannykh sistem obrabotki dannykh v kriminologii*, Tallin 1978.
- “Primenenie sudami zakonodatel’sva pri rassmotrenii trudovykh sporov. Obzor sudebnoi praktiki”, *BVS SSSR* 1980 No.6.
- Problema izuchenii prestupnosti. Sbornik statei*, (Goliakov, I.I., ed.), M. 1945.
- Problemy pravosudiia i ugovnogo prava*, M. 1978.
- Profsoiuzy SSSR. Dokumenty i materialy*, Vol.I-V, M. 1963-1974.
- Prokhorov, L.A., “Sanktsii ugovnogo zakona i praktika naznachenii nakazaniia”, *Trudy VluZl* t.42, M. 1976.
- , *Obshchie nachala naznachenii nakazaniia v preduprezhdenii retsidivnoi prestupnosti*, Omsk 1982, summary in *ON v SSSR* 1982 No.1, 194.

Pruzhinskii, S., "Grazhdanskii protsess", *Ezhegodnik sovetskogo stroitel'stva i prava (1929-1930)*, M. 1931.

Raginskii, M.Ia., *Vospitateľnaia rol' sovetskogo prava*, M. 1959.

Rakhunov, R.D., "Differentsiatsiia ugovolno-protsessual'noi formy po delam o maloznachitel'nykh prestupleniakh", *SGiP* 1975 No.12.

Randalu, Kh., Napa, Ia., "O prestupnosti nesovershennoletnikh, osuzhdennykh v Estonskoi SSR v 1964-1967 gg.", *Sovetskoe pravo* 1968 No.4, No.5.

"Rassmotrenie del o rastorzhennii braka (obzor sudebnoi praktiki)", *BVS SSSR* 1982 No.2.

"Rassmotrenie sporov o vosstanovlenii na rabote i ikh preduprezhdenii (obzor sudebnoi praktiki)", *BVS SSSR* 1977 No.3.

"Rassmotrenie sudami del o vosstanovlenii na rabote (Obzor sudebnoi praktiki)", *BVS SSSR* 1974 No.4.
Ratza, W., *Die deutsche Kriegsgefangenen in der Sowjetunion. Der Faktor Arbeit. Zur Geschichte der deutschen Kriegsgefangenen des zweiten Weltkrieges*. Bd. IV, München 1973.

"Razreshenie sporov ob oplate truda rabochikh i sluzhashchikh (Obzor sudebnoi praktiki)", *BVS SSSR* 1979 No.3.

Rebane, I., "O prestupnosti v g. Tartu v 1946-1970 gg.", *Kriminoloogia – alaseid töid*, Vol.4, Tartu 1974.

Reikhel, "Sostoianie grazhdanskikh del v sudakh", *Sots. Zak.* 1936 No.9.

Rekunkov, A., "Sotsialisticheskaia zakonnost' i prokurorskii nadzor", *Chelovek i zakon* 1978 No.12

Remnev, L., "Pravovaia propaganda – neobkhodimoe uslovie vospitaniia uvazheniia k zakonu", *Sots. Zak.* 1970 No.9.

"Rezultaty pravil'noi politiki partii (Tsify i fakty)", *Partiinaia zhizn'* 1957 No.13.

Rivlin, A.L., *Organizatsiia suda i prokuratury v SSSR*, 2nd ed., Kharkov 1968.

Romanov, N.N., "O dal'neishem uluchshenii raboty pervichnykh profsoiuznykh organizatsii", *Trud* 17 April 1969.

Romashkin, P.S., "Ugolovno-pravovye garantii trudovykh prav grazhdan", *SGiP* 1972 No.2.

Rosefielde, S., "An Assessment of the Sources and Uses of GULag Forced Labour, 1929-1956", *33 Soviet Studies* 1981 No.1.

–, "Excess Mortality in the Soviet Union: A Reconstruction of the Demographic Consequences of Forced Industrialization 1929-1949 gg.", *Soviet Studies* 1983 No.3.

Rozhdaemost' (Problemy izucheniia). Sbornik nauchnykh trudov, M. 1977.

Rubichev, A., "Za vsemernoe ukreplenie sotsialisticheskoi zakonnosti v rabote sudov i organov iustitsii", *Sov. Iust.* 1957 No.1.

–, "Vazhnye zadachi sudov", *Sov. Iust.* 1960 No.9.

Rudenko, R.A., Speech at a Session of the Supreme Soviet, *Izv.* 13 February 1957.

–, Speech 1957, reported in Ostroumov, *Sovetskaia sudebnaia statistika*, (1962), 268.

–, "XXII s'ezd KPSS i zadachi organov prokuratury", *Sots. Zak.* 1962 No.1.

Sakharov, A., *My Country and the World*, (Salisbury, H., ed.), New York 1975.

Sapargaliev, M.S., *Istoriia narodnykh sudov Kazakhstana (1917-1965)*, Alma-Ata 1966.

Sapozhnikov, N., "Gosudarstvennyi arbitrazh i ukreplenie distsipliny v khoziaistvennykh otnosheniakh", *Sots. Zak.* 1975 No.11.

–, "Zadachi gosudarstvennogo arbitrazha po obespecheniiu povysheniia kachestva i effektivnosti proizvodstva", *Sov. Iust.* 1977 No.13.

– "Bor'ba organov arbitrazha s narusheniami gosudarstvennoi distsipliny", *Sots. Zak.* 1981 No.4.

Sarkisov, G.S., *Preduprezhdenie narushenii obshchestvennogo poriadka*, Erevan 1972.

Sarkisova, E.A., *Gumanizm v sovetskom ugovolnom prave*, Minsk 1969.

–, *Vospitateľnaia rol' uslovnogo osuzhdeniia*, Minsk 1971.

–, *Ugolovno-pravovye sredstva preduprezhdeniia prestuplenii*, Minsk 1975.

–, *Predupreditel'naia rol' ugovolnogo zakona*, Minsk 1979.

Savitskii, V.M., *Gosudarstvennoe obvinenie v sude*, M. 1971.

–, "Prokuror v stadii predaniia sudu", *SGiP* 1972 No.6.

–, *Ocherk teorii prokurorskogo nadzora v ugovolnom sudoproizvodstve*, M. 1975.

- , *Chto takoe ugovolnyi protsess*, M. 1979.
- Sbornik dokumentov po istorii ugovolnogo zakonodatel'stva SSSR i RSFSR 1917-1952 gg.*, (Goliakov, I.T., ed.), M. 1953.
- Sbornik postanovlenii plenuma i opredelenii kollegii Verkhovnogo Suda SSSR po ugovolnym delam 1959-1971*, M. 1973.
- Schroeder, F.C., *Das Strafrecht des realen Sozialismus*, Opladen 1983.
- Schultze-Willebrand, B., *Die bedingte Verurteilung im Sowjetischen Strafrecht. Studien des Instituts für Ostrecht*, Bd. 26, München 1977.
- Semenov, V.M., *Sud i pravosudie v SSSR*, M. 1976.
- Serebriakova, V.A., "Vtorichnoe ispol'zovanie statisticheskikh kartochek na obviniaemogo dlia izucheniia prestupnosti", *Voprosy preduprezhdeniia prestupnosti*, Vol.1, (1965).
- , "Izuchenie prichin neostorozhnykh prestuplenii protiv lichnosti", *SGiP* 1967 No.7.
- Sergeeva, N., "Uluchshit' kachestvo rassmotreniia grazhdanskikh del", *Sov. Iust.* 1964 No.23.
- Sergeeva, T.L., "Strogo okhraniat' prava grazhdan i borot'sia za ukreplenie trudovoi distsipliny", *Sov. Iust.* 1967 No.19.
- , Pomchalov, L.F., "Effektivnost' kratkosrochnogo lisheniia svobody", in: *Effektivnost' ugovolnopravovykh mer*, (1968).
- "XXI s"ezd KPSS i zadachi sovetskoi pravovoi nauki", *SGiP* 1959 No.2, 5.
- Shafir, G., "Izuchenie effektivnosti uchastiia zashchitnikov v ugovolnom sudoproizvodstve", *Sots. Zak.* 1969 No.1.
- Shargorodskii, M.D., *Nakazanie po sovetskomu ugovolnomu pravu*, M. 1958.
- , *Nakazanie, ego tseli i effektivnost'*, L. 1973.
- , Alekseev, N.S., "Aktual'nye voprosy sovetskogo ugovolnogo prava", *Voprosy sovetskogo gosudarstva i prava*, Leningrad 1954.
- Shashorin, B. "Deiatel'nost' gosarbitrazha po preduprezhdeniiu khoziaistvennykh sporov", *Sov. Iust.* 1974 No.14.
- Shchekolov, N.A., "Stroitel'stvo kommunizma i ukreplenie pravoporiadka", *Kommunist* 1972 No.8.
- , "Nasha militsiia", *Lit. gaz.* 1975 No.44.
- , "Ukrepliaia pravoporiadok", *Pr.* 23 July 1977.
- , "Voprosy ukrepleniia pravoporiadka i zakonnosti v usloviakh razvito go sotsializma", *Voprosy filosofii* 1978 No.11.
- , "Konstitutsiia SSSR i okhrana obshchestvennogo poriadka", in: *Konstitutsiia SSSR i dal'neishee ukreplenie zakonnosti i pravoporiadka*, (Kudriavtsev, V.N., ed.), M. 1979.
- , "V bor'be za sotsialisticheskii pravoporiadok", *Delo vsei partii. Materialy*, M. 1980.
- , "Vo imia cheloveka", *Znamia* 1981 No.4.
- Sheinin, Kh., "Iz istorii Verkhovnogo suda SSSR", *BVS SSSR* 1964 No.1.
- Shelley, L., "The Geography of Soviet Criminality", *45 American Sociological Review* 1980.
- Shemshuchenko, Iu.S., Pogorilko, V.F., *Administrativno-pravova okhorona pryrody Ukrain's'koi RSR*, Kiev 1973.
- Shifrin, A., "Eshche o statistike prestupnosti v SSSR", *Posev* 1979 No.8.
- , *How Many Camps Are There in the USSR*, Research Centre for Prisons, Psychoprison and Forced-Labour Concentration Camps of the USSR, April 1978.
- Shirvindt, E., Utevskaia, B., *Sovetskoe ispravitel'no-trudovoe pravo*, 2nd ed., M. 1931.
- Shkurko, V.A., "Razvitie norm o nakazanii posle priiniatia ugovolnogo kodeksa BSSR 1960 g.", in: *Razvitie ugovolnogo prava Belorusskoi SSR. Sbornik statei*, (Gorelik, I.I., Tishkevich, I.S., eds.), Minsk 1973.
- Shliapochnikov, A.S., "Likvidatsiia bezrabotnitsy v SSSR i prestupleniia", *SGiP* 1932 No.9-10.
- , "Za ukreplenie sotsialisticheskoi zakonnosti", *SGiP* 1934 No. 4.
- , "Okhrana obshchestvennoi (sotsialisticheskoi) sobstvennosti", *Sots. Zak.* 1935 No.1.
- , "Prestupnost' i repressiia v SSSR – Kratkii obzor", *Problemy ugovolnoi politiki*, Vol.1, 1935.
- , "Za ratsionalizatsiiu sudebnoi raboty", *Sots. Zak.* 1936 No. 6.
- , "Leninskie printsipy ugovolnoi politiki sovetskogo gosudarstva", *SGiP* 1968 No.4.
- , "V.I. Lenin o printsipakh sovetskoi ugovolnoi politiki", in: *V.I. Lenin o zakonnosti i pravosudiiu. Voprosy bor'by s prestupnost'iu*, No.11 (1970).

- Simonov, P., "Vazhnoe sredstvo bor'by s prestupnost'iu", *Sov. Iust.* 1983 No.7
- Smirnov, L., "Sudebnaia praktika rassmotreniia del chastnogo obvineniia", *Sov. Iust.* 1979 No.22.
- Smirnov, L.N., interview in *Sov. Iust.* 1965 No.23, 3.
- , "XXIII s'ezd KPSS i zadachi sudebnykh organov v bor'be s prestupnost'iu", *Sov. Iust.* 1966 No.14.
- , "Vosploshchenie v zhizn' leninskikh idei sotsialisticheskogo pravosudiia", *Sov. Iust.* 1970 No.7.
- , Radio Speech 2 April 1976, *SWB SU/5200/B/3* 5 May 1976.
- , "Velikii Oktiabr' i sovetskoe pravosudie", *Sots. Zak.* 1977 No.12.
- , "Leninskie idei o sude i ikh pretvorenie v zhizn'", in: *Sud v SSSR* (1977).
- , Radio Speech 30 March 1981, *SWB SU/6689/B/1*, 2 April 1981.
- , "XXVI s'ezd KPSS i zadachi dal'neishego sovershenstvovaniia pravosudiia", *Sots. Zak.* 1981 No.6.
- Smith, G.B., *The Soviet Procuracy and the Supervision of Administration*, Alphen aan den Rijn 1978.
- Smolentsev, E.A., "Na strazhe sotsialisticheskoi zakonnosti", in: *Verkhovnyi Sud SSSR* (1974).
- , *Sovetskii sud. Seriia gosudarstvo i pravo* 1976 No.6.
- , "Nashe pravosudie", interview, *Komsomol'skaia pravda* 6 December 1977.
- , "Sud v bor'be s prestupnost'iu", *Sud v SSSR*, M. 1977.
- Smoliarchuk, V.I., "Ukreplenie zakonnosti v trudovykh otnosheniakh i trudovye spory", *SGiP* 1970 No.8.
- Solomon, P.H., *Soviet Criminologists and Criminal Policy. Specialists in Policy-Making*, London etc. 1978.
- , "Soviet Penal Policy, 1917-1934: a Reinterpretation", *Slavic Review* 1980 No.2, 195-217.
- , "Criminalization and Decriminalization in Soviet Criminal Policy, 1917-1941", *Perspectives on Soviet Law*, (1982).
- Solopanov, Iu., Zhuravlev, M., "Novyi vid uslovnogo osuzhdeniia", *Sov. Iust.* 1970 No.15, 20.
- Solts, A., "Piat' let", *Sots. Zak.* 1937 No.9.
- Sovetskaia kriminologiia*, (Gertsenzon A.A., et al., eds.), M. 1966.
- Sovetskoe gosudarstvo i obshchestvennost' v usloviakh razvernutoi stroitel'stva kommunizma*, (Aleksandrov, N.G., ed.), M. 1962.
- Sovetskoe ugovolnoe pravo. Obshchaia chast'*, (Menshagin V.D., et al., eds.), M. 1969.
- Sovetskoe ugovolnoe pravo. Obshchaia chast'*, (Beliaev, N.A., Kovalev, M.I., eds.), M. 1977.
- Sovetskoe ugovolnoe pravo. Obshchaia chast'*, M. 1981.
- The Soviet Codes of Law*, (Simons, W.B., ed.), *Law in Eastern Europe*, No.23 (Feldbrugge, F.J.M., ed.), Alphen aan den Rijn, The Netherlands/Rockville, M.D. 1980.
- Soviet Criminal Law and Procedure. The RSFSR Codes*, (introduction and analysis by Berman, H.J.), 2nd. ed., Cambridge, M.A. 1972, 49.
- Soviet Law After Stalin*, Part I, *The Citizen and the State in Contemporary Soviet Law*, (Barry, D.D., Ginsburgs, G., Maggs, P.B., eds.), Part II, *Social Engineering Through Law*, (Barry, D.D., Ginsburgs, G., Maggs, P.B., eds.), Part III, *Soviet Institutions and the Administration of Law*, (Barry D.D., et al., eds.), *Law in Eastern Europe*, No.20 (Feldbrugge, F.J.M., ed.), Leyden/ Alphen a/d Rijn 1977-1979.
- Sovremennaia prestupnost'. (Prestuplenie, pol, repressiia, retsidiv) po dannym perepisi mest zakliucheniia*, (Beloborodov, A.G., ed.), M. 1927.
- Stalin, I.V., "Otchetnyi doklad tovarishcha Stalina o rabote TsK VKP(b)", *XVII s'ezd Vsesoiuznoi Kommunisticheskoi partii (b)*, 26 ianvaria-10 fevralia 1934 g., M. 1934.
- Statisticheskii spravochnik SSSR za 1928 god*, M. 1929.
- Stumbina, E.Ia., *Sud i prokuratura Latviiskoi SSSR (istoriia i ustroistvo)*, Riga 1962.
- , "Struktura prestupnosti", *Voprosy bor'by s prestupnost'iu. UZ Latviiskogo gos. un-ta*, Vol. 212, Riga 1974.
- Sud i pravosudie v SSSR*, (Shalamov, M.P., ed.), M. 1974.
- Sud i prestupnost' na Ukraine v 1921/22 g. Statistika Ukrainy* No.29, Seriia 8. Vyp.1, Kharkov 1923.
- Sud v SSSR*, (Smirnov, L.N., et al., eds.), M. 1977.
- "Sudebnaia rabota voennykh tribunalov za 1924 god", *Vestnik Verkhovnogo suda SSSR* 1925 No.1.
- "Sudebnaia rabota voennykh tribunalov za 1925 god", *Vestnik Verkhovnogo suda SSSR* 1926 No.3.
- Sukharov, A., Pashkevich, P., *Nash narodnyi sud*, M. 1981.
- Supataev, A., Taigin, F., *Sozdanie i razvitie sovetskogo suda v Kirgizii (1917-1969 gg.)*, Frunze 1971.
- Suslo, D.S., *Istoriia sudu radians'koi Ukrainy 1917-1967 rr.*, Kiev 1968.
- Symposium international sur des problèmes du droit pénal socialiste*, Varna 2-7 Octobre 1967, Sofia 1968.

- Tadevosian, V.S., *Ukrepnenie sotsialisticheskoi zakonnosti v narodnom khoziaistve*, M. 1980.
- Tadevosian, Z.A., *Shtraf kak mera nakazaniia*, Erevan 1978.
- Tarasenko, F.G., *Voprosy organizatsii i deiatel'nosti sovetskikh sudov*, M. 1958, 9.
- Tarnaev, N.N., "Vozniknovenie i razvitie obshchestvennogo obvineniia v sotsialisticheskom pravosudii", *Pravovye problemy sovershenstvovaniia demokratii v usloviakh razvito sotsializma*, Ivanovo 1980.
- , *Obshchestvennyi obvinitel' v sude. Rol' obshchestvennosti v ukreplenii zakonnosti i pravoporiadka*, M. 1981.
- Tarnovskii, E.N., "Dvizhenie prestupnosti v predelakh RSFSR", 15 *Proletarskaia revoliutsiia i pravo* (1921).
- , "Sudebnaia repressiia v tsifrakh za 1919-1922 gg.", in: *Piat' let Verkhovnogo suda* (1922), cited in Isaev, *Obshchaia chast'*, (1925), 77; *Sov. Iust.* 1922 No.44-45.
- , "Dvizhenie prestupnosti v RSFSR za 1920-1923 gg.", *Vlast' Sovetov* 1923 No.10.
- , "Dvizhenie prestupnosti za 1922-1923 gg.", *Sov. Iust.* 1924 No.28.
- , "Sudebnaia deiatel'nost' sudorganov RSFSR. Nekotorye statisticheskie dannye", *Sov. Iust.* 1926 No.7.
- , "Narodnye sudy v 1925 godu", *Sov. Iust.* 1926 No.30; No.31.
- , "Statistika prestuplenii za 1924-1925 gg.", *Sov. Iust.* 1926 No.21; No.22.
- , "Gubernskie (oblastnye) i kraevye sudy za 1925 g.", *Sov. Iust.* 1926 No.36.
- Temushkin, O.P., "Usilenie garantii zakonnosti, obosnovannosti i stabil'nosti prigovora", *SGiP* 1975 No.4.
- Ten Years of Soviet Power in Figures 1917-1927*, M. 1928.
- Terebilov, V.I., *The Soviet Court*, M. 1973.
- , Speech commemorating the 60th anniversary of the Soviet court, *Sots. Zak.* 1978 No.2.
- , "XXVI s'ezd KPSS i zadachi sudov i organov iustitsii", *Sots. Zak.* 1981 No.5.
- , "Pervoocherednye zadachi organov iustitsii i sudov v svete reshenii noiabr'skogo (1982 g.) plenuma TsK KPSS", *Sots. Zak.* 1983 No.4.
- Timoshenko, I.O., "Collaboration of the Militia and the Community in Crime Prevention in the Byelorussian Soviet Socialist Republic", *International Review of Criminal Policy*, (1977) No.33.
- Tombak, K., "O roli sudimosti pri naznachenii nakazania voram-retsidivistam", *Oprichinakh prestupnogo povedeniia*. Trudy po kriminologii, Tartu 1983.
- Trainin, A.N., *Uchenie o sostave prestupleniia*, M. 1946.
- Trubnikov, P.Ia., "Peresmotr sudebnykh reshenii v poriadke nadzora", *SGiP* 1964 No.7.
- , "O praktike primeneniia sudami grazhdanskogo protsessual'nogo zakonodatel'stva", *BVS SSSR* 1965 No.6.
- , *Nadzornoe proizvodstvo po grazhdanskim delam*, M. 1967.
- , "Peresmotr reshenii v poriadke sudebnogo nadzora", *SGiP* 1970 No.2; "Review of Decisions Through Judicial Supervision", 9 *SLG* 1970 No.2.
- , "Strogo sobliudat' protsessual'noe zakonodatel'stvo pri rassmotrenii grazhdanskikh del", *Sots. Zak.* 1977 No.9.
- Tynismiazi, Kh., "Ot pravovogo prinuzhdeniia k chuvstvu otvetstvennosti", *Sovetskoe pravo* 1974 No.6.
- , "Bor'ba s iznasilovaniiami v Estonskoi SSR", *Zadachi iuridicheskikh nauk*, (1982).
- Ugolovno-protsessual'noe zakonodatel'stvo SSSR i soiuznykh respublik. Sbornik (Osnovnye zakonodatel'nye akty)*, (D.S. Karev, ed.), M. 1957.
- Ugolovnoe zakonodatel'stvo SSSR i soiuznykh respublik. Sbornik.* (Karev, D.S., ed.), M. 1957.
- Undreovich, V.S., "Osnovnye voprosy nashego sudoproizvodstva", *Revoliutsiia prava* 1928 No.1.
- Urlanis, B.Ts., "Dinamika urovnia rozhdaemosti v SSSR za gody sovetskoi vlasti", *Brachnost', rozhdaemost', smertnost' v Rossii i v SSSR. Sbornik statei* (Vishnevskii, A.G., ed.), M. 1974.
- Usmanov, Sh., "Chastnoe obvinenie", *Izv.* 29 August 1958.
- Ustinov, G., "Vazhnaia rol' arbitrazha", *Izv.* 27 November 1971.
- "Vazhnye zadachi organov iustitsii", *Sov. Iust.* 1966 No.9.
- Verkhovnyi sud SSSR*, (Smirnov L.N., et al., eds.), M. 1974.
- Vetrov, I., "Zhizn' podskazyvaet", *Izv.* 21 March 1957; 9 *CDSP* 1957 No.12, 25-26.

- Volodarskii, P., "Kak rabotali sel'skie obshchestvennye sudy za 1-iu polovinu 1931 goda", *Sov. Iust.* 1931 No.29.
- Voloshchina, L.A., "Rol' moral'no-politicheskikh faktorov v bor'be s pravonarusheniami v gody velikoi otechestvennoi voiny", *Problemy gosudarstva i prava*, Vyp.11, (Lunev, A.E., ed.), M. 1975.
- Voprosy sovetskoi kriminologii (Materialy nauchnoi konferentsii)*, Vol.1-2, M. 1976.
- Voprosy teorii i praktiki grazhdanskogo protsessa*, Vol.1, Saratov 1976.
- Vorozheikin, E.M., *Pravovye osnovy braka i sem'i*, M. 1969.
- Vozproizvodstvo naseleniia SSSR*, (Vishnevskii, A.G., Volkov, A.G., eds.), M. 1983.
- "Vybory narodnykh sudei i zadachi dal'neishego ukrepleniia zakonnosti", *Sots. Zak.* 1966 No.1.
- Vyshinskii, A.Ia., "Organy iustitsii v bor'be za sotsializm", *Sots. Zak.* 1936 No.2.
- , "O nekotorykh vazhneishikh voprosakh nashei sudebnoi politiki i sudebnoi raboty", *Sots. Zak.* 1936 No.4.
- , Speech on the Draft Constitution, *Sots. Zak.* 1936 No.12.
- , "Novaia konstitutsiia SSSR i organy iustitsii", *Problemy ugolovnoi politiki*, Vol.3, (1937).
- , "Zadachi sovetskoi prokuratury", *Sots. Zak.* 1938 No.6.
- , "XVIII s'ezd VKP(b) i zadachi nauki sotsialisticheskogo prava", *SGiP* 1939 No.3.
- "Vysshiaia sudebnaia instantsiia", *Nedelia* 1965 No.2.
- Wheatcroft, S.G., "On Assessing the Size of Forced Concentration Camp Labour in the Soviet Union, 1929-1956", *Soviet Studies* 1981 No.2, 265 ff.
- , "Towards a Thorough Analysis of Soviet Forced Labour Statistics", *Soviet Studies* 1983 No.2, 223 ff.
- "Za dal'neishee sovershenstvovanie sotsialisticheskogo pravosudiia", *Sots. Zak.* 1966 No.7.
- "Za dal'neishee sovershenstvovanie sotsialisticheskogo pravosudiia i ukreplenie zakonnosti", *BVS SSSR* 1972 No.5.
- "Za dal'neishee ukreplenie sotsialisticheskoi zakonnosti i pravoporiadka", *Sov. Iust.* 1966 No.1.
- "Za strogoe sobliudenie konstitutsionnogo printsipa nezavisimosti sudei i podchineniia ikh tol'ko zakonu", *Sov. Iust.* 1958 No.5.
- "Zabota o sovetskoi sem'e", *Sots. Zak.* 1968 No.9.
- "Zadachi gosudarstvennogo arbitrazha na sovremennom etape", *Sov. Iust.* 1975 No.2.
- Zadachi iuridicheskii(sic) nauk v svete reshenii XXVI s'ezda KPSS*. Tezisy dokladov, Tartu 1982.
- "Zadachi sudov v bor'be protiv p'ianstva i alkogolizma", *Sov. Iust.* 1972 No.17.
- Zaleski, E., *Stalinist Planning for Economic Growth, 1933-1952*, Chapel Hill 1980.
- Zamiatin, V., "Prokuroskii nadzor v grazhdanskom sudoproizvodstve", *Sots. Zak.* 1972 No.1.
- Zdravomyslov, B.V., *Dolzhnostnye prestupleniia. Poniatie i kvalifikatsiia*, M. 1975.
- Zeldes, I., *The Problem of Crime in the USSR*, Springfield 1981.
- , "On Special Courts in the USSR", *Rev.Soc.Law* 1984 No.1.
- Zelitch, J., *Soviet Administration of Criminal Law*, Philadelphia 1931.
- Zemchenko, N.A., "O rabote suda po preduprezhdeniiu grazhdanskikh pravonarushenii", *Materialy teoreticheskoi konferentsii, posviashchennoi 50-letiiu sovetskoi vlasti*, Sverdlovsk 1968.
- Zile, Z.L., "On Law and Force: Fifty Years of American Scholarship on Soviet Criminal Law", 70 *Columbia Law Review* (1970).
- , "Soviet Law of Job Security Since Stalin: Controlling the Individual Employee's Choice in a Non-Market Economy", in: *Soviet Law After Stalin, I*, (1977).
- Zlobin, G.A., Pavlodskii, E.A., "Pravovaia statistika: voprosy razvitiia i sovershenstvovaniia", *Problemy sov. sovetskogo zak.* Trudy 4, M. 1975.
- Zlotnik, M.I., *Deiatel'nost' organov partiinogo-gosudarstvennogo kontroliia BSSR v gosudarstvennom stroitel'stve (1917-1934 gg.)*, Minsk 1969.
- Zotov, V., *Posledstviia khishcheniia i ikh ustraneniia*, Tashkent 1980.
- Zubkov, A.I., *Teoreticheskie voprosy pravovogo regulirovaniia truda osuzhdennykh v sovetskikh ispravitel'no-trudovykh uchrezhdeniiakh*, Tomsk 1974.
- Zvirbul, V.K., "Osnovnye napravleniia nauchnykh issledovaniia v sovetskoi kriminologii", in: *O nekotorykh tendentsiiah v razvitiu kriminologii (Po materialam VI mezhdunarodnogo kriminologicheskogo kongressa)*, M. 1973.

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