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The Soviet Legal System and Political Trials

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Introduction

The Soviet Union's legal system is often remembered less for what it promised on parchment—equality, justice, and order—than for what it so often delivered in practice: subservience to power, the manipulation of codes and courts, and the ruthless pursuit of political conformity. From its birth in the turmoil of revolution to the last days of its implosion, the Soviet legal system stood apart from the traditions of Western rule of law. Law in the USSR was not an independent sphere balancing the ambitions of state and the needs of society, but rather an active instrument of government policy, wielded by those in authority to shape, control, and, when deemed necessary, destroy those who opposed them.

This book undertakes a legal history of the Soviet system, tracing the ways in which its courts and legal codes were structured—and repeatedly restructured—to fulfill political ends. The abolition of the old tsarist judiciary, the rise of revolutionary tribunals, and the codification projects of the early 1920s were driven by ideological goals to dismantle the “bourgeois” order and replace it with a justice rooted in class struggle and party loyalty. In practice, these revolutionary ambitions birthed a system where the boundaries between law, administration, and ideology were blurred, often fatally so for those caught in the crosshairs of political suspicion.

Political trials stand at the heart of this story. These were not simply ordinary criminal proceedings with a political tint, but highly choreographed events designed to spread terror, demonstrate the omnipotence of the state, and eliminate any challenge—real or perceived—to the Party's supremacy. From the infamous show trials of Stalin's Great Purge, marked by forced confessions and preordained verdicts, to the quieter yet equally insidious psychiatric incarcerations of the late Soviet period, the USSR's courts became theaters where ideology was acted out and dissent was written out of existence.

Yet, the legal system was not static. Periodic reforms—especially during the Khrushchev “Thaw”—introduced legal guarantees, trimmed the most egregious abuses, and sometimes even offered rehabilitation to past victims. Still, such reforms rarely addressed the fundamental problem: the Party's unassailable control over law and its unshakable sense that justice must ultimately serve political interests, not abstract rights. Even when openness and rights language appeared on the surface of codes and constitutions, the persistent reality was that judges, prosecutors, and defense attorneys remained answerable, first and last, to the imperatives of power.

In exploring the landscape of Soviet legal history, this book dissects key trials, interrogates the evolving architecture of codes and courts, and exposes the

mechanisms through which ideological conformity was policed. The focus extends beyond Moscow's courtrooms to the peripheries of the vast Soviet domain, where law often revealed both its flexibility and its violence. By mapping this interplay of law and politics, we see more than the Soviets' use of justice for repression; we see the enduring dangers of a language of law brought firmly under the yoke of ideology.

The legacy of Soviet legal practice echoes well beyond 1991. It left behind not only a trail of broken lives, but also a lesson for all societies: when legal systems lose their autonomy and courts become mere instruments of power, the line between justice and terror can be perilously thin. The story told in the chapters that follow is not only about a singular time and place, but is a warning, and a call to remember the fragile but essential value of the rule of law.

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CHAPTER ONE: The Revolutionary Break with Law: 1917 and the Birth of Soviet Justice

The cannons of the October Revolution had barely fallen silent when the Bolsheviks, now firmly in control, turned their attention to the legal system. For V.I. Lenin and his comrades, the existing judicial framework was not merely outdated or flawed; it was a deeply ingrained relic of the bourgeois order, an apparatus designed to uphold the very class distinctions and private property rights the revolution sought to obliterate. To build a new socialist society, they reasoned, the old legal scaffolding had to be torn down, brick by painstaking brick, and replaced with something entirely new, something that would serve the proletariat's revolutionary will.

The radical dismantling began almost immediately. On November 22 (December 5, new style), 1917, just weeks after seizing power, the Council of People's Commissars issued the "Decree on Courts No. 1." This foundational document was less a legal reform and more a judicial demolition. It abolished all existing general legal institutions, from district courts and courts of appeal to the august Senate, along with military, naval, and commercial courts. In one swift stroke, centuries of legal tradition and institutional development were swept away.

In their place, the decree mandated the establishment of new courts based on democratic elections. The existing institution of Justices of the Peace was also abolished, replaced by local courts staffed by a permanent local judge and two "jurors" (more accurately, people's assessors) summoned for each session from special lists. These local judges were to be elected directly, and pending such elections, were to be provisionally appointed by local Soviets. The decree even went so far as to abolish investigating magistrates, the prosecutor's office, and the legal professions of counselors-at-law and private attorneys.

This was not simply a change in personnel or procedure; it was a philosophical declaration. The new courts were instructed to be "guided in their rulings and verdicts by the laws of the deposed governments only in so far as those laws have not been annulled by the revolution and do not contradict the revolutionary conscience and the revolutionary conceptions of right." This phrase, "revolutionary conscience" or "revolutionary legal consciousness," became the guiding star for early Soviet justice, a nebulous yet potent concept that essentially meant judges could disregard existing laws if they felt doing so served the revolution's goals. It was a legal system built on intuition and ideology, rather than precedent or codified statutes.

The early days of Soviet rule were characterized by a torrent of decrees, often issued

with little forethought or coordination, reflecting the urgent and chaotic nature of the revolution itself. These initial Bolshevik decrees, often announced immediately after the October Revolution, touched upon fundamental aspects of life. They included the Decree on Peace, which sought an immediate ceasefire and negotiations for a peace treaty without annexations or indemnities, and the Land Decree, which abolished private ownership of land and redistributed it among the peasants. Other decrees nationalized banks and introduced an eight-hour workday and social insurance. While some of these decrees laid the groundwork for socially progressive policies, the overarching theme was the swift seizure of control and the dismantling of the old order.

Within this whirlwind of legislative activity, a new type of court emerged, one explicitly designed for political struggle: the revolutionary tribunals. The Decree on Courts No. 1 itself established "revolutionary tribunals of workmen and peasants" for the purpose of combating "counter-revolutionary forces" and trying cases against "profiteering, speculation, sabotage, and other abuses." These tribunals consisted of a chairman and six jurors, elected by local Soviets, and operated with a distinct mandate. They were designed to be swift and decisive, reflecting the urgency of revolutionary self-defense.

The concept of the revolutionary tribunal was not entirely novel; it drew inspiration, and indeed its name, from the French Revolution. However, the Bolshevik iteration quickly developed its own unique and often brutal characteristics. These tribunals were explicitly political instruments, tasked with rooting out enemies of the new regime. Their jurisdiction was broad, encompassing everything from organizing uprisings to disrupting work in state enterprises and even violating decrees that specifically stipulated trial by a revolutionary tribunal. The penalties they could impose were equally wide-ranging, from fines and deprivation of freedom to exile, public censure, and even declaring the offender a "public enemy."

The establishment of these tribunals marked a clear departure from any pretense of judicial impartiality. Their purpose was not to apply abstract principles of justice but to protect the revolution, and their judgments were guided by "the dictates of the revolutionary conscience." This ideological lens meant that guilt or innocence was often determined not by strict adherence to legal codes—which were still largely unwritten or in flux—but by an assessment of a defendant's class background, political loyalties, and perceived threat to the Soviet state.

Parallel to the revolutionary tribunals, and often overshadowing them in terms of raw power and ruthlessness, was the All-Russian Extraordinary Commission for Combating Counter-Revolution and Sabotage, universally known as the Cheka. Established on December 20, 1917, just over a month after the revolution, the Cheka was explicitly created to "liquidate counter-revolution and sabotage" and "hand over counter-revolutionaries and saboteurs to the revolutionary tribunals." However, it quickly transcended its initial mandate as a mere investigative body.

Under the leadership of Felix Dzerzhinsky, an aristocrat-turned-communist with a steely resolve, the Cheka rapidly became the Soviet state's primary instrument of repression, operating with extraordinary autonomy and expanding powers. It possessed the authority to conduct mass arrests, imprisonments, and even executions of "enemies of the people" without formal judicial process. Its targets were broadly defined, encompassing "class enemies" such as the bourgeoisie and the clergy, as well as anyone suspected of counter-revolutionary activities.

The Cheka's emergence signaled a crucial development in the nascent Soviet legal system: the rise of an extra-legal security apparatus that frequently bypassed the courts altogether. While it was initially tasked with handing over accused persons to the revolutionary tribunals, the Cheka soon became a law unto itself, wielding immense power through summary justice. Its activities during the period of the Red Terror, which officially began in September 1918, saw mass repressions conducted without judicial oversight, with victims often selected based on labels like "enemies of the people" or "suspect social origin."

This early period of Soviet justice was a chaotic but formative one. The wholesale destruction of the old legal system, the creation of ideologically driven revolutionary tribunals, and the unchecked power of the Cheka all pointed to a clear trend: law was not to be an impartial arbiter, but a weapon in the class struggle, wielded by the Bolsheviks to consolidate their power and crush all opposition. The foundational decrees of 1917, while promising a new era of justice for the working class, simultaneously laid the groundwork for a system where legal norms could be easily disregarded in the name of revolutionary necessity. The stage was set for a long and often brutal history of political trials, where the pursuit of justice was inextricably intertwined with the ruthless exercise of state power.

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