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The State versus The People: Revolutionary Justice in Russia's Civil War, 1917-22. Research Project

After October 1917, the remnants of the tsarist legal system collapsed. Spontaneous people's courts emerged in working-class areas of major cities, deliberately eschewing "bourgeois" forms of justice in favour of elected judges, public trials and an emphasis on "revolutionary consciousness" when judging cases. These courts usually covered petty crimes. A commission under the Military Revolutionary Committee in Petrograd dealt with more serious threats to the regime, such as revolts, strikes or sabotage, and imprisoned some offenders on an *ad hoc* basis. Yet despite some Bolsheviks believing that a "proletarian" revolution had little need for official forms of law and justice, it soon became clear to the leadership that something more formal was required if the regime was to deal with the general lawlessness that undermined popular support for its predecessor, the Provisional Government, and to combat serious threats to the revolution powerfully and consistently.

On 24 November 1917, a decree on courts was issued, formally abolishing the old system and officially adopting many of the new innovations. People's courts were established to deal with "ordinary" crimes such as theft and murder, whilst "counter-revolutionary" crimes such as revolt, sabotage, and speculation would be judged by new revolutionary tribunals. The definition of counter-revolution was deliberately vague; it could be any thought or action attacking the goals and achievements of the revolution as defined by the Bolsheviks. Each tribunal had a chair, six members, and an investigative commission selected by the local authorities. Penalties ranged from four years imprisonment with forced labour to fines or public censure. There was no right of appeal.¹

In establishing revolutionary tribunals, the Bolsheviks hoped they had created a powerful weapon to help secure their hold on power. Tribunals were central to a new legal system that would enact "revolutionary justice", providing an organized means of removing oppressive social relations, protecting the proletariat from threats to the revolution, educating people about the regime's ideals, and regulating their behaviour. At the Petrograd tribunal's first meeting on 10 December 1917, its chairman, I. P. Zhukov, compared the new tribunals to those established during the French Revolution. Zhukov declared that the tribunal would be the "fiercest defender of the rights and customs of the Russian Revolution" and that it would "strictly judge all those who act against the will of the people".² In the following weeks and months, revolutionary tribunals emerged across the country and judged tens of thousands of cases before being disbanded in 1922. Even then, their legacy continued: tribunals remained

¹ Rex Wade (ed.): Documents of Soviet History. I: The Triumph of Bolshevism, 1917-19, Gulf Breeze, Academic International Press, 1991, pp. 52-3, 73-5. On creating tribunals, see Matthew Rendle: Revolutionary Tribunals and the Origins of Terror in Early Soviet Russia. In: *Historical Research* 84 (2011), 226, pp. 693-721.

² Transcript of the trial of S. V. Panina, 10.12.1917, Gosudarstvennyi arkhiv Rossiiskoi Federatsii (GARF), Moscow, fond 1074, opis' 1, delo 10, list 20.

in the military, whilst their practices informed subsequent “show” trials in the 1920s and 1930s.

Despite the prominence of revolutionary tribunals during this period, historians’ understanding of them remains incomplete. The only study in English focused solely on tribunals remains unpublished, concentrated on the formal position of tribunals in the new legal system, and lacked full access to the relevant archives.³ Otherwise, western historians mention tribunals in passing, assuming that they were nothing more than political courts established to target the Bolsheviks’ political enemies. This assumption is no doubt influenced by the earlier accounts of émigrés, which portrayed tribunals as an integral part of Bolshevik terror,⁴ and persists in spite of several excellent studies of individual trials that suggest a more complex scenario.⁵ For Soviet historians, of course, terror was justified by the threat posed to the revolution by “counter-revolutionaries” and most argued that tribunals played an important role in the Bolsheviks’ victory in the civil war.⁶ It took until the 1980s for a systematic and more nuanced study of tribunals to emerge.⁷ This and other recent studies have utilized valuable archival information to increase our knowledge of the practical workings of tribunals, but the picture remains incomplete.⁸

After exploring the archives of several revolutionary tribunals and the commissariats of justice and internal affairs, reading numerous legal publications, and examining the contemporaneous writings of those involved and their later memoirs, several aspects stand out. First, far from being disinterested in legality, many Bolsheviks took the issue of law extremely seriously; not necessarily in terms of western conceptions of legal normality, but in the sense of wishing to create a stable legal system that would work within a new socialist state and help create a legal framework for it. Numerous publications – official and unofficial – were launched to create a forum for this debate.⁹ The importance of this debate for the process of the civil war and the formation of the Soviet Union, as well as how it translated into practice, has not yet been fully explored by historians.

³ Christy Jean Story: *In a Court of Law. The Revolutionary Tribunals in the Russian Civil War, 1917-1921*, PhD dissertation, University of California, Santa Cruz, 1998. The same is true of discussions of tribunals in histories of Russia’s legal system, although all these studies contain valuable information; see John N. Hazard: *Settling Disputes in Soviet Society. The Formative Years of Legal Institutions*, New York, Columbia University Press, 1960, and Samuel Kucherov: *The Organs of Soviet Administration of Justice. Their History and Operation*, Leiden, Brill, 1970.

⁴ For e.g., S. Kobiakov: “Krasnyi sud”. *Vpechatleniia zashchitnika v revoliutsionnykh tribunalach*. In: *Arkhiv Russkoi revoliutsii* (1922), 7, pp. 246-75; G. P. Maximoff: *The Guillotine at Work. Vol. I: The Leninist Counter-revolution*, Sanday, Cienfuegos Press, 1979; and Serge Melgounov: *The Red Terror in Russia*, London, Dent, 1925.

⁵ Alexander Rabinowitch: *The Shchastny File. Trotsky and the Case of the Hero of the Baltic Fleet*. In: *The Russian Review*, 58 (1999), 4, pp. 615-34; Adele Lindenmeyr: *The First Soviet Political Trial. Countess Sofia Panina before the Petrograd Revolutionary Tribunal*. In: *The Russian Review* 60 (2001), 4, pp. 505-25; and Paul du Quenoy: *Perfecting the Show Trial. The Case of Baron von Ungern-Sternberg*. In: *Revolutionary Russia*, 19 (2006), 1, pp. 79-93.

⁶ For e.g., David L. Golinkov: *Krushenie antisovetskogo podpol'ia v SSSR. 2 vols.*, Moskva, Politizdat, 1980³. See also Soviet legal histories, such as Mikhail V. Kozhevnikov: *Istoriia sovetskogo suda. 1917-1956 gody*, Moskva, Gosiurizdat, 1957.

⁷ See the three-volume study by Iu. Titov: *Sozdanie sistemy sovetskikh revoliutsionnykh tribunalo*v, Moscow, RIO VluZI, 1983; *Razvitie sistemy sovetskikh revoliutsionnykh tribunalo*v, Moscow, RIO VluZI, 1987; and *Sovetskie revoliutsionnye tribunal v mirnye gody stroitel'stva sotsializma*, Moscow, RIO VluZI, 1988.

⁸ There have also been at least ten detailed Russian-language dissertations in the last decade that have traced the activities of various provincial tribunals.

⁹ So far, I have examined ten periodicals published between 1917 and the end of the 1920s.

Tribunals fitted awkwardly into these discussions as they dealt with abnormal, counter-revolutionary crimes that should disappear over time as the revolution emerged victorious, but they were part of this system nonetheless. Therefore, whilst they often operated in an arbitrary manner and sentenced many people to death, the vast majority of cases delivered more lenient forms of punishment – public censure or short custodial sentences.¹⁰ Most also involved people other than obvious “class enemies”, usually peasants and workers as the civil war progressed. Despite obvious political pressures, with the exception of some high profile cases, many tribunals resisted demands for harsher sentences in favour of trying to establish a durable form of revolutionary justice.

This was reflected in the final aspect that stood out from my initial reading: the presence of unexpected features within tribunals. The archives of revolutionary tribunals, unlike most of the literature on them, speak about defence lawyers, trial procedures, appeals, amnesties, and other such features that one would not expect to find in a political court based on arbitrary justice. Some of these elements were, of course, more effective than others, but the presence of all of them suggests a more complex picture than has been painted thus far. This is particularly true as the archival record indicates a much larger role for some of these elements in practice, particularly appeals and amnesties,¹¹ than decrees officially permitted during a tumultuous period when the reverse would be expected to be true.

This project will not downplay the extent of the terror during the civil war period or the role of tribunals in it, but it does seek to produce a more comprehensive study of tribunals, their activities and the role of revolutionary justice. It will use the archives of tribunals, commissariats and other bodies, along with newspapers, legal publications and personal records, to examine revolutionary tribunals from their creation in 1917 to their dissolution in 1922. It will survey Bolshevik views on the role of law and justice during the revolution. It will analyse case files to assess what was considered a “crime” during this period, the reasons why, and how these definitions changed over time. It will study reports, correspondence and minutes of meetings to explore how tribunals worked in practice.

Revolutionary tribunals were forums where Bolshevik visions of the revolution clashed with popular expectations, particularly once definitions of a “counter-revolutionary” crime expanded to target everyday activities such as drunkenness, dereliction of duties, speculation, and trade union membership. The dialogue between the accusers and the accused, alongside popular responses to trials, enhances our knowledge of the interaction between regime and society during this period. Trials were a means of propagating the regime’s ideology and its vision of an ideal Soviet citizen to the population, and they provide insights into how ordinary Russians understood and engaged with the new regime and its vision. Furthermore, tribunals were established and staffed by local soviets, regulated by the Commissariat of Justice, connected to the Cheka, whilst sharing interests with the Commissariat of Internal Affairs. They were a battleground between these rival institutions, and local and national interests, and throw new light on the process of state-building during this formative period.

All of these issues are central to fundamental debates surrounding the revolutionary period and the formation of the Soviet state. The process by which Russia moved from a multi-party, democratic state in 1917 to a one-party dictatorship has been hotly debated by

¹⁰ This issue is the main focus of my article, ‘Revolutionary Tribunals’ (See Fn. 1).

¹¹ Amnesties were the subject of a paper that I presented to the XXXVIII Annual Conference of The Study Group on the Russian Revolution in Glasgow (UK) on 5-7 January 2012 entitled “Mercy amid Terror? Amnesties and Tribunals during Russia’s Civil War”. I intend to publish this paper in due course.

historians, with a divide between those who argue that Bolshevik ideology made this transformation inevitable and those who believe that circumstances pushed the regime towards greater authoritarianism. This long-running debate has been reignited recently,¹² and studying revolutionary tribunals indicates a need for a more subtle understanding of the complex interaction between ideology and circumstances that fuelled the revolutionary process, as well as the role of law and violence in this transformation.

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¹² See, for e.g., Alexander Rabinowitch: *The Bolsheviks in Power. The First Year of Soviet Rule in Petrograd*, Bloomington-Indiana, Indiana University Press, 2007, and responses to this study such as Steve Smith: *Year One in Petrograd*. In: *New Left Review* (2008), 52, pp. 151-60.