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Shaping Soviet Justice

Popular Responses to the Election of People's Courts, 1948-1954

*Donner forme à la justice soviétique. Les réponses populaires à l'élection des
tribunaux du peuple, 1948-1954*

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MICHAEL KOGAN

SHAPING SOVIET JUSTICE

Popular responses to the election of people's courts, 1948-1954

*Выборы- гнет, каждый плачет, а идет*¹

*...Подхожу свободно к урне,
На душе песню пою
За народное правосудье
Свой я голос отдаю.
Но, не я один счастливый
Вся счастливая страна,
Все свободные народы
Голосуйте так, как я...*²

In 1949, Soviet officials in Saratov and Kyiv discovered the comments above on the back of election ballots during the first Soviet campaigns to elect people's courts.³ These highly differing reactions to the elections encompass the range of popular responses to the massive campaign that swept through the Soviet Union beginning in October 1948. As with other Soviet mobilizations of the population, the responses of the people ranged from accommodation and acclaim to open

1. Elections are oppression, everyone cries, but goes. Tsentral'nyi derzhavnyi arkhiv hromads'kykh ob'ednan' Ukrainy (TsDAHO), f. 1, op. 23, d. 5997, l. 214.

2. Freely I approach the ballot box//With a song in my soul// For the people's justice//I give my vote.//But I am not happy alone//The whole country is happy.//All the free peoples//Vote just like I... Gosudarstvennyi arkhiv noveishei istorii Saratovskoi oblasti (GANISO), f. 594, op. 2, d. 629, l. 75-6.

3. For a brief time, after the Bolshevik Revolution, people's courts were popularly elected in some localities. See John N. Hazard, *Settling Disputes in Soviet Society: The Formative Years of Legal Institutions* (New York: Columbia UP, 1960), 51, 62-63. Centrally organized campaigns to elect people's courts began in 1948 as described below.

criticism. This article analyzes individuals' responses to lectures about Soviet justice, the legal discourse exhibited during election-time meetings, and how the population reacted to voting for their local judges. It provides a composite picture of the campaigns to elect judges in 1948, 1951, and 1954, and demonstrates how the population used the elections as a means to pursue their own ends. These elections allowed the state to construct and reinforce its ideology on a grand scale, while at the same time giving the population an opportunity to criticize the legal system's workings openly and help alter its future developments after the elections.

Students of Soviet elections have shown how elections functioned as a time when citizens could bargain with agitators and other representatives of the state about a wide array of daily and more political concerns.⁴ This article analyzes how popular responses during judicial elections illustrate popular and official anxieties as well as the negotiations previously described. Utilizing a barrage of lectures, radio programs, films, and popular participation, the state attempted to inculcate an understanding of the value and meaning of law in Soviet citizens during these campaigns. Consequently, these elections focused the full attention of the state's information gathering organs onto its population. These organs aimed to shape the population and record its responses to the lessons being taught about Soviet legal ideals. This makes the elections a useful stage from which to analyze popular knowledge and attitudes about Soviet justice as well as the difficult postwar period in general.

The campaigns followed the pattern of political elections familiar to the population since the late 1930s, yet the election of judges had a clear and palpable impact on daily life as those being elected decided all local civil and criminal cases. People's courts were the lowest level of jurisdiction in the Soviet legal system and a key point of interaction between the population and the state. Beyond a judge, two elected lay assessors sat on each people's court. These elections initiated hundreds of individuals into judicial service as lay assessors in each locality. Those that were not elected to serve learned about the legal system and their rights within it. Although the quality of the lectures and propaganda at the lowest levels was often poor, if not absent, the elections of people's courts served as a three-month educational campaign on how the Soviet legal system should function for the benefit of the population.⁵

4. See Victor Zaslavsky and Robert J. Brym, "The Functions of Elections in the USSR", *Soviet Studies*, vol. XXX, no. 3, (July 1978): 362-371, and Serhy Yekelchuk, "A Communal Model of Citizenship in Stalinist Politics: Agitators and Voters in Postwar Electoral Campaigns (Kyiv, 1946-53)", *Ab Imperio*, 2 (2010): 93-120.

5. For an insightful study of earlier attempts to educate the Soviet masses, see Alexandre Sumpf, *Bolcheviks en campagne : Paysans et éducation politique dans la Russie des années 1920* (P.: CNRS, 2010).

The Constitution of 1936 and the Elections of People's Courts

Local party and legal officials appointed people's court judges through the first decades of Soviet history.⁶ The origin of the elections of people's courts can be traced to article 109 of the Stalin constitution of 1936, which included a provision to democratically elect judges and lay assessors to people's courts. However, serious discussions about staging these elections began only in June 1941 within the Ministry of Justice and Sovnarkom. The Second World War delayed the elections until late 1948 and early 1949. In the elections of people's courts, the population of the Soviet Union voted for eight thousand judges and roughly six hundred thousand lay assessors.⁷ Top Party officials and the Ministry of Justice directed the campaigns from Moscow, but local legal agencies and executive committees (*ispolkom raiona/ goroda Sovet deputatov trudiashchikhsia*) were responsible for carrying out Moscow's orders on the ground.⁸ The elections progressed along a set trajectory with intense agitation and lectures followed by nomination meetings. Compared to party and state elections, the campaigns to elect people's courts have been largely neglected by historians.⁹

In his work on the creation and circulation of the Stalin constitution, J. Arch Getty describes the genesis of the first elections based on the new principles of the 1936 constitution.¹⁰ Initially the Party intended for the election of the Supreme Soviet in 1937 to be openly contested with multiple candidates running for each seat. Getty describes how Andrei Zhdanov represented the faction pushing for more democratic elections within the leadership. Contested elections were "good international propaganda, good domestic public relations, and a centralizing and disciplining weapon against centrifugally minded local leaders."¹¹

Nevertheless, on the eve of the elections, after months of preparations for holding multi-candidate elections, Stalin chose to retreat from this position, and, instead, only allowed one candidate to run per position. Getty argues that this retreat from the ideals of the constitution came as a result of persistent pressure from local and republican leaders fearful of losing their seats in openly contested

6. Peter H. Solomon Jr., *Soviet Criminal Justice under Stalin* (New York: Cambridge UP, 1996), 268.

7. Gosudarstvennyi arkhiv Rossiiskoi Federatsii (GARF), f. 9492, op. 1, d. 711, l. 2.

8. GARF, f. 9492, op. 1, d. 183, l. 352-353.

9. Yoram Gorlizki's article, "Anti-Ministerialism and the USSR Ministry of Justice, 1953-56: A Study in Organisational Decline", *Europe-Asia Studies*, 48, 8 (December 1996): 1279-1318, touches on the elections peripherally. Peter Solomon's *Soviet Criminal Justice under Stalin* also mentions the elections in passing.

10. See J. Arch Getty, "State and Society Under Stalin: Constitutions and Elections in the 1930s", *Slavic Review*, 50 (Spring 1991): 18-35, and Getty, "'Excesses Are Not Permitted': Mass Terror and Stalinist Governance in the Late 1930s", *Russian Review*, 61, 1 (Jan. 2002): 113-138.

11. Getty, "State and Society", 33.

elections.¹² Local leaders exploited Moscow's fear of enemies from within in the context of the purges of 1937. A steady stream of complaints about the persistence of anti-Soviet elements, kulaks, and religious believers coming from the provinces undermined the leadership's faith in open elections and their electorate.¹³ In the end, these developments led to the established practice of Stalinist elections being limited to a single candidate, in spite of the widely disseminated ideals of multiple candidate elections in 1937.

The retreat from multi-candidate elections rendered Soviet elections more about rubber stamping officially chosen candidates than democratically selecting new ones. In 1948 the Moscow leadership decided to extend this distinctive electoral practice to the appointment of judges. Why did the leadership expend 496 million rubles on the judicial election campaign across the Soviet Union after recently emerging from a catastrophic war and massive famine¹⁴? The high cost of the campaign during such a time of limited resources and reconstruction implies that the Moscow leadership viewed the campaign to elect judges as a valuable one.

At a variety of internal meetings, top party leaders and leading officials from the Ministry of Justice emphasized the importance of the elections to their audiences. For example, at a meeting of Ukrainian regional party secretaries, Nikita Khrushchev, the first party secretary for Ukraine, declared the elections of judges a "political campaign" to emphasize its significance.¹⁵ The leadership considered the election campaign "political" because it was a mechanism to improve the performance of local legal organs and also to get regional legal officials in line with Moscow's direction. Finally, the elections were also an expression of a genuine interest in educating the population about Soviet legal norms and ideals on the part of top officials in the Ministry of Justice.

The elections of people's courts emerged in the context of continuous reform within the legal ministries throughout the postwar period. The push to elect people's courts in 1948 reflected Moscow's impatience with the progress of ongoing reforms, especially with the explosion of multiple corruption scandals and widespread popular concerns about crime. One of the most prominent reform campaigns began soon after the conclusion of World War II with a push for better education for legal cadres.

12. Getty, "State and Society", 32.

13. Getty, "'Excesses Are Not Permitted'", 124-125.

14. The election budget for the USSR was 496,615,000 rubles. 270,910,000 rubles were dedicated to the elections in the RSFSR and 82,130,000 rubles were devoted to Ukraine. For full statistics and budget, see GARF, f. 7523, op. 40, d. 172, l. 4. On the famine, see Nicholas Ganson, *The Soviet Famine of 1946-47 in Global and Historical Perspective* (Palgrave Macmillan, 2009), and Veniamin Zima, *Golod v SSSR 1946-1947 godov* (M.: Rossiiskaia akademiia nauk, 1996). Both these works expose how the famine of 1946-1947 continued to affect the Soviet population into 1948 and beyond.

15. TsDAHO, f. 1, op. 23, d. 5610, l. 26.

As Peter Solomon shows, the push to educate the new legal officials entering service en masse after the war reflected the lack of confidence in the abilities of the judges and prosecutors working in the legal organs. Solomon postulates that

it may well be that Stalin and the other leaders of... the Soviet Union... found the performance of the justice agencies embarrassing. If this were the case, the conversion of legal officials from semi-competent amateurs to educated professionals was necessary not only to improve the actual administration of justice but also to make it presentable to the outside world.¹⁶

As Solomon illustrates, this campaign eventually succeeded in pushing legal cadres to get more education by the end of Stalin's reign even though the quality of that education was quite low.

Nevertheless, the introduction of the campaign to elect people's courts in 1948 reflected an impatience with the speed of the campaign to educate legal workers as well as continued dissatisfaction with the performance of legal agencies. The postwar Ministry of Justice repeatedly denounced the high number of cases overturned on appeal, the moral and professional corruption of judges, and the long delays in carrying out court decisions. Unsurprisingly, the stated and oft-repeated aim of the campaign to elect people's courts was about improving the performance of the courts. Internal memoranda in the legal agencies defined the campaign as a time to uncover the courts' many flaws and review the work of every judge.¹⁷

The Ministry of Justice was no longer willing to wait for its cadres to study in order to perform better. In a July 1948 report to the Central Committee, USSR Minister of Justice Konstantin Gorshenin wrote that the "most important task in the preparation for the election of people's courts was the strengthening of judicial cadres with politically vetted, experienced, educated, and authoritative people." He went on to provide statistics on the low percentages of secondary and higher legal education amongst his cadres.¹⁸ The elections would serve as another stimulus for judges to perform their duties properly and attain the appropriate legal education or else they would be replaced by more capable individuals.

For republican and regional legal agencies, the campaign to elect people's courts was a test administered by the leadership in Moscow. Most of the criticism behind the campaign targeted local judges and other regional legal workers, and, in many ways, the campaign was a mechanism for the Ministry of Justice to strengthen control over the provinces. For that matter, the Ministry began to bring its local officials into line months before the campaign went public. In July 1948, at a meeting of republican deputies of the Ministry of Justice and heads of regional legal agencies, Gorshenin reminded his provincial cadres that people's courts

16. Solomon, *Soviet Criminal Justice under Stalin*, 339-340.

17. GARF, f. A-428, op. 3, d. 135, l. 2-3.

18. GARF, f. 9492, op. 1, d. 711, l. 5.

were a critical meeting point between the population and the state.¹⁹ The quality of the judges and lay assessors serving at people's courts shaped the population's impressions of the state more broadly.

Gorshenin warned his audience that with the coming of the elections of people's courts, the times when judges were not reviewed for years at a time were over. Now that judges had to be elected according to article 109 of the 1936 constitution, judges could no longer be arbitrarily and easily replaced with the help of local executive committees. Local legal officials could either rise to the challenge of nominating respectable and qualified candidates for election or they would "lose their heads."²⁰ Gorshenin urged that judges who were corrupt or drunkards not be put in front of the people, and if local officials tried to hide such cadres from the government they would be corrected by Soviet citizens.²¹ The election campaigns gave Soviet citizens many opportunities to voice their opinions about local legal cadres and how they were doing their jobs, to inform the top leadership about the state of affairs in the localities, and to spur local legal officials to improve their work.

Gorshenin's threats to his regional and republican cadres implied that they were the ones responsible for the failures of the legal system. Instead of solely blaming people's court judges for their poor performance, Gorshenin saw these shortcomings as a reflection of poor selection and oversight of cadres at the local level. The shift towards elections as a means of picking judges would take away some of the arbitrary power of local legal agencies over the justice system, yet Moscow still relied on these local officials to review and help nominate qualified candidates for election. Thus, Gorshenin's critical comments were likely a forceful attempt to bring the Ministry's local agencies into line with Moscow's standards on how to pick appropriate judicial candidates. In this way, the campaign to elect judges was a mechanism for the leadership in Moscow to exert greater control over its agencies in the provinces.

In October 1948, a few short months before the elections of people's courts, Gorshenin again went on the attack at a meeting of the All Soviet Active Judicial Workers. Following his earlier track, Gorshenin warned his audience that candidates put up for election as people's court judges should be politically and morally qualified beyond a "shadow of a doubt."²² After hearing the many speakers at the meeting, Gorshenin returned to the issue of picking appropriate cadres in his concluding remarks. He implored his audience,

Do not forget that your selection of cadres should be thorough and careful, but that does not mean that in all cases your voters will accept this or that candidate nominated by you. Interestingly, as candidates are nominated in some districts

19. GARF, f. 9492, op. 1, d. 182, l. 66.

20. GARF, f. 9492, op. 1, d. 182, l. 67.

21. GARF, f. 9492, op. 1, d. 182, l. 68, "Vas grazhdane popraviat."

22. GARF, f. 9492, op. 1, d. 183, l. 90.

the number of signals and appeals increases about judicial workers, which demands examination.²³

For Gorshenin, the importance of being sensitive to popular signals during the elections points to the role of the population in Soviet democracy. No matter how well qualified a selected candidate was, the final decision on a nomination rested with the population, according to Gorshenin. In case popular dissatisfaction with a nominated candidate arose, Gorshenin instructed the officials in the audience to prepare a reserve of qualified candidates that they could turn to. The emphasis Gorshenin and other officials put on popular participation in the elections reflects the central role the population played in the campaigns.

In fact, one of the reasons that legal and party elites organized the elections was a commitment to educate the population about Soviet law. Kalashnikov, a member of the agitation and propaganda section of the Central Committee, called the election campaign a “school for the political education of the working masses.” The campaign mobilized lectures, films, radio programs, and newspaper articles to teach the population about the role of people’s courts, the bases of Soviet law, and about the rules of the new elections.²⁴ The election campaign would “raise the legal consciousness of Soviet citizens” and popularize the democratic principles of the organization and activity of Soviet courts.²⁵ The Central Committee sent out an official set of instructions in the fall of 1948 detailing the pedagogical basis for the campaign to elect people’s courts.²⁶

The instructions explained how people’s courts were inherently tied to the population and even an expression of their will. They portrayed Soviet courts as a tool of justice that severely eliminated criminal elements amongst the population and battled against the vestiges of capitalism in people’s consciousnesses; Soviet courts propagated social norms and legal order in Soviet society.²⁷ The depiction of a judge and two lay assessors standing proudly and sternly in an election-time newspaper illustrated that Soviet courts were inclusive and representative of broader Soviet society with young and old and male and female staff. The clear implication in this piece of propaganda was that the courts were the voice of the population rather than monied or political interests.²⁸ In 1951, agitators organized 2,372 lectures and reports, as well as 5,844 conversations with groups of voters, and 550 exhibits during the electoral campaign in Ukraine alone.²⁹ Some common titles of lectures from this torrent of agitation and propaganda included “The Stalin

23. GARF, f. 9492, op. 1, d. 183, l. 377.

24. GARF, f. 9492, op. 1, d. 183, l. 349.

25. GARF, f. 9492, op. 1, d. 243, l. 289.

26. This document is available at GARF, f. 9492, op. 1, d. 711, l. 49-74.

27. GARF, f. 9492, op. 1, d. 711, l. 50.

28. “Sovetskii sud = Sud naroda!” *Kommunist* (Saratov), 16/12/1951, (No. 294).

29. GANISO, f. 594, op. 2, d. 701, l. 174- 182.

Constitution – The Most Democratic Constitution in the World,” “Courts under Socialism and Capitalism,” “Soviet Justice,” and “The Educational Role of Soviet Courts” among many others. Hundreds of people in every locality throughout the Soviet Union attended these lectures by party agitators, local lawyers, judges, and prosecutors.³⁰

Campaign propaganda and agitation often juxtaposed Soviet courts with those of the capitalist West.³¹ “Bourgeois courts” were portrayed as tools of the wealthy, while Soviet courts as serving the interests of the working classes. These types of propaganda often focused on such social ills of capitalist society as racism and poverty, and claimed that bourgeois law served the interests of Wall Street and ignored the needs and rights of the masses. Serhy Yekelchyk shows in his work on political elections after World War II that the emphasis on the opposition between Soviet democracy and an outside “other” could also be a strategy to deflect attention from the fact that Soviet elections ultimately only permitted one candidate to be put forward for each position.³²

Finally, internal discussions by officials in the legal agencies illustrate their commitment to the pedagogical ideals of the elections. When drafting the regulations for the elections of people’s courts, the top leadership in the Ministry of Justice debated the value of changing the wording of several clauses. Deputy Minister of Justice Kudriavtsev implored his colleagues to be attentive to how they altered the text not just stylistically, but also politically. He insisted that the text “be written intelligibly, so that it would be understandable to every collective farmer.”³³ Kudriavtsev’s appeal to keep the text simple and clear represented a common desire amongst legal elites to use the elections to reach the population and instruct them about the value of Soviet law and courts. Such educational work would be the ultimate weapon in a battle against the persistence of corruption and poorly functioning courts.

Popular Responses

Throughout the lectures and meetings that Soviet citizens attended during the campaign, local officials kept a meticulous record of all questions and comments. Much of the state’s information gathering focused on the proper fulfillment of the meetings and lectures planned for the campaign. Officials also carefully documented campaign shortcomings and voices of criticism.

The leadership in Moscow quickly realized that the propagandists who lectured about the democratic ideals of the Stalin constitution struggled to learn

30. GANISO, f. 594, op. 2, d. 629, l. 32-33.

31. GANISO, f. 594, op. 2, d. 629, l. 51.

32. Serhy Yekelchyk, “Electoral Campaigns,” unpublished book chapter. I would like to thank Serhy Yekelchyk for sharing this chapter-in-progress with me.

33. GARF, f. A-385, op. 26, d. 74, l. 18.

for themselves the very characteristics they were supposed to teach. For example, after a lecture about the election campaign in the city of Saratov, the audience asked a local agitator named Maksimov several basic questions about the election campaign, which he proceeded to answer incorrectly. In just one example, Maksimov informed his audience that their district would elect a single judge and 75 lay assessors. In a typical voting district (*uchastok*) this would have been accurate. However, Maksimov spoke in a *raion* that contained three voting districts and thus required a total of three judges and 225 lay assessors to be elected. Finally, the audience asked Maksimov why the elections of judges were being held in 1948 for the first time, and his response was, “I don’t know for sure, evidently there was never a chance before.”³⁴

In response to the widespread incompetence of the state’s agitators, local officials scrambled to organize special seminars to train those whose duty it was to instruct the population.³⁵ Propaganda and agitation officials even resorted to including sections in local newspapers, with the heading “Help for agitators,” that were filled with talking points about the main ideological lessons that these individuals were supposed to be disseminating.³⁶ Newspapers also published pre-prepared lectures and the Moscow leadership sent guidebooks to the provinces with common questions and answers about the elections to further assist those responsible for enlightening the masses about Soviet justice. In the end, these efforts were largely insufficient, as shown by the basic questions posed by the population after many lectures during the campaign. The fact that people asked, “How is Soviet justice organized?” or even “What are law, government, and rights?” implies that they were not absorbing the barrage of information directed at them to answer those exact questions.³⁷

Nevertheless, there were also very self-interested and practical questions that illustrate how Soviet citizens attempted to use this pedagogical opportunity to pursue their own interests. In the village of Shevchenkovo, Ukraine, an individual asked, “What is the procedure for filing a cassational appeal?”³⁸ An agitator in Chernigovskaia oblast was asked, “What is the punishment for the refusal to pay alimony?”³⁹ A person from Drogobychskaia oblast, Ukraine, asked, “Who checks if a prosecutor incorrectly closes a case?”⁴⁰ These individuals had enough knowledge about Soviet laws and court procedures to ask pointed and strategic questions that likely were of real interest to them.

34. GANISO, f. 594, op. 2, d. 701, l. 14-15.

35. GANISO, f. 594, op. 2, d. 701, l. 26-7.

36. For an example, see *Kommunist* (Saratov), 16/11/1954: 2.

37. GARF, f. 9492, op. 1, d. 715, l. 20-21.

38. TsDAHO, f. 1, op. 70, d. 2092, l. 124.

39. GARF, f. 9492, op. 1, d. 715, l. 20.

40. GARF, f. 9492, op. 1, d. 715, l. 20.

Audiences took advantage of the opportunity to quiz agitators about non-legal issues as well. In fact, they used the question-and-answer sessions following lectures as an opportunity to air a broad array of grievances much like they did during political election campaigns. Thus, in the city of Konotop, people asked, "Why is the battle with theft going poorly?" "Why are there often shortages of water and electricity?" "Why does our bread factory produce incompletely baked bread?" "Why do stores get soap by the box-full, and sell only a maximum of 50 pieces?"⁴¹ These questions provide a window into the difficult conditions of postwar life in Soviet Ukraine and Russia. The open and public expression of these concerns at election-time lectures indicates that the population saw the campaign as an opportune moment to raise such issues. The assumption contained in the questions is that the officials present at the lectures would also be concerned about the points being raised and would be willing to address them.

If the election campaign is seen as a time of exchange or negotiation between the state and population, the open criticism that basic social needs were unmet was one way the population could make demands on the state in return for their participation in the elections and the months of agitation and meetings preceding them.⁴² The state often responded to these demands for improvements in the basic conditions of life, and, in the example above, the officials in Konotop followed through by ensuring that the local bread factory began to bake better bread.⁴³

Following the election-time lectures, local soviets and legal workers had the population nominate individuals from amongst themselves to act as the future judges of their local criminal and civil disputes. To pick the candidates for the judgeship in every voting district, people typically gathered in assemblies at the factories or collective farms where they worked. At these gatherings, a party member or someone from the workplace or local administration would nominate a candidate for the local judgeship. This nomination would be followed by a biography of the relevant person and a public discussion of their suitability for the job; whereupon the people could invoke whatever they learned from the campaign lectures they attended. The ideal candidate for a judgeship would have a legal education and be in good standing in the community without any previous convictions. However, any individual over the age of 23 with no criminal history could be nominated.⁴⁴

Most frequently, the populace accepted the person nominated by the authorities with little resistance. Nevertheless, the people did have the ability to reject candidates and nominate their own choices. In one case, in Stalinskii district of Saratov oblast, a certain Lopatnikov was nominated for a judgeship at a meeting

41. TsDAHO, f. 1, op. 23, d. 5997, l. 9 ob.

42. Serhy Yekelchuk, "Electoral Campaigns", 20. Also see Victor Zaslavsky and Robert J. Brym, "The Functions of Elections in the USSR," 367.

43. TsDAHO, f. 1, op. 23, d. 5997, l. 9 ob.

44. See Gosudarstvennyi arkhiv Saratovskoi oblasti (GASO) f. 2605, op. 2, d. 18 and GASO, f. 2605, op. 2, d. 19. For details on eligibility for elections see Polozhenie o vyborakh narodnykh sudov (1948) or GARF, f. 9492, op. 1, d. 711, l. 4.

in the Lenin factory. During this meeting he was praised highly and the regional newspaper even printed a biography of him highlighting that he was the son of a poor peasant. However, on the following day it was discovered with some anonymous help that his parents were kulaks and he was hiding his background from the authorities. His candidacy was quickly withdrawn and another person was nominated.⁴⁵ These types of problems led the Party to exert a tremendous amount of pressure on local authorities to do thorough background checks on their nominees.

In another instance, a meeting of the communist organization at factory no. 236 in Saratov oblast rejected three communists nominated as lay assessors. A military representative named Litvinenko denounced one of the nominees, Bugrova, as someone who did not regard her work at the factory seriously. As a result, Bugrova only received eight votes from the 76 people attending the meeting.⁴⁶ In this way the population could remove nominated candidates, although the most common reasons for disqualification of candidates had to do with the discovery of hidden criminal records, suspect behavior during the Second World War, or the fact that they did not meet the age qualification to be elected.

In many districts, the population nominated the incumbent judge for the local judgeship. Several times each year, these local judges presented a report explaining their performance to the people in their voting district. Following this report, the population gave its own evaluation of the judge's performance and how the legal organs were working in their area. According to the detailed summaries of these meetings, the people did not hesitate to express their opinions about how poorly the system conformed to its ideals.

Along with the nomination and approval of candidates, these review meetings are an example of how the campaign to elect judges brought the people and the courts closer together, in accordance with the stated ideological goals of the campaign. In total, nearly fifty thousand of such meetings took place across the Soviet Union during the first campaign to elect judges in 1948.⁴⁷ One of the most common criticisms leveled at the judges was their infrequent propaganda work amongst the population. For example, comrade Timoshenko from Kirovgradskaia oblast in Ukraine said at a review meeting:

I have worked at this alcohol factory for six years, but I am seeing our people's judge, comrade Ogareva, for the first time here. This shows that comrade Ogareva, like a people's deputy, does not fulfill her responsibilities sufficiently. If court workers visited our factory more often and if they visited collective farms and explained Soviet laws, there would be significantly less crime in our district.⁴⁸

45. GANISO, f. 594, op. 2, d. 618, l. 3.

46. GANISO, f. 594, op. 2, d. 618, l. 6.

47. GARF, f. 9492, op. 1, d. 651, l. 1.

48. Tsentral'nyi derzhavnyi arkhiv vyshchykh orhaniv vlady i upravlinnia Ukrainy (TsDAVOVU), f. 8, op. 3, d. 42, l. 63.

The common complaints about judges in this vein illustrate that the people learned in the course of the campaign that judges' duties included giving lectures at least twice a month on legal topics. It also shows a desire to learn about these topics, which would likely have had practical value for anyone interested in resolving their disputes in the Soviet legal system or harboring concerns about crime.

Beyond the shortage of lectures, people expressed concern about their safety and rampant crime. They especially urged their judges to crack down on cases of hooliganism, theft of private property, and violations of labor laws. They openly called for more repression in these cases and criticized their judges for being too liberal in punishing criminals. The discourse on postwar crime in the reports from these meetings reveals a plea from the population to have law and order restored in their daily life.⁴⁹ People repeatedly complained about uncultured public behavior such as fighting and foul language. At one of these review meetings in Serpukhovo an attendee said:

Parents let their children run wild. Kids play football in the apartment building and break the windows, etc. A battle needs to be fought against such parents, and if that won't help they should be evicted.⁵⁰

Suggestions to ameliorate the rampant crime perceived in Soviet society included harsher penalties and more unusual solutions like show trials. Comrade Teslenko in Ukraine suggested:

Thieves and hooligans need to be punished more strictly. I would ask the judge to come out to our village, Zaporozh'e-Levoe, and try them here on the spot so that others will not dare commit such crimes [*chto by drugim nepovadno bylo*].⁵¹

The persistence of these concerns and the consistent legal discourse on postwar crime seen in the review meetings of the first three postwar elections demonstrate that the social anxiety about crime described by Elena Zubkova continued beyond just the first postwar years.⁵² The continuation of this legal discourse up until at least 1954 is perhaps an indication that the population was losing whatever remaining faith it had in the Soviet legal system and its ability to maintain law and order.

49. The postwar years in Russia and Ukraine were a time of increased crime. See, Serhy Yekelchuk, "Policing Postwar Kyiv: Crime, Social Control, and a Demoralized Militia", *Journal of Ukrainian Studies*, Forthcoming 2010 issue, and Elena Zubkova, *Poslevoennoe sovetskoe obshchestvo: Politika i povsednevnost'. 1945-1953* (M.: ROSSPEN, 2000).

50. GARF, f. 9492, op. 1, d. 711, l. 91.

51. TsDAVOVU, f. 8, op. 3, d. 40, l. 80. This individual could have been recalling the agitation trials of the pre-World War II Soviet Union. See, Elizabeth A. Wood, *Performing Justice: Agitation Trials in Early Soviet Russia* (Ithaca, NY: Cornell University Press, 2005).

52. In her book, Zubkova argues that concern about crime receded with the start of the famine of 1946-1947. See Elena Zubkova, *Russia After the War: Hopes, Illusions, and Disappointments, 1945-1957* (New York: M.E. Sharpe, 1998): 38-39.

The central place of hooliganism and crimes against social order in the discussions at review meetings also provides a preview of what the anti-hooligan campaign that the state initiated in the 1950s would target. The widespread public concern about hooliganism evident during the Khrushchev period clearly had antecedents in the immediate postwar years.⁵³

Finally, at election-time review meetings attendees highlighted the incompetence and corruption of their local legal workers. A voter named Svish expressed his doubts at a review meeting in the city of Melitopol': "What kind of active participation of lay assessors during a case could there be when they don't know the elementary rules of court process and the norms of material rights."⁵⁴ Others similarly expressed misgivings about the lay assessors and judges in their local courts by questioning the amount of training they received and their performance, although few dismissed their knowledge as completely as Svish.

Legal and party officials interpreted this flood of complaints and questions from the population as a sign that the campaigns were working to improve the accountability of the courts. After all, the authorities were receiving evidence showing how the population seemingly desired stronger socialist justice. Furthermore, the state acted on criticisms of its legal system by transforming popular complaints into plans for how to change the way the legal system worked after the elections.

In this way, the population's criticisms helped shape the post-election legal system. The state implemented detailed plans to train the newly elected judges in the proper ways to deal with the crimes that were so often identified as being too softly punished, such as theft and hooliganism. Legal officials from Moscow scheduled obligatory special seminars to instruct the judges of all their duties, including their often overlooked educational role amongst the population. The Ministry of Justice ordered more oversight of the judges' work and demanded that they study a list of selected legal works deemed necessary for every judge.⁵⁵ In this way, the state attempted to eliminate any of the identified failures in its performance of Soviet ideals with quick and decisive action.

Election Day

The conclusion of the campaign involved the largely ceremonial and festive process of voting for the candidate nominated in each voting district. At this stage, the voting that took place only allowed for the affirmation of the nominated candidate

53. For more on hooliganism and the anti-hooliganism campaign see, Brian LaPierre, "Redefining Deviance: Policing and Punishing Hooliganism in Khrushchev's Russia, 1953-1964", PhD Dissertation, University of Chicago, 2006.

54. TsDAVOVU, f. 8, op. 3, d. 40, l. 81.

55. For a characteristic example of the state's plans in response to the critical remarks of the population see, TsDAVOVU, f. 8, op. 3, d. 40, l. 62-66.

or a vote against them. There were no alternative candidates and unsurprisingly over 99 percent cast their votes for their nominated candidate. Beyond the performative and symbolic nature of casting a ballot, election day presented people with a time to celebrate and show off their “democratic” rights. As part of election day, each voting district organized a celebration with childcare, food, and entertainment for the voters of the area.⁵⁶

In the village of Trostianets, Ukraine on the eve of judicial elections in early 1949, election officials brought a ballot box to the home of a sick villager named Sidirich. Responding excitedly to the officials who took the time to collect his individual ballot, Sidirich is reported to have said:

I have survived sixty three years and I have lived under three different governments, the Austrian, Polish, and Fascist regimes. However, for the first time in my life I am seeing such care and attention paid to simple people and thus, with great joy, I am voting for the just Soviet court.⁵⁷

Around the same time in the village of Podgorodnoe, Ukraine a 70-year old woman resettled from Poland named Mariia Onis’kiv said upon voting:

In Poland I did not have the right to vote, because I was not considered equal to others. In order to select a judge in Poland you had to be wealthy, but I was a poor woman. Now I am voting as an equal Soviet individual, as a collective farmer for the best people of our glorious motherland.⁵⁸

These personal narratives are just two examples of the mass of such testimonials that party and state officials collected during the campaigns to elect people’s courts in 1948. The state’s information gathering practices during the election campaigns involved sending waves of such testimonials from every locality up the political ladder from the district level to the oblast, republic and finally the union level. Further, local officials had to submit statistical reports about the progress of voting every two hours on election day up this same hierarchy of authority. These information gathering practices raise questions about why Soviet officials worked to compile so many of these personal narratives throughout the judicial elections in Ukraine and Russia, and why the state committed so much attention to an election campaign whose outcome was never in doubt.

When analyzing the scores of personal narratives contained in official documents, it must be noted that the overwhelming majority of them are formulaic and reflective of the ideological lessons imparted during the campaigns. It would be easy to conclude that these testimonies were simply propagandistic slogans repeated during the campaigns. Lewis Siegelbaum writes about similar personal

56. GANISO, f. 594, op. 2, d. 629, l. 57.

57. TsDAVOVU, f. r-1, op. 20, d. 191, l. 149.

58. TsDAHO, f. 1, op. 23, d. 5998, l. 46.

narratives in the 1930s. He argues that “the demonstration of acclaim was an essential ingredient of ‘Soviet democracy’, reinforcing the notion that the party was guiding the masses along the path toward the bright future.”⁵⁹ Siegelbaum even implies that officials would often alter the personal narratives collected in order to be sure they fit the “correct course” that the campaign was supposed to go in.⁶⁰

Although Siegelbaum’s points are insightful, the election-time personal narratives collected by the state cannot be considered proof that the population somehow internalized the lessons of the campaign or that these statements of affirmation were the result of local officials trying to deceive their superiors into thinking that the campaigns were going smoothly. There is more to these narratives, otherwise they would not have made it up the ladder of authority to the very top of the Soviet hierarchy in Moscow. Nor would local officials have bothered to spend much time creating personal narratives that fit the “correct course” when the documents they produced often included examples of shortcomings in the campaigns and statements that were contrary to the ideals being taught.

Instead, these personal narratives reveal both the ways that individual citizens learned to adapt to life in the postwar Soviet Union and the underlying fears and insecurities of Soviet officials after the Second World War. The quintessential author of these testimonials was an elderly peasant or worker who recalled their memories of life under the unjust rule of Imperial Russia, interwar Poland, or any other non-Soviet state. Thus we have Anna Nikolaevna Petuk from the village of Novye Troiany, Ukraine saying:

I am 110 years old. I remember serfdom well, when people were sold and exchanged for dogs. Soviet power gave us happiness in our lives. I am voting for our own Stalin, for Soviet power, which freed us from slavery.⁶¹

As another example we have Semen Vasil’evich Siianko, a 98-year old peasant from the village of Iastrebovo, Ukraine who said upon voting:

In my long life I had to live among the Austrians, Hungarians, and Polish and nowhere did I see the kind of democratic power that is here. By voting for a people’s court judge and lay assessors, I am voting for the leader of the Soviet people, comrade Stalin.⁶²

Both of these personal narratives illustrate the ways that these individuals were quickly adapting to Soviet ideals and thus incorporating themselves into their new polity. Stephen Kotkin calls this “the process of ‘positive integration’ through which

59. Lewis Siegelbaum, Andrei Sokolov, *Stalinism as a Way of Life* (New York: Yale UP, 2000): 15.

60. Ibid., 171.

61. TsDAHO, f. 1, op. 23, d. 5740, l. 12.

62. TsDAHO, f. 1, op. 23, d. 5998, l. 46.

people became part of the ‘official society’ by learning “the terms at issue and the techniques of engagement.”⁶³ In this way the two peasants “speak Bolshevik” in order to demonstrate their assimilation into Soviet society, which is of critical importance because of their uncertain backgrounds as people with long experiences living under non-Soviet regimes. As Amir Weiner has shown, after the Second World War the Soviet state began to abandon its faith in the power of nurture over nature and in its ability to mold people as it had aspired to prior to the war.⁶⁴

This is relevant to these personal narratives because many of the individuals quoted in official documents had the experience of living outside of the Soviet Union prior to the Second World War. The ways that these individuals would be incorporated into the newly expanded Soviet polity became a pressing issue for the authorities. Individuals had to prove they belonged and these personal narratives show they did so by “speaking Bolshevik” and emphasizing their reliable backgrounds as poor and working class individuals. For example, a worker named Slabyi from Dobromil’skii district said:

I am a working miner and I have been in America, Germany, [and] France. However, for the first time in my life I am voting for a judge, participating in elections in the just Soviet Union. This is only possible in the Soviet Union.⁶⁵

Deflecting his suspect background of living in several capitalist countries, Slabyi illustrated his integration into Soviet society by claiming working class status while affirming the democratic ideals he was taught about the Soviet legal system. The same can be said for Mariia Onis’kiv, the peasant from Poland quoted above. Onis’kiv carefully points out that she was a poor woman in Poland suffering from injustice and inequality until her fortunate arrival in Soviet Ukraine, where she could finally enjoy equal rights as a collective farmer.

From the perspective of the state, if nothing else, the systematic collection of such personal narratives indicates that there was a strong institutional interest in knowing what the population said during the elections. The choice of testimonies reflects anxieties on the part of the Moscow leadership about what to do with its postwar population. While each of the quoted personal narratives ends on a positive note with the individual declaring their support for Stalin or their gratitude for being able to democratically elect their local courts for the first time, for Soviet officials these narratives likely were not simply a positive affirmation of a campaign well on its way to success.

63. Stephen Kotkin, *Magnetic Mountain* (Berkeley: University of California Press, 1997): 236-237.

64. Amir Weiner, “Nature, Nurture, and Memory in a Socialist Utopia: Delineating the Soviet Socio-Ethnic Body in the Age of Socialism”, *The American Historical Review*, 104, 4 (October 1999): 1114-1155.

65. TsDAVOVU, f. r-1, op. 20, d. 191, l. 148.

For postwar Soviet officials these narratives were fraught with suspicious facts that could be the basis for major concern. One of the recurring themes in Ministry of Justice documents and in the writing of legal elites after the Second World War was the necessity of battling the remnants of capitalism in the population's consciousness. It was widely feared that the population became compromised after exposure to Nazi propaganda and occupation policy.⁶⁶ Further, many repatriated people and refugees who were living in the territory of the Soviet Union after the war had long experienced non-communist forms of government during the interwar or war years. All these individuals were now potentially carrying the seeds of capitalism around with them and thus posed a challenge to the paranoid Soviet state in its attempts to instill the proper ideals of socialist justice. Consequently, when comrade Slabyi admitted to living in France, Germany, and America he fed into these anxieties about the remnants of capitalism entrenched among Soviet officials and legal elites.

An individual's activities and location during the Second World War became a critical social and political marker after the war. As the Soviet authorities struggled to rebuild their country and restore the legal system, thorough background checks were required for potential judges, prosecutors, or defense attorneys. Individuals who were found to be living in the Nazi- or Romanian-occupied territories were immediately suspect and burdened with the responsibility of proving that they did not collaborate. Jeffrey Brooks describes how after the Second World War

an art specialist recalled questions about whether individuals or their relatives had resided in occupied lands during the war on forms "the Soviet citizen was compelled repeatedly to fill out when getting a passport, taking a job, entering an educational institution, or joining the Komsomol or the Party."⁶⁷

Many candidates for legal positions were removed or barred from serving because they or one of their relatives were suspected of collaborating with the occupiers. At a meeting on the Paris Commune collective farm in Ukraine, the discussion surrounding the nomination of collective farmer Taran to be a lay assessor stalled when it became clear that she had lived among members of the occupying forces during the War. Consequently, Taran's fellow collective farmers decided to nominate a different candidate as their lay assessor.⁶⁸ Taran was hardly alone in losing her prospects for advancement in postwar Soviet society as a result of her wartime behavior. Thus, the information gathering practices of the state reflect concerns about the postwar Soviet polity on the part of legal and state officials.

66. For a discussion of such concerns see Yekelchuk, "Electoral Campaigns", 11; and Jeffrey W. Jones, *Everyday Life and the "Reconstruction" of Soviet Russia during and After the Great Patriotic War, 1943-1948* (Bloomington, IN: Slavica, 2008): 227-228.

67. Jeffrey Brooks, *Thank You, Comrade Stalin!* (Princeton, NJ: Princeton UP, 2000): 197.

68. TsDAHO, f. 1, op. 23, d. 5997, l. 42.

In contrast to the personal narratives of voters analyzed above, some people responded to their obligatory performances of Soviet ideals on election day without the intended enthusiasm. Officials discovered ballots that were defaced or with such messages on them as, “I don’t want this.”⁶⁹ One man in Saratov region, upon voting said: “I am voting for a box of matches.”⁷⁰ At the other end of the spectrum, many spontaneously and anonymously wrote messages on their ballots such as, “Glory to the Soviet constitution”, “I am voting for the most just court in the world”, and “I give you my vote and I order you to work honestly.”⁷¹

Such exhortations to work honestly reflect how Soviet citizens could express their expectations and values on these ballots. Others exemplified a similar tact by writing on their ballots “Strictly adhere to revolutionary justice,” “We all ask you to try bandits, and we wish you success in your work,” and “Battle more against hooligans.”⁷² People also wrote messages about the specific judges nominated in their areas. Thus, one ballot found by officials read, “She is not deserving of a judgeship.”⁷³ Another person in Saratov wrote, “They do not have enough experience.”⁷⁴ The spontaneous messages written on ballots demonstrate that Soviet citizens yearned for honest and experienced judges that severely enforced law and order. They showed concern about the quality of their local judges and suggested the values that they wished observed by their legal officials. These ballot messages echo the underlying concern about crimes such as theft and hooliganism that people also emphasized in their criticisms of judges and questions following lectures earlier in the election campaign.

Conclusion

The elections of people’s courts were a key stage where state and popular interests met. However, many of the sources providing insights into popular responses to Soviet justice and postwar life are problematic. They often do not provide biographical information about the individuals quoted and rarely include descriptions of the broader context of the reported quotation. Although it is difficult to make generalizations from these sources, the popular responses to the election campaigns can help to gain insights into postwar Soviet society. The repeated concerns about public order and rampant crime evident in popular responses from a variety of election-time meetings, ballot messages, and lectures corroborate and reinforce impressions that might be strictly problematic coming from a single

69. GANISO, f. 594, op. 2, d. 629, l. 49-50.

70. GANISO, f. 594, op. 2, d. 629, l. 49-50.

71. GANISO, f. 594, op. 2, d. 629, l. 49-50, 75-76.

72. GANISO, f. 594, op. 2, d. 1920, l. 259, GANISO, f 94, op. 2, d. 3046, l. 107, 121.

73. GANISO f. 594, op. 2, d. 629, l. 30 (ob).

74. GANISO f. 594, op. 2, d. 1920, l. 283.

source. The article has shown how people responded differently to the election campaigns while also illustrating the concerns that seemed the most widespread. This necessarily leads to an incomplete picture, but one that still provides useful insights into the history of postwar Soviet society.

The process of the performance and enactment of Soviet ideals, although full of failures and illustrative of the poor state of affairs at the lowest levels of the justice system, ensured that both local officials and the population knew at least something more about the legal side of Soviet ideology than before the campaigns. The fact that the performance rested on the enactment of these ideals through the nomination of candidates and then voting for them only further reinforced the lessons the state wished to teach. In this way, the state constructed and disseminated the ideals that it hoped to espouse to the broader world. By having the population complete the performance with the symbolic popular election of judges, the state was essentially proving the full “democratic” nature of its people’s courts and integrating those suspect individuals recently incorporated into the Soviet polity.

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