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Brezhnev's War on Crime: The Criminal in Soviet Society, 1963-1984

By

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requirements for the degree of

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Committee in charge:

Professor Victoria Frede, co-chair

Professor Yuri Slezkine, co-chair

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## Abstract

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by

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One of the most important questions concerning Soviet history is: how did the period widely known as the era of “stagnation” lead to the very opposite of stagnation, indeed to the most sudden and cataclysmic changes in the region since the Russian Revolution? Was the Brezhnev era (1964-1982) simply the calm before the storm, or was it in fact the culmination of a tempest that had been brewing for decades? I argue that it was during “stagnation,” when many citizens learned to articulate their frustrations with Soviet society and formulate demands and solutions. Those solutions drew heavily from images, ideas and promises made by agents of the Soviet state. By taking a closer look at the Brezhnev era, we can see that it was in fact the legitimacy of the state's claims, and the seriousness with which people took them in this period, that actually helped to precipitate its downfall.

Nothing brings this to light better than a focus on crime. I analyze debates in Soviet society about crime and punishment as these problems became increasingly central to public life in the final decades of the Soviet Union's existence. I study the Soviet Union's first post-Stalin criminological research institute from its formation in 1963 through the height of its influence in the early 1970s, along with journalistic writing on crime and justice, films, and television programs from the thriving genre of crime fiction.

I also access popular views on criminality through private and public letters and other writings. These sources show that in the Brezhnev era, an increase in scientific research on the causes of crime, coupled with a new focus on a Soviet “war on crime” in the media, opened up new possibilities for mass discussions of important political and ideological issues in multiple venues. Additionally, they show that alliances were formed between elite scholars and journalists on one hand, and ordinary citizens on the other, forcing many intellectuals to reformulate their ideas about the nature of criminality and the meaning of justice in the Soviet state. In these discussions, ordinary Soviet citizens made it clear that they had heard a good deal about the concept of justice, but witnessed only its opposite. For many, this contradiction did not discredit the ideals of Soviet justice as much as it made them all the more desirable, and the disillusionment with Soviet reality more acute.

It turned out that the earlier campaigns to educate the public about crime and morality had a powerful effect on popular legal consciousness in the Soviet Union: they stoked a deep desire in people for

promises of justice they never saw realized, and gave them the language to condemn the state and justice system on its own terms.

**To Svetlana Frantsievna Pokrovskaia**

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## Introduction

“A crime wave has flooded our country. The noxious breath of the criminal underworld fills our streets,” wrote Stanislav Govorukhin, a director of popular detective films, in 1989. He continued that, “we've turned into a nation defined by clandestine theft. Just about every one of us steals something. We rob our factories of sugar, coffee, tea, candy, screws, transistors, or paper. We steal time from our workplaces—we come in a little late, leave a little early, occupy ourselves with personal affairs during the work day. In what other country do people steal automotive windshield wipers?”<sup>1</sup>

To Govorukhin, rampant criminality in the years of *perestroika* and *glasnost'* was matched only by the ineffectual response of the Soviet state to the crime epidemic. He alluded longingly to the recent era of so-called “stagnation,” in which criminals were duly punished for their crimes. Speaking to a deputy of the Supreme Soviet of the USSR, Govorukhin complained that what the country needed was a renewed battle (*bor'ba*) against crime. The deputy, Anatolii Lukianov, corrected him, “what we need is not a battle, but a war (*voina*). A war of the people against crime.”<sup>2</sup> The difference between a battle and a war being presumably that instead of fighting with crime on a near-perpetual basis, hoping to see a decline or “retreat,” the state would mobilize all of its resources to defeat crime once and for all.

Govorukhin failed to acknowledge, however, that the notion of a “war on crime” was not novel in the Soviet Union by 1989. From the very beginning of the country's existence each generation had waged its own war to eliminate crime. Lukianov and Govorukhin were simply

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1 Stanislav Govorukhin, “Voina s prestupnost'iu,” *Sovetskia Kul'tura*, July 29, 1989.

2 *Ibid.* Reprinted in *Novoe Russkoe Slovo* August 19-20, 1989, and translated as “The War Against Crime,” in *World Affairs* Vol. 152, 2 (Sep. 1989), 115.

echoing that tradition rather than proposing a radical new turn.

The early Bolsheviks, following Marxist doctrine, understood crime as a holdover of capitalism which would fade away along with capitalist economic relations. This formulation had powerful resonance throughout Soviet history, and its echoes could be heard in legal institutes, courtrooms, and newspapers well into the Brezhnev era (1964-1982).<sup>3</sup> In the 1920s, the people who continued to emphasize the connection between capitalism and criminality most vociferously were those who felt that the revolutionary state was regressing to its pre-revolutionary level of exploitation and decadence. The party's New Economic Policy (NEP 1921-1928) had allowed limited private enterprise into the Soviet economy. During this time, many critics claimed, professional hucksters and bourgeois swindlers grew rich by draining the war-weary country's working class of its dwindling resources.<sup>4</sup> Beginning in 1928, Stalin's five-year plans ended the NEP not only through forced industrialization and collectivization, but also through increased criminalization. Many recently legal, lucrative, and ubiquitous activities became criminal with new legislation and changes to the legal code. Crimes now included speculation, black-marketeering, and many forms of trading, along with tardiness, absenteeism, and unemployment.<sup>5</sup>

By the mid to late 1930s, it was not only capitalist (or counterrevolutionary) economic activities, but also evidence of capitalist or counterrevolutionary “holdovers” in people's consciousness that were criminalized. Petty crimes were seen as evidence of counterrevolutionary intentions and punished more harshly. At the same time, people were

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3 A. A. Gertzenzon, *Vvedenie v Sovetskuiu kriminologiiu*. (Moskva: Izd. “Iurid. lit,” 1965), 5-6.

4 See for example Aleksandra Kollontai, “The Workers' Opposition,” in *The Structure of Soviet History. Essays and Documents*, Ronald Grigor Suny, ed. (New York: Oxford University Press, 2003), 103-112.

5 Donald Filtzer, *Soviet Workers and De-Stalinization: The Consolidation of the Modern System of Soviet Production Relations, 1953-1964*. (Cambridge: Cambridge University Press, 1992), 112; Sheila Fitzpatrick, *Everyday Stalinism: Ordinary Life in Extraordinary Times. Soviet Russia in the 1930s*. (New York: Oxford University Press, 2006), 54-62.

increasingly charged with crimes and punished for alleged thoughts, speech, or rumors. Entire classes of people were criminalized, and real or suspected membership in or sympathy for those classes was sufficient evidence for conviction and sentencing. As the penalties grew and the number of “criminals” mounted, their rights and legal protections dwindled.<sup>6</sup> Earlier attempts to focus on reeducation receded as the Gulag grew to become the place to which “criminals” were exiled with little thought to their rehabilitation or eventual return to society.<sup>7</sup> While the early Soviet version of the “war on crime” entailed eliminating crime by eliminating capitalist activities among Soviet citizens, the Stalinist war was focused on eliminating or exiling the offending citizens and classes themselves.

The prison amnesty of 1953, announced soon after Stalin's death, signaled an end to the Stalin-era war on crime. Though most of the amnesty's beneficiaries were not the political prisoners whose internment lent the Gulag system its notoriety, the release of hundreds of thousands of people charged with criminal offenses back into Soviet society forced Stalin's successor to develop a new approach to eliminating crime the perennial enemy. Like many of the policies and practices of the Khrushchev era (1956-1964), the war on crime looked back to “Leninist” approaches and prioritized rehabilitation (for which officials credited Feliks Dzherzhinskii, the first chairman of the Soviet secret police), with Khrushchev himself famously proclaiming that there exists no person who cannot be reeducated.<sup>8</sup> Miriam Dobson has shown

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<sup>6</sup> See Paul Hagenloh, *Stalin's Police: Public Order and Mass Repression in the USSR, 1926-1941* (Washington, D.C.: Woodrow Wilson Center Press, 2009). It is important to note that the Stalinist terror was carried out in large part through legal institutions and using legal processes, including trials and sentencing. Evidence was also collected and retained in case files. One crucial difference between the Stalinist legal system and those which came immediately before and after, was in essence the presumption of innocence. Whereas in most legal traditions that are generally considered to adhere to the rule of law, confession alone is not sufficient evidence for a conviction, and rumors are inadmissible as hearsay, Stalin's head procurator Andrei Vyshinskii presided over a prosecutorial regime in which confession was “the queen of evidence,” and hearsay was the foundation of most investigations and convictions. See J. Arch Getty, Oleg V. Naumov, and Benjamin Sher, *The Road to Terror*. (New Haven: Yale University Press, 2010); Arkady Vaksberg, *Stalin's Prosecutor: The Life of Andrei Vyshinsky*. (New York: Grove Weidenfeld, 1991); and Harold Berman, *Soviet Criminal Law and Procedure: The RSFR Codes*. Cambridge Mass: Harvard University Press, 1972), 57-58.

<sup>7</sup> The early Soviet penal system and its efforts towards rehabilitation-centered incarceration are famously depicted in the collectively authored *Belomor: An Account of the Construction of the New Canal between the White Sea and the Baltic Sea.*, Published in English translation as: Maxim Gorky, L. Auerbach, and S. G. Firin, *Belomor: An Account of the Construction of the New Canal between the White Sea and the Baltic Sea*. (Westport, Conn: Hyperion Press, 1977).

<sup>8</sup> Miriam Dobson, *Khrushchev's Cold Summer: Gulag Returnees, Crime, and the Fate of Reform after Stalin*. (Ithaca: Cornell University Press,

that this new approach led to a full-scale movement to transfer control over policing, sentencing, punishment, and rehabilitation to local communities from central authorities, but faltered on the reluctance and resistance of citizens to welcoming former criminals into their neighborhoods and taking responsibility for their reform.<sup>9</sup>

This was Khrushchev's war on crime. Though his tactics changed abruptly by the start of the 1960s, defeating crime was a priority throughout his tenure as First Secretary. Brian Lapiere shows that popular resistance to the leader's initial attempts at revolutionary criminal justice reform actually morphed into a different type of popular anti-crime campaign by the end of the Khrushchev era. The state not only increased official policing and raised penalties for crimes, but also deputized local neighborhood groups to fight street crime, and began to police spheres that previously had been considered private in order to uproot the sources of crime.<sup>10</sup> Khrushchev's initial "more humane" approach to justice did take hold in some parts of the legal system. Jeffrey Hardy's study of Khrushchev-era prison reforms shows that, though many Gulag inmates returned to places of incarceration after the failed revolution of community-based criminal justice in the late 1950s and early 1960s, they returned to a Gulag significantly improved in terms of conditions, legality, and humaneness. By 1964, he posits, the Soviet Union had abandoned utopian schemes to eliminate crime by reeducating "criminals," and joined the ranks of developed Western countries in creating a permanent system of mass incarceration while more or less following widely-accepted legal procedures.<sup>11</sup>

I argue that important discussions and innovations in approaches to crime continued long

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2009), 146.

<sup>9</sup> Dobson, *Khrushchev's Cold Summer*, 184-185.

<sup>10</sup> Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance During the Thaw*. (Madison: University of Wisconsin Press, 2012).

<sup>11</sup> Jeffrey S. Hardy, *The Gulag After Stalin. Redefining Punishment in Khrushchev's Soviet Union, 1953-1964*. (Ithaca: Cornell University Press, 2017), 201-208.

after 1963, and they centered on questions about how the Soviet Union's version of justice differed from that of the (allegedly crime-ridden) capitalist world. In the years following Khrushchev's removal from office, the war on crime came to be defined by doubt and debate, as politicians and jurists began to publicly rethink the plausibility of truly eliminating crime for good. And yet for many people, the expectation persisted that the Soviet state, having defeated Hitler and confronted its own dictatorial demons, could also eliminate crime. Just as the belief that crime was a holdover of capitalism had defined the Soviet Union's approach to crime-fighting—albeit in very different ways—throughout all decades of its existence, the war on crime during the period widely known as the era of “stagnation,” (1964 to 1982) would also center on this hitherto central and incontrovertible tenet.

What made the Brezhnev-era “war on crime” significant, and differentiate it from other periods, was the role that information, science, mass media, and members of the public—including incarcerated or formerly incarcerated people—would play in waging it. The Soviet public in the Brezhnev-era was better-informed, better-educated, and better-connected to one another and to the world than at any time in Soviet or Russian history.<sup>12</sup> Consequently, Soviet citizens knew more about their own laws, their own history, and their state's and society's overriding values and goals than ever. They also knew a good deal about crime, were drawn to the topic for a variety of reasons, and engaged in heated public discussions about its causes and solutions. This wave of public interest in crime and its causes was sparked and fed by a handful of newly opened institutes for the study of crime, newspaper and magazine articles dedicated to crime, and popular media like film and television depicting the Soviet police and detectives at work solving and preventing crimes.

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<sup>12</sup> Peter Rutland and Victoria Smolkin, “Looking Back at Brezhnev,” *Russian History* Vol. 41, No. 3 (2014), pp. 299-306.

Until recently, scholars have tended to portray these as years in which the Soviet population, and in particular its intellectuals, had already lost faith in the state's ideals, ceasing to take its goals seriously.<sup>13</sup> In fact, it was in this period, from Khrushchev's ouster in 1964 to the years leading up to *glasnost'* and *perestroika*, that many citizens learned to articulate their complaints and frustrations with Soviet society and to formulate demands and solutions. Interestingly, these solutions drew heavily on images, ideas, promises, and claims made by agents and mouthpieces of the Soviet state throughout the previous decades. By taking a closer look at the Brezhnev era, we can see that it was the legitimacy of the state's claims, and the seriousness with which people took them in this period, that helped to precipitate its downfall.

Nothing brings this to light better than a focus on crime and justice, as this dissertation will show.<sup>14</sup> The rhetoric and the institutions of the Soviet state combined legalism with moralism to such a degree that organs of criminal justice were not only accountable for discovering and punishing both illegal and immoral behavior, but also for explaining why such ills continued to exist in Soviet society. Increasingly, they were also called upon to explain which factors produced crime and antisocial behavior, and why people continued to do wrong. For a long time, their answer was to point to the social and economic environment. The state and its many institutions of research, propaganda, and law enforcement were successful in convincing Soviet citizens of the close connection between the social system and crime. They were so successful that it left the state vulnerable to the criticism that Soviet society was not only failing to eliminate criminality, but was in fact producing it.

Ordinary citizens throughout the Soviet Union spent most of their lives hearing about

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13 See Vladislav Zubok, *Zhivago's Children: The Last Russian Intelligentsia* (Cambridge, MA: The Belknap Press of Harvard University Press, 2009), 299-334.

14 Two important works on the topic of criminal justice during the Brezhnev era are: Dina Moyal, "Did Law Matter?: Law, State and Individual in the USSR 1953-1982." Thesis (Ph. D.)—Stanford University, 2011; and Peter Solomon, *Soviet Criminologists and Criminal Policy: Specialists in Policy-Making* (New York: Columbia University Press, 1978).

justice, but continually experiencing its opposite. This contradiction did not necessarily discredit the ideals of Soviet justice in their eyes, but caused them to wonder why these ideals did not manifest themselves in practice. Ordinary citizens learned to think about and discuss notions of crime and criminality thanks to the work of the Soviet justice system and of the scholars and journalists who mediated that system to a wider audience. These scholars and journalists were joined by the film makers (like Govorukhin, quoted above, who directed *The Meeting Place Cannot be Changed*), fiction writers, and television producers, who continually emphasized to the public that crimes needed to be punished, and thieves had to be put in jail, especially if they occupied powerful positions within the state and party apparatus. The failure of Soviet realities to live up to these ideals gave birth to powerful sources of critique and protest against the system itself, together with its agents in the late Brezhnev era.

The state eventually responded to these pervasive criticisms with a visible anti-corruption agenda, complete with high-level scapegoats and publicized trials.<sup>15</sup> By that time, however, many citizens had become convinced that they knew too well who the “real criminals” were, and that the state was incapable of bringing them to justice. By the late 1960s, people began to ask with increasing confidence and dissatisfaction: Where was the justice in the fact that, as one person put it, “thieves with party cards are protected, while a thief without pants is locked in prison”?<sup>16</sup>

In addition to greater public interest in the problem of crime, the 1960s also saw a renaissance in the scholarly study of crime. After a long hiatus in the 1930s, 1940s, and early 1950s, when ideologues shut down institutes of research, the study of crime came back to life after Stalin's death. With the founding of the All-union Procuracy's Institute for the Study of

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<sup>15</sup> See for example: William A. Clark, *Crime and Punishment in Soviet Officialdom: Combatting Corruption in the Political Elite, 1965-1990* (Armonk, NY: M. E. Sharpe, 1993); Charles A. Schwartz, “Economic Crime in the U.S.S.R.: A Comparison of the Khrushchev and Brezhnev Eras,” *The International and Comparative Law Quarterly*, Vol. 30, No. 2 (Apr., 1981), pp. 281-296.

<sup>16</sup> Undated letter from Kapustin, Oleg Vladimirovich in Perebal'sk, Lugansk Oblast', GLM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

Crime and Development of Measures to Prevent Criminality (Procuracy Institute) in 1963, the Soviet state renewed its commitment to the goal of eliminating crime and implementing socialist legality. It did so mainly by expanding practical and theoretical training for legal practitioners, and by encouraging the study of crime in order to provide better information to the state on policing, prosecution, and corrections. The Procuracy Institute also championed scientific investigation methods as a more rational approach to policing. With careful planning and thorough research, crime would be rendered transparent: all criminals eventually could be discovered and punished, and criminal activity would thus be slowly eliminated in the Soviet state. These early years of the Procuracy Institute's work display a pragmatic optimism about the ability of the Soviet criminal justice system to win the “war on crime” by ending crime decisively. Yet the dedication of its scholars to methods of social scientific inquiry and their strict adherence to the maxim that crime is a social phenomenon soon led them to uncomfortable conclusions about the sources of crime in Soviet society.

My first chapter looks at the founding of the Procuracy Institute as well as the methods and conclusions of one of its first studies in the early to mid 1960s. The Procuracy Institute's work and its findings were informed and supervised by major government agencies and industrial concerns in its early years, demonstrating how important improving the criminal justice system and eliminating crime were to the Soviet state. With the institute's founding, the pursuit of criminological research once again became legitimate and respectable for scholars after its long hiatus under Stalinist ideological prohibition.

The scientific methods of the new institute's scholars had them engage with the Soviet public on an scale unknown since the days before Stalinism, and the public showed a good deal of interest in their work. Yet their investigations into public opinion about crime also produced

troubling results. For example, during a study on embezzlement at a milk factory in Orenburg in 1965, researchers discovered that the factory's workers understood crime to be endemic to the system. Higher-level officials and managers created an atmosphere of lawlessness and privilege, which pervaded the entire culture of their workplace. Social scientists' research into the causes of crime often involved asking the public for their opinions and perspectives, and as a result of these conversations and studies, it became increasingly difficult for both the public and the scientists to claim that crime was not in fact a permanent and fundamental feature of Soviet socialism.

Undeterred, scholars at the Procuracy Institute frequently wrote articles in popular news outlets in hopes of explaining the scientific community's (and the Soviet state's) position on the causes of crime to the broader public. Looking back in part to the ideas about crime that came before Stalin, they emphasized that crime is a product of capitalist relations and, while these relations had been for the most part eliminated from the Soviet economy, remnants of capitalist attitudes persisted in people's consciousness, leading them to commit crimes. They for the most part firmly rejected any ideas involving biological explanations for crime which had crept into criminological discussions in the early 1920s, stressing instead that a more scientific approach to crime-solving and prevention, and not harsher punishments, would deter criminal behavior and hasten crime's disappearance from their society.

Like the Procuracy Institute scholars, some individual jurists in the 1960s saw it as their duty to help educate the wider public about principles of legality. In the process, they exposed the flaws and failures they routinely encountered as they worked within the justice system, but also showcased the solutions at work in particular cases. My second chapter examines one courtroom drama and the stories that some of its participants told about it. The case, which lasted

from 1966 to 1969, helps us to understand a brief moment in the Brezhnev era in which ordinary villagers and educated urban elites alike found reasons to trust in the Soviet justice system, while highlighting the fissures that would eventually erode that trust. The case involved two young men—Burov and Kabanov—charged with and eventually acquitted of the rape and murder of their female classmate. Their trial drew the attention of jurists and journalists from the capital, as well as scrutiny from the highest judicial and party organs. This chapter examines writings about this trial by the defense lawyer Dina Kaminskaia and the journalist Olga Chaikovskaia. I show that, in spite of formidable obstacles from the local police, courts, and townspeople, these highly educated women from the capital employed all of the legal, scientific, and rhetorical tools available to help overturn the trumped up charges of an unscrupulous prosecutor.

If weaknesses in the court and the investigation were one source of difficulty, so were local dynamics in the village outside of Moscow where the crime occurred. Kamenskaia and her allies eventually proved the boys' innocence and secured their release, but not without a considerable amount of opposition from a handful of village women who sought vengeance against the alleged murderers. The village women trusted the police, believing that the suspects were guilty, and that anything that the state did to convict those suspects—legal or not—was proper and necessary. Here, one form of faith in the Soviet justice system (that of the village women) was pitted against another (that of the urban intelligentsia). These educated women jurists believed that Soviet laws and the principles of justice that they represented would outweigh the corruption and ignorance of the individual officials charged with executing justice. The trial and its aftermath revealed fissures in Soviet society that would eventually undermine trust in the system from both sides. Kaminskaia, Chaikovskaia and others discovered in the case of two boys that most of the village women believed in the dishonest legal distortions of their

local officials more than they respected the law. Eventually the lawyer and the journalist would come to see this case and its just and lawful outcome as an exception to the general unfairness and disfunction of the Soviet legal system.

Kaminskaia's and Chaikovskaia's work on this trial highlighted a conflict within the justice system and in society: between those who advocated rule of law, and those who placed their trust in mob justice. To these two intellectuals, the outcome of the case represented a triumph of the law over the mob: even decades later, after unsuccessfully defending high-profile dissidents in Soviet courts and eventually emigrating to the U.S., defense lawyer Kaminskaia remembered the trial of two boys as proof that justice had been possible in the Soviet Union. Chaikovskaia, in turn, wrote articles about this trial in 1969 for the prestigious *Literaturnaia gazeta*, which helped propagate this message to all corners of the Soviet Union. She emphasized the important role that facts, evidence, and an adherence to the law played in protecting the innocent from false charges. Articles like Chaikovskaia's were not an unusual sight in a paper like *Literaturnaia gazeta* in the 1960s. Indeed, articles about crime appeared in many media outlets, including ones of far broader appeal.

In my third chapter, I turn to the means by which messages about crime—shaped by government officials, scholars, and other intellectual and cultural workers—were conveyed to the Soviet public through newspapers, television programs, films, and fiction throughout the Breznev era. Historians have in the past dismissed popular fiction and Soviet mass media as products of the cultural conservatism, cynicism, and conformism that took root more generally during the Brezhnev era. Ostensibly, the popular media helped extinguish any remaining sparks of public activism to justify the state from the late 1960s on, bringing the *thaw* to a definitive

close.<sup>17</sup> Recently scholars have challenged this view.<sup>18</sup> By studying discussions and narratives about crime in the late Soviet era, this chapter shows that popular fiction and other media contained much more information and critical reflection than at first meets the eye. Readers and viewers could find diverse opinions about important topics if they knew where to look.

The problem of crime attracted widespread attention from varied perspectives. Newspapers like *Pravda*, *Izvestiia*, *Komsomol'skaia Pravda*, and *Literaturnaia gazeta* not only published articles by criminologists and other scholars—including those at the Procuracy Institute—they also reported on criminal cases such as the trial of two boys. Critically, they likewise featured reader discussions of all of these articles, inviting a large cross-section of the Soviet population to participate in the deliberation of crime and its sources. At the same time, crime procedurals became standard fare on Soviet television, and films and books about criminals grew in number and in popularity. Their appearance was encouraged by Khrushchev's speech to the Writer's Union in 1959, in which he emphasized the responsibility of the Soviet state to help reform its wayward citizens. Discussions of crime proliferated and diversified, lasting all the way until *perestroika*.<sup>19</sup>

Even in the Brezhnev era, images of crime in the popular media and debates about them sent audiences a powerful message. Soviet television shows such as *Sledstvie vedut ZnaToKi* (Experts Conduct an Investigation), and *Mesto vstrechi izmenit' nel'zia* (The Meeting Place

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17 See Vera Dunham, *In Stalin's Time: Middleclass Values in Soviet Fiction* (Cambridge [England]: Cambridge University Press, 1976); Zubok, *Zhivago's Children*, 316.

18 See for example Christine Evans, *Between Truth and Time A History of Soviet Central Television*. (New Haven: Yale University Press, 2016); Mark Sandle, "A Triumph of Ideological Hairdressing? Intellectual Life in the Brezhnev Era Reconsidered," in *Brezhnev Reconsidered*, Edwin Bacon and Mark Sandle, eds., (New York: Palgrave Macmillan, 2002), 135-164; Simon Huxtable, "The Life and Death of Brezhnev's Thaw; Changing Values in Soviet Journalism after Khrushchev, 1964-1968," in *Reconsidering Stagnation in the Brezhnev Era: Ideology and Exchange*, eds. Dina Feinberg and Artemy Kalinovsky, (London: Lexington Books, 2016), 21-42; Anna Paretskaya, "A Middle Class without Capitalism? Socialist Ideology and Post-Collectivist Discourse in the Late Soviet Era," in *Soviet Society in the Era of Late Socialism, 1964-1985*, ed. Neringa Klumbyte and Gulnaz Sharafutdinova, (Plymouth, UK: Lexington Books, 2013), 43-66; Simon Huxtable, "The Kosygin reforms, sociology, and changing concepts of Soviet society, 1964-1970," *Cahiers Du Monde Russe*, 54/1-4 (2013), 623-642; and Peter Rutland and Victoria Smolkin, "Looking Back on Brezhnev," *Russian History*, 41/3 (2014), 299-306.

19 Rossiskii gosudarstvennyi arkhiv noveishei istorii (RGANI) f. 52, op. 1, d. 310 l. 1-47 "Rech' N.S. Khrushcheva na II s'ezde pisatelei SSSR 22 may 1959."

Cannot be Changed—directed by Stanislav Govorukhin who is quoted at the beginning of this introduction), articles by journalists like Olga Chaikovskaia and Evgenii Bogat, and books by writers such as Grigory Medynskii and Arkadii Vaksberg did not simply show viewers what criminals looked like, they also taught them what Soviet justice should look like. These narratives showed that the Soviet justice system had—or ought to have—a unique ability to discover and punish the guilty, protect the innocent, and reform the wayward. They also taught the public to look beyond appearances, to be wary of the impulse to blame and punish, and to trust officials and experts to do their jobs. In the process, public discussions on the meaning of right and wrong, and on the expectations that Soviet citizens should have of their own party, government, and police proliferated in public forums. The values derived from these public conversations about crime and justice—including a belief in the importance of facts and evidence, and a conviction that officers of the Soviet state were obliged to protect the innocent as well as to punish the guilty—would stay with them long after the reality of Soviet justice proved to fall far short of its media images. The continued emphasis on legality and science that people saw in popular crime shows and read about in newspaper articles and books gave way in the late 1970s to a compromise in the discourse—exemplified by Govorukhin's *The Meeting Place*—between vigilante justice and rule of law.

From the late 1960s through the early 1980s, a number of Soviet citizens, especially urban elites, came to reject both the state's ideals and its actions, seeking alternative sources of justice, truth, and meaning. Others, however, engaged in a battle against official corruption and state-supported injustice because of their continuing faith in the state's ideals. Perhaps the most prominent example was the writer and State Prize laureate Grigorii Medynskii (1899-1984), who came to the topic of crime not as a legal expert, but as someone interested in major social and

moral dilemmas and their solutions. His writings prompted countless readers, from young “thieves”, to their old and despairing mothers, to contact him by mail. Their letters reached him in the thousands. My final chapter is dedicated to the dialogue between Medynskii and his correspondents, which transformed him from an influential partner of the Soviet justice system to an outright opponent of the Soviet state and ideology in general.

Medynskii spent most of his life fighting for and writing about causes that combined the goals of the Soviet state with his 19<sup>th</sup> century intelligentsia humanist values. When Medynskii published *Honor* (1959), the first novel on the topic of crime in the post-Stalin era, he believed that he was addressing the paramount social problem of the day, and that it could be solved with the right popular and political measures. His earlier work on problems like peasant illiteracy and child homelessness had left him with greater faith in the righteousness of Soviet socialism. The more Medynskii learned about the Soviet justice system, however, the harder it became for him to defend it. Like the Procuracy Institute scholars, he spoke and listened to ordinary people who had personal experiences of the justice system, and developed a better sense of the injustices perpetrated by the Soviet state.

What started as an interest in helping individuals reform their thinking and their lives, gradually led him to interfere in an increasing number of people's disputes with the state institutions that were supposed to be serving them. Just as it became increasingly clear to Medynskii that only his privilege as a well-known writer saved these people from unjust and bleak fates, if they could be saved, he also saw that he had far too little of that privilege to go around. Indeed, his very use of privileges undercut the integrity of the justice system he wished to support. These experiences, combined with the reactions that Medynskii received from his readers showed him how deep and intractable the problems of the system truly were. Seeking

solutions, Medynskii came to realize at the end of his life, along with many of his readers, that the persistence of crime and the continual failure of the justice system to achieve justice undermined the very foundations of Soviet ideology and the legitimacy of the Soviet state.

The final chapter, therefore, shows how discussions over crimes like petty theft and juvenile delinquency eventually morphed into debates about the pervasive presence of corruption and entrenched inequality before the state and the law. Spurred on by his readers, Medynskii's works shifted from treating crime as a moral and philosophical problem, to seeing crime as a reflection of the lack of legality, justice and fairness in the Soviet Union. With the encouragement of his readers, Medynskii argued that moralism had a place in law, but that representatives of the state and its justice system should be subjected to the same moralistic scrutiny as individual “criminals.”

Among Medynskii's correspondents, it was the people who had believed most sincerely in the values and promises of the Soviet state and justice system, and had most deeply imbibed its moral lessons about fairness, virtue, and justice, who eventually came to fight most fiercely against the systematic failures they encountered. Ironically, Medynskii's writings were both a cause and effect of their disillusionment. The earlier campaigns to educate the public about crime and morality he participated in helped create a popular legal consciousness in the Soviet Union: they stoked a deep desire in people for promises of justice they never saw realized, and gave them the language to condemn the state and justice system on its own terms.

Medynskii was not alone in his efforts to develop relationships with his readers and to understand their perspectives and their lives; this was, after all, the period in Soviet history when public opinion research was developed, and Soviet politicians, along with newspaper editors and

television producers, all paid close attention to what the public thought.<sup>20</sup> But the work that Medynskii did went beyond gathering public opinion. The same was true for scholars at the Procuracy Institute and journalists who wrote about crime. The alliances formed through the study of crime in the Brezhnev era between these elite scholars and journalists on one hand, and ordinary citizens on the other, forced many intellectuals to reformulate their ideas about the nature of criminality and the meaning of justice in the Soviet state. These relationships reversed Russian tradition, which had the intelligentsia enlightening ordinary people, and placed the pursuit of justice at the very center of the Soviet project for both groups.<sup>21</sup>

In this way, the Brezhnev-era “war on crime” can be considered both a success and a failure. It was a success in that a good deal of social and intellectual resources were in fact mobilized in the campaigns to understand and eliminate the causes of crime. These resources included not only public opinion and scientific research, but also the work of journalists, writers, and creative workers in film and television and the efforts that many individuals made to join the conversation and to be part of the solution to the problem of crime. The war did not, however, succeed in eliminating crime once and for all, or even dealing a decisive blow to the social and economic problems that contributed to crime. Instead of ending crime, state-supported efforts to educate the public about crime led many to indict the whole system as criminal. Individuals who spent their lives believing in and fighting for the values of the Soviet state and participating in the “building of socialism” started to converse with others who had been excluded from that project as a result of incarceration. Through these shared experiences and conversations, all

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20 Zubok, *Zhivago's Children*, 142-154; Christine Evans, *Between Truth and Time: A History of Soviet Central Television* (New Haven: Yale University Press, 2016), 49-80; Simon Huxtable, “The Life and Death of Brezhnev's Thaw: Changing Values in Soviet Journalism after Khrushchev, 1964-1968” in Dina Fainberg and Artemy Kalinovsky, eds. *Reconsidering Stagnation in the Brezhnev Era: Ideology and Exchange*, (Lanham: Lexington Books, 2016).

21 For discussions of intelligentsia identities and definitions in Russian tradition and the Soviet period, see Vladimir Shlapentokh, *Soviet Intellectuals and Political Power: The Post-Stalin Era*, (Princeton, NJ: Princeton University Press, 1990), ix.

became increasingly convinced that their efforts to support legality and battle corruption would remain ineffective. Soviet institutions were beyond reform, and their only choice was to oppose them.

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# Chapter One. The Exceptional Case of the Soviet Criminal: The Re-Birth of Soviet Criminology and the End of the Thaw

## I. Introduction

1963 was a transformative year for the study of crime in the Soviet Union. Two years earlier, addressing the twenty-second congress of the Communist Party, Nikita Khrushchev announced that the pursuit of legality was essential to both uprooting stalinism and to building socialism.<sup>1</sup> The Ministry of Higher and Secondary Education consequently determined that more people needed to be trained to understand and apply the laws of the Soviet Union and Soviet Socialist Republics, and created a new institute to provide that training to a new generation of scholars and officials.<sup>2</sup> The All-Union Institute for the Study of the Causes of Crime and Elaboration of Measures of Prevention, commonly known as the Procuracy Institute, was to offer remedies and advise the public and procuracy (the office of the public prosecutor and head of criminal investigations roughly equivalent to the continental *procureur*) on how best to prosecute crime. The task was complicated enough: compensating for deficits in the legal tradition prior to 1953, and addressing flaws in legal reforms recently instituted by Khrushchev. The Institute would also be endowed with the far more complex and controversial task of identifying the root causes of crime. As this chapter will argue, 1963 was a turning point, bringing about new institutional and political approaches to crime, while also paving the way for more critical public attitudes toward the government itself.

Excellent scholarship in the field of criminology proliferated in the USSR's early years, drawing on traditions of research dating back to the imperial period. Under Stalin, however, scientific studies of crime using empirical data and scientific methods all but disappeared. Stalin's death in 1953 made Soviet criminology possible again, and the reforms of the Khrushchev era exposed a serious crime problem as

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<sup>1</sup> Scholars of crime had been working since the end of the Second World War to revive the study of crime in the Soviet Union, though it was not until after Khrushchev's secret speech in 1956 that their arguments gained traction with political leaders. Peter H. Solomon Jr., "Soviet Criminology: Its Demise and Rebirth, 1928–1965," *Soviet Union* 1, no. 2 (1974): 122–40: 132-136.

<sup>2</sup> A. 605 o l d 1564 ministry of higher and secondary education; Donald D. Barry and Harold J. Berman, "The Soviet Legal Profession," *Harvard Law Review*, Vol. 82, No. 1 (Nov., 1968), 8-10.

well as major flaws in the system of justice, making scientific analysis seem more necessary than ever by 1963.<sup>3</sup>

New research in the 1960s was expected to be ideologically compatible with Marxist theory and to support the policies of the Central Committee and the Ministry of Internal Affairs, but it was also imperative that criminological research be useful to these government bodies. One of the main tasks of the newly reconstituted field, in addition to improving the training of cadres, was to explain why the inevitable reduction in crime that was supposed to come with socialism was not quite happening, or happening unevenly, with some places and some crimes slower to disappear than others.<sup>4</sup> Though the orientation towards government ideology and policy limited both the subject of research and the methods that scholars could use, the field arguably benefited from the Soviet government's dependence upon experts to help in its crusade to eliminate crime.<sup>5</sup> Because of the state's need for accurate information and effective solutions to crime, criminologists were given more freedom to dictate their approaches than in the previous decades. In its research, the Institute was at the forefront of an effort by legal scholars to reunite theory and practice which, according to political leaders, had been rent asunder by Stalin's legal apologist Andrei Vyshinskii.

Additionally, the goal of much of the Procuracy Institute's work was to implement and to expand the reach of socialist legality. The Institute did so mainly by extending practical and theoretical training to legal practitioners, and by encouraging, and sometimes requiring, them to be involved in the study of criminology while they were solving crimes. These studies were to contribute to one of the more important—and contentious—initiatives at the Institute: to tout the potential for scientific methods to replace guesswork with facts in policing. These early years of the Institute's work show a turn towards pragmatic optimism in Soviet criminal justice: if scientific certainty and facts could drive police work, it was possible that eventually all criminals could be discovered and punished, and criminal activity

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3 Louise Shelley, "Soviet Criminology: Its Birth and Demise, 1917–1936," *Slavic Review* 38, no. 4 (December 1979): 614-626; Solomon, "Soviet Criminology," 126.

4 Barry and Berman, "The Soviet Legal Profession," 8-10.

5 Solomon, *Soviet Criminologists and Criminal Policy: Specialists in Policy-Making* (New York: Columbia University Press, 1978), 107-109

ultimately eliminated.

State agencies paid attention to the Institute's work and its findings in the early years. The Institute's yearly work plan was created by the scholarly committee, but always vetted, commented on, and amended by scholars in regional universities, and heads of government agencies and party organizations. Indeed, the work plan received its highest-level approval from the *prokuror* and the Supreme Soviet of the Communist Party. The attention paid to the institute's work by all of these organs demonstrates how important improving the criminal justice system and eliminating crime were to the Soviet state.<sup>6</sup>

As a result, the pursuit of criminological research became legitimate and respectable for scholars who had long been constricted by the official taboo on crime studies. This new prestige and freedom for criminologists would come with new challenges and responsibilities. Though the Procuracy Institute and others like it were housed in state agencies, rather than in university sociology departments as their Western counterparts often were, many of the methods employed by its scholars leaned more towards those of sociology than the field had before Stalin.<sup>7</sup> This allowed scholars to lend scientific credibility to state policies, while also engaging with the Soviet public on a scale unknown even in the days before Stalinist control over the social sciences. Interaction with the public would become an essential component in the day-to-day activities of Institute researchers, and this would both enhance the quality and the popular support of the scholars' research, and lead them to new questions and challenges.

The dedication of the institute's scholars to methods of social scientific inquiry, their strict adherence to the belief that crime is a social phenomenon, and their engagement with the public, however, would soon lead them to uncomfortable conclusions about the sources of crime in Soviet society. Case after case, interview after interview, they found that in crimes like embezzlement, workers blamed higher-level officials and managers for creating an atmosphere of lawlessness and privilege that pervaded the entire culture of their workplaces. These people took to heart the Soviet criminological

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<sup>6</sup> See for example the approved plan for 1966: f. 9523 o. 1 d. 121 s. 74-92.

<sup>7</sup> Shelley, "Soviet Criminology," 621.

dictum that crime is a social phenomenon produced by the corruption, greed, and privation of the economic system in which it takes place. Once scientists began to engage in social scientific research on the causes of crime, asking the public for their opinions and perspectives, it became harder for them to claim that crime was not in fact a product of Soviet socialism.

Unable to ignore these realities, criminologists fell back on the expectation that defined the renaissance of their field in the 1960s: more scientific detective work would lead to more thorough technologies of control in economic and social life, which would eventually eliminate crime. There were numerous innovative aspects to their approach however. Criminologists at the Procuracy Institute rejected the personality-driven, and—some officials in the justice system felt—overly romantic ideas about criminality and justice that dominated their profession before 1963. When their Institute was formed, it replaced the Institute of Criminalistics which had since 1957 contained only one section studying criminal law. To many, the old institute represented the remnants of Vyshinskii's ideas in Soviet law.<sup>8</sup> The new institute offered a fresh start: a new path to developing genuinely socialist approaches to social problems like crime. Like many creations of the “thaw” era, the institute's leaders promised to return their organization to the original aspirations of the Soviet Union's revolutionary founders and uproot any perversions of those ambitions that had been wrought under Stalin. For them, this meant asking very different questions about crime than their predecessors at the Institute of Criminalistics had, and—most importantly—being willing and able to hear the answers.

## **II. The Life and Death of Early Soviet Criminology**

When the field of criminology first emerged in the Soviet Union after the revolution, and developed over the course of the 1920s, the diversity and quality of research matched and even surpassed that of its western counterparts. After 1925, this work won the support of the law enforcement authorities and the Ministry of Higher Education. That year the State Institute for the Study of Crime and

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<sup>8</sup> Solomon, “Criminology,” 130-136.

the Criminal was founded in Moscow, controlled in part by the NKVD RSFSR. In criminology, as in other social and human sciences, Marxism had not yet been codified into a rigid dogma limiting investigations, and there were still vibrant and productive debates about its application to the study of man and society.<sup>9</sup>

The most significant early academic debate in criminology centered around the causes of crime. Marxist ideology seemed to dictate that scholars explain crime as a consequence of economic inequality, and the law as a tool of the oppressor; this was the dominant interpretation among Marxists worldwide.<sup>10</sup> And yet not all scholars and centers of research in the Soviet Union adopted this approach at first. While the State Institute under the NKVD, the most powerful and influential institute for the study of crime in the Soviet Union, officially claimed to adhere to Marxist ideology, only one of its four thematic sections sought to advance a Marxist analysis of the sources of crime.<sup>11</sup> There were also smaller affiliated research centers throughout the Soviet Union that followed their own ideological paths: scholars in Leningrad focused on the social causes of crime, and used social scientific methods to research its contributing factors, but in Saratov and Rostov researchers focused heavily on the psychological and physical characteristics of “criminals,” and explored psychiatric “cures” for criminality. Most criminologists and research centers in the early and mid-1920s, like those in Minsk, Odessa, and Kharkhov, employed an approach to crime that acknowledged both social and biological causes.<sup>12</sup>

By the end of the 1920s, this freedom and diversity of perspectives started to contract. First, scholars themselves began to argue that there was no place for biopsychological studies in Soviet criminology. Attacks on the “biologists” in crime studies were couched in the rhetoric of class struggle, with many scholars accusing them of resurrecting the bourgeois determinism of 19th century Italian positivist Cesare Lombroso, who explained crime as a congenital defect in certain individuals. An increasing number of scholars studying crime and its causes in the late 1920s took a “voluntaristic”

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9 Louise Shelley, “Soviet Criminology: Its Birth and Demise, 1917–1936,” *Slavic Review* 38, no. 4 (December 1979): 614-626.

10 Shelley, “Soviet Criminology,” 618-619.

11 *Ibid.*, 618.

12 Walter D. Connor, *Deviance in Soviet Society: Crime, Delinquency, and Alcoholism* (New York [u.a.]: Columbia Univ. Press, 1972), 27-32.

approach, maintaining that people's behavior could be changed by altering the economic structure of their society.<sup>13</sup> Crime, to the voluntarists, was an inexorable product of bourgeois property relations, rather than a flaw in certain pathological individuals.<sup>14</sup> Many saw the rising popularity of the voluntarist perspective on criminality as a somewhat hostile takeover of the criminological field at the end of the 1920s. It is difficult to say exactly to what extent the new consensus came from the scientists, and to what extent it was a reflection of the political shifts sweeping the government. Nevertheless, the Soviet academy increasingly adopted this perspective and emphasized the social determinants of crime.<sup>15</sup>

This perspective on criminology reflected the legal ideology behind the 1922 Soviet criminal code: if crime was a product of bourgeois capitalist exploitation, then so was the law itself, and both would be gradually eliminated in the transition to communism. The new criminal code provided the framework for a “revolutionary” model of justice, purportedly differing from bourgeois justice in that it stressed the educative function of criminal law over the punitive. Its early proponents, most famously Evgenii Pashukanis, believed that this form of law would be flexible enough to evolve with the changes in the political and social system as the Soviet people built socialism.<sup>16</sup> In theory, the justice system would gradually break loose from the confines of the written law, which was considered a tool of ruling-class oppression, and decisions about crime and punishment would increasingly be made by judges, and ultimately by the Soviet people.<sup>17</sup> If humans could be perfected to an indefinite degree, as the voluntarists believed, then a living and mutable legal system would better reflect and encourage their progress towards communism than could an inflexible legal code.

Both the voluntaristic perspective on criminology and Pashukanis' revolutionary legal theory rested on the premise that Soviet society was in the process of transitioning to Socialism, and that problems and imperfections would persist—albeit with less frequency—until that transition was complete.

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<sup>13</sup> *Ibid.*

<sup>14</sup> Francis Cullen and Robert Agnew, *Criminological Theory: Past to Present (Essential Readings)*, 3rd edition (Los Angeles, CA: Roxbury, 2006), 8-9.

<sup>15</sup> *Ibid.*, Raymond Bauer, *The New Man in Soviet Psychology* (Cambridge, Harvard University Press, 1952); Alexander Erlich, *The Soviet Industrialization Debate, 1924-28* (Cambridge: Harvard University Press, 1960). Louise Shelly, “Soviet Criminology: Its Birth and Demise, 1917–1936,” *Slavic Review* 38, no. 4 (December 1979); Solomon, “Soviet Criminology.”

<sup>16</sup> Bill Bowring, *Law, Rights and Ideology in Russia: Landmarks in the Destiny of a Great Power* (New York: Routledge, 2013), 48-55.

<sup>17</sup> Connor, *Deviance in Soviet Society*, 27-32; John N. Hazard, *Law and Social Change in the U.S.S.R.* (publ. under the auspices of the London Institute of World Affairs, 1953), 87-91; Harold J. Berman, *Justice in the U.S.S.R.: an Interpretation of Soviet Law* (Cambridge: Harvard University Press, 1963), 24-28.

By 1936, Stalinist legislation had rejected this approach to crime and to legality; the new official rhetoric declared socialism built, and, instead of eliminating formal legal institutions, it proclaimed the need for “stability in the law” and reduced the discretion of judges and justice system workers while allocating more authority to the executive and his security agencies. At the same time, debates in the academy about the nature of crime—even those that stayed well within the parameters of the voluntarist perspective—also ground to a halt, and many scholars of criminology and of law suffered attacks from those in power.<sup>18</sup> The revolutionary theorists who penned the most influential and path-breaking scholarship on Soviet law in the early 1920s were some of the first victims of the arbitrary justice of the late 1930s.<sup>19</sup> Likewise, the field of criminology was all but shut down. This was partly a product of the reformism implicit in its continued existence: what good did it do to study a social problem if the political authorities were no longer willing to acknowledge its existence, much less try to fix it? On top of that, Peter Solomon contends, criminology disappeared because it was seen as irrelevant to the greatest perceived problem for the Stalinist policing and justice organs: eliminating class enemies.<sup>20</sup>

According to Solomon, the ultimate goal of legal education and reforms in the Stalin era was to turn the law and the legal system into a tool for the dictator's use, and all policies pushed the legal institutions towards centralization of authority and decision-making. This was mainly achieved through the institution of the Procuracy of the USSR, established in 1933 and headed by the author of Stalinist legal theory and the purge-era state prosecutor, Andrei Vyshinskii, for most of the decade. Vyshinskii played a powerful role in creating legal policy in the 1930s and 1940s, and his name came to signify the Stalinist distortions of legal scholarship in the academy. In Solomon's view, Vyshinskii exercised a deplorable

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18 Shelley, “Soviet Criminology,” 622.

19 Arkadii Vaksberg, and Jan Butler, *Stalin's Prosecutor: The Life of Andrei Vyshinsky* (New York: Grove Weidenfeld, 1991), 126-130.

20 Solomon, “Soviet Criminology,” 127-28; A. A. Gertsenzon, “Aktual'n'nye problemy teorii sovetskoi kriminologii,” *Voprosy bor'by s prestupnost'iu* 6 (1967), 7; later Soviet criminologists, like Gertsenzon, when writing about the history of their field, stressed the bio-psychological inclinations of early Soviet research on crime, and attributed its demise to this tendency's ideological fall from grace. Recent works on Soviet human sciences point out, however, that while objective research on criminality was ended under Stalin, the work of scientists of crime was used to bolster Stalinist criminal policy—oriented towards the suppression of class and political enemies—and drew heavily from the bio-psychological school of criminological thought so maligned by marxist criminologists; see Daniel Beer, *Renovating Russia: the Human Sciences and the Fate of Liberal Modernity, 1880-1930* (Ithaca: Cornell University Press, 2008), 168; Kenneth Pinnow, *Lost to the Collective: Suicide and the Promise of Soviet Socialism, 1921-1929* (Ithaca : Cornell University Press, 2010), 234.

influence on the organs of Stalinist justice, where the primary qualifications for advancement became loyalty and careerism.<sup>21</sup>

### III. After Stalin

Research into crime stagnated under Stalin, and those scholars who did continue to write were virtually silent about the theoretical and ideological issues relating to the existence of criminality in the Soviet Union throughout the 30s, 40s, and much of the 50s. It was not until the very beginning of the 'Thaw,' the era of legal and social reforms precipitated by the death of Stalin, that institutes for the study of crime and correction were reopened, and debates about the causes of crime revived. Paradoxically, this time there were fewer disagreements among the major figures in the field over ideological issues.<sup>22</sup> Most leading criminological research institutes rejected biological and psychological explanations for criminality, and any research that entertained the possibility of inherent criminality was denounced as bourgeois neolombrosianism.<sup>23</sup>

The new consensus forming in the scientific community around voluntarist explanations of crime reflected the main thrust of post-Stalin legal reforms more generally. Officials sought to diffuse authority without losing control over cadres working in the justice system. To this end, they focused on improving indoctrination efforts to obviate the need for constant direct orders from the top. "Socialist legality," was invented as the antidote to Stalin's cult of personality, which could be achieved through the correct application of Marxist legal principles by a variety of lay and professional legal actors.<sup>24</sup> In theory, the upshot of these reforms was that all legal institutions—legal scholars, courts, procurator, and jurists alike—were subordinate not to the leader, but to the law. In actuality they were subordinate to the

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21 Solomon, *Soviet Criminal Justice under Stalin*, (Cambridge University Press: New York, 1996), 448.

22 Solomon, "Soviet Criminology."

23 Solomon, "Specialists in Soviet Policy Making: Criminologists and Criminal Policy in the 1960's" (master's thesis, Columbia University, 1973), 34-35. Solomon asserts that, while biological explanations were rejected on ideological grounds, the accompanying ban on the psychological study of criminal behavior was only an inheritance from the past that many 1960s criminologists would fight to overcome. A. A. Gertsenzon, "Aktualn'ye problemy teorii sovetskoi kriminologii," *Voprosy bor'by s prestupnost'iu* 6 (1967), 10-11. Gertsenzon writes that criminologists learned from the 20s when lombrosianism and bourgeois sociology had a particularly pernicious effect on the first growth of the field, and that even in 1967 it is not impossible that bourgeois influences could re-emerge in the work of his colleagues.

24 Dina Moyal, *Did Law Matter? Law, State and Individual in the USSR 1953-1982*. Thesis (Ph. D.)--Stanford University, 2011.

<<http://purl.stanford.edu/kk671jr3186>>

legislators and to the party. In Khrushchev's era, there could be disagreements and dissent, but these “had to be channeled through the acceptable routes: a dialogue with the party, the Supreme Soviet or the Ministries.”<sup>25</sup>

Reforms in the legal system took time to reach the academy. It was not until 1963 that the Procuracy Institute was founded. Before that, this institute was called the Higher Scientific Research Institute of Criminalistics (or Institute of Criminalistics), whose bi-monthly journal, *Sledstvennaia praktika* (*Investigative Practice*), published articles about the science of crime-solving for practical workers (those investigators, police officers, and jurists who worked in criminal law throughout the Soviet Union). By 1963, the practitioners who were ostensibly served by the Institute were increasingly perplexed and frustrated by its work. Participants at the 1963 readers' conferences for *Sledstvennaia praktika* complained about the journal's excessive attention to crime narration, romantic depictions of the crime and the investigator, and obsession with sensational crimes like murder. Yet these were reflective of a larger problem at the Institute of Criminalistics: it focused too narrowly on how crimes occurred, but never tried to discover why they occurred. Inherited from the Stalin era, the Criminalistics Institute, and with it the entire criminal investigative apparatus of the Soviet state, was found to be lacking in theory and ideology even as the Khrushchev era of criminal justice reforms drew to its close. The institute's legal scholars treated crime as an exception to the harmonious relations of Soviet socialism with no immanent laws to be discovered and explained.

For instance: in a 1960 article entitled, “Murder in the boiler-room,” published in *Sledstvennaia praktika*, detective Burshtein from Noginsk, in the Moscow region, tells of a case that began early on an October morning when a man came into the police station with an infant in his arms and announced that his wife was missing, and that he had found smoldering human bones in the furnace of the boiler-room where she worked. An expert on comparative anatomy from the Moscow State University zoology museum confirmed that these were the bones of a woman between the ages of 20 and 25 years,

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<sup>25</sup> Moyal, *Did Law Matter?*, 161. See also: Mark Sandle, "A Triumph of Ideological Hairdressing? Intellectual Life in the Brezhnev Era Reconsidered," Edwin Bacon and Mark Sandle, eds., *Brezhnev Reconsidered*, (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2002), 135-164.

supporting the investigator's inference that this was in fact the body of the missing woman, Pustiakova.

In the course of the investigation, detective Burshtein realized that Pustiakova's husband, Merkulov, had lied about the circumstances in which he found the crime scene: it was not possible for the door of the boiler-room to have been locked from the inside, as he said. And according to witnesses, he himself had been at the boiler room twice that night. His room was newly cleaned, presumably by his wife before she went to work her night shift, and yet the ashtray on the table was covered in cigarette butts, which meant that Merkulov had not slept, but smoked all night—indicating his extreme agitation.<sup>26</sup>

After gathering more evidence from the crime scene, from Merkulov's apartment, from neighbors, and questioning the husband again with every new piece of evidence, Burshtein finally got a confession from the man. Merkulov attempted to mitigate his guilt by claiming to have murdered his wife out of anger at a presumed infidelity. Many witnesses testified that the wife gave her husband no cause for jealousy, and further, he was found to have been charged twice with petty hooliganism for domestic violence, and held in custody by the local people's court. He was found guilty and sentenced to death.

Readers had been invited to discuss the journal at a handful of conferences in various regions and republics of the Soviet Union in February 1963. “Murder in the boiler-room” was a typical piece for the journal *Sledstvennaia praktika* with its dramatic story-telling and satisfying denouement. Interesting as this might have been as reading material, it was little use as an instructional manual for crime-solving professionals. The audiences at readers' conferences made known their criticisms of the trade journal and of writers like Burshtein. While on the whole they found the articles useful and accessible, they also puzzled at their focus on the narratives of particular cases, the scandalous details, and the concentration on the relatively rare crime of murder. One investigator from Minsk region noted, “in the recent issues of *Sledstvennaia praktika* it is clear that its inclination is towards romantic narration of the facts of a case. While we detectives are more interested in the methods of investigation.”<sup>27</sup> In Issue 54 (1962) he

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26 Ia. S. Burshtein, “Ubiistvo v kotel'noi,” *Sledstvennaia praktika* vyp 44 (Moskva: Iz-vo iuridicheskaiia lit, 1960).

27 GARF f.9523, o.1, d.88, l.81

singled out one article for phrases such as, “the secret gathering of the workers' leadership went long, and grew boisterous,” comparing this indulgent prose to a bad feuilleton.<sup>28</sup>

At the end of these stories, the investigator usually managed to get a confession from his suspect, but how this happened was inadequately explained. “We need to see a stenograph of the interrogation,” one reader complained, “with commentary from the editors about the individual traits of the accused, when it happened, and when the evidence for the conviction was revealed to him.”<sup>29</sup> He added: “and we could all do without the provocative titles.”<sup>30</sup>

Readers were also perplexed by the journal's peculiar obsession with murder. A senior detective from the Brest region of Belarus explained, “I think that Issue 52, dedicated to problems in investigating murders, really shed light on methods used to investigate murder. I also like the articles of comrade Lednikova, and I learned a lot from them about murder [...] At the same time, a lot of articles get a bit carried away in describing the crime narrative, and forget to talk about investigation methods, and *Sledstvennaia praktika* does seem to dedicate a few too many articles to murder.”<sup>31</sup>

These editorial choices made for an interesting read, most agreed, but this in itself was not useful and potentially even problematic for its readers. As an investigator from Brest noted, “I've been reading *Sledstvennaia praktika* since I was a student, when I was very keen on all of the articles describing murder cases. But in Brest we really just do not have many murders. We have more theft, violations of safety regulations, and fires. So I would like it if the journal could cover more of these cases.”<sup>32</sup> A procurator from Stavropol observed that most of the articles in the journal read like detective novels, and another investigator at a conference in Moldova complained about the artistic liberties taken by the journal's writers, saying that if he wanted belles-lettres, he would read the stories of Lev Sheinin.<sup>33</sup> At a

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28 GARF f.9523, o.1, d.88, l.81

29 GARF f.9523, o.1, d.88, l.82

30 GARF f.9523, o.1, d.88, l.82; Another investigator agreed, adding that “the article titles don't need to be part of a mystery—we just need to be able to know if their contents will include methods that are of interest to us.” GARF f.9523, o.1, d.88, l.83; 84: another investigator disagreed that the literary elements of the articles were inexpedient, claiming that on the contrary, articles should be written in a literary way in order to make them more memorable. Yet another thought it would be a good idea to rework the academic language in which the journal is written into a more literary style.

31 GARF f.9523, o.1, d.88, l.86

32 GARF f.9523, o.1, d.88, l.88

33 Louise Shelley, *Policing Soviet Society: The Evolution of State Control* (New York: Routledge, 1996); GARF f.9523, o.1, d.88, l.93; GARF f.9523, o.1, d.88, l.120

conference in Kalinin region the year before (1962), an exasperated procuracy employee complained that the office's secretary routinely snapped up the latest issue of the crime journal as soon as it arrived, and it was impossible to drag her away from it for hours.<sup>34</sup> Finally, some worried that the wide availability of the journal, combined with the accessibility of its writing, was tantamount to revealing police secrets to criminals, while others conversely complained that the articles revealed few useful methodological secrets, since the stories described investigators as more or less having simply “come, seen, and conquered.”<sup>35</sup>

These conferences were held by the organization that published *Sledstvennaia praktika*, the Institute of Criminalistics, in order to help plan their research in accordance with their readers', and the criminal justice system's, needs. What the reader-investigators asked for was more discussion of their colleagues' practical work—mistakes and all, especially mistakes—and fewer flights of fancy by the institute's scholars and graphomaniac detectives.

The Institute of Criminalistics hardly had the chance to begin to make these changes, however, for a few months later in the summer of 1963, just as the scholars were discussing and adjusting their plan for the following year, the Institute's director called all of his employees into his office for a meeting with the Assistant Procurator General.<sup>36</sup> Soon after that meeting, the Institute of Criminalistics was closed, its official stamps destroyed, and its furniture, some of its employees, and its students transferred to the newly founded All-Union Institute for the Study of the Causes of Crime and Elaboration of Measures of Prevention (Procuracy Institute).<sup>37</sup> The new institute's stated goal was to study the causes of crime and conditions that facilitated particular types of crime, and to develop measures to prevent criminality.<sup>38</sup>

In part this change was intended to facilitate the improvements called for by the scholars within the Institute and the investigators for whom they wrote: greater effectiveness, better organization in

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34 GARF f.9523, o.1, d.78, l.62

35 GARF f.9523, o.1, d.78, l.3-4, 34, 35, 62

36 GARF f.9523, o.1, d.87, and d. 85 l.24, 117

37 GARF f.9523, o.1, d.89, l.9; GARF f.R-5446, o.97, d. 1443, l.138

38 GARF f.R-5446, o.97, d. 1443, l.137

investigations, and an improved profile for the law in Soviet society.<sup>39</sup> This was a serious shift in the direction and philosophy of the institute. At another readers' conference in 1962, one regional procurator summed up the mood of the (mostly investigators) present by saying that most everyone agreed that the status of the investigator should be raised in the justice system (by being given more authority and resources), as should the office's connections with the community.<sup>40</sup> The replacement of the Institute of Criminalistics by the Procuracy Institute signaled, however, a different understanding of the role of the investigator, the community, and the roles that each would play in understanding and preventing crime than that which the investigators called for.

#### **IV. The Procuracy Institute: Data Collection and Community Involvement**

Though the Procuracy Institute was founded in reaction to practices at the Institute of Criminalistics, there were important continuities between the two. One of the key goals of the Procuracy Institute-- the problem of discovering the reasons for and conditions facilitating a crime was not of central or even auxiliary concern at the Institute of Criminalistics, which had focused on developing the science of policing and detective work. For scholars and detectives at the Institute of Criminalistics, the solution to the problem of crime generally came along with the discovery of the events of each particular crime and the punishment of the perpetrator. The community, however, had an important role to play, helping the investigator to answer questions about a particular crime, or to catch an individual suspect. Preventing crime was equivalent to solving crimes already committed, and observing and intervening in crimes in progress.

Data collection and community involvement, two of the elements essential to the work of the Procuracy Institute from its founding in May of 1963, had long been accepted as key approaches to studying and preventing crime. Investigators of the Institute of Criminalistics had been tasked with gathering information about factors including: the overall frequency of criminal incidences, the

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<sup>39</sup> GARF f.9523, o.1, d.78, l.104

<sup>40</sup> GARF f.9523, o.1, d.78, l.106-108

frequency of specific types of crime, the locations and times at which crimes occurred.<sup>41</sup> The role of the investigator in the broader war on crime was to produce statistics on the instances of crime, as well as to expose workers' collectives and community organizations to the facts of particular crimes and to the state of the local crime problem.<sup>42</sup>

This community partnership was important to the investigator's work insofar as the community could uncover facts, identify and locate suspects, or provide other information relevant to a particular case. As one investigator from the procuracy of Sovgavan' on the far eastern coast of Russia put it, "in accordance with article 128 of the criminal procedural code, the investigator should make wide use of the help of society for solving crimes and discovering the individuals who commit them, and also for exposing and eliminating the causes of crime."<sup>43</sup> He brought up one case in which, in the course of a rape investigation, he employed a group of *druzhiniki* (deputized and sometimes armed citizen's militia groups) and *komsomol* members in an ambush to capture the criminal. Despite its seemingly successful attempts work with the community, however, the Institute of Criminalistics was faulted for neglecting the causes of crime.

The new Procuracy Institute changed this approach, and made discovering the reasons for the persistence of criminality under socialism its main priority. One of the first acts of the Institute's new director, Igor Karpets, was to appoint a new editorial board for *Sledstvennaia praktika* and then to issue an order about the future direction of the journal. They accepted the advice of the readers—making it into more of a practical manual for practical workers than a showcase of heroic investigators, criminal outrages, and justice served.<sup>44</sup> The journal, like the former director of the Institute for Criminalistics, who remained on the faculty after the re-organization, was relegated to a very specific role: popularizing and improving research on the technical aspects of crime-solving.

The new director, Karpets, also had many of his own criticisms of the old Institute. Its employees

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41 GARF, f.9523 o.1, d. 78 l. 88

42 *Ibid.*, l.89

43 GARF f.9523, o.1, d.78, l.89

44 GARF f.9523, o.1, d.81, l.4-7

routinely violated work discipline—often showing up late, or not at all—and made too liberal use of sick leave and out-of-office work days.<sup>45</sup> He further charged that too many students had been admitted into its graduate study program whose only real qualification was their political background. One student that Karpets singled out was a military pilot with a legal education—a really nice guy, in Karpets' opinion—who was writing a dissertation on the preliminary investigation of murder without ever having once even seen a live criminal, but who had been a party member since 1949 and worked in the military institute as a senior instructor of political propaganda.<sup>46</sup> The people whom Karpets thought that the Institute should be trying to attract were the ones with experience working in the justice system and who could most benefit from a broader theoretical understanding of the causes of criminality and the methods of the war on crime.

One significant manifestation of the changes that Karpets and others made to the new Procuracy Institute, and part of their efforts to spread the results of their work to all interested workers, was their establishment of a new periodical: *Voprosy bor'by s prestupnostiu* (*Questions in the War on Crime*). This replaced the older journal, *Questions in Criminalistics*, as its main scholarly publishing outlet. The new journal's topics of concentration reflected the institute's new goals and divisions, devoting much of its space to general questions about the causes of crime in addition to methods of investigation, work with community organizations, criminology abroad, and the history of crime and crime-fighting.<sup>47</sup>

## **V. Directives from Above**

These changes were in part a response to a June 1963 plenum of the Central Committee of the Communist Party, in which it was decided that liquidating criminality was to be a main priority of the Soviet legal apparatus, and its connected educational institutions were charged with helping to eliminate crime by discovering its causes.<sup>48</sup> Not long after the founding of the Procuracy Institute, some of its

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45 GARF f.9523, o.1, d.81, l.36-37

46 GARF f.9523, o.1, d.83, l.65-66

47 GARF f.9523, o.1, d.81, l.21-23

48 GARF f.9523, o.1, d.83, l.60

representatives attended a meeting at the Central Committee's Ideological Commission to discuss this task, and they were treated to a list of criticisms. First on the Commission's list were the theoretical and ideological defects of Soviet legal scholars: “many have a very weak command of Marxist-Leninist methodology, cannot apply dialectical materialism to the study of legal phenomena, and ignore the Leninist principle of party-mindedness in social science, manifesting tolerance and goodwill towards bourgeois ideology.”<sup>49</sup> The Central Committee expressed a similar criticism of sociology—a field that was also undergoing a resurgence at the time, and with which criminology shared many common approaches, theories, and problems.<sup>50</sup> Yet even for criminology, as we have seen, these criticisms were not new, and the development of a Marxist-Leninist orthodoxy in juridical sciences as an alternative to its bourgeois analog had its own long and fraught history.

Another major criticism that the Ideological Commission of the Central Committee had in 1964 was the lack of coordination between branches of the legal sciences, and between research organizations and practical organs. Scholars needed to attract more practical workers to the institutes, with or without degrees, to participate in research work and vice versa: scholars needed to be able to procure necessary research material from practical organizations, including statistics, legal codes, party resolutions.<sup>51</sup> As it was, the institutes and their scholars maintained a “narrowly sectoral character” which left them impotent before questions that did not fit into the “procrustean bed of the traditional subdivisions of law.”<sup>52</sup>

The study of law, and especially criminal law and crime, had far to go to lose its Stalinist habits as well. One complaint was that too many studies were historical and not contemporary; the sort of research that scholars had engaged in throughout the 1940s and 50s in order to avoid attracting too much political attention to themselves had, by the mid-1960s, become irrelevant.<sup>53</sup> Nor had the institutes kept

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49 RGANI f.72, o.1, d.23, l.3

50 See: Elizabeth Ann Weinberg, *Sociology in the Soviet Union and Beyond: Social Enquiry and Social Change*, (Aldershot, Hants. England: Ashgate, 2004); B.M. Firsov, *Istoriia sovetskoi sotsiologii: 1950-1980 gody: ocherki* (Sankt Peterburg: Evropeiskii universitet v Sankt-Peterburge, 2012).

51 RGANI f.72, o.1, d.23, l.5, 77-78.

52 RGANI f.72, o.1, d.23, l. 71.

53 RGANI f.72, o.1, d.23, l.2; other branches of the social sciences in the Soviet academy were likewise criticized for narrow scholasticism in 1964, see Roger Marwick, "Catalyst of Historiography, Marxism and Dissidence: The Sector of Methodology of the Institute of History, Soviet Academy of Sciences, 1964-68," *Europe-Asia Studies* 46, no. 4 (1994): 579-596, 581.

up with recent efforts to transfer functions of the state to local collectives, particularly in policing and punishment of criminals. As the commission noted, “legal scholars rarely turn their attention to the real changes in the life of society that are taking place in the process of transferring government functions to social organizations, and they hardly study ways to encourage community self-rule.”<sup>54</sup>

But this was not the only area in which the academy failed to keep up with the trends of the state and party; it was also criticized for the fact that scholarship had yet to eliminate the pernicious influence of Vyshinskii's theories or sufficiently denounce the cult of personality in its libraries and in its classrooms. A textbook by Karev on criminal law was singled out for its failure to mention the innocent victims of Stalin's campaigns against foreign spies and other enemies of the people.<sup>55</sup> Likewise, K. A. Sofronenko's history textbook was panned for its lack of discussion of these and other abuses of legality.<sup>56</sup> Further, legal scholars' unmasking of Vyshinskii's ideas was thought to be either superficial or nonexistent. As late as 1960, two respected scholars—Lepeshkin and Strogovich—had even expounded on the correctness of the overall course of scientific research into legal problems set by Vyshinskii.<sup>57</sup>

One jurist at the Ideological Commission meeting noted, that while much had been improved since the liquidation of Stalin's cult of personality began, it was still the case that practical workers were poorly prepared, and as a result they tolerated many violations of socialist legality in the courts and procuracy. He pointed to the continued reliance on confession to prove guilt—the same legal principle that had been justified forced confessions during Stalin's purges. He continued, “we—practical workers—ask that our scholars give us a theory of legal proof that will knock Vyshinskii's theory from its pedestal . . . such a theory of Soviet law in our era—the era of advanced communist construction—simply does not exist. Consequently, to this very day, a confession is accepted as the main proof against an accused criminal, and the court believes confessions. Even if these confessions are accompanied by sincere repentance, [the court] often punishes such criminals more harshly than in cases where the

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54 RGANI f.72, o.1, d.23, l.2.

55 They were likely referring to the 1957 textbook, E.M. Vorozheikin, O.I. Gatsikho, et. al. *Ugolobnoe Zakonodatel'stvo SSSR I Soiuznyx Respublikh (Osnovnye Zakonodatel'nye akty)*. D.S. Karev, ed., (Moscow: Gosizdat, 1957).

56 Presumably they meant K.A. Sofronenko, *Pamiatniki Russkogo Prava* (Moscow: Gos. Izdat. Iur. Lit., 1961).

57 RGANI f.72, o.1, d.23, l.5; the work being criticized was S. N. Bratus, *Voprosy obshchei teorii sovetskogo prava: Sbornik statei* (Moskva: Gosiurizdat, 1960).

The representatives of Soviet legal science present at the meeting replied to these criticisms affirmatively. Victor Chikhvadze—the dean of the Academy of Sciences' Institute of State and Law and the head of the legal commission of the Soviet of Ministers—blamed Vyshinskii for lowering theoretical and scientific quality and founding law on arbitrariness and dogmatism. He countered, however, that a lot of work was being published by new jurists who distanced themselves from the effects of the cult of personality, and did many things to improve public knowledge of law and practical use of legal research. He also lauded the assistance that journalists were rendering the juridical sciences with their articles in newspapers like *Kommunist* and *Izvestiia*, which, though not always perfectly correct, popularized the new ideological directions being taken in the war on crime.<sup>59</sup>

Representing the new Procuracy Institute, Vladimir Kudriavtsev went further in his criticisms of the field and called for broader changes in jurists' approach to studying crime. He claimed that in recent decades legal scholars occupied themselves almost solely with descriptions of legislation, commentary on legislation, and that out of every eleven books published, ten were just old books rewritten. He said that not only did scholars need to change their entire approach to science and crime, both in Moscow and in the periphery and republics, but practical workers also needed to be taught how to study crime while they continued to do their work of solving and preventing crimes.<sup>60</sup>

## **VI. The new science of crime**

The Procuracy Institute's board of directors met in November of 1963 and many members called for the institute to create a standardized form that could be used by all workers dealing with crime and criminals. The form would allow them to collect data on crimes, and force them to seek out their reasons and causes, as well as record the measures taken to prevent similar crimes in the future.<sup>61</sup> Kudriavtsev

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58 RGANI f.72, o.1, d.23, l.86-88

59 RGANI f.72, o.1, d.23, l.33

60 RGANI f.72, o.1, d.23, l.82-83

61 GARF f.9523, o.1, d.86, l.76, l.9

introduced a prototype of this universal form to the Central Committee in early 1964.<sup>62</sup> Besides the predictable categories describing the accused (age, gender, education, occupation, party membership, previous convictions, *etc.*) and the crime (time, place, and type), motives had to be indicated (greed, vengeance, hooliganistic impulses, or other—indicate what kind), as well as how the crime was committed (alone, in a group as organizer, intermediary, or executor; in a state of drunkenness). But they also had to indicate the conditions facilitating the criminal act, and these could fall under the following categories: abnormal family circumstances (how were these manifested?), difficult living or material conditions (in what way?), connection to criminal environment (how?), negative influence of those surrounding them: acquaintances, relatives, coworkers (in what sense?), alcohol use, failure to secure employment, or other reasons (specify).

The Institute's new universal forms expressed the underlying assumption that every crime had a distinct, knowable, social cause. This shift towards having practical workers think about and identify causes of crime was a big change from the motto of the procuracy of decades past, that no crime was unsolvable.<sup>63</sup> Whereas the latter reflected the older emphasis on winning the war on crime by discovering and punishing the perpetrator of every reported crime, the new approach changed the focus to the longer life history of the criminal which led him or her to commit the crime, and the broader social conditions that allowed the crime to happen. This was very much in line with the new prevailing scholarly position on the causes of crime: not simply “holdovers of capitalism”, but “holdovers of capitalism” manifesting themselves in individual and social behaviors and relations in complex and protean ways.<sup>64</sup> The task at hand was to discover the conditions in which the views and the psychology of the criminal were formed, so that these conditions could be corrected in the life of the collective or individual, and eliminated in the future.

The basic approach of the institute to discovering these conditions and eliminating crime was to develop scientific solutions to the problem of crime and make them accessible to practical workers in

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62 GARF f.9523, o.1, d.97, l.76-80, 125-149; see also: Solomon, “Specialists in Soviet policy making,” 73

63 Lev Sheinin, “Nashim sledovateliam,” *Sledstvennaia praktika* vyp. 1 (1944), 5-6

64 Solomon, “Specialists in Soviet policy-making,” 54; GARF f.9523, o.1, d.92, l.93-94

criminal justice all over the Soviet Union.<sup>65</sup> As Karpets, the Institute's director, claimed in his October 1963 address to the newly constituted scholarly council: “the question arises: why organize this new institute under the leadership of the Procurator of the USSR? This, comrades, is not by chance. We were given the task of bringing our science as close as possible to the activities of the organs fighting the war on crime. So it is entirely natural that our institute be immediately connected to the Procurator, the Supreme Court, and the organs of public safety, and this is one of the approaches that permeates the work of our institute. So we are organized by the same bodies that are organizing the war on crime, but this also means that our scientific activities are closely connected with practice.”<sup>66</sup>

Not only were the scholars of the institute committed to sharing their expertise with courts and police offices throughout the Soviet Union, they also made themselves available to the public. In addition to training cadres to work in the justice system, gathering data from law enforcement, and suggesting policy changes, the institute also connected its scholars to practical work by setting up a desk for receiving complaints and petitions from citizens about their experiences with the criminal justice system and requests to review individuals' criminal cases.<sup>67</sup> Hearing petitions from citizens was one of the main functions of the procuracy, and since many of the institute's scholars and students occupied positions in these government organs, it is not difficult to see why people turned to them for help and advice on the law. Additionally, many public institutions, included publishing houses and unions, set up such committees, and the practice of petitioning prominent figures for help in legal affairs—instead of the appointed authorities—was a common one for Soviet citizens.<sup>68</sup> And yet the fact that the workers at this desk were meant to answer the petitions, address problems, and intercede for members of the public with the procurator indicates that the institute's scholars' role in the procuracy was meant to expand the accessibility of legal knowledge to the broader population.

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65 Peter Solomon, evaluating the institute's new approach, and its use of these forms in terms of their social scientific merits in 1967, concluded that on the whole, their methodology suffered from excessive focus on fact-gathering and not enough on formulating propositions and testing hypotheses, as well as a lack of control figures and cross-tabulation. He ceded, however, that the true measure of success might be more accurately expressed in terms of results in lowering the crime rate—as this was the main stated goal of the institute—and not in the production of novel scientific research of international merit:

Solomon, “Specialists in Soviet policy making,” 76

66 GARF f.9523, o.1, d.83, l.45

67 GARF f.9523, o.1, d.81, l.25

68 Arkady Vaksberg, *Stalin's Prosecutor: The Life of Andrei Vyshinsky*. (New York: Grove Weidenfeld, 1991), 274. See also: Robert D. Warth, “Izvestia,” *The Modern Encyclopedia of Russian and Soviet History*. (Gulf Breeze, Fla. : Academic International Press, 1976).

At this time, according to Dina Moyal, the powers of the procuracy were being greatly enhanced; “while under Stalin the prosecutor's power came from Stalin himself (bypassing the party), and was based on the principle of subordination, Khrushchev wanted to achieve control and security by tying the Prosecution to the party and socialist principles.”<sup>69</sup> And yet with this enhanced authority, along with its ostensible subordination to the state's legislative and law enforcement organs, the procurator also got the Procuracy Institute, whose close connection with the state actually led the authorities to exercise less direct control over its research and writings than it perhaps might have over a more outwardly independent institution.<sup>70</sup> The authorities fighting the war on crime depended on legal scholars for ideas and data analysis, and in return often had to cooperate with their research agendas, if not always to the complete satisfaction of the scholars.<sup>71</sup>

## **VII. The limits of science and reform**

The scholars at the Institute had many limitations as well as ideological and political challenges to overcome in this new era, however. The conflicts that arose in the first years after its foundation in 1963, and the manner in which they were resolved, make these limitations and challenges clear. They also suggest a subtle shift in the acceptable narratives about the causes of criminality, and the role that scholars were to play in discovering them. The Institute's unique approach is best reflected in debates generated by Institute members over the question of how to demonstrate culpability in court. As we will see, comparatively modest topics such as traffic violations, could offer conveniently unostentatious venues for discussion and reflection about the nature of crime and the flaws of the justice system.

Debates about evidence had re-emerged after Stalin's death as early as 1960, well before the Procuracy Institute was founded. That year, Mikhail Strogovich, senior scholar at the Academy of Sciences' Institute of State and Law, and expert in criminal procedure, wrote a letter to the Central Committee, suggesting that it was high time for a renewed discussion about the presumption of

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69 Moyal, “Did Law Matter?” 83.

70 Solomon, “Specialists in Soviet policy-making,” 57.

71 Sandle, “A Triumph of Ideological Hairdressing?,” 135-7.

innocence and the equality of sides in the criminal justice process. Strogovich was a close associate of Vyshinskii's at the height of Stalin's purges, and owed his election to the Academy in 1939 to the powerful prosecutor. However, he then proceeded to criticize the theories—like the dismissal of the presumption of innocence—which Vyshinskii and the Stalin-era legal system put into practice.<sup>72</sup>

His petition was not well received by the Central Committee, and in 1961 he wrote them back to protest the fact that the commission had declared him politically dangerous for his views on the presumption of innocence. The advocate for the presumption of innocence no doubt saw the irony, or futility, of his complaint that the committee had judged him without discussion, proof, or giving him the opportunity to defend himself. Perhaps his complaint struck a chord for the committee however, because in March of 1962 they invited him to discuss this issue at their commission on higher education.<sup>73</sup> Then, at the 1964 meeting of the Ideological Committee, this issue and its relationship to Vyshinskii's “theory of proof” which clearly placed the burden on the accused, was brought up again. Only this time it was not dismissed, but was instead resolved when the chairman asked, with what institute is this question connected, the theory of proof? The answer was that the Procuracy Institute was currently working on “a book about legal proof which should put an end to the rule of Vyshinskii's theory and expose the falsities of the old book.”<sup>74</sup> This book, or a book that addresses this issue, V. Arse'ev's *Problems in the General Theory of Legal Proof*, was published in 1964, and adhered to the same general perspective on the burden of proof and the understanding of legal evidence that Strogovich advocated, and about which he would write in his own criminal procedure textbook in 1968.<sup>75</sup>

The intellectual atmosphere for criminal law scholars had changed notably since Stalin's death, and this was a major reason for the formation of the Procuracy Institute. And yet there were clear limitations to what sort of ideological assumptions and claims the academy would accept from its scholars and students. In meetings of the ideological commission of the central committee, and of the

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72 Vaksberg, *Stalin's Prosecutor*, 160-161, 191-192

73 RGANI f. 5, o.35, d.197 l.12, 20

74 RGANI f.72, o.1, d.23, l.89

75 V. D. Arsen'ev, *Voprosy obshchei teorii sudebnykh dokazatel'stv* (Moscow: Iuridicheskaiia literatura, 1964); M. S. Strogovich, *Kurs sovetskogo ugolovnogo protsessa*, tom. 1 (Moscow: Izdatel'stva “Nauka,” 1968)

academic committee of the Procuracy Institute, speakers often invoked the name of Professor Shargorodsky and the memory of the “Leningrad conference” as bywords for dangerous deviations from the acceptable norms.

The Leningrad Conference took place in the pivotal year of 1963. Shargorodsky convened the conference and invited almost all of the major Soviet crime scholars—along with, significantly, some foreigners—and he gave the opening address.<sup>76</sup> What he said to draw upon himself the ire of his peers and the political authorities was: that, even though crime was unquestionably a product of the existence of capitalist property relations, the explanation of crime in the Soviet Union as being caused by remnants of capitalism was no longer sufficient or satisfying. He also noted that as long as the capitalist world existed and elements of it continued to manifest themselves in Soviet society, it would be impossible to completely eliminate crime. More controversially still, he suggested that some bourgeois methods of crime study might prove useful to Soviet scholars.

This was not acceptable. Shargorodsky and the law faculty of Leningrad university were reprimanded by the Central Committee and the Ministry of Education of the RSFSR, and he lost his position as the faculty's dean and was limited in his ability to publish for years afterwards.<sup>77</sup> Even while the new institute implicitly accepted that the explanation of crime as a remnant of capitalism was insufficient, it was still not quite appropriate to say so—especially not in front of foreigners.

Another example the disjuncture between what was acceptable to do, and what was acceptable to say can be seen in a doctoral dissertation defense from December of 1964. Here, a seemingly anodyne discussion of Zotov's dissertation about traffic violations exploded into a tense argument. Defending his

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<sup>76</sup> The presence of foreigners, and the possibility that internal self-criticism might become international public knowledge was of grave concern to the ideological commission: according to Leonid Il'ichev: “Clearly they (i.e. western scholars) came to the symposium in Leningrad, where Shargorodsky exposed himself as cowardly, unsteady, rather weak in his convictions. This was precisely used against us, against our science and against the Soviet Union. When we speak at discussions, it's important to keep in mind not just our own interests, but keep in mind who is listening and remember the interests of our people, our party, our state.” RGANI f. 72, o.1., d.23, l.107; Grishaev, of VIuZI speaking at meeting of the scholarly council of the Procuracy Institute on 9 October 1963 claimed that: “attacks on marxist-leninist conception of the causes of crime, which are employed right now by bourgeois criminologists and with which Soviet jurists are urged towards peaceful coexistence in part in the field of criminal law. I'm not going to talk about the Leningrad conference, where as is known to you just such an attack was met with some approval,” instead he quoted a french jurist who, on the basis of what Shargorodsky had written, surmised that Marxist explanations for the existence of crime (the impoverishment of the working class in bourgeois countries, and holdovers of the capitalist past in socialist countries) are beginning to lose favor in the soviet union, and to hope that the soviet academy will soon be obliged to change this simplistic point of view on the causes of crime; a German scholar also hoped they would soon see crime as a universal (anthropological) phenomenon independent of the social and economic system in which it occurs. GARF f.9523, o.1, d.83, l.70-75

<sup>77</sup> *Ibid.*; RGANI f.72, o.1, d.23, l.3

dissertation on flaws in legislation and methods of investigating traffic violations, Boris Zotov touched a nerve in the academic committee. Using the survey method to determine the most common cause of traffic accidents resulting in criminal charges (often pedestrians hit by drivers), he argued that the cause was to be found in the improper behavior of the victim combined with the careless reaction of the driver. That is to say, the “psychological backwardness of the consciousness of the human participants in traffic in relation to the growth in the intensity of traffic.” In effect, he did precisely what the institute was charged with doing: he gathered concrete data from the practice of law enforcement and criminal investigations and used them to draw broader conclusions about the social conditions leading to the rise in a particular type of crime.

Zotov also made legislative and practical suggestions. While calling for greater legal responsibility for both drivers and pedestrians, he also asked why law-makers had not changed the rules, in accordance with the technology of investigation, to be more fair to the driver and rest on certainty and not likelihood.<sup>78</sup> This position would not have been shocking; it sounded a lot like a speech from Leonid Il'ichev—Central Committee secretary and chairman of the Committee's Ideological Commission—a few years earlier. There, Il'ichev had complained that legal sciences had yet to completely liquidate the remnants of the cult of personality and in particular the mistakes in legal thought made by Vyshinskii, and went on to say that procedure must become standard and mandatory, and the court must establish truth, not likelihood.<sup>79</sup>

Yet Zotov's dissertation committee took umbrage at the scholar's point of view. He alone among the dissertaters that year was questioned about the political position informing his work. He was asked by Vladimir Zvirbul', an institute scholar who had remained on the faculty from the days of the Institute of Criminalistics: “Do you think it is fatally inevitable—this growth in automotive accidents? Do you

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78 GARF f.9523, o.1, d.96, l.19-20

79 Nauchnaia konferentsiia "Problemy sovetskogo ugovnogo prava v period razvernuytogo stroitel'stva kommunizma" 14-17 May 1963, red. M. D. Shargorodskii, vsesoiuznyi institut iuridicheskikh nauk, institut gosudarstva i prava akademii nauk sssr, leningradskii ordena lenina gosudarstvennyi universitet im. A.A. Zhdanova, iuridicheskii fakul'tete; RGANI f.5, o.35, d.197, l.41. In a letter to the Central Committee from 1962, the director of the Academy of Sciences' Institute of State and Law, Petr Semenovich Romashkin echoed this call, claiming that some of the greatest harm to Socialist justice was done by Vyshinskii's conception of the impossibility of establishing the absolute truth in court, and the acceptability of charging and punishing an individual for guilt established by the presence of maximum likelihood.

think that in communist society, where no doubt the level of technology will be even higher, that these types of crime, like criminal violation of automotive safety will nonetheless persist?" To which Zotov responded, "insofar as we have so many problems connected to autotransport right now, I would like to be useful right now and so do not think about communist society. Obviously there will be different cars, different types of brakes—even today new types of headlights are being invented. Fantasize all you want. But I repeat, my goal is to be useful right now. Clearly the people living under communism will be better at dealing with this question than I am."<sup>80</sup>

He continued to defend himself heartily in front of the committee. He felt that he was being falsely criticized for putting too much blame on pedestrians and taking away the responsibility of drivers. In his opinion, there seemed to be a bias in the system against those who owned vehicles, though he agreed with his committee that it would be a mistake to condone the situation in the West where vehicles were turned into a weapon of class war. Claiming that he did not want to lessen driver culpability, but in fact to increase their responsibility, and to make the court more sensitive to true guilt in an accident, he responded, "the fact is, whether you like it or not, we have unfortunately not a few cases in which innocent people sit in jail. To this day we have people in jail for who-knows-what, without proof that a crime was even committed. If we don't start strictly individualizing responsibility for automobile accidents, then we are not going to have an intelligent foundation for all of our technological progress, and we will be throwing money down the sink."<sup>81</sup>

The committee's reaction was mixed. Kudriavtsev, the Institute's assistant dean, who would go on to become dean of the Academy of Sciences' Institute of State and Law himself in a few years, purportedly spoke as a member of the committee. He claimed to find the candidate's methodology lacking: his sample should be from one area or stretch of road; as it was, the conclusions could be applicable to many places, or they could be wrong. He was in effect telling the scholar not to go too far in the direction of the institute's stated goals of discovering broader causes of crime, and pushing him

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80 GARF f.9523, o.1, d.96, l.33

81 GARF f.9523, o.1, d.96, l.122

more towards the somewhat narrow case study model—precisely the kind of work for which Solomon was to criticize the institute a few years hence. Nonetheless, Kudriavtsev said that he liked the heated discussion that went on at the defense, and agreed to give Zotov more time to work on his dissertation before being granted the degree.<sup>82</sup> Zotov's advancement to the professorship was denied, but only by a very slim margin, and he was given more time to work on the methodological problems that the committee found with his work.

In spite of these limitations, the founder of the Procuracy Institute adopted an approach to criminality with a broader focus than before. The earlier, Vyshinskii/Stalin-influenced, focus on the discrete narrative of individual crimes—which put pressure on investigators to solve crimes, none of which could be unsolvable—was being replaced at the very end of the Khrushchev era with narratives of crime as a social phenomenon with complex causes to be discovered in the life history of the individual, the community, and in society as a whole.<sup>83</sup> These causes could be traced back to “holdovers of capitalism,” but this no longer served as a sufficient explanation, and all workers in the Soviet justice system were now expected to think about how to explain, and not just to solve or prevent crime.

This approach had its limitations, but the initial goal of the institute—discovering the true causes of criminality in socialist society—was intended to expand the understanding of the law enforcement officials who dealt with crime; guiding them towards a more circumspect narrative of why crime happened; demanding that they seek an actual and not just a proximate cause for a criminal act. The causes, however, were pre-determined by scholars—the universal form was essentially a checklist of possible causes from which criminal justice workers could choose. They also determined in their meetings and in dissertation defenses what was acceptable for agents of justice to examine and discuss, and in the process took some of the power to narrate a crime and to define a criminal away from the investigators—whose disproportionate influence on the judicial system was seen as one of the most pernicious effects of the cult of personality on Soviet law.

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<sup>82</sup> GARF f.9523, o.1, d.96, l.105-112

<sup>83</sup> GARF f.9523, o.1, d.94, l.103

In addition to taking a broader view of the causes of crime, institute scholars also sought to use scientific methods of inquiry to understand the causes of crime and develop solutions, and to make their studies as relevant to law enforcement agencies as possible. This meant that not only were practical workers required to gather statistics on crime and its causes, but that institute scholars sometimes conducted their own investigations into particularly perplexing crimes. What happened when institute scholars went into the field to investigate cases whose causes did not fit neatly into their pre-established categories? What did they discover that local detectives did not?

### **VIII. 'He Was a Man, but the Factory Ruined Him!': Scientists investigate the embezzlement of milk products**

In May of 1964 Orenburg Oblast's criminal court heard the case of a group of workers accused of theft from the city dairy factory where they were employed. The amount stolen (valued at 52,285 rubles) qualified legally as a “significant” amount, meaning the crime could be punished with greater penalties, and it attracted the attention of the higher authorities.<sup>84</sup> Out of 323 factory employees, around forty were said to have participated in the theft, and nineteen were charged.<sup>85</sup>

Scholars A. Berenzon and A. Syrov from the Procuracy Institute travelled to Orenburg in 1965 to get a better understanding of the causes and conditions that led this one factory environment to produce so many “embezzlers.” This example shows us the extent to which the institute scholars stuck to their methods and their message while doing field research in the Institute's early years, even when this led to uncomfortable conclusions for the state organs to whom they reported. When Berenzon and Syrov investigated the characteristics of the “embezzlers,” they discovered that the influences of their work environment far outweighed the effect of their individual personalities, home environments, and personal histories. It turned out that lack of respect for socialist property, and for the law, was being

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<sup>84</sup> This valuation was according to the “new system” after the 1947 currency reform. On this reform, its causes, and the effects it had on the working class and peasantry, see Donald Filtzer, *Soviet Workers and Late Stalinism: Labour and the Restoration of the Stalinist System After World War II* (Port Chester, NY, USA: Cambridge University Press, 2002), 77-80. On the campaign against theft of socialist property, see Yoram Gortizki, “Rules, Incentives and Soviet Campaign Justice after World War II” *Europe-Asia Studies*, Vol. 51, No. 7 (Nov., 1999), 1245-1265: 2150.

<sup>85</sup> 1966 Report on Orenburg city dairy factory (GARF) F. 9523, o. 1, d. 122, s. 51-55.

inculcated in the workers from the very top of the factory hierarchy, and that it would take more than just some jail time to correct.

Though they interviewed the convicted thieves themselves, the scholars focused most of their attention on gathering evidence about the criminals' "personalities" from their peers and co-workers.<sup>86</sup> The approach to studying crime that we see in the Orenburg study exemplified the fundamental ideological principles and commitments of the Institute in its first years: alongside the criminal "personalities," Berenzon and Syrov examined the social and economic environment that facilitated the crimes, paying close attention to the material factors that made the crimes possible. In their findings, they attributed significantly less importance to the individual criminals than they did to their community and work environment. The scholars also attached a good deal of weight to what the employees of the factory had to say, reporting the popular perceptions about the causes of crime to the political authorities, whether or not this was what they wanted or were expecting to hear.

This was an unusual approach to the study of crime.<sup>87</sup> Internationally, criminologists at the time tended to use their investigations to contribute to larger theoretical debates concerning the nature and causes of criminality, or to argue the relative advantages of a certain methodology or school of thought.<sup>88</sup> Subjects of study were chosen for their ability to reveal truths about crime in general, and often focused on determining the effect of certain variables on crime rates. Practical goals were pursued alongside of theoretical questions, though both were considered legitimate aims of scholarship, as long as scholars proceeded according to the scientific method.<sup>89</sup>

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86 Soviet criminologists of the 1960s vocally rejected any approach which veered too closely to what they called "biologism" (elsewhere associated with the term positivism, a scientific position ostensibly derived from the work of the 19<sup>th</sup> century scientist Cesare Lombroso). From the late nineteenth century, many criminologists inside and outside of Europe had begun challenging the practice of studying "criminals" using physiological understandings of criminality, and instead argued for a focus on the environmental and developmental causes of crime. By the turn of the century, even Lombroso himself had come to recognize the role that environmental causes played in producing criminality. Nonetheless, the conflict between biological or anthropological approaches to studying "criminals" on one hand, and sociological understandings of the causes of crime on the other, remained active in many centers of research well into the mid-twentieth century. See Mary S. Gibson "Cesare Lombroso and Italian Criminology: Theory and Politics," (137-158); Laurent Mucchielli, "Criminology, Hygienism, and Eugenics in France, 1870-1914: The Medical Debates on the Elimination of 'Incorrigible' Criminals," (207-230); Stephen Garton, "Crime, Prisons and Psychiatry: Reconsidering Problem Populations in Australia, 1890-1930," (231-251); Yoji Nakatani, "The Birth of Criminology in Modern Japan," (281-298); and Richard F. Wetzell, "Criminology in Weimar and Nazi Germany," (401-423) in Peter Becker and Richard F. Wetzell, eds. *Criminals and Their Scientists: The History of Criminology in International Perspective* (New York: Cambridge University Press, 2006).

87 Peter Solomon points out that one of the defining features of Soviet criminology in the 1960s and 70s, which often surprised Western scholars, was its practical orientation: Solomon, "Soviet Criminology," 122.

88 As the American Edwin Sutherland wrote a few years earlier in 1960, "The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding [the] process of law, crime, and treatment." Sutherland and Cressey, *Principles of Criminology* 3 (6<sup>th</sup> ed. 1960).

89 Marvin E. Wolfgang, "Criminology and the Criminologist," *Journal of Criminal Law and Criminology* 54, 2 (June 1963).

The Orenburg study, on the other hand, was closer to an investigation or audit by a government agency than it was to a conventional work of scholarship.<sup>90</sup> Indeed, copies of the completed report were sent to heads of key party organs, government agencies, and industry, including the *prokuror* of both Orenburg city and Orenburg Oblast, the head of regional meat and dairy production, the RSFSR minister of meat and dairy production, the director of the Orenburg City Dairy Factory, the chairman of the factory committee, as well as the head of the regional police executive committee, and the first secretary of the city party committee. Like much of the Committee's work, it was completed on the advice of various agencies of law enforcement and criminal justice throughout the Soviet Union, and addressed to an audience of public officials.<sup>91</sup>

The role that public agencies played in bringing about this report does not diminish its value as a piece of scholarship, particularly considering that very few institutions in the Soviet Union were truly independent of the state.<sup>92</sup> The institute scholars used the survey method of sociological research to draw conclusions about the causes of crime in the population under study.<sup>93</sup> As a result, they found that sociological data revealed less than did their interviews with the factory population itself. There seemed to be little correlation between criminal activity at the factory and criminal record, anti-social tendencies, or past hardships or struggles. This finding allowed the scholars to turn their attention away from the individual offenders and focus more fully on the environment of the factory. According to the factory employees interviewed, environment had everything to do with producing the thefts. With their report, Berenzon and Syrov collected the factory workers' complaints and observations and lent them scientific

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90 I am indebted to Peter Solomon for this observation.

91 The institute's yearly work plan was created by the scholarly committee, but always vetted, commented on, and contributed to by scholars in regional universities, heads of government agencies, and of party organizations. It ultimately needed to be approved, however, by the *prokuror* and the Supreme Soviet of the Communist Party: see for example the approved plan for 1966: f. 9523 o. 1 d. 121 s. 74-92.

92 Even U.S. criminologists were arguing at the time that the intermingling of their field with offices of law enforcement and with public policy-makers made it unproductive to attempt to differentiate "pure" from "applied" criminology. Marvin Wolfgang wrote that not only does practical applicability have no bearing on a study's scientific merit, but that study is no less "pure" if it is directed by a government agency rather than a university: Wolfgang, "Criminology and the Criminologist," 159-160. See also Solomon, *Soviet Criminologists*; for a discussion of the relative independence of the Soviet Bar, see Eugene Huskey, *Russian Lawyers and the Soviet State: The Origins and Development of the Soviet Bar, 1917-1939* (Princeton, N.J.: Princeton University Press), 223-228.

93 Throughout the 1960s, sociologists in the Soviet Union were continually developing theories of research which both incorporated methods from non-Communist scholars, and adhered to the demands of Marxist-Leninist theory and ideology. Though criminology in the Soviet Union differed from its counterparts in western countries in that it typically emerged from legal studies and agencies of justice and law enforcement rather than departments sociology, sociological methods were among those utilized and studied by the institute criminologists. Elizabeth Ann Weinberg, *Sociology in the Soviet Union and Beyond*, 21-28.

legitimacy.<sup>94</sup>

The conclusions the scholars drew were as challenging as they were restrained. The report emphasized the role that corruption and dysfunction in the higher levels of the factory's administration played in encouraging or allowing thefts among lower-level factory employees. It also pointed out the pervasive sense among the workers that the justice system would not prosecute or punish crimes, and therefore offered little in the way of deterrence. At the same time, though this study was, as a work of scholarship, intended to contribute to a larger body of criminological knowledge and theory, its criticism was narrowly focused on the conditions in this individual factory.<sup>95</sup>

This limited scope was both a factor of the Institute's mission and of the limitations that it faced when trying to achieve that mission. When the Institute was founded in 1963, its scholarly committee discussed its goals and responsibilities in a meeting at the new Moscow office. The scholars read the order from the Council of Ministers which established their organization, and interpreted from it specific scholarly tasks. They read that the “essential task of the All-Union Institute for the Study of the Causes of Crime and Elaboration of Measures of Prevention is the comprehensive study of problems of criminal law, criminal procedure, the judicial system, criminalistics, procuratorial and judicial review, and the training of scientific cadres.”

Director Igor Karpets interpreted this to mean that the main goal of the institute, a goal which should factor into all of its activities, was first and foremost to support and improve the practical work of officers and agencies of criminal justice. “It is essential,” he said, that we depart from the habit of finding purely speculative solutions to purely theoretical problems.” In connection to this tendency, he mentioned the Leningrad conference at which Professor Shargorodsky expressed his ideologically questionable approach to crime, becoming notorious among his colleagues. This excessively theoretical

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94 An earlier study into the causes of theft at a dairy factory in Timiriyezskii region noted many of the same security problems as the 1966 Orenburg study, but failed to interview factory employees, nor did it focus on the personality of the “embezzlers.” After this first study, “investigation and prevention of theft in the dairy industry” made it to the list of primary themes of interest and research on the institute's yearly plan: f. 9523 o. 1 d. 121 s. 74-92, and “Report from 3 November 1965 to Secretary of the Timiriyezskii Regional Committee of the KPSS and General Director of the Moscow City Milk Production Union,” f. 9523 o. 1 d. 113 s. 63-69.

95 The goal of studying the problem of theft in the dairy industry was to eventually create a manual on the topic to be used by officials in law enforcement and in factories: f. 9523 o. 1 d. 121 s. 74-92.

approach, disconnected from both reality and practice, according to Karpets, led Shargorodsky to false generalizations such as, “everyone steals in our trade system.” The new Procuracy Institute would avoid such mistakes by refusing to make generalizations based on one or even a few specific cases.

And yet, the practical orientation of research did not mean that the Institute would shy away from making broad systematic claims about important social problems. Rather, its main task would be to discover the deeper causes of crime and to create measures to prevent it—the goals highlighted in the Institute's full name itself. This was interpreted to mean that Institute scholars would not simply be taking specific cases and extrapolating from them, but instead using scientific methods to draw broad but verifiable conclusions about the causes of crime in general.

The case of the Orenburg dairy thefts, and the report that the institute scholars created from their study of it, sheds light onto both the challenges facing those who sought to reform the justice system and reduce the amount of crime in Soviet society, and the level of desire there nonetheless was to do so among legal scholars and the working population alike. What we can see from the conclusions of the institute scholars and the provincial workers whom they studied, is that rather than interpreting criminal activity through a moral lens (and, as I will show in a later chapter, the Soviet media provided ample encouragement for them to do so), workers frequently saw the crimes of their co-workers as evidence of a wider crisis of authority in Soviet society. While they might have believed that their colleagues' drinking habits or unsavory predilections for expensive things and entertainments led them to steal from the factory, it was the thorough corruption and ineptitude of their bosses, the local political leaders, and even the authorities whose job it was to act as a check on corruption, on whom the workers placed most blame. While a large part of the institute's mission was related to the legal education of the Soviet population, this report and others like it show that the population understood a good deal more about the causes of crime and the obstacles to its eradication than many authorities were aware of or comfortable with.

Soviet experts around the time of the trial spoke of Orenburg as an industrial center that

developed mostly as a result of its geographical and economic position, rather than its proximity to raw materials or important markets.<sup>96</sup> A city in the Urals of roughly 267,000 (in 1960), Orenburg was located between the regions where raw materials for many industries were extracted, and the places where manufactured goods were marketed.<sup>97</sup> Among the Ural mountain region, Central Asia, Siberia, the Far East, and the central industrial and Volga regions, goods and materials moved in paths of varying degrees of rationality. In the process, many of them passed through an Orenburg plant or factory. One scholar noted that Orenburg's industries played the role of middleman in the division of labor and commodity exchange between the regions on either side of it.<sup>98</sup> The region itself had grown rapidly during the war, and postwar economic planners were concerned that its disorganized development was one of the causes of corruption and mismanagement in the regional economy, which contributed to disorder and crime in the Soviet economy generally.<sup>99</sup> The Orenburg dairy factory was not among the largest and most powerful "middleman" industries of the region, mostly heavy industries, such as machine building and metal production. But even the less than one-third of Orenburg industry dedicated to food and feed was large in scale, involving materials that traveled long distances before processing and turned into products for markets all over the Soviet Union and throughout the socialist bloc.<sup>100</sup> Local corruption in places like Orenburg was, in both an ideological and an economic sense, a socialist problem.

Khrushchev launched an anti-corruption campaign beginning in 1961, classifying the theft of state property in large amounts as an especially dangerous crime along with treason, espionage, terrorism, banditry and premeditated murder. Fourteen years after Stalin had abolished the death penalty for most offenses, Khrushchev officially reinstated it for serious economic crimes.<sup>101</sup> What was more,

96 V.S. Varlamov, "On the Economic Links of the Industry of Orenburg," *Soviet Geography* 2, (3), 54-63: 54.

97 Varlamov, "The Economic-Geographic Situation of Orenburg," *Soviet Geography* 2, (6), 14-21: 14.

98 Varlamov, "On the Economic Links of the Industry of Orenburg," 55.

99 *Ibid.*, 54.

100 *Ibid.*, 55.

101 In 1947, Stalin ostensibly abolished the death penalty for all crimes, but it was revived in 1950 for some state crimes, and in 1954 for some cases of murder and rape. See: John N. Hazard, "Soviet Law and Justice," in John W. Strong, ed., *The Soviet System under Brezhnev and Kosygin* (New York: Van Nostrand Reinhold Co., 1971), 104; Solomon, *Soviet Criminal Justice Under Stalin*. Even without the death penalty, however, theft and especially theft of state property was punished very harshly during the era of Stalinism, and this highly retributive approach to theft was revived in the final years of the Khrushchev era: Yoram Gorlizki, "Rules, Incentives and Soviet Campaign Justice after World War II," *Europe-Asia Studies*, Vol. 51, No. 7 (Nov., 1999), pp. 1245-1265; Peter Solomon and Ben Noble, "The Making of Criminal Law in Russia and the West: the Policy Process, Administration, and the Role of Experts," *Voprosy Gosudarstvennogo i Munitsipal'nogo Upravleniia*, 29-56 (Moskva: Federal'noe gosudarstvennoe avtonomnoe obrazovatel'noe

the new rules elided the difference between indirect theft (things like report-padding), and direct theft or embezzlement.<sup>102</sup> This turn to a punitive, “hard-line” approach to crime has led some historians to conclude that the final years of Khrushchev's tenure in the position of First Secretary marked a retreat from the more liberal applications of criminal justice that characterized the late 1950s.<sup>103</sup>

The rash of butter embezzlement in Orenburg, however, was neither of a sufficiently large value to qualify for capital punishment, nor was it prosecuted at the height of the anti-corruption campaign. By 1964 when the trial took place, government efforts to control and prevent crime had shifted toward discovering its causes through careful scientific study even while ostensibly cracking down with harsher sentencing and policing.<sup>104</sup>

Yet to the scholars investigating it, this case was important because it justified their approach to crime in a situation that was relatively non-threatening politically. The board of directors at the Procuracy Institute had from its creation signaled their dedication to a social scientific approach to crime, understanding the primary causes of criminality to be social, and not biological or strictly individual, factors. Though the history of Russian and Soviet criminology before Stalin was in fact rather complex and multi-faceted, the scholars of the newly-created Institute dismissed the research of their predecessors as having veered too far in the direction of biologism.<sup>105</sup> They did this perhaps out of sincere conviction, and perhaps in an attempt to allay the fears of their political sponsors; party authorities seemed content not to revisit the ideological debates on criminality of the 1920s, but rather to return to the final consensus reached before the field was finally liquidated. This consensus held that crime was a social phenomenon inherent to capitalism and that theories that “biologized” criminality were useful fictions exploited by capitalist scientists blind to the fact that the true causes of crime were

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102 Clark, *Crime and Punishment in Soviet Officialdom*, 15.

103 See Brian LaPierre, *Hooligans in Khrushchev's Russia*.

104 Bauer, *The New Man in Soviet Psychology* (Cambridge, Harvard University Press, 1952); Shelly, “Soviet Criminology”; Solomon, “Soviet Criminology”; see also: Kenneth M. Pinnow, “Cutting and Counting: Forensic Medicine as a Science of Society in Bolshevik Russia, 1920-29,” in David L. Hoffmann and Gianni Kotsonis, *Russian Modernity: Politics, Knowledge, Practices*. (Houndsmills: Macmillan Press, 2000), 115-137; Beer, *Renovating Russia*.

105 See “Plan po raboty uchenogo soveta vsesoiuznogo instituta po izucheniiu prichin i rasrabote mer preduprezhdeniia prestupnosti,” January to March 1964, GARF F. 9523 o. 1 d. 091 s. 3-95.

to be found in their social system and not in the psyches of individuals.<sup>106</sup> This case in Orenburg was an excellent opportunity for the Institute's scholars to frame the problem of crime in a way that broke with these verboten older approaches and aligned with their own institutional (and ideologically acceptable) values.

This did not mean, however, that the Institute eschewed research topics or conclusions that posed a challenge to ideological or political authorities or dogma. This report is a good example of how the institute did come to critical and challenging conclusions about the Soviet economy, society, and the criminal justice system, and reported these findings to the highest authorities. From the very beginning of their report, which was sent to the heads of the legal and industrial authorities in Orenburg as well as to local party officials, the scholars Berenzon and Syrov emphasized two things: that theft from the factory was persistent and wide-spread, and that the thieves were for the most part ordinary, and often exemplary, workers and citizens. This last point was particularly relevant to the study, which was intended to be an inquiry into the formation of the “personality of the criminal.” The report makes it clear that the individual “personality” of the accused was not an immutable or anthropological category or phenomenon, but rather a minor factor compared to the much more significant social and economic causes of crime.

The report singled out a few of the accused thieves to illustrate this point. A man named Chebachev was almost forty at the time of his arrest. He had been the head driver of General Rodimtsev, the famous hero of the Fatherland War, and had worked in the Orenburg city dairy factory for much of his life, first as a chauffeur, and then as the head of the garage. He loved auto mechanics: in his free time he fixed up old broken down cars, making many of the parts himself. Relations within his family were completely normal—the scholars made a point of noting.

Another worker, the warehouse keeper Voloshina, was born in 1938 and educated in a working-class family; her father was a skilled worker, her brother, a colonel in the army. She had ten years of

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106 Bauer, *The New Man in Soviet Psychology*; Louise Shelly, “Soviet Criminology”; Solomon, “Soviet Criminology.”

primary and secondary school education, had continued her studies at a school for merchants, and was preparing to apply to an institute at the time of her arrest. She, according to the report, “had not committed any dishonest acts before she came to the factory, and she had good recommendations from the beginning of her work there.”<sup>107</sup>

All of those accused were by their own accord materially provided for and lived in good conditions (this claim was checked out and confirmed by the scholars).<sup>108</sup> “Why then,” the scholars asked, “did these not bad people become dangerous criminals: thieves of socialist property in large amounts?” All of them, along with their coworkers and relatives, answered to the effect that the “factory had ruined them.”<sup>109</sup>

The scholars explained that: “the extremely unfavorable conditions at the Orenburg dairy factory—conditions which developed in and influenced the atmosphere of the factory over the course of many years and persisted practically unchanged to this day—played a significant role” in the fact of these people’s crimes.<sup>110</sup> In fact, there was evidence that might have been used to argue the opposite point, emphasizing these individuals' shortcomings as the main causes of the crimes. And, as the scholars would go on to write, such shortcomings were plentiful. Some, like the head bookkeeper Koveshnikov, were weak-willed, easily influenced by others and had a tendency to drink. Koveshnikov's criminal habits allegedly began when he was initially treated to drinks by some of the deliverymen, and then quickly drawn into criminal activities in order to support his ballooning habit.<sup>111</sup> Chebakov the chauffeur, auto enthusiast, and war veteran, along with Voloshina the shopkeeper, were allegedly fond of unspecified “immoral activities.” All of these character flaws might have served as sufficient causes for these people's crimes, and this conclusion might have satisfied the scholars of the Institute of Criminalistics a few years earlier.

And yet, rather than using these shortcomings to blame the individuals and their flawed natures

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107 1966 Report on Orenburg City Dairy Factory (GARF) F. 9523, o. 1, d. 122, s. 57-58.

108 *Ibid.*, 58.

109 *Ibid.*

110 *Ibid.*, 58-59.

111 *Ibid.*, 60.

for their criminal activity, the scholars of the newly created Institute for Discovering the Causes and Developing Measures to Prevent Crime instead found that the unfavorable conditions of the factory continually nourished the negative parts of their personalities until they took on a “monstrous aspect.” Though it was common among police and in the media at the time to look for an experienced criminal behind any serious crime, the scholars noted that they were surprised to find instead that only two of the thieves had criminal records, and that they had played only a minor role in the crimes.<sup>112</sup> Rather, the main culprits had merely engaged in immoral, not illegal, activity at first, but eventually they were attracted to criminal activities and finally committed theft on a large scale to pay for their dubious “entertainments.”<sup>113</sup>

In many ways, this line of argument mirrored the popular and official rhetoric on crime of the late Khrushchev era which saw immorality and “anti-social” behavior as the genesis of illegal activity.<sup>114</sup> And yet, there were two important distinctions: first of all, in the institute scholars' account, there was nothing inevitable in the slide from anti-social to illegal behavior. Secondly, punishment was only part of the solution, and a very limited part at that.

The scholars conceded that their “analysis of criminal cases and conversations with the accused and their relatives showed that in some instances people committed crimes out of greed, self-interest, and envy of other, more affluent, people.”<sup>115</sup> But the scholars were less interested in these human failings—which, presumably, were outside of their control and expertise—than in the organizational failings of the factory that allowed these flawed individuals and others to commit crimes. One factor they emphasized was a pervasive disrespect for rules of “accounting, accountability, the system of receipts and sales of milk products, debiting loses, and capitalization of surpluses.” This, they claimed, created an atmosphere of disrespect for the law in the factory, the corrupting influence of which gradually led

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112 *Ibid.*, 55-56. It was common in narratives about crime at the time to see “recidivists” playing the role of criminal provocateur to a novice who might also be suffering from some moral flaw or social disadvantage. The institute scholars make a point of ruling out this explanation in the case of the Orenburg dairy factory.

113 *Ibid.*, 60.

114 LaPierre, *Hooligans*, 23-26.

115 1966 Report on Orenburg city dairy factory (GARF) F. 9523, o. 1, d. 122, s. 79.

some individual workers to break the law.<sup>116</sup>

This atmosphere was also produced in part by failings in factory technology, and in part because of insufficiencies in the organization of cadres, or human resources. There was, the scholars noted, “no lab at the collective farm and state farm [which supplied the factory with raw milk products] to verify the fat content of milk, so the lab workers in the factory would give milk a lower fat content than it actually had; i.e., when they would receive milk with fat content of 4.5-5%, they would label it instead as having 3.2-3.7% milk fat.”<sup>117</sup> The factory also lacked a permit system, had no coat room where employees could check their bags and belongings, and the loading dock was very poorly lit. Thus employees could move freely all over the territory of the factory with their bags and coats, and unscrupulous workers took advantage of this to steal butter and cream.<sup>118</sup> At the same time, pervasive nepotism led employees to habitually cover up one another's mistakes and misdeeds. This, in spite of the well-known resolution from 1922 forbidding close relatives from working together in one organization or concern where one is answering for or to the other.<sup>119</sup>

While these problems might have been solved by improving mechanisms of oversight and accountability or enforcing existing rules, others required more ideological solutions. Berenzon and Syrov, the Institute scholars, found the factory to be lacking in educational programming, evidenced by the fact that employees still exhibited traits that were considered “holdovers of the past” like drunkenness and disrespect for socialist property.<sup>120</sup>

“Educational work” to combat these problems generally had two components or varieties: public lectures explaining ideological and political orthodoxies and the social consequences of prohibited behavior, and public trials to drive home the message that violators would be judged and punished by the authorities and by their communities. The scholars' study itself—the eventual report and the public meetings that contributed to its creation—was meant to be an educational measure. However, scholars at

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116 *Ibid.*, 69-70.

117 *Ibid.*, 72.

118 *Ibid.*, 77-78.

119 *Ibid.*

120 1966 Report on Orenburg city dairy factory (GARF) F. 9523, o. 1, d. 122, s. 78.

the Institute frequently found measures like public lectures and circuit court sessions difficult to implement in far-flung industrial regions like Orenburg.<sup>121</sup> To the scholars' dismay, the study also proved of little value as a deterrent: Berenzon and Syrov were surprised to find that even while the study was being conducted, when “there were announcements about its purpose on every corner of the territory of the factory, and a brigade of institute scholars called a meeting to explain the goal of the study,” there was still an employee caught trying to exit the factory with stolen butter.<sup>122</sup>

Another major factor in the thefts that the scholars emphasized was the wide-spread perception that crime in the factory would not be punished. Their conclusions conformed with one of the institute's most sacred guiding principles: the dictum—attributed to Lenin—that punishment need not be harsh, but instead inevitable, to be effective as a deterrent. “It was this confidence that deeds would go unpunished that in every case led to crimes.”<sup>123</sup>

Many in the factory perceived that employees' misdeeds not only went unpunished, but were in fact frequently rewarded. This came in the form of actual prizes for good work, and material assistance in cases of ostensible need. For example, the head of the laboratory Popova received four prizes of over 250 rubles, and material assistance of 100 rubles during the same period in which she was allegedly committing the crimes of criminal negligence and abuse of position. She was also given an award for being an “excellent worker” during this time. Here again she was awarded a prize of 100 rubles, and assistance of 90, which helped her to return the damages incurred due to her participation in the theft.<sup>124</sup>

In advancing their arguments, the scholars frequently quoted the words of the factory workers, underscoring both the value they placed on the perceptions of the “criminals” and their colleagues, and a widespread agreement among their subjects with the conclusions they were drawing. As they reported that surveys confirmed the pervasive sense that thieves would not be punished (claiming that 31% of respondents mentioned it); this perception was also a common theme in conversations with the prisoners

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121 For example, see “protokoly stenogrammy zasedanii uchenogo soveta vsesoiuznogo instituta po izucheniiu prichin i razrabotke mer preduprezhdeniia prestupnosti” April 1965 (GARF) F. 9523 o. 1 d. 106, s. 7, 69-79.

122 1966 Report on Orenburg city dairy factory (GARF) F. 9523, o. 1, d. 122, s. 68.

123 *Ibid.*, 66.

124 *Ibid.*, 67.

convicted of theft.<sup>125</sup> Voloshina, the former shopkeeper, said that she began her path to theft because she “found herself in an environment in which theft went unpunished for decades.”<sup>126</sup>

Scholars' conclusions about the causes of crime barely went further than what people in the factory had observed. Yet their diagnosis of the problem only filled half the report; the other half concerned the apparent unwillingness of local authorities to find a solution. The factory workers were also well aware of this fact and cited it as a contributing factor in the thefts. Officials' mistakes were primarily in the vein of failing to bring certain people to criminal responsibility. They frequently dropped charges because the culprit showed repentance or willingly restored damages, or if it was his or her first time committing a crime. The problem with these practices, in the opinion of the scholars, was that the crimes frequently went on for a long time, had a rather organized character, and had a pernicious effect on the young people who were being trained by experienced thieves (many of whom escaped criminal responsibility). In such a context, too much leniency was hardly an expedient approach.<sup>127</sup>

Again, nepotism and cronyism appeared to be a major factor leading to thefts and to the tendency for them to go unpunished. When two women caught committing theft were never brought to criminal responsibility, it did not escape the notice of co-workers that these women were the wives of high-ranking functionaries—the head of the regional office of the police, and the director of a large concern. That this was known to all of the workers did not help to bolster the authority of the organs of law enforcement, including the scholars themselves. In fact, in the opinion of the scholars, it poisoned efforts to educate factory workers in ideological and legal matters.

Nor were the courts doing their part to deter thefts. As mentioned before, public trials were intended as a measure of popular legal education and a crime deterrent. Circuit court sessions were supposed to be held in the accused's workplace or community in order to involve his or her peers in the judgement process as well as to serve as a warning to them, the spectators, that they too would face similar public scrutiny if they broke the law. However, according to Berenzon and Syrov, cases of theft

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<sup>125</sup> *Ibid.*, 69.

<sup>126</sup> *Ibid.*, 68.

<sup>127</sup> *Ibid.*, 85-89.

from the factory were not heard in circuit sessions though they easily could have been, the factory being only a few minutes' walk from the courthouse. Likewise, there was no people's prosecutor present to speak on behalf of the accused's collective about the harm done to them as a result of the crime.<sup>128</sup> These mistakes on the part of the courts meant that those cases that did get prosecuted scarcely had the educational impact on the community that they might have had the rules been followed consistently.

In fact, legal proceedings often produced the opposite effect on the community: educating them about the ineffectual, inequitable, and often farcical nature of the criminal justice system. Factory workers surveyed by the scholars observed that, even after long legal processes, thieves tended to go unpunished, and complained that some men even continued to occupy leading positions after having built their houses on the factory's dime. "The local organs are not fighting a war at all. Maybe we can help them to; the entire collective knows about the dark deeds of our leaders, and yet they remain in positions of authority," noted one worker. Others mentioned that factory guards were often involved, and claimed to know two in particular who had built their dachas with factory materials, and continued to steal in order to support their drinking habits. Methods of public shaming and punishment that were supposed to be at the core of socialist justice and legality were clearly not being employed effectively.

Indeed, many workers highlighted the shameless or blatant character of their superiors' crimes: One spoke of a few members of the same family who worked together and "did what they pleased in the factory and allowed relatives who were not even employees to do the same." The head of the planning committee and the head bookkeeper were guilty of hiring relatives to work for them and thereby produced a situation in which "one hand washes the other and all of them come out looking clean."

Employees called for better oversight not just in cases of inventory shortfalls, but also for excesses as well, since it was these excesses (real or on paper) of which many "experienced" masters took advantage to steal from the factory. The head of the laboratory Popova again was mentioned by colleagues for artificially lowering the amount of recorded milk fat in the milk that she received from the

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<sup>128</sup> *Ibid.*, 92-95.

farms with the help of the senior lab director, and threatening her employees with firing if they did not go along with it. The chairman of the factory's "gospartkontrol" (party-state oversight board) allegedly did nothing but gather bags of goods from the factory to take home. It was, as one employee put it, an embarrassment to the entire factory. "What is left for workers to do," said one respondent, "observing the masters, but to likewise take home butter for themselves, so then entire utters worth of butter disappear."<sup>129</sup>

To fix the aforementioned flaws, the scholars suggested that changes be made to factory policy and legal procedure alike. For one, the recommendations stated, factory officials should be made to take more care in managing cadres; for instance, people who have been compromised by criminal activity in the past should not be placed in managerial positions. Likewise, the administration should be accountable for following the demands of the law and turning over to the procurator or investigative organs material relating to cases of theft, abuse of position or criminal negligence.<sup>130</sup>

At the same time, the local division of the "Znanie" (knowledge) society of popular political and scientific education should work with the factory officials to conduct systematic lectures and conversations about the need to protect socialist property, and develop a culture of collective protectiveness over the people's wellbeing. In part, this could mean taking measures like creating "boards of shame" to publicize the wrong-doing of employees and discourage their peers from doing likewise. On the other hand, they should reward employees for actively waging the war on theft, and improve measures of security and oversight of goods. Social organizations like the people's "druzhina" and the comrades' courts should be placed in the hands of the most self-motivated, trustworthy, and principled workers in the factory.<sup>131</sup>

## **IX. Conclusion**

This episode and the report that it produced help us better understand the gravity of the problems

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<sup>129</sup> *Ibid.*, 102-105.

<sup>130</sup> *Ibid.*, 96-100.

<sup>131</sup> *Ibid.*

that faced the Institute scholars in the Brezhnev era, and the changing approaches to solving them. Numerous difficulties stood in the way of a solution. The Institute scholars, using the words of the factory workers, emphasized the technical and organizational factors that led to the embezzlement of milk products and other material from the factory. In their view, crime of this type could be reduced through the use of scientific management and loss-prevention technology, like laboratories for determining and recording milk-fat content, measures to enforce rules governing employee relationships, and better lighting. Prosecution and punishment of offenders was also an important element for them, but only insofar as it served as a deterrent and as an opportunity for legal education and propaganda. What these scholars were in essence arguing for was a more comprehensive and impersonal system of control over state enterprises. The education of cadres played a role, but it seems from these recommendations that propaganda was meant more to support the proposed technical and organizational means of control rather than to supplant or obviate the need for it. In other words, they did not believe that promises of socialism alone would eradicate crime.

This investigation and the resulting report set the tone for the Procuracy Institute's interactions with local organs of law enforcement and justice, and with the higher political authorities to whom they made their reports, for the rest of the 1960s and into the 1970s. Institute scholars were encouraged to uncover the roots of criminal activity in local economic concerns and legal institutions and to develop solutions in conjunction with higher-level party and government authorities. Their methods of investigation frequently demanded that they take the complaints and observations of the public seriously, and their reports were a medium through which the local population could communicate to higher authorities with the backing of officially-sanctioned scientific research. The incidents that the scholars studied often stemmed from the fact that too much authority rested with local officials and managers, and the scholars' solutions often involved the introduction of more impersonal scientific measures of oversight and accountability into economic and legal institutions.<sup>132</sup>

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<sup>132</sup> This was part of a larger movement towards scientific organization of labor and rationalization of economic administration that has been observed in the early 1960s. See Peter Solomon, *Soviet Criminologists and Criminal Policy*, 64.

Many historians have examined the period of reforms in criminal justice that took place in the early post-Stalin years, and most have found that this reformism was a rather short-lived phenomenon. Miriam Dobson writes of the 1953 GULag amnesty as a major signpost in the leadership's return to legality after Stalin's death, and details the many experiments and programs that were developed soon after to re-integrate and reform former gulag inmates within society. In her telling, this reform project reached its climax with Khrushchev's 1959 proclamation that "no such thing exists as a person who cannot be corrected," but then faltered on both the leader's eventual return to harsher, incarceration-based, forms of punishment, and on the population's unwillingness to welcome ex-cons into their communities.<sup>133</sup> By the time that Khrushchev was removed from power, Dobson and others show, the original reformist zeal that had gone into fixing the Soviet criminal justice system had long fizzled out.<sup>134</sup>

And yet the formation of the Procuracy Institute suggests that the legal profession was simultaneously beginning to develop in a very different direction from legal reformism during the late Khrushchev period. The Institute's staff by no means constituted an oppositional force within the state. The limitations posed on the topics they discussed and conclusions they reached were clear from the beginning and their subordination to the party hierarchy unquestioned. And yet they were empowered to interpret and theorize the war on crime; to provide a scientifically-grounded way forward from the aborted reform programs of the early Khrushchev years, and to replace the reign of the investigator with broader understanding of the causes and solutions for criminality.

The ideological training provided by the Institute and self-censorship by its staff was at least initially intended to avoid forcing a particular narrative of socialist development in the criminal justice system on those who were either employed by it or caught in it. Rather, it was meant to develop narratives of crime in general as well as of specific crimes. Restricted in their parameters, these narratives helped explain and define the level of development of the Soviet state (economically, socially,

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<sup>133</sup> Dobson, *Khrushchev's Cold Summer*, 133, 15.

<sup>134</sup> Hardy, *The Gulag After Stalin*, 202-206; LaPierre, *Hooligans*, 168-198; see also Moyal, *Did Law Matter?*

and psychologically). Yet, the same narratives also served as a bell-weather for inadequacies. Criminals were at once the exceptions to the rule of unbroken economic and social development in the Soviet Union, and the most authentic products of the imperfect status quo.

While the Institute exerted an increasing influence on Soviet law and policy-making, the scholars' focus on local governments and institutions like the Orenburg dairy factory brought them closer to parts of the Soviet population from whom their location, education, and position might otherwise have alienated them.<sup>135</sup> In the process, they came to recognize the extent to which these populations had their own understandings of and experiences with crime, legality, and socialist justice that did not necessarily match the narratives that were propagated by the media or by Soviet officials. This combination of dedication to the methods and principles of social scientific research, openness to popular discussions and opinions, and influence over actual legal policy and political decision-making epitomized the ethos of the institute and its role in the Soviet war on crime in the 1960s.

This ethos, however, would eventually lead to the Institute's demise during the 1970s, as it lost influence with the political authorities to whom it reported. Institute scholars would continue to pay close attention to the perceptions and opinions of the Soviet population both in their studies and through specialized offices dedicated to dealing with letters from the public. Yet as the Soviet "war on crime" progressed, it became increasingly difficult for them to grapple with the opinions and experiences of the population, and to restore citizens' cooperation with and faith in the institutions of Soviet justice. Studying their early efforts and optimism, however, is essential to understanding how the Institute helped to shape the Soviet 'war on crime,' involving the Soviet public as well as the Soviet authorities in its execution. Ironically, the same optimism contained the seeds of disillusionment that began to alienate the very sectors of the population who ought to have been its strongest allies.

The Procuracy Institute was formed during a period when the Soviet authorities were particularly interested in educating the population about the proper working of the Soviet legal system. After decades

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<sup>135</sup> See Solomon, *Soviet Criminologists and Criminal Policy* 51-64.

of Stalinist distortions of legality, and a period of chaotic rebuilding under Khrushchev, jurists and officials alike sought to expand popular understanding of the law and participation in the legal process. Significantly for the scholars at the Institute, this meant bringing the people accused of crimes, as well as their colleagues, friends, and relatives, into the process of researching the causes of crime. This was a major change from the authoritarian model of criminological research that scholars had been working under since the 1930s. This change began with the reorientation of the institute's journal *Questions in Criminalistics* away from the “bad feuilleton” approach, with writers competing to tell the most titillating story to glorify the work of Soviet detectives, to a new approach responding to the needs of real investigators and police and expanding the reach of useful information and research. Institute criminologists likewise prioritized surveying and soliciting the perspectives of ordinary workers living in communities where crimes occurred. By doing this, they discovered that people's attitudes towards their own local authorities—those in charge of following and enforcing the laws—played a significant role in bolstering or diminishing their respect for and observance of the laws themselves. Understanding the context in which a series of crimes took place helped the scholars to expose a problem that had been long ignored by their profession and by legal authorities in general.

Criminologists were not the only experts during this period who sought to uncover and reform aspects of the Soviet legal system by traveling outside of the capital to the sites of crimes and injustices. In the next chapter, I look at a relatively well-publicized incident in which a group of lawyers, journalists, and writers from Moscow took up the cases of two young men accused of the rape and murder of their classmate in a small village near the writers' retreat at Peredelkino. Though the campaign was ultimately successful in exonerating these young men, the Moscow intellectuals learned an important lesson about the ways in which the rural courts and police worked together with the prejudices and emotions of the population at the expense of legality and justice.

## Chapter Two. “The Case of Two Boys”: Legal Professionalism Meets Popular Justice

### I. Introduction:

The criminological investigations by scholars at the Procuracy Institute in far-flung villages and towns like Orenburg were not unique. In fact, they were only one part of a larger movement of professionally trained legal experts outward from the Soviet capital attempting to improve the practice of justice all over the Soviet Union in the early 1960s. As we saw in the previous chapter, one of the main goals of the Procuracy Institute was to train legal practitioners in the latest legal theory and criminological practices. Around this time, criminological institutes opened in various cities throughout Russia and the rest of the Soviet Union—Saratov, Leningrad, Rostov, Kharkhov, and Minsk among others—and most were adopting approaches similar to those of the Procuracy Institute.<sup>136</sup> More generally, the period after Stalin's death saw a tremendous rise in activism among members of the intelligentsia including party work, which rose to levels only seen in the early post-revolutionary era, As Vladimir Shlapentokh has claimed. Correspondingly, studies like the one carried out in Orenburg in 1963 increased in number and in importance.<sup>137</sup> In their work, intellectuals in the field of law focused above all on reaching out to a broader segment of the population and inculcating in them a sense of justice based on evidence, reason, and the rule of law.

Soviet jurists assisted with broad efforts to expand public understanding of Soviet approaches to criminal justice, and to ensure that laws and professional norms were being followed in courts throughout Russia and the republics.<sup>138</sup> During the second half of the 1960s, many made trips from the capital to villages and towns, bringing with them their knowledge of the law and sense of justice. What they found was not always what they anticipated, as many villagers perceived their involvement in local

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136 Solomon Jr., “Soviet Criminology: Its Demise and Rebirth, 1928–1965.”

137 Vladimir Shlapentokh, “The Justification of Political Conformism: The Mythology of Soviet Intellectuals.” *Studies in Soviet Thought* 39, no. 2 (1990): 111-35, 112.

138 Throughout the 1960s many intellectuals worked within the state and party organs to make improvements and effect change, while others saw it as their social and professional duty to challenge state institutions. Legal professionals could be found in both groups, and many, like the women I discuss in this chapter, would start off as reformers in the early 1960s but become oppositional figures by the end of the decade. Mark Sandle, “A Triumph of Ideological Hairdressing? Intellectual Life in the Brezhnev Era Reconsidered,” Edwin Bacon and Mark Sandle, eds., *Brezhnev Reconsidered*, (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2002), 135-164; Shlapentokh, “The Justification of Political Conformism,” 112.

legal matters to be little more than mercenary interference. While many of these intellectuals initially perceived the local public as simply uninformed or misled about legal matters, they instead found villagers to be not only resistant but hostile to them and to their ideas about evidence, procedure, and law. They ultimately ended up working not to change the attitudes of local people and officials, but instead to use the broader powers of the Soviet judiciary to reign them in.

In this chapter, I examine the stories of two of these intellectuals, journalist Ol'ga Chaikovskaia and defense lawyer Dina Kaminskaia, who spent time in the village of Izmalkovo from 1966 to 1969 working on a criminal case. Chaikovskaia participated as an observer and commentator for the newspaper *Literaturnaia gazeta*, and her presence had an important effect on the trial even before her reporting on it was published in 1969. Kaminskaia agreed to represent one of the two boys in court at the behest of a colleague who was defending the other boy. Kaminskaia later wrote that she had personally invited the journalist Chaikovskaia to observe the trial. She did so because she knew that the court would be more likely to follow law and procedure if a journalist were present. To these women, the case was an opportunity to challenge the state, highlighting the illegality of police tactics and prosecutorial practices, and condemning these practices with the hope of correcting them in the future. Their success in doing so not only proved to many that justice was in fact possible in the post-Stalin justice system, but also served as an opportunity to educate more people about the rule of law.

These women set off for Izmalkovo in the final years of the 1960s, during a period when intellectuals felt that they could and should make a difference in altering the mindset of the masses regarding the higher ideals of Socialism—ideals like equality and justice.<sup>139</sup> Both women identified and were identified with the Soviet Russian intelligentsia—a difficult to define group that, depending on to whose perspective you adopt, might include state employees engaged in intellectual labor, political dissidents, artists of all kinds, and those with professional degrees or careers. According to a pre-revolutionary ethos which carried over to many *intelligenty* in the Soviet Union, adhering to higher

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<sup>139</sup> See for example: Zubok, *Zhivago's Children*, 297-334.

principles—even when they were not expedient or popular—had always been a fundamental element of Russian intelligentsia identity, and educating the masses was intermittently a part of the intelligentsia mission. Both of these aspects of the intelligentsia ethos aligned nicely with the goals of the new field of criminology and its practitioners (most of whom naturally identified themselves as *intelligenty*).

The Izmalkovo trial serves as a case study to help us explore the complex reactions that were unleashed when educated activist lawyers went “to the people” in the post-Stalin era. Doing this kind of legal outreach work acquainted them with the lives and personalities of the village's working people (mostly farmers) and the representatives of the Soviet state there. The interactions between all of the diverse actors in this case helps us to see the myriad ways in which various legal categories began to proliferate in the population at large and evolve among legal professionals in the late 1960s. It also exposes some of the social conflicts among the Soviet people that hindered the spread of a uniform understanding of justice and rule of law in this period.

Soviet people were far from ignorant about the law by the time that scholars and other educated elites made their way to distant villages in order to propagate ideas of justice and legality after 1963. People had learned about the law through their experiences with the police and the courts, and collectives had long participated in individual cases through the institution of the ‘*obshchestvennyi obvinitel*’ (people's prosecutor) and ‘*obshchestvennyi zashitnik*’ (people's advocate). They also learned from the press about Soviet laws, Soviet crimes, and Soviet ideas about justice. And yet it is clear that a disconnect still existed between different groups of Soviet people when it came to their understanding of the role of law in the Soviet state. In this case, we see members of the urban intelligentsia defending what they saw as the rule of law, supported by the press, against the agents of the state and the representatives of the general rural Russian public. And though in this instance the intellectuals were successful, the experience exposed cracks in Soviet society that could not be mended by any court, declaration, or law.

Both the crime itself and the eventual verdict in the suspects' trial seemed to many people to be

unprecedented. The June 1965 rape and murder of fourteen-year-old Marina Kostopravkina shocked the tiny village of Izmalkovo in Moscow Oblast' near the famous writers' retreat of Peredelkino. Shock and sadness turned to anger and disappointment as the local police and courts failed repeatedly to find and punish a culprit for the crime. Their final attempt ended in 1969 with the acquittals of two of Marina's childhood friends: two boys who until that moment had been forced to spend years in jail for a crime which evidence showed they did not commit.

On the surface, this case appears to have been a clear failure by the Soviet police and justice system—whose purpose was, broadly speaking in the era after 1960, to uphold the law by discovering and punishing the guilty, and protecting the innocent.<sup>140</sup> Here they did neither, and yet this case was considered a great victory by some prominent advocates for legality—one going so far as to claim decades later that it proved justice had indeed been possible in the Soviet Union.<sup>141</sup>

How did this case come to symbolize the victory of law and truth in the Brezhnev era for some of its observers and participants, and what or whom exactly were they battling in their quest for justice? The trial of Sasha Kabanov and Alik Burov for the rape and murder of Marina Kostopravkina was profoundly important to a handful of different women for very different reasons. All of them saw this case and trial as a serious threat to their deeply held values—values that they expected the state to protect.

I argue that this case initially drew the attention of a group of educated intelligentsia members (mainly women) from the capital because it appeared to be under the special supervision of the Central Committee and therefore was a criminal case which had the potential to speak volumes about the genuine independence of the Soviet justice system. However, even though the urban intellectuals Kaminskaia and Chaikovskaia got involved in the trial in order to ensure that the courts and police followed the law, and respected people's rights, they came to find that their most stubborn adversaries in this case were not representatives of the state, but of the people. The victim's mother and a handful of

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140 See Harold Berman, *Soviet Criminal Law and Procedure: The RSFSR Codes* (Cambridge: Harvard University Press, 1972), 21.

141 Dina Kaminskaia, *Final Judgement: My Life as a Soviet Defense Attorney* (New York: Simon and Schuster, 1982), 62, 157.

other village matriarchs pressured the police, the political establishment, and the courts for a resolution to the case of Marina's death, and cooperated willingly and almost without question when the state delivered to them scapegoats from their own fold. While Kaminskaia agreed to work on the case of the two boys in order to defend innocent young villagers against the arbitrariness of the state officials, both she and Chaikovskaia ended up having to explain why many villagers actively participated in the state's injustice towards the boys.

In their narratives, hints of class difference (and classism) certainly appeared, but gender was the category that they used most frequently to contrast their own lawful and professional behavior in court against the dangerous popular rage of the villagers, incited by unscrupulous judges and prosecutors. In describing their experiences of the trial, Kaminskaia and Chaikovskaia both consistently used gendered language to criticize unlawful or irrational behavior in the proceedings. I show that this approach allowed the women to speak openly against problems with the justice system, without implying that the system itself was fundamentally flawed. It also gave them a way to criticize some uneducated and irrational people who were influential in the criminal justice system, while emphasizing that the system itself still favored reason and legality when educated advocates for truth and justice like themselves were allowed to prevail.

While the village women and local judges and prosecutor (most of whom were also women) worked to create an atmosphere permeated with their feelings of anger and disgust for the crime, and desire for vengeance against the perpetrators, the urban intelligentsia women countered by arguing that, for justice truly to be served, these (feminine) emotions needed to be supplanted by evidence, reason, and cool-headedness. And though they suspected that the verdict had already been decided before the trial began, as it turned out they were pleasantly surprised at the results. Their efforts and arguments seemed to have had a genuine impact on the fates of their clients when—political pressures and popular sentiments notwithstanding—the two boys were eventually acquitted.

## II. The Case of Two Boys

A little over a dozen kilometers from Moscow, Izmalkovo was home to only a couple hundred residents—most of whom were collective or state farmers. Marina Kostopravkina went missing one June night in 1965 after playing a game of volleyball with a group of classmates and some soldiers working in the village. Her body was found floating in a pond a few days later by some of her friends, including one of the boys who would later become a suspect. For more than a year the crime went unsolved with authorities seizing (and then dismissing for various reasons) multiple suspects before eventually closing the files on the case in December of 1965.

The villagers—and most prominently the women residents of Izmalkovo, led by Marina's mother—continued to agitate and press for answers, appealing to the famous writers of neighboring Peredelkino and, allegedly, through them to the Central Committee of the Communist Party.<sup>142</sup> Their campaign eventually bore fruit after authorities from Moscow reopened the case in the summer of 1967—two years after the crime had taken place—and identified two suspects: fifteen-year-old Oleg (Alik) Burov and Aleksandr (Sasha) Kabanov, Marina's classmates and friends since infancy. The boys were arrested, detained for days without contact with anyone from the village, and after succumbing to pressure from cellmates who warned them of the harsh punishments that they would face should they fail to comply with the investigators, they confessed.<sup>143</sup> On the basis of those (subsequently retracted) confessions, and amidst an atmosphere of palpable local hostility toward the boys, a Moscow City Court judge declared them guilty in 1967 and gave them both the maximum sentence of fifteen years. This was not the end of the high-profile case, however, for after two years of appeals, the Supreme Court of the RSFSR reversed the decision of the lower court and ultimately exonerated the boys.

Thanks to the intervention of legal experts from the capital who joined the boys' defense team on their own initiative, the two boys came to look more like victims of police injustice than they did like dangerous criminals. Nonetheless, the “Case of Two Boys” is no ordinary courtroom drama, nor is it a

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<sup>142</sup> *Ibid.*, 72.

<sup>143</sup> *Ibid.*, 66-75, 95; and Olga Chaikovskaia, “Priznanie; Sudebnyi ocherk,” *Literaturnaya gazeta*, November 26, 1969: 13.

clear-cut case of state repression. The investigation and trial of the boys Alik and Sasha—which was dominated by an extraordinary cast of women in the roles of defense attorneys, prosecutors, judges, and semi-official observers—offers a window into gendered concepts of criminality and justice in the late-1960s Soviet Union. This view helps to illuminate the uneven emergence of a modern approach to criminal adjudication and investigation adopted in the name of “socialist legality” in the post-Stalin era. It also shows us competing visions of how, or if, the Soviet Union could justly pursue its “War on Crime.” Gendered discussions about law had a particularly sharp edge in this context and allowed the legal experts to criticize fundamental failings in the Soviet legal system in terms that reaffirmed acceptable mainstream values.

The journalist Olga Chaikovskaia not only publicized the trial and the many lessons it had to teach about Soviet law and justice to the Soviet reading public in a series of articles in *Literaturnaia gazeta*, but in so doing also ensured that the officials involved felt as if their actions were held up to the scrutiny of the Soviet public. Chaikovskaia ended her coverage on a note of victory and hope for the Soviet justice system: despite all of the flaws and pitfalls that she observed in this case, she not only claimed that this trial was an example of justice overcoming arbitrariness in the court system, but also expressed optimism that justice for the victim and her family could be achieved as well.<sup>144</sup>

Defense attorney Dina Kaminskaia discussed the trial from a much different point of view in her memoirs written in the U.S. during the early 1980s, expressing profound pessimism about the chances for justice, legality, equality, and truth to prevail in the Soviet courts and political system. She used the trial of Burov and Kabanov to show the ways that political pressure, popular ignorance, and government corruption curtailed the rights of individuals and distorted the aims of justice. Nonetheless, she wrote that the outcome of this trial shows that “the judicial system in the Soviet Union does work.” She went on to say that she was “truly proud to have been involved in a case in which justice had triumphed.”<sup>145</sup>

To understand why Kaminskaia and Chaikovskaia made such a determination, it is important to

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144 Chaikovskaia, “Priznanie.”

145 Kaminskaia, *Final Judgement*, 62, 157.

look at the ways in which their perceptions of the trials differed from the perceptions and feelings of the other observers and officials who participated. This case and the writings of the women involved show how gender and class shaped people's trust in the law and loyalty to the state in this period, but that, nonetheless, everyone involved expected the state to realize their version of justice. While the women of the village appear to have turned to the courts and police to seek vengeance for one of their daughters, and accepted the judgments made by officials in the process of delivering, the women of the urban intelligentsia described the behavior of those officials and village women in terms of feminine hysteria and emotionalism which they felt had no place in the courts. Justice only prevailed, in the opinions of these intelligentsia women, because legality ultimately trumped emotions, leaving the village women disappointed in their quest for vengeance. For truth, reason, and justice to triumph in this case, popular participation in the legal process had to be excluded.

### **III. The Crime**

On the night of Marina Kostopravkina's death, in late summer 1965, a group of children, including Marina, Alik and Sasha, had been playing a game of volleyball with some soldiers who were in the village to restore the nearby dacha of the famous military commander Semen Budeny. The children split up after the game and took separate paths on the way to a later rendezvous. The reason they gave was that they did not want the soldiers to know where the girls lived. Alik and Sasha walked with Marina, and all three of them stopped by their own homes to pick things up, drop things off, or inform their parents about their plans. Then, according to the boys, Marina told them to go on without her, she would walk a different way, and the two boys left to rejoin the rest of the group. One girl reacted to Marina's absence by saying, "Oh, Marina always does things *her way*."<sup>146</sup>

The children would still be rehashing these events days later, when they discovered Marina's body floating in one of the village's small ponds. Local police officers questioned them, but none of the

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<sup>146</sup> *Ibid.*, 67 (emphasis translator's).

children made reasonable suspects. They had all stayed up late together that night, laughing and talking, and then walked to their respective homes to sleep. There were other suspects though. The soldiers with whom the children had played volleyball gave conflicting accounts of where they had gone after the game was over, and their driver claimed that they did not return to their waiting car until one in the morning, two hours past the appointed meeting time; the driver testified that the soldiers begged him not to tell anyone about their tardiness, and a friend of his who was waiting in the car with him the whole time backed up his story in court. The soldiers were subject to military and not regular courts and police, however, and only military investigators could detain or charge them as suspects. Military authorities refused to do so because of what they saw as a lack of evidence of their guilt. Perhaps because of this fact, investigators eventually claimed that the discrepancies in the soldiers' stories dropped away, and their alibis appeared solid.<sup>147</sup>

The local investigator also questioned a convicted “recidivist,” with the last name Nazarov, who had been charged with raping another girl in a nearby village, and was detained for this crime around the time of the murder. Nazarov confessed to Marina's murder, but incorrectly described it as a stabbing, when in fact the girl had died of asphyxiation. He was eventually cleared of this charge.<sup>148</sup>

When the initial investigation floundered, and the case was dropped for lack of a suspect in winter of that year, it looked like there would be no justice for Marina or answers for her community. However, the case was reopened early in 1967—propelled, not by the procurator's office or the investigator subsequently dispatched to the small village to solve the crime, but by a group of local women (led by Marina's grieving mother, Aleksandra Kostopravkina) seeking both answers and vengeance. Kostopravkina had begun writing letters as soon as the investigation of her daughter's murder was closed. She wrote to the Central Committee of the Communist Party, and she wrote to the professional writers of nearby Peredelkino, who in turn appealed to those same central organs of Soviet power. Petitioning higher powers, newspapers, and writers was a common practice among Soviet

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<sup>147</sup> *Ibid.*, 66, 68, 129-130.

<sup>148</sup> *Ibid.*, 70; and Chaikovskaia, “Priznanie,” November 26, 1969, 13.

citizens for all grievances, and the combination of a compelling story and noteworthy advocates caught the attention of the party Central Committee, which reportedly put the case under its own special supervision.<sup>149</sup>

The case was re-opened and an investigator from the Moscow regional procuracy was ordered to solve it. And then, on the anniversary of Marina's death, Kostopravkina suddenly recalled a clue that would change the entire course of the investigation: the old woman Ekaterina Marchenkova, who played the role of the *plakalshchitsa*, or designated mourner, at Marina's memorial service, had wailed in part about the crime being her fault. The old woman's lament, Kostopravkina suspected, indicated that Marchenkova had known something that could have prevented the murder from happening. Kostopravkina confronted Marchenkova, who revealed that she had heard a girl's voice shouting at the two boys the night Marina disappeared: "Alik! Leave me alone! Stop pestering me! You ought to be ashamed. Sasha! Let go, what do you want with me? Leave me alone, both of you!"<sup>150</sup> Kostopravkina seized on this memory, and went to the newly assigned investigator from Moscow Oblast' Detective L. M. Yusov with a new theory of the crime. Within a few days, the two boys were in police custody under interrogation and they confessed.<sup>151</sup>

Confession alone was not considered to be adequate evidence to convict someone at this time in the Soviet courts. And yet the investigators' reliance on the boys' confessions initially went unchallenged: the crime appeared to have been solved, and most of the villagers willing to accept the narrative that the prosecutor presented. In it, the two boys, walking with their friend Marina on their way to meet the others, decided on a whim to rape her, one egging the other on, each fearing nothing so much as being seen as a coward by the other. The murder was unintended, as Marina choked on whatever item of clothing was used to dampen her cries, or drowned after the boys threw her in the pond, depending on which boy's testimony you accept.

By the time that the trial began, it appeared that the boys did not have a single ally in the village

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149 See "V komitete narodnogo kontroliia SSSR "pis'mo—dokument chelovcheskii," *Izvestia* 304 (Dec 28 1966), 3; Kaminskaia, *Final Judgement*, 72.

150 Kaminskaia, *Final Judgement*, 71.

151 *Ibid.*, 72-73.

outside of their own families. When the investigators brought the boys to the scene of the crime with videocameras to document their testimony, crowds of neighbors formed around one and then the other boy; at first the onlookers stood in stunned silence, and then they began to shout: “Murderer!” “Brute!” Even the first lawyer assigned to the boys by the investigator met their parents by saying, “No, there can be no doubt about it. They really are guilty—if they weren't, they wouldn't have confessed.”<sup>152</sup>

Alik and Sasha's friends, those who had been with them and Marina the night of the murder, initially insisted that the two boys could not possibly have committed the crime. Although they were the last two people to be seen alone with Marina (and one of them would be the first to notice Marina's floating body as he rowed with friends in the village's small pond), many people's testimonies confirmed that the two boys were out of their friends' sight for only fifteen minutes that night. But when the friends met the boys in jail, heard recordings of their confessions and saw their hollow expressions, all but one of them conceded that the confessions must have been genuine (Sasha's sister categorically refused to believe in their guilt, and instead shouted “Why are you lying, Sasha? I was there myself, and I *know* it was only fifteen minutes.”)<sup>153</sup>

The boys only recanted their confessions after their parents insisted on hiring their own defense lawyers. The lawyers, brought in from Moscow, were blasted by Kostopravkina and others in the village as outside elements with only mercenary goals. It did not help that one of the boys, Sasha Kabanov, when subjected to further police questioning, explicitly blamed his Moscow lawyer for goading him into his “false” retraction.<sup>154</sup> This lawyer left the case and Dina Kaminskaia took on Kabanov's defense after being convinced by Alik Burov's lawyer Lev Yudovich that this was an exceedingly interesting case.<sup>155</sup>

From that moment forward the boys no longer wavered in their accounts, and the defense lawyers began to build their argument, claiming in part that the boys' original confessions were caused

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<sup>152</sup> *Ibid.*, 76-77.

<sup>153</sup> *Ibid.*, 78 (emphasis author's).

<sup>154</sup> In a 2016 interview on the radio station Ekho Moskvy, historian Aleksei Kuznetsov suggested that the lawyer hired by the Kabanovs, Irina Kozopolianskaia, being a seasoned lawyer for whom criminal defense was a long-time family business, would likely have told Sasha that he must not confess under any circumstances, even if he were guilty, and the boy repeated this advice to investigators. Aleksei Kuznetsov, “Delo Kabanova i Burova, obvinennykh v iznasilovanii i ubiistve odnoclassnitsy” Interview by Sergei Buntman. *Ne Tak*, March 20, 2016. <http://echo.msk.ru/programs/netak/1731400-echo/> [last accessed March 16, 2017].

<sup>155</sup> *Ibid.*, 65, 78.

by the psychological pressure inflicted on them by the procuracy's Senior Investigator Yusov and their older cellmates who, speaking from “experience,” convinced the boys that they had no chance in court unless they told the investigators what they wanted to hear. Jail records confirmed that the boys were placed in cells with grown men—a practice forbidden by Soviet law—and the boys claimed that these men advised them that the only way to lessen their punishment would be to confess.<sup>156</sup> The investigator used the adolescents' isolation from family and peers, and fear of the harshness of prisons, of inmates, and of the unforgiving justice system, to force their confessions. Authorities also pitted the boys against one another, so that each vied to claim less responsibility for the crime than the other. Once the boys were on the stand at trial, however, they returned to their assertion on the night of the murder: that Marina had simply gone her own way after she, Alik, and Sasha briefly stopped by their houses before the two boys reunited with the group a little bit later, and they never saw her alive again.

#### **IV. Juveniles and Crime in the Late Soviet era**

Was it the nature of the crime itself, the strength of the evidence, or something else that caused such a small community to turn so viciously and decidedly against two of its own children? How was this paroxysm of violence in a quiet village explained or understood by the local, and by the broader Soviet audience to whom it was eventually reported?

The efforts of scholars and legal professionals in the late 1960s and early 1970s to involve the public in the legal process followed earlier efforts by the state to deal with the growing crime problem in the late 1950s. As scholars and jurists tried to educate the people about the law and inculcate an appreciation for the rules of evidence and procedure, they were appealing to the same people who had recently participated in state campaigns focusing more on apprehension and punishment of “criminals” than on legality. Ultimately, this history of mass participation in crime-fighting contributed to a mentality of popular justice that worked at cross-purposes to new educational efforts aimed at getting the

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<sup>156</sup> See V. N. Andreev, *Soderzhanie pod strazhei v SSSR i Rossii: poriadok i usloviia* (Moscow: Spark, 2000), 340-382, 390-427.

public to respect the legal rights and protections of the accused.

Part of the popular anger against the two young men in Izmalkovo accused of rape and murder in 1965 derived from the recent growing popular frenzy over the crime of “hooliganism,” a crime not just against persons or property, but against the order of Soviet society. By the mid-1960s, the notion that ostensibly good Soviet boys could turn out to be base and corrupted was a widespread social anxiety.<sup>157</sup> Juvenile crime had returned to the radar screens of the Central Committee, law enforcement, and the procuracy, and new campaigns to understand and combat it were launched throughout the course of the 1960s and beyond.<sup>158</sup> It had long been the case that “hooliganism,” especially when committed by juveniles, was seen as the beginning of bigger crimes.<sup>159</sup> While in the late 50s and early 60s, community leaders, teachers, parents and police were concerned with protecting good Soviet boys from the influence of “hooligans,” in the Brezhnev era the distinctions between the two had begun to blur to an alarming degree.

And yet in 1968 the efforts of the police, the procuracy, and the party to combat hooliganism remained steadfast, though the ideological danger that the crime posed had waned from its peaks in the early revolutionary and post-Stalin eras. Instead of appearing to be an epidemic of foreign ideological influence, or a holdover of past social woes, it came to be seen as a result of poor choices made by badly brought-up individuals; the cure in the Khrushchev era was seen as greater public control over private behavior.<sup>160</sup>

Hooliganism's perceived ubiquity often served as the impetus for public anti-crime mobilization.<sup>161</sup> Involving the public was in many ways convenient for the authorities, because then they could place the blame for the persistence of hooliganism on the individuals and collectives who did not

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157 See: LaPierre, “Private Matters or Public Crimes: The Emergence of Domestic Hooliganism in the Soviet Union, 1939-1966,” in *Borders of Socialism: Private Spheres of Soviet Russia*, ed. L. H. Siegelbaum (New York: Pallgrave Macmillan, 2006), 191-207; Marianna Muravyeva, “‘Bytovukha’: Family Violence in Soviet Russia,” *Aspasia* 8 (2014): 90-124.

158 W.E. Butler, “Crime in the Soviet Union: Early Glimpses of the True Story,” *The British Journal of Criminology* 32, no. 2 (Spring 1992): 144-159; 159; LaPierre, *Hooligans*, 5-6.

159 Brian LaPierre, “Making Hooliganism on a Mass Scale: The Campaign against Petty Hooliganism in the Soviet Union, 1956-1964,” *Cahiers du monde russe* 47, no. 1-2 (January–June 2006): 349-75; LaPierre, “Private Matters or Public Crimes”; Miriam Dobson, “‘Show the Bandit-Enemies no Mercy!’: Amnesty, Criminality, and Public Response in 1953,” in *The Dilemmas of De-Stalinization: Negotiating Cultural and Social Change in the Khrushchev Era*, ed. Polly Jones (New York: Routledge, 2006), 21-40.

160 LaPierre, *Hooligans*, 164, and “Making Hooliganism”.

161 See LaPierre, “Making Hooliganism,” and Dobson, “‘Show the Bandit-Enemies no Mercy!’”

perform their proper societal roles, rather than on the Soviet system or society itself, which was the target and victim of hooliganism. While other crimes like theft, murder, or rape had the potential to lead to uncomfortable questions about the persistence of greed, corruption, violence, and misogyny in Soviet society, the charge of “hooliganism” often had the effect of automatically condemning the individual offender and the (“micro”) environment in which (usually he) lived or was raised, while obscuring the broader social context that made the crime so common.

This perception—that “hooliganistic” attitudes were produced and could be eliminated by local environments—fed into the changing legal definition of hooliganism in the Khrushchev era. As Brian LaPierre points out, prior to the Khrushchev era, from the late 1930s through the late 1950s, hooliganism was understood by police and jurists as a public act of violence or disrespect towards the social order that was directed at a stranger or at no one in particular with no motive besides disruption or disrespect of the social order. Thus defendants charged with hooliganism would often attempt to prove that they had an individual or personal motive for their act, or a relationship with their victim, in order to have their charges dropped. As the 1950s progressed however, local police and courts began increasingly to charge the instigators of domestic disputes with hooliganism, thus moving the site of the crime into the home, and taking advantage of the crime's broad and protean definition to convict people for battering or brawling with spouses, children, friends, and neighbors—whatever their motive.<sup>162</sup>

This shift in the location of hooliganism from the public square to the private apartment dovetailed with a broader effort that began in the Khrushchev era to encourage community groups to take on many functions previously fulfilled by state agencies. Among the most important of these functions was solving and fighting crime, and punishing criminals. Throughout this period, more and more citizens were empowered to report and prevent crimes like hooliganism in their own homes, apartments, and neighborhoods. These citizens came together in various groups: most notably the *druzhina* (citizens' patrol group) and the comrades' courts, which, much like their predecessor the

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<sup>162</sup> LaPierre, *Hooligans*, 84, 89-92.

Communist Party's courts of honor, mainly involved male citizens in attempting to correct the behavior of their male co-workers and neighbors, often at the behest of the latter's female relatives or victims.<sup>163</sup>

The campaign to involve *obshchestvennost'* (the community) in crime-fighting and crime-solving was both an ideological and a practical move. As other historians have pointed out, it did not escape the public's notice that crime was a major problem.<sup>164</sup> Yet high crime rates were only half of the story; ineffective policing was a common complaint of citizens and of higher government authorities alike. A report from the procurator of Moscow Region for the year 1966—the year that Marina Kostopravkina's murder case was reopened and Sasha and Alik arrested—gave unsatisfactory marks to the investigators and police of the Odintsovo district (where Izmalkovo was located) for a high number of unsolved crimes, of cases for which the investigations took longer than was legally allowed, and of cases returned by the court for further investigations after a charge was made.<sup>165</sup> *Obshchestvennost'* was expected from the late 1950s through the late Brezhnev years to carry some of the work of overloaded police offices and courts, and to serve as a check on the effectiveness and legality of officials' actions.<sup>166</sup>

Many of the examples that the Procuracy singled out for criticism were violent crimes, and the victims largely women and girls: the case of two men, Komkov and Zubarev, accused of multiple counts of gang rape; the case of Dunets, charged with raping a twelve-year-old girl; the case of two men, Morozov and Sytin, who for beating the brothers Skomorokhov went unpunished after a very superficial investigation of the crime, and went on to rape citizen Zhiliaeva, for which crime they were finally arrested and charged. Often police failed, or refused, to open a case for a reported crime. And again, though the Procuracy makes no note of this, the crimes very often involved violence against women. A characteristic example is the case of Gliadchenko, whose wife reported his hooliganistic behavior to the

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163 LaPierre, *Hooligans*, 89-93; Dobson, *Khrushchev's Cold Summer*, 135; Edward Cohn, "Sex and the Married Communist: Family Troubles, Marital Infidelity, and Party Discipline in the Postwar USSR, 1945–64," *The Russian Review* 68 (July 2009), 441-442, 448.

164 Dobson, *Khrushchev's Cold Summer*, 134-137; LaPierre, *Hooligans*, 12, 44, 99; Hardy, *Khrushchev's Gulag: The Evolution of Punishment in the Post-Stalin Soviet Union, 1953-1964* (Ann Arbor: UMI, 2011), 31.

165 *Central State Archive of Moscow Region (TsGAMO)*, f. 7961, op. 1, d. 1204 s. 1-3; According to a report by the Moscow Regional Procuracy in 1967, the majority of crimes investigated by the police in Odintsovo region were those reported by private citizens or community organizations: "Povodami dlia resheniia voprosa o vobuzhdenii ugolovnykh del v Odintsovskom raione, kak pravilo, iavliaetsia zaiavleniia i soobshcheniia grazhdan i organizatsii o sovershennykh prestupleniiax," *TsGAMO*, f. 7961, op. 1, d. 1195, s. 144.

166 LaPierre, *Hooligans*, 201; Yoram Gorlizki, "Delegalization in Russia: Soviet comrades' courts in retrospect," *American Journal of Comparative Law* 46 (1998): 404.

investigative department after he beat her with a board and, in the presence of his son, threatened to kill her. In spite of this, no charges were made against him.<sup>167</sup>

From very early in Soviet history, the rhetoric of many authority figures, as well as of many laws and policies, purported to acknowledge the state's special duty to protect women (for the dubiously revolutionary reason that all women were mothers in reality or potentiality).<sup>168</sup> As the examples above show, this rhetoric did not always reflect reality, and legal or institutional recourse for women seeking the help or protection of the authorities against the violence or neglect of men in their home and work lives was often inadequate. Yet women throughout Soviet history often found ways to attract the attention of the people and agencies that would come to their aid in disputes in which their gender rendered them vulnerable.<sup>169</sup>

Thus it is not surprising that the campaign against the two boys in Izmalkovo was waged mostly by a few village matriarchs. Kostopravkina, Marina's mother, refused to allow the local police to drop the case for lack of a suspect, and wrote letters to anyone whose address she could get her hands on until the case was re-opened. After more than a decade of popular participation in crime-fighting efforts of authorities whose stated purpose was to solve every crime, not only did the people of Izmalkovo refuse to accept that the crime could not be solved, but they also expected to be involved in the discovery and prosecution of Marina's murderers. And after becoming accustomed to the new “domesticated” ideas about hooliganism in the Khrushchev era, they were even ready to accept that the criminals could be two of the village's own.

## **V. The Village Women and the Law**

To the legal and literary professionals who came from Moscow to participate in and observe the trial, however, Kostopravkina's campaign and the police's response looked less like a case of a poor

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<sup>167</sup> *TsGAMO*, f. 7961 op. 1 d. 1195 s. 138-154.

<sup>168</sup> Gail Lapidus, *Women in Soviet Society: Equality, Development, and Social Change*, (Berkeley: University of California Press, 1978), 240; Lisa Granik, “The Trials of the *Proletarka*: Sexual Harassment Claims in the 1920s,” *Reforming Justice in Russia, 1864-1996: Power, Culture, and the Limits of Legal Order*, ed. Peter Solomon (London: M.E. Sharpe, 1997), 131-167: 134.

<sup>169</sup> See for example: Granik, “The Trials of the *Proletarka*,” 150; Cohn, “Sex and the Married Communist,” 448; Muravyeva, “Bytovukha.”; Jane Burbank, *Russian Peasants go to Court: Legal Culture in the Countryside, 1905-1917* (Bloomington: University of Indiana Press, 2004), 32-48.

woman demanding protection and justice for herself and her daughter, than it did of official incompetence and corruption. The investigators appeared to have seized on the ignorance of the villagers and the pathos evoked by the crime to sacrifice two vulnerable young scapegoats to get a conviction rather than risk their statistical record by investigating the case in earnest.

Besides Kostopravkina, the group of village matriarchs involved in the trial included Ekaterina Marchenkova, the official mourner who was the one who first suggested that the boys were suspects after the dead girl's mother jogged her memory. Marchenkova became ever more convinced of her own story as the trial progressed—even when the facts and evidence brought out by the defense began to undermine it. And there was one more village woman whose role in the case was essential: Berta Brodskaia, about whom Kaminskaia wrote:

Brodskaia, who lived alone, had an unquenchable urge for involvement in public affairs which had for a long time lacked an outlet. She was one of that distinctive class of people called—not officially, but among the public at large—Old Bolsheviks. This was not merely because of her membership in the Party ... Old Bolsheviks are chiefly recognized by a mental attitude, the inflexible attitude of a person who is never prey to a single doubt. Such people do not hesitate or qualify; their judgments are always categorical. At work, they often cause trouble and unpleasantness for their colleagues. When they retire, they get involved in community or public affairs. This gives them the right to meddle, to act a self-appointed guardians of the 'moral tone' of their neighbors, to be the judges of other people's lives in the court of public opinion.<sup>170</sup>

Kaminskaia saw in the person of Brodskaia a synthesis of narrow-minded, outmoded thinking, and unflagging support for the actions and ideals of the Soviet state. Kaminskaia's account of them reflected a popular prejudice among parts of the intelligentsia against those elderly activists whom they considered to be remnants of enthusiastic Stalinism.<sup>171</sup> Such people became active participants in Khrushchev-era campaigns to use social pressure to police individuals' private behaviors. These campaigns worked through institutions like the comrades' courts, wherein, according to Yoram Goralzki, “panels and audiences were made up of veterans of war and industrialization who adhered to a harsher prewar puritanical morality and who used the stand offered by comrades' courts to lecture younger

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<sup>170</sup> Kaminskaia, *Final Judgement*, 99.

<sup>171</sup> See: Oleg Kharkhordin, *The Collective and the Individual in Russia: A Study of Practices*, (Berkeley, Calif: University of California Press, 1999); Deborah Field, *Private Life and Communist Morality in Khrushchev's Russia* (New York: Peter Lang, 2007); Cohn, "Sex and the Married Communist," 432.

offenders, often products of a softer and more liberal post-Stalin society, on traditional Soviet mores.”<sup>172</sup>

Kaminskaia also saw in Brodskaia the embodiment of a peculiarly feminine form of authority that seemed to be driving the spectacle that was this criminal case. Most of the key players in bringing this case to trial and hearing or arguing it in court were women. And for almost all of them—especially the advocate Kaminskaia, and the reporter writing for *Literaturnaya gazeta*, Olga Chaikovskaia—gender and gendered behavior played an important role in the way that they perceived the trial and the popular fury surrounding it. These two women condemned the degree to which the behavior of the Izmalkovo matriarchs in the courtroom interfered with the workings of the court, arguing that many of the judges and prosecutors not only allowed the village women to set the tone of the trial, but themselves exhibited logic and behaviors similar to those of the village women.

The first trial of the two boys in Moscow regional court in early 1967 ended with a decision to return the case to the procuracy for further investigation, but the case was soon transferred to the Moscow City Court for a retrial after all the judges of the regional court refused to take the case, claiming that the victim's mother Kostopravkina lacked confidence in their entire bench. The true reason for distancing themselves from this case was more likely that they were reluctant to get involved in a trial that was being watched so closely by political authorities. In September 1967 the case eventually landed in the courtroom of a judge at the Moscow City Court, Judge Kareva, who was more than willing to do what was expected of her by the police, prosecutors, and party leaders—all of whom had an interest in finding someone to blame and punish for this crime.

As the trial opened, it was clear that the participants interpreted many of its key developments through the lens of gender. This was apparent in the memoirs that Kaminskaia wrote years later; according to her, it was immediately obvious that Kareva was “a judge who had decided on a verdict of guilty even before the start of the trial.” More than 35 percent of people’s court judges were women, Kaminskaia wrote (perhaps proudly, perhaps ironically), and in her opinion these women were “not

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<sup>172</sup> Gorlizki, “Delegalization in Russia,” 423.

distinguished from their male colleagues by greater compassion.” In fact, the trials of Burov and Kabanov were a prime example for Kaminskaia of how the opposite very often proved true.<sup>173</sup>

Kaminskaia's disappointment with her female fellow-jurists was not limited to the judiciary; she reserved ample scorn for the prosecutor Voloshina, calling her “a woman who combined stupidity and lack of legal education to a remarkable degree.”<sup>174</sup> The ignorant local authorities and the village women, Kaminskaia wrote, were marked, paradoxically, both by their sexism and by their stereotypically feminine behavior. According to the defense attorney, “sex discrimination” led Alexandra Kostopravkina to harass Kaminskaia’s male co-council Lev Yudovich more than she did Kaminskaia. “I am a woman,” Kaminskaia wrote, “which is a significant factor influencing the assessment of professional abilities by people of Kostopravkina's educational level.”<sup>175</sup>

In her initial reports on the trial, published in 1969, Chaikovskaia too inveighed against both popular ignorance, and excessive emotionalism in the courtroom.<sup>176</sup> While saying that she herself was, of course, “not calling for any retrograde prohibition against women in the courtroom; I know excellent women judges,” she continued, “female emotionality makes me very uncomfortable in this context.”<sup>177</sup>

“Female emotionality” referred to the prejudiced and heated atmosphere of the courtroom, in which the judge and other observers treated the defendants, their lawyers, and witnesses with hostility, while the prosecution's flimsy arguments elicited visible sympathy from the court and were hardly scrutinized on legal grounds.<sup>178</sup> Though in this case, many of these practices were perpetuated by male court officials, Chaikovskaia nonetheless characterized this prosecutorial bias and cavalier attitude to legal protocol as feminine. As Chaikovskaia presented it, the village women and local legal officials shared a certain brand of self-righteous, state-backed ignorance that she saw as a distortion of justice.

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173 Kaminskaia, *Final Judgement*, 58.

174 *Ibid.*, 102.

175 *Ibid.*, 123.

176 Kaminskaia's ideas about the role that emotions should play (or not play) in the work of the court are not unique to her or to Soviet jurists. Susan Bandes argues that the idea of law as dispassionate and devoid of emotionalism has also been a main feature of mainstream thought in the U.S. until relatively recently. Susan Bandes, *The Passions of Law* (New York: New York University Press, 1999), 6-11.

177 Olga Chaikovskaia, “Priznanie; Sudebnyi ocherk,” *Literaturnaya gazeta* 49, December 3, 1969, 13.

178 The complicated relationship between emotions and legal justice, and the myth of the dispassionate, rational court in the U.S., has been examined in Dan M. Kahan and Martha C. Nussbaum, “Two Conceptions of Emotion in Criminal Law,” *Columbia Law Review* 96, no. 2 (March 1996): 270-372. See also Bandes, *The Passions of Law*.

And yet Chaikovskaia's purpose in writing her articles was not merely to condemn, but to educate her readers and to help fix this problem in the Soviet justice system. While Kaminskaia, writing from the U.S. over a decade later (than Chaikovskaia, whose articles came out very soon after the end of the final trial), seemed to see the ignorance and anti-legalism of the village women and their ability to set the tone for the entire trial as a product of Soviet social and political culture, Chaikovskaia wrote as if the opposite were true. She was writing mainly to civilians and laypeople (readers of the newspaper *Literaturnaya gazeta*, in which the articles were published, were, however, more likely to be members of the educated Soviet elites), in hopes that she might correct some popular misunderstandings about how the Soviet legal system ought to function. It is clear that Chaikovskaia saw the readiness of many parts of the Soviet public to be convinced by dubious arguments as one major reason why investigators and prosecutors continued to make such arguments. In Chaikovskaia's telling, the village women of Izmalkovo demanded (in their petitions to the judicial and political authorities through the winter of 1965 and spring of 1966) that someone be punished for Marina's death. Due to their eagerness to see the crime solved, and their ignorance about legal matters, they made themselves vulnerable to the crass manipulations of dishonest officials. By portraying police and judicial incompetence or deviance as inconceivable in the Soviet Union, save for the naivety and emotionalism exemplified by the women of Izmalkovo, Chaikovskaia exhorted her readers to take a more informed and sober approach to the law. For Chaikovskaia, to write against “female emotionality” in the context of the court was to suggest that a more legally informed and dispassionate public could combat such perversions of justice in the future.

## **VI. Confessions**

Nowhere was irrationality and emotionalism more dangerous, and sobriety and reason more needed, from this perspective, than in understanding the boys' “confessions,” and the extent to which the state's case hinged on them alone. Chaikovskaia described the institution of confession as a backward and demagogic practice that undermined justice by catering to untrained sentiments and dispensing with

procedure and legality. She considered confession an artifact of the Middle Ages, when it was considered the best evidence of guilt. What she did not mention, and what the reader was perhaps left to recall on her own, is that under Stalin as well, confession was considered the “queen of evidence”.<sup>179</sup> And yet in 1969, jurist still warned against Vyshinskii's continuing influence in popular thought, since the perception that no one would confess to someone else's guilt except under torture still held sway over the public and the judiciary alike.<sup>180</sup> She asked, “how did it happen in the case of Burov and Kabanov [that they confessed]? Were they tortured, threatened? The boys claimed that the investigator did not touch them, and in fact was very polite.”<sup>181</sup>

Jurists and criminologists had long known (though they had in the past been made to keep silent about it) that suspects need not be tortured to give a false confession, and that a conviction could not justly be based on confession alone in a modern, progressive legal system.<sup>182</sup> In 1968, scholars had recently published studies showing that wrongful confessions occurred for many reasons, including self-delusion and psychological or social pressures that did not necessarily resemble torture.<sup>183</sup> Implicitly, the persuasive power that a confession had over judges and the public was just too tempting for legal and police officials who often found themselves unhindered by popular or political pressure to follow the rules. As a result, uninformed emotionalism often overtook judiciousness and legality in the courtroom, in which the “public” was just as culpable for these miscarriages of justice as were the unscrupulous officials whom they allowed to get away with it.<sup>184</sup>

Kaminskaia foregrounded the role of confession in the court atmosphere as well, and saw it as one of many aspects of unprofessionalism and illegality that the female participants brought to the trial. As she wrote about the first trial, in the Moscow oblast' court, “The omens for the trial were not good,”

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179 N. V. Zhogin, “Ob izvrashcheniiax Vyshinskogo v teorii sovetskogo prava i praktike,” *Sovietskoe gosudarstvo i pravo* 3 (1965), 22-31: 29.

180 *Ibid.*

181 Chaikovskaia, “Priznanie,” December 3, 1969, 13.

182 Iurii Feofanov, *Politics and Justice in Russia Major Trials of the Post-Stalin Era* (Armonk, N.Y.: M.E. Sharpe, 1996), 105; Arkadii Vaksberg, *Prestupnik budet naiden: rassказы o kriminalistike* (Moscow: Izdatelstvo “Znanie”, 1963), 6-8; Shelley, *Policing Soviet Society*, 156.

183 “Protokoly i resheniia soveshchaniia pri direktore vsesoiuznogo instituta po izucheniiu prichin i razrabotke mer preduprezhdeniia prestupnosti,” (15 January to 30 December 1968), *Gosudarstvennyi Archive of Russian Federation (GARF)*, f. 9523 op. 1 d. 141, s. 41-48.

184 Kahan and Nussbaum, “Two Conceptions of Emotion in Criminal Law”; Glennys Young, “Bolsheviks and Emotional Hermeneutics: The Great Purges, Bukharin, and the February-March Plenum of 1937” in *Interpreting Emotions in Russia and Eastern Europe*, ed. Mark D. Steinberg and Valeria Sobol (DeKalb, IL: Northern Illinois University Press, 2011).

she continued, “We had an irascible, autocratic judge, a hysterical prosecutor, the resentful mother of the victim, and the 'people's prosecutor,' a woman teacher at the school where Marina, Sasha, and Alik had studied, who was convinced of one thing: 'They are guilty. If they confessed, they must be guilty.’”<sup>185</sup>

Kaminskaia herself was not troubled by the boys' confessions—not from a legal or a moral standpoint. Though she hesitated to get involved in the trial initially—since upon first glance, the boys' confessions did not look good for them—she was also skeptical of the state's methods of obtaining confessions. She was quickly convinced after one meeting with Sasha that the confessions were false, and found an explanation for them in the boys' older cell mates. Recalling Sasha's testimony before the first judge in spring of 1967, she noted that he spoke of his cell mate “Uncle Vanya” saying:

He told me, ‘the investigator will never believe you didn't do it, nor will the judge. It'll only be worse for you if you plead not guilty. Your only hope at the trial is to confess. All judges like it when a defendant confesses. . . .’<sup>186</sup>

This was not unusual. Even though it was seen as an outmoded, anti-Soviet practice, unscrupulous investigators and discriminatory judges nevertheless frequently employed confession as the foundation of a case. This approach played on the emotions, prejudices and ignorance of the public, and circumvented the rules and principles of the justice system.<sup>187</sup>

To make matters worse, in Chaikovskaia's telling, the court itself seemed to realize the inadequacy of the confessions. As she asked in her *Literaturnaya gazeta* article about the trial:

What happened with the investigation? Did they believe the confessions? Maybe for a moment, I don't know, but I know that it is impossible to believe for long. So they produced evidence and expertise ... and still things don't add up. Confession alone was not enough for any court, so they started to add garnish to the main dish; the dryer the dish, the more elaborate the garnish.

In her telling, the case against Alik and Sasha was born in a special atmosphere: a looking-glass world in which everything was backwards. Outside of that world, such legal arguments could not survive.<sup>188</sup> And yet the prosecution's heavy reliance on the boys' confessions went largely unquestioned.

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<sup>185</sup> Kaminskaia, *Final Judgement*, 102-103.

<sup>186</sup> *Ibid.*

<sup>187</sup> Chaikovskaia, “Priznanie,” December 3, 1969, 13. See also Vaksburg, “Tsaritsa dokazatel'stva” *Literaturnaya gazeta*, January 27, 1988; Miriam Dobson, “‘Show the Bandit-Enemies No Mercy!’: Amnesty, Criminality and Public Response in 1953,” in *Dilemmas of De-Stalinisation*, 29-34, and Dobson, *Khrushchev's Cold Summer*, 165-167.

<sup>188</sup> Chaikovskaia, “Priznanie,” December 3, 1969, 13.

Kaminskaia, writing about the same trial over a decade later—and after she had emigrated to the U.S.—saw the problem in more systemic terms: she blamed the Communist Party authorities for putting political pressure on the police to deliver the public a criminal to punish for this outrageous crime.<sup>189</sup> This forced the courts to focus on fomenting and satisfying a popular demand for retribution rather than seeking actual justice.

## VII. Science and the Law

While they dismissed confessions as ‘medieval’, Chaikovskaia and Kaminskaia were no more sanguine about the ‘modern’ techniques used by the prosecution. The local authorities relied heavily on the investigator's use of science and technology in their case against the boys. The investigators brought a videographer to tape the boys' visits to the scene of the crime, and also made an audio recording of the boys' confessions. The prosecution then used these recordings as evidence in the trial. At the time, these were relatively new technologies intended to improve the war on crime as well as to act as a check on the legality of investigations. And yet, as Kaminskaia and her fellow advocate pointed out, these sophisticated tools appeared as crude bludgeons when used by the state to prejudice the court unlawfully against defendants.<sup>190</sup> At critical moments, the audio and video recordings obfuscated evidence: in the video of the crime scene visit, just as one of the boys was showing the investigators a crucial part of the route that he supposedly took that night, the video cut out. Likewise, the audio recording of the boys' confessions was virtually indecipherable due to loud music playing in the background during one section of the interrogation, and the defense lawyers later proved that the investigators had used this fact to add passages to the written transcript that did not reflect anything the boys actually said.<sup>191</sup> Though the defense succeeded in pointing out these breaches of protocol, this did not change the impact that these recordings had on the observers in the courtroom.

Chaikovskaia warned in her article that technology could be dangerous, and should be regulated

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189 Kaminskaia, *Final Judgement*, 125.

190 Chaikovskaia, “Priznanie,” November 26, 1969, 13.

191 Kaminskaia, *Final Judgement*, 108-110.

by the law, as it was often used for creating an impression in court, and not simply recording evidence. The law at the time did include the provision that no partial or fragmentary recording of confessions or interrogations would be admissible, and many proceduralists and criminalists were in the process of studying the effect that these new technologies had on the court process and developing new regulations as problems arose.<sup>192</sup> She suggested that the defense should also have the right to make video and audio recordings and use them in court—wishful thinking in a legal system that was hard-pressed to supply all of its police investigators with such advanced equipment, and loathe to provide defense lawyers with even the basic access to their clients that was mandated by the law.<sup>193</sup>

This very issue—the introduction of new technologies into criminal investigations and its consequences for the rights of the accused and the public perception of law and justice—was being debated at the time of Sasha and Alik's trial within the highest echelons of the Soviet criminal justice system—both by the Supreme Court of the RSFSR and by the USSR Procuracy's scientific and criminological research institute, the All-Union Procuracy Institute.<sup>194</sup> In the discussions between the academy, the Supreme Court, and the Central Committee, the role of technology and science in law was frequently spoken of in terms of the need to balance their crime-solving potential against their fallibility and the rights of individuals that they had the potential to infringe upon.<sup>195</sup> This contemporary debate played itself out in this case, as both confession and technology offered a false promise of truth that distorted the realm of justice. The village women were stand-ins for the Soviet public: both were easily manipulated by the patent certainty that things like video and sound recording and forensic expert testimony appeared to offer. To counter these claims, the women of the capital (and the male defense attorney Yudovich) offered in return the classical arts of rhetoric, jurisprudence, and in the case of Chaikovskaia, sociological and psychological research (on the reasons for false confessions).

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192 Discussion of the collective work, “Primenenie zvukozapisi v sledstvennoi praktike,” (11 October 1966), *GARF, f. 9523, op. 1, d. 120, s. 95*; Report to the Department of Administrative Organs of the Central Committee of the Communist Party on the activities of the Institute's sector of preliminary investigations (17 May 1966), *op. 1, d. 123, s. 48*; Dissertation defense for V.P. Gerasimov's “Pravovye i nauchno-tehnicheskie osnovy ispol'zovaniia zvukozapisi v ugovnom protsesse,” (24 November 1969), *op. 1, d. 148, s. 120-145*.

193 Chaikovskaia, “Priznanie,” November 26, 1969, 13.

194 *GARF, f. 9523, op. 1, d. 148, s. 120-126*.

195 Report to the Department of Administrative Organs of the Central Committee of the Communist Party on the activities of the Institute's sector of preliminary investigations (17 May 1966), *GARF, f. 9523, op. 1, d. 123, s. 49*.

## VIII. The Defense

This did not mean that the boys' defense rested solely on dry legalistic arguments, or that their lawyers did not attempt to appeal to the sympathies, human experiences, or prejudices of the trial's audience of judge and public, or let any of their own prejudices seep into their work. In her memoirs written decades after the trial was over, Kaminskaia continued to mount a 'defense' of her client in terms that were highly characteristic of the Soviet bar: highlighting a class dimension that was intertwined with the gendered and legal interpretations of the trial discussed above.<sup>196</sup> Kaminskaia emphasized the positive 'characteristics' of the boys—reports from their school and community organizations—and highlighted the stability of their families to emphasize the unlikelihood that they were criminals. “These completely uneducated, simple people,” she wrote, “were awesome in the dignified restraint with which they endured the grief that had overwhelmed them.” Kaminskaia's description had an air of Tolstoyan beatification of the simple peasant in it—a stark departure from the untempered disdain with which she discussed Kostopravkina, Voloshina, Brodskaia, and most of the other participants in the trial. Sasha's mother, Klavdia Kabanova, came in for special praise:

This woman had raised six children in the dauntingly difficult conditions of rural Russia—living in a wooden shack heated only by a wood-burning stove, with no piped water (all their water was fetched from the well in buckets), no sanitation, no gas stove; working seven days a week from morning till night on the state farm as well as at home—yet she never became embittered, always behaved with dignity. Somehow she managed to command the respect not only of her children, who invariably obeyed her without so much as a murmur, but also of her fellow villagers; and she even managed to retain the fresh looks and youthful walk of a real Russian beauty, with her ash-blond hair that showed scarcely a trace of gray and her small but piercing and brilliantly blue eyes.<sup>197</sup>

Compare this description to that of Marina's mother, whom the defense lawyers initially agreed

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<sup>196</sup> “From Russia with Literature: The Family Simis Writes a Trio of Books About Their Homeland,” *The Washington Post*, July 6, 1980.

<sup>197</sup> Kaminskaia, *Final Judgement*, 74-75.

to treat with kid gloves in light of her grief. That lasted only until they realized the extraordinary amount of stoicism and tolerance it would entail:

The judge not only failed to restrain her [Kostopravkina's] outbursts but obviously took genuine pleasure in watching Kostopravkina standing in front of the bench with arms akimbo, no doubt the pose in which she was accustomed to stand when quarreling with her neighbors.<sup>198</sup>

Another observation that Kaminskaia made was that Sasha's family “was not only a large one; it was a loving, united family, and above all—what is extremely rare in rural Russia—all its members were teetotalers.” the latter description stood in sharp contrast to her accounts of the victim's family regularly imbibing with the key witnesses.<sup>199</sup> Kaminskaia spoke of Kostopravkina in terms that placed her in the raucous, hard-drinking working class, while she described Sasha's family, also in fact working-class state farm employees, as if they were noble people fallen on hard times.

Though it represents an older attitude toward the causes of crime than what we saw in the Procuracy Institute's Orenburg study, Kaminskaia's focus on the wholesomeness and respectability of the Kabanovs was neither unusual nor out of place in the Soviet justice system. Personal characteristics—education and work history, community involvement, and personal references—were very important in Soviet legal theory and practice. So were family relations: legal officials had long considered the primary cause and condition of juvenile crime to be poor upbringing and an unhealthy home environment (though, as we saw, by the late 1960s scholars and writers like those at the Procuracy Institute had begun to challenge and contradict this long-held assumption). Consequently, it stands to reason that Kaminskaia, like most defense lawyers, would make much of her client Sasha's exemplary family life.

Yet Kaminskaia's interest in the personal characteristics of the Kabanovs went beyond merely fulfilling her duties to her client. In describing her client's upbringing and demeanor, she was highlighting the indelicate and lower-class manner in which most of the other participants in the trial conducted themselves. Though she and Chaikovskaia charged the other village women with maudlin

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<sup>198</sup> *Ibid.*, 104-105.

<sup>199</sup> *Ibid.*, 73, 71.

emotionalism, lack of education, and simplistic reasoning, Kaminskaia seemed to believe that her colleagues in the prosecution and on the bench likewise possessed all of these characteristics, and worse: they lacked integrity and professionalism.

As Chaikovskaia pointed out, prior to Judge Kareva's ruling to convict the two boys, even the prosecutor Voloshina claimed she was "bound to admit that Burov and Kabanov were good boys. Nothing in their previous behavior suggests that they had any criminal tendencies. If they had not renounced their confessions and denied their guilt, they might have come into court with their heads proudly held high." Since they chose to renounce their confessions, she claimed, she was forced to ask for ten years each for the boys. Chaikovskaia explained the court's verdict of guilty in spite of the weakness of the prosecution's case and the strength of the defense's by emphasizing to readers that confession had such an effect on the court as to counteract all other evidence of innocence or potential causes for doubt.<sup>200</sup>

Kaminskaia implied that there was a much more sinister reason for the prosecution's position and for the verdict: whether or not the judge and the prosecutor truly believed the boys were guilty was irrelevant, what mattered was that they felt compelled by political authorities to bring about a guilty verdict.<sup>201</sup> The Central Committee of the Communist Party was rumored to be keeping a particularly close eye on the trial, and their interest would have explained why the case was reopened in the first place after all of the letters of complaint from villagers and Peredelkino writers in the winter of 1965.<sup>202</sup> Additionally, the structure of evaluations and rewards for judges, prosecutors, and investigators had strongly discouraged acquittals in general since the late Stalinist period.<sup>203</sup> The boys, for their part, were expected to take the fall quietly, to accept the foregone conclusion that was their sentence, ask for leniency whether or not they were guilty, and come out grateful and pliant. Either way, Kaminskaia implied that a lack of professionalism and judicial independence was their main adversary in this trial.

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200 Chaikovskaia, "Priznanie," December 3, 1969, 13.

201 Kaminskaia, *Final Judgement*, 125.

202 *Ibid.*

203 Solomon, "The Bureaucratization of Criminal Justice under Stalin," 237-243.

In Kaminskaia's view, the lower court itself was too predisposed against her and her clients—due to the unreasonableness, unprofessionalism, and the political allegiances of the judge, prosecutor, and spectators—to disagree with the indictment of her client. Her only hope was to appeal to the intelligence and reason of the very few people in the courtroom whom she felt possessed such traits. Besides her co-council Lev Yudovich, Kaminskaia singled out two women whose support she felt was invaluable in overcoming the flawed reasoning and bias towards conviction that permeated the trial. As she described it, these women represented an entirely different segment of Soviet society than the village matriarchs, or the state officials. Both of these women were, like Kaminskaia, members of the intelligentsia. One was the journalist Chaikovskaia, whom Kaminskaia had persuaded to attend the trial because she admired her thoughtful and literate approach to legal matters in *Literaturnaya Gazetta* and *Izvestiia*.<sup>204</sup> The other woman whom Kaminskaia counted among allies in the court was, ironically, brought there to ensure that the boys were convicted and their punishment sufficiently harsh.

## IX. Poetics and Justice

Sara Babenysheva was a writer and literary critic in her 50's representing the Moscow Writers' Organization as the *obshchestvennyi obvinitel'* (people's prosecutor) at the trial in 1967.<sup>205</sup> The Writers' Organization had sent Babenysheva as an *obshchestvennyi obvinitel'* to represent the “people's” position in the trial. The *obshchestvennyi obvinitel'* along with its counterpart, the “people's defender” was an important element in the campaign for mass participation in Soviet justice which characterized the post-Stalinist incarnation of socialist legality.<sup>206</sup> While these people had no real legal standing, their job was to ensure that the rage or compassion of the public organization sending them was expressed to its

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204 Kaminskaia, *Final Judgement*, 126.

205 Sara Babenysheva, who was present at Khrushchev's address to the Third Writers' Congress of May 1959, later became involved in the underground and oppositional activities of literary dissidents like Elena Bonner, Aleksandr Galich, Anatolii Rybakov, Ol'ga Berrgol'z, and Lidiia Chukovskaia. Among other things, she actively opposed the arrest and trial of the writers Aleksandr Siniavskii and Yulii Daniel, and spoke out in support of Andrei Sakharov in 1981, before she was excluded from the Writers' Union, and in 1982, she and her son, Aleksandr Babenishev, were pressured to emigrate. Mikhail Aronov, *Aleksandr Galich: Polnaia biografiia* (Moscow: Novoe literaturnoe obozrenie, 2012): 7; Anatolii Rybakov, *Roman-vospominanie* (Moscow: Vagrius, 1997): 231; *A Chronicle of Current Events*, 62 (London: Amnesty International Publications, 1982), 110; *A Chronicle of Current Events*, 55-6: 90.

206 Peter Solomon, *Criminologists and Criminal Policy: Specialists in Policy-making* (New York: Columbia University Press, 1978), 36; Moyal, *Did Law Matter?*, 73-76, 129-131; LaPierre, *Hooligans*, 133.

satisfaction in the courtroom.<sup>207</sup>

However, Babenysheva immediately made a very positive impression on Kaminskaia, who wrote later that: “our attention was caught by her charming, gentle smile, the bright and cheerful look in her eyes—a rare sight in a courtroom.” The defense team did not object to her inclusion in the trial: “this woman was, after all, an intellectual, a writer. There was a chance that she might be genuinely interested in seeing that justice was done...”<sup>208</sup> In fact Babenysheva, sent to support the prosecution, decided in the course of the trial to instead make a speech in favor of the defendants. It was she who realized that much of the case against the boys hinged on the testimony of Marchenkova, the official mourner who claimed to have heard Marina yelling at the two defendants on the night she went missing. While the advocates set about proving that this woman was both mostly deaf and not at home on the night in question, Babenysheva took another approach. She pointed out that Marchenkova's role in the case stemmed solely from her participation in Marina's memorial service, and not from any demonstrated knowledge about the crime itself. Further, Babenysheva showed that Marchenkova's admission, in the course of her official mourning duties, that she felt herself responsible for Marina's death was a mere formal requirement of her duty, and not a clue in the case.

Marina's mother Kostopravkina had seized on this remark after the case was initially closed by the police, and with some goading, Marchenkova recalled hearing Marina yell at Sasha and Alik on the night of her murder, and this memory led to the boys' arrest. Babenysheva pointed out that, rather than being the key to the true events of the night, Marchenkova's wailings were clearly drawn directly from the oral folk traditions of communal mourning:

The verbal structure of Marchenkova's testimony corresponded precisely with the rules of that particular form of oral folk poetry. First regret for the departed, the mourner's inconsolable grief at her death; then a eulogy of her qualities ... then she lamented the guilt of the survivors at failing to watch over her ... the investigator had made this ritualized form of mourning, in which the only certain fact was the girl's death, into the cornerstone of the indictment; he had given the force of evidential

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207 See *GARF, f. 9523 Prokuratura SSSR Vsesouznyi nauchno-issledovatel'skii institut kriminalistiki, op. 1, d. 113, s. 12-18*; Lopatina, "Gde zhe obshchestvennyi obvinitel?" *Literaturnaya gazeta*, February 11, 1964.

208 Kaminskaia, *Final Judgement*, 126-127.

testimony to a flight of literary fantasy.<sup>209</sup>

Kaminskaia claimed that Babenysheva's speech made her think twice about her own assessment of the witness Marchenkova as hysterical, senile, and a distraction from the facts and the law. And yet, though it is clear that Kaminskaia thought the old woman and her ilk had no place in the courtroom, the lawyer seemed to see a much graver threat to justice in the state's representatives. After praising Babenysheva's "unusually active" role in the proceedings (for a public prosecutor), in which she "did not try to intimidate or shame the witnesses but merely put her questions in a calm, neutral tone," Kaminskaia went on to say that

Babenysheva and [the prosecutor] Voloshina were a living example of the contrast between two kinds of people: the intelligentsia and the illiterate but smug, self-satisfied official. Sara [Babenysheva]'s behavior was incompatible with this court, and the court realized it; they stopped seeing her as an ally and began to suspect that she was their adversary.<sup>210</sup>

By the end of the trial both Kaminskaia and Chaikovskaia had come to see the process in the courtroom as a battle not simply between impartial justice and blind revenge, but between the educated elite on one side, and the combined forces of people's fury and Soviet power on the other; between legality and logic on one hand, and backward and crude hysteria on the other. And, perhaps ironically since Kaminskaia, Chaikovskaia, and Babenysheva were themselves women, they nonetheless continued to view this battle in highly gendered terms.

Chaikovskaia, while unable to blame the women of Izmalkovo for their emotional reaction to the crime, maligned the Moscow city and regional courts for encouraging and manipulating the villagers' histrionics in the courtroom. To her, the ignorant women of the village easily fell victim to the plot of the investigators to produce superficially damning and seemingly incontrovertible evidence to mask the hollow legal foundations of their case. The women of Izmalkovo, for their part, demanded justice from the very centers of powers for the brutalization of one of their daughters, and then held local and regional authorities to this task. And yet their demands for justice clashed with the notions of rights,

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<sup>209</sup> Kaminskaia, *Final Judgement*, 137-138.

<sup>210</sup> Kaminskaia, *Final Judgement*, 130-131.

legality, and truth that the women of the intelligentsia felt was their duty to defend. The first judge to hear the case claimed that the trial was tantamount to a battle between the honor of the procuracy and the honor of the bar (*advokatura*), but in fact the case would not have taken on such significance without the village women who worked to have it heard, and the city women who travelled sixteen kilometers every day to see that it was heard fairly.<sup>211</sup> In the end, the battle was between the matriarchs of the village and the intelligentsia women of the city, and it would need to be decided by no lesser authority than the Supreme Court of the RSFSR.

Kaminskaia and Chaikovskaia both noted the stark contrast between the previous trial and the hearing at the Supreme Court which took place in 1969. Presiding was Judge Ivan Petukhov, who would not tolerate any excitement or even too loud a tone in his courtroom. According to Chaikovskaia, he was friendly; received every witness with hospitality, but with such authority, “that his presence humbled even the screechiest old woman (and there were a few of them there).” Moreover, he spoke to all with equal respect: to a witness right out of jail he spoke precisely the same as to the director of an enterprise.<sup>212</sup> He accommodated the demands of the witness Marchenkova—the professional mourner—when she refused to answer the advocates' questions. He allowed the advocates to pose questions to him, and he in turn would pose the questions to the witness. From this experience it was obvious to all (claimed Chaikovskaia) the distortion and coercion that had taken place in the previous court. Writing about the Supreme Court's ruling to overturn the previous decision, she drew out the contrast between the two courts, the two judges, with a repeated refrain:

Two sentences, one based on confession alone, and in spite of every other piece of evidence; the other sentence based on the text of Article 77 of the Criminal Procedural Code of the RSFSR, stating that confession is not proof of guilt by itself... One sentence means the defeat of justice, the other: its victory... Two sentences; the second differs from the first in that it can't be appealed.<sup>213</sup>

She finished by pointing out that this victory was less than complete: “It is a victory, even if just because Oleg [Alik] and Sasha had the faith of the people returned to them, but the killer still walks the

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211 Kaminskaia, *Final Judgement*, 82.

212 Chaikovskaia, “Priznanie,” December 3, 1969, 13; Kaminskaia, *Final Judgement*, 149.

213 Chaikovskaia, “Priznanie,” December 3, 1969, 13.

earth. While the investigation proceeded according to false clues, the real ones were trampled on. But some clues remain untrammelled, many strings remain which may be tied together. If Marina's life can't be returned, then let the victory of justice at least be a full one!"<sup>214</sup> Chaikovskaia's account is still one of Soviet optimism in a Soviet publication.

Kaminskaia included no such exhortation in her memoirs, though she did conclude by the end of the trial that: "The outcome of this complex case was, in fact, a triumph for Soviet justice."<sup>215</sup> She also explained how experiences like this led her to become a notable defender of dissidents in Soviet courts (and as a result to be pressured into emigration). Why did Kaminskaia insist that justice had triumphed when she understood better than anyone the distortions of justice that had plagued the case from the beginning? And she was not alone: even a Michigan Law Review article from 1982, when her memoir was released in its English translation, agreed with her on this point.<sup>216</sup> The author argued that because Kaminskaia was interested in not only exonerating the innocent, but in inculcating an understanding of the meaning of legality—a legal consciousness—in the population, this case represented a victory. Kaminskaia confirmed that this interest in popular legal consciousness was one of the reasons she would later take on the "hopeless" cases of dissidents like Yulii Daniel and Vladimir Bukovskii: because, even though they were bound to lose, if she did her job well, it would "play a part in developing a respect for the law among Soviet people ..."<sup>217</sup>

While Kaminskaia's goals as an advocate might have had a populist tint, her frustrations with the "people" seemed to trump concerns about corruption and manipulation of the Soviet justice system by politics throughout most of this case. As she described it, the illiterate women of the village both manipulated and were manipulated by the party and police forces that doled out judgment and punishment. The cultured women of the capital stood in opposition to the majority of the villagers and to the investigators and prosecution, hoping to persuade the court to take their side and acquit the boys.

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214 *Ibid.*

215 Kaminskaia, *Final Judgement*, 157.

216 "Review: *Final Judgment: My Life as a Soviet Defense Attorney* by Dina Kaminskaia," *Michigan Law Review* 82, no. 4 (1984): 902-905.

217 Kaminskaia, *Final Judgement*, 50.

While they shared in the outrage the village women felt at the crime (both Kaminskaia and Chaikovskaia, as well as the “people’s prosecutor” Babenysheva, initially aligned themselves against the young boys until they were convinced of their innocence) they were also capable of using their legal and literary training to discover the flaws in the prosecution's case. They frequently reproached the state, in the form of the investigators, prosecutors and judges, for dispensing with law and logic in favor of affect and indignation—behavior more fitting of village matriarchs than of professional jurists.

## **X. Conclusion**

There is something deeply ironic about the outcome of this trial, particularly for Kaminskaia who called it a victory. She was motivated to take on the case in part because political authorities were rumored to be watching it very closely, presumably making its outcome a foregone conclusion. Though the odds at first appeared bleak, she nonetheless ended up relying on the judiciary—not generally known for its independence—to achieve a just verdict in the face of these alleged political pressures. Consequently, it seems that if special political supervision did in fact help lead to the boys' convictions in the first trial, then it is just as likely that that same special supervision also facilitated their acquittals in the final trial. How do we make sense of this apparent contradiction, and of the optimism with which it was met by Chaikovskaia and Kaminskaia?

By 1967 when the final verdict was pronounced on the two boys, a common complaint of intellectuals was that, in spite of all of the perversions of justice and the law of which we saw many examples in this case, “criminals” in general had a better chance at a fair trial in Soviet courts than did anyone with a political charge.<sup>218</sup> Kaminskaia understood from personal experience that fair trials for non-political criminal defendants were in no way guaranteed, however.<sup>219</sup> Yet this case serves as an illustration that in the late 1960s, fairness and justice from the courts on some level was still possible. For her, this could only happen if the rules of procedure and the demands of the law were followed, and

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<sup>218</sup> See, for example: Feofanov, *Politics and Justice*, 63.

<sup>219</sup> See Kaminskaia, *Final Judgement*, 31-35.

reason and dignity were maintained in the courtroom. In this case, that meant that an advocate like her—dispassionate, knowledgeable, and dedicated—was on the defense, and that a judge who valued truth over political expediency had the ultimate power to decide.

On the other hand, the major impediment to an atmosphere of reason and dignity for Kaminskaia was the ignorance and fury of the people, and not just political influence from the government and party. In Izmalkovo, the local police and population alike focused their energy on demonizing the boys (a reaction they had been primed for by years of anti-hooliganism campaigns), while unscrupulous investigators and prosecutors felt emboldened by the alleged support of the party to violate criminal procedure as they built their case. Kaminskaia, Chaikovskaia, and Babenysheva drew attention instead to the dangers of allowing “feminine” irrationality into institutions where calm circumspection ought instead to govern. In this case, their position was vindicated, and the boys acquitted.

Socialist justice, as we saw it depicted by these women in this case, depended on the will and ability of the intelligentsia to continue to fight for reason, civility and legality in the courtroom. And yet, it also depended on their ability to use their privileged positions in Soviet society to influence the course of justice while they still enjoyed those privileges.<sup>220</sup> Throughout the Brezhnev era, the newspapers provided a venue in which to do this. Chaikovskaia would continue writing about cases like that of Burov and Kabanov for decades after 1969, and her writings had an effect over readers and the authorities. According to her fellow journalist Yuri Feofanov, during this time: “Courtroom essays and crime stories of every kind enjoyed great popularity with readers.” Likewise, this type of journalism exerted noticeable influence over officials as well: “An appeal to the higher ranks of the MVD, the procuracy or a court by a popular journalist . . . produced an instant response. The authorities eagerly adopted measures to avoid any kind of publicity in the press.”<sup>221</sup>

If Chaikovskaia's presence in the courtroom had the effect that Feofanov posited, then the outcome of the trial of two boys may have had as much to do with political pressure as it did with actual

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220 The rhetoric of popular control of justice continued in tandem with efforts within the judiciary and procuracy to improve the qualifications and professionalism of practitioners of justice. See Moyal, *Did Law Matter?*

221 Feofanov and Barry, *Politics and Justice in Russia*, 10.

dispassionate justice. Even so, for Kaminskaia, this case was evidence that all of the right elements were present in the Soviet system for true justice to be achieved within it. To her, the trials of Burov and Kabanov showed that, while political interference in criminal trials could threaten the integrity of the court process, popular ignorance and mass hysteria could be just as corrupting if allowed to take over the legal proceedings. She would continue to use her legal training and knowledge to fight for fair conditions for her clients in court, even when she began to work on the defense of dissidents who publicly rejected the premise that justice was possible in the Soviet Union.<sup>222</sup> Perhaps proving the later right, both Kaminskaia and the people's prosecutor Sara Babenysheva would leave the Soviet Union for the United States, pressured into emigration for their efforts to help these “political criminals.”

With a closer look at this trial, many things become clearer about Soviet criminal justice and society in the late 1960s and the effects of elite “war on crime” politics on rural lives and communities. First, it displays the uneven development of legal consciousness and legal education among officials and the Soviet public. Though great efforts were being made by jurists, scholars, and officials like those at the Procuracy Institute to improve the legal education of lay citizens and legal officials alike, they faced an uphill battle to reshape people's long-standing practices and attitudes with respect to crime and justice. Secondly, this trial shows the varied demands that women made of the legal system and the power that they could have over local and regional systems of justice. Pressure from the village women forced the police to re-open the case of Marina Kostopravkina's murder, and intervention from urban intellectual women held the courts accountable for protecting the rights of the innocent as well as punishing the guilty. Third, this case highlights the uses and abuses of technology for justice. While scholars in the academy saw technologies like audio and video recordings as the surest means of catching criminals and eliminating crime, investigators and prosecutors employed these technologies not to solve crimes in earnest, but to make their cases against suspects appear more solid than they truly were.

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<sup>222</sup> Kaminskaia, *Final Judgement*, 189.

What this case showcases more than anything though, are the divisions, misunderstandings, and disconnects between groups of well-meaning citizens in Soviet society—like those between the women of the educated intelligentsia and the women of the village in this case—that could frequently be just as much of a barrier to legality as was political manipulation, judicial incompetence, and official injustice. Though Kaminskaia, Chaikovskaia, and even Babenysheva, may have gone to Izmalkovo hoping to spread the norms of legality that they identified with Soviet ideals, they found legal populism to be anathema to those ideals: feminine, hysterical, and emotional, when justice demanded reason and calm. The satisfaction that they found in this trial's conclusion derived from the fact that reason prevailed thanks to the wisdom of a Supreme Court judge. The project of inculcating a legal consciousness in the Soviet population—officials and ordinary citizens alike—was replaced by relief that a wise higher court judge was able to reign in the emotional demands for vengeance from the villagers.

Chaikovskaia in her *Izvestiia* articles attempted to explain to the public why this case was a triumph of Soviet justice, focusing on the illegal and misleading practice of basing a case on confession alone. On the whole, however, this case shows a public that was either ignorant of or hostile to the ostensible basic legal principles of their justice system, and an elite that was increasingly frustrated in its attempts to educate them. My next chapter focuses on a portion of the elite that continued to work on educating the public into appreciating the Soviet approach to justice for decades after the trial of Burov and Kabanov came to an end. Addressing the population through newspaper op-eds and increasingly through the new medium of television, officials in government agencies concerned with the popular understanding of law and justice created illustrations and narratives meant to both entertain and educate. By the end of the 1970s, it was clear that these efforts were a success, and many people understood a great deal more about Soviet justice than they had in earlier years. In fact, as many jurists and officials would come to find out, people learned so well the lessons of Soviet justice as it should be, that they began to express increasing dissatisfaction and frustration with their experiences of the system as it was.

### Chapter 3. “If you work hard enough on a case, you will discover the truth”: Crime in Brezhnev-era Mass Media

#### I. Introduction

“While our people gave their blood to protect the great Socialist achievements of our Motherland, the criminal waste woke up in the rear. They established their gangs. They set up their dens. Profiteers fed off of our provisions. And now the terrible war is over, but this gangster swamp is still active...that is why we rest our hopes upon the fresh forces coming back from the war! We put our hopes in their boldness, their selflessness, and their war resourcefulness!”

So proclaimed a police commander to an audience of new recruits in the 1979 cult hit film series *The Meeting Place Cannot be Changed*. Set in the immediate postwar years, *The Meeting Place* shows policing the Soviet streets and punishing criminals as a continuation of the fight against the enemy invader in the Great Patriotic War. Though the setting was late Stalinist Russia, this rhetoric fell in line with the protracted “war on crime” that the Soviet leadership found itself fighting for decades after Stalin's death. In just one example of these efforts, the year that *The Meeting Place* was first released, 1979, saw a resolution passed by the Central Committee of the Soviet Communist Party on “Intensifying the Struggle against Law Violation.” This resolution against drunkenness, juvenile delinquency, “mismanagement, wastefulness, report padding and hoodwinking,” as well as parasitism and speculation renewed the law and order campaign that had begun in the final years of Khrushchev's tenure.<sup>223</sup> No teenaged hooligan, speculating gangster, or corrupt official was to be spared.

Recently, historians and media scholars have advanced a narrative in which antipathy towards criminals and hardline approaches to punishment prevailed not just in government policy, but also in public opinion since the early 1960s and persisted through the Brezhnev era.<sup>224</sup> *The Meeting Place* reflects this perspective; its famous star, Vladimir Vysotskii, plays the police captain Zheglov who is “streetwise, self-made, and devoid of doubt,” and does not allow himself to be hindered either by thaw-era humanism or concerns for legality.<sup>225</sup> When his cavalier crime-fighting methods are challenged,

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223 Clark, *Crime and Punishment in Soviet Officialdom*, 161.

224 Dobson, *Khrushchev's Cold Summer*; LaPierre, *Hooligans in Khrushchev's Russia*, Hardy, *The Gulag After Stalin*.

225 Elena Prokhorova, “Can the Meeting Place Be Changed? Crime and Identity Discourse in Russian Television Series of the 1990s.” *Slavic Review* 62, no. 3 (2003): 512-24.

Zheglov proclaims by way of explanation: “The thief belongs in jail!” a line that would become one of the most heavily quoted in Russian television history.<sup>226</sup>

However, the message of *The Meeting Place* is not so unambiguous as to preclude alternative interpretations, since the image of the Soviet police and courts as well as of criminals had been steadily developing for years leading up to the release of *The Meeting Place*. By 1979 when *The Meeting Place* aired, decades of discussions about crime had taken place in public forums. Films as well as television shows created images and narratives about crime that reflected not only Soviet “official mythology,” but also major flaws in Soviet society and problems in the economy. During the 1960s and 1970s, as academics and jurists worked to spread norms of legality throughout the Soviet Union, the Soviet public was learning more about crime, science, and the law than ever before, and from different perspectives, through various forms of popular media.

Historians often cite fiction and the Soviet mass media in general as symbols of the pervasive cultural conservatism that reigned during the period after Brezhnev came to power, ostensibly helping to extinguish any remaining sparks of public activism against the positions of the state.<sup>227</sup> Recent studies, however, show that throughout the Brezhnev era, the content of Soviet mass media was characterized by a great deal more than just propaganda.<sup>228</sup> Likewise, narratives put forth by the popular media give surprising insights into the image of Soviet justice that the reading and viewing public saw during this period. Soviet television shows such as *Experts Conduct an Investigation* (1971-1989), articles by journalists like Olga Chaikovskaia and Evgenii Bogat, and books by writers such as Grigori Medynskii and Arkadii Vaksberg did more than depict and condemn criminals, and assert that crime was an anti-Soviet phenomenon (though there was a good deal of that as well); they also taught readers and viewers what Soviet justice should look like.

These stories portrayed the Soviet system as uniquely capable of not only discovering and

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<sup>226</sup> *Ibid.*, 515.

<sup>227</sup> See Dunham, *In Stalin's Time*.

<sup>228</sup> See for example Evans, *Between Truth and Time*; Denis Kozlov, *The Readers of Novyi Mir: Coming to Terms with the Stalinist Past* (Cambridge: Harvard University Press, 2013).

punishing the guilty, but also protecting the innocent and reforming the wayward. Taking cues from the findings of the Procuracy institute, they taught the public to look beyond appearances, to be wary of the impulse to blame and punish, and to expect officials and experts to do their jobs conscientiously. In the process, a public discourse developed on the meaning of right and wrong, and on the expectations that Soviet citizens should have of their own party, government, and police. The values that people derived from these public conversations about crime and justice would stay with them long after the reality of Soviet justice proved to fall short of its media images, leading some to begin a lifelong fight for reform.

Previous historical accounts have emphasized the parts of the post-Stalin popular media and the population in general that firmly opposed leniency to criminals and prisoners.<sup>229</sup> And it is true that many newspaper articles featured complaints about and portraits of “criminals” who were unrepentant, unwilling to reform, and who took advantage of the state's purported focus on rehabilitation and community-based adjudication to repeatedly commit crimes without punishment.<sup>230</sup> At the heart of these images was the idea that, throughout the Khrushchev era, and going back as far as Beria's prison amnesty of 1953, the official state and party line about the causes of crime had emphasized a person's upbringing and surroundings too heavily, and ignored the role that individual responsibility and choice played in the commission of crime.<sup>231</sup> This “soft-line” approach, critics held, encouraged criminals to use sob stories about their difficult childhoods and the bad influences of the street to literally get away with murder.<sup>232</sup>

And yet, the numerous and vociferous critics of Khrushchev's reforms were countered by voices describing crime as a complex phenomenon, not easily explained by placing blame entirely on the individual or on the environment. Recently, historians have begun to challenge the traditional characterization of the Brezhnev era as a retreat from public discussions of important social issues and of

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229 Dobson, *Khrushchev's Cold Summer*; LaPierre, *Hooligans in Khrushchev's Russia*.

230 See for example: Lev Kassil', "Fel'eton: Kham'e" *Literaturnaia gazeta*, June 29, 1965; Marc Elie, "Khrushchev's Gulag: The Soviet Penitentiary System after Stalin's Death, 1953-1964," in Denis Kozlov and Eleonory Gilburd, *The Thaw: Soviet Society and Culture During the 1950s and 1960s* (Toronto: University of Toronto Press, 2013), 109-142: 126.

231 Dobson, *Khrushchev's Cold Summer*, 15; LaPierre, *Hooligans*, 84, 89-92, 164; Elie, "Khrushchev's Gulag," 120-127.

232 See for example T. Sytina, "Sudebnyi ocherk: 'Tri kresti'" *Literaturnaia gazeta*, March 21, 1964; Evgenyi Bogat, and Viktor Chvanov, "Vinovnost' i nakazanie: o proizvidenie G. Medynskogo 'Trudnaia kniga' (o pravonarushiteliakh)" *Literaturnaia gazeta*, August 15, 1964.

reform from within.<sup>233</sup> Many writers in the late 1960s took to popular newspapers and journals to remind colleagues and readers of their state's long-standing promise to remake man and to achieve a just (if no longer a completely crime-free) society. This goal, they noted, required a careful study of the causes of crime and a sober approach to solutions, echoing the arguments made by the Procuracy Institute's criminologists as they worked to spread the norms of legality and of science to far-flung police stations and courts throughout the Soviet Union.<sup>234</sup>

During the 1960s and 1970s, the popular media became an important venue for intellectuals' efforts to educate the public about criminal justice and legality. Exchanges between crime experts, law enforcement officials, journalists, and readers began to appear regularly in popular newspapers. In this chapter, I will discuss the ways that stories and perspectives about crime and justice were brought to the masses during the decades after the ostensible end of Khrushchev-era reformism. By looking at the writings of journalists, authors, scholars and government officials in newspapers like *Literaturnaia gazeta*, I show that not only did crime provoke public political and ideological discussions, but that interest in criminal justice began to take on a new urgency both for Brezhnev-era intellectuals and for their audiences.

I also examine discussions of crime in newspapers like *Pravda*, *Izvestiia*, and *Komsomolskaia Pravda* which, though written for a broader and less educated audience than the readership of *Literaturnaia gazeta*, often addressed crime in an equally nuanced manner. These reports may have been undertaken with the goal of bolstering public confidence in the justice system by showing real problems being solved by the organs of Soviet justice. However, they also risked undermining their readers' trust in the organs of the state by implying that the presence of a reporter was necessary for the triumph of justice.<sup>235</sup> Consequently, readers could become cynical about what went on in law enforcement offices

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233 See Evans, *Between Truth and Time*; Polly Jones, *Myth, Memory, Trauma: Rethinking the Stalinist Past in the Soviet Union, 1953-70* (New Haven: Yale University Press, 2013), 258-61; Gilburd and Kozlov, *The Thaw*, 18-88.

234 Indeed, many criminologists and legal scholars during the 1960s and 1970s took to the pages of popular newspapers to reach a broader audience with their messages. They frequently emphasized the value of following procedure when investigating, trying, and sentencing a person, and highlighted instances in which the state erred and wrongfully convicted someone. See for example: M.C. Strogovich, "Sudebnaya oshibka," *Literaturnaia gazeta*, May 23, 1964; I. Karpets and V. Kudriavtsev, "Obshchestvennyi progress i pravoporiadok" *Pravda*, February 9, 1972.

235 See Chapter 2: this is a phenomenon we saw in the previous chapter with Kaminskaia's insistence that Chaikovskaia attend the trial of Burov and Kabanov.

and in courts when there was no one there to report it.

Perhaps in response to growing cynicism, beginning in 1971 the Ministry of Internal Affairs (MVD), which oversaw police operations, took an unorthodox step to reassure and educate the public about the law: sponsoring a popular crime drama, *Experts Conduct an Investigation*, that became the longest-running serial in Soviet television history. Taking advantage of a relatively new medium—television—which had become popular as a source of news and information as well as entertainment in the early Brezhnev era, the ministry saw the wildly popular program as a way to help prevent crime and improve the image of law enforcement.<sup>236</sup>

The series hewed to many Soviet conventions about crime and stereotypes concerning criminality, omitting many essential aspects of the justice system in its focus on heroic investigators. Yet it also challenged simplistic dichotomies between criminals and innocent victims, emphasizing the duty of the police to discover the truth and prove it over their responsibility to punish criminals.

By looking at the many ways that crime was represented to the Soviet public, we can get a clearer sense of how legal officials and cultural authorities perceived people's fears and what they tried to do to allay those fears. What these sources tell us is that, while many people might have perceived crime and criminals to be rising threats, and seen the remedy as harsher punishments, they had reason to expect law enforcement and the courts to do their jobs properly and without prejudice, outside influence, or excessive cruelty. As I will show in the next chapter, these messages would stay with people well beyond the Brezhnev era, and become particularly relevant to those who had experienced injustice at the hands of the state or of powerful people within it. By the end of the 1970s, a much larger and more diverse group of people had been exposed to stories that were meant to “educate” them about crime and justice. Increasingly, they responded to these stories with their own experiences, questions, and demands, and were met with fewer and less satisfying responses.

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236 Elena Prokhorova, "Can the Meeting Place Be Changed? Crime and Identity Discourse in Russian Television Series of the 1990s." *Slavic Review* 62, no. 3 (2003): 512-24; Sergei Oushakine, "Crimes of Substitution: Detection in Late Soviet Society." *Public Culture*, vol. 15 no. 3, 2003, pp. 427-451:429. *Project MUSE*, [muse.jhu.edu/article/47186](https://muse.jhu.edu/article/47186)

## II. *Literaturnaia gazeta* and the debate over the causes of crime

Starting in the early 1960s, writers who focused on crime, along with officials who worked in the justice system, felt that Soviet citizens needed to be better educated about the fundamental principles of Soviet justice. They complained that too many people were ignorant of the complexity of the issues of crime and justice, and that the public was forever calling for more and harsher punishments—as if cruelty had ever succeeded in solving the problem of crime.<sup>237</sup> These complaints give the impression that, however divergent the opinions of these writers may have been at the time, there was a much greater divide between educated elites (consisting of both officials and intellectuals) and the general public on issues surrounding crime and justice. As we saw in the previous chapter, it was frequently members of the intelligentsia who came to the defense of legality and procedure against what they perceived to be attacks by the public and by state officials leading to error and injustice. Thus it should not be surprising that one of the most consistent outlets for nuanced discussions of crime and justice should be a paper that generally catered to the tastes and interests of the literary elite.

This unlikely source of crime journalism, *Literaturnaia gazeta* (Literary News) originated in the 19<sup>th</sup> Century, when it was noted for publishing literary works by contemporary writers like Pushkin, Gogol, and Nekrasov. It became a forum for discussions among thoughtful and educated people in the Soviet Union from the time that it was revived under a socialist masthead in 1929 as the official newspaper of the writers' professional union (first the Federation of Unions of Soviet Writers, then the Union of Soviet Writers).<sup>238</sup> From 1947 on, the paper dealt with not only literary but social and political matters of importance to its readers, becoming what many deemed a “straight-forward political paper”.<sup>239</sup> In the 1960s, the problem of crime and questions surrounding criminal justice, rehabilitation, and legal rights became recurring themes in the discussions that took place in the paper's columns.

The experts who weighed in on these issues were often criminologists, police or other

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237 See for example: A. Gorkin, “Na strazhe sotsialisticheskoi zakonnosti,” *Pravda*, April 19, 1964; V. Egorov, “Kak velit zakon,” *Pravda*, November 24, 1970.

238 Matthew Lenoe, *Stalinist Culture, Social Revolution, and Soviet Newspapers*, (Cambridge, MA: Harvard University Press, 2004), 176.

239 “O gazete: 'Literaturnaia gazeta'-obshchestvenno-politicheskii ezhdel'nik.” Accessed October 20, 2016. <http://www.lgz.ru/gaz/>; William M. Todd, “Literaturnaya gazeta,” *Handbook of Russian Literature*, Victor Terras, ed. (New Haven: Yale University Press, 1985).

government officials, law professors, or writers whose works dealt with moral and social problems and crime. The writers in *Literaturnaia gazeta* were more likely to speak in broad philosophical terms about the causes of crime and the costs and benefits of different approaches to it than they were to recount the details of any particular crime. Indeed, discussion of crime often stemmed from articles about topics only indirectly related to crime, like public manners and the virtues of politeness.<sup>240</sup> These articles and discussions shared a certain agnosticism and pluralism: they often gave the impression that no answer was final, and no problem irrefutably solved, by any one person or perspective. The writers in *Literaturnaia gazeta* more often raised questions about modern Soviet society than gave answers. It seemed crucial to the identity of the paper and to its editors and contributors that it appeared to be dealing with some of the toughest and most urgent problems in Soviet society of the day, and to be dealing with them intelligently.

Among these problems, crime ranked near the top. In close to every issue of the paper, starting in the early 1960s and lasting through the end of the 1970s, there was at least one article dealing with crime or a related issue. Though these articles generally spoke of the problem of crime in general terms, frequently touching upon matters or persons of significance in Soviet literary, art, or academic circles and very seldom concluded with a clear or simple resolution, there were exceptions.<sup>241</sup>

In 1964, a citizen named Tikhonov wrote to the editor complaining about the police response to a robbery he had reported. He was not demanding a harsher punishment for the culprits, but rather was upset that officers had neglected to even investigate the crime, and instead covered up the fact that it had even happened. *Literaturnaia gazeta* dispatched none other than Vladimir Kudriavtsev, the deputy director of the Procuracy Institute (of criminology), to investigate. Kudriavtsev found that Tikhonov's complaints were well founded, and saw to it that proper measures were taken, the culprits found and

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240 E. Bogat, "...A nado bylo dat' boi. Razgovor o vezhlivosti' v sviazi so stat'iei N. Akimova 'Kto za?' iz 31 marta i N. Yalagina, 'Bud'te dobry!' iz 9 aprelia k diskussii 'o vezhlivosti,'" *Literaturnaia gazeta* June 9, 1964; Lev Kassil', "Fel'eton: Kham'e," *Literaturnaia gazeta*, June 29, 1965.

241 The ambiguity often found in *Literaturnaia gazeta's* discussions of crime in the Soviet Union contrasted sharply with the tone of Soviet discussions about crime in the West and particularly in the United States. Discussions of foreign crime rarely lasted as long and involved as many different arguments and counterarguments as did domestic crime. They usually ended by concluding that Western criminality confirms socialist theories about crime as a capitalist phenomenon, and condemning those involved in both the wrong-doing and the injustice of the legal system. See for example: Petr Tur, "Advokat d'iavola: nekotorye shtrikhi biografii cheloveka, kotoryi zashchishchaet Dzheka Rubi," *Literaturnaia gazeta*, March 7, 1964; "Rzhavchina: iunaited steits n'ius: vashington zanimaet pervoe mesto po chislu ubiistv..." *Literaturnaia gazeta*, May 12, 1964.

brought to justice, and the police officers disciplined.<sup>242</sup>

Why have a specialist in crime and respected scholar (who would soon gain the prestigious title of Professor in 1965) do what any competent reporter could have accomplished?<sup>243</sup> It seemed that it was of the utmost importance to emphasize that even the smallest lapses in police discipline and procedure were noteworthy anomalies demanding the attention of important jurists. Additionally, Kudriavtsev's position on Tikhonov's case straddled two recurring and sometimes conflicting themes in *Literaturnaia gazeta's* treatment of crime throughout the Brezhnev era: first, he insisted that crimes should not go unpunished, and second, that workers in the justice system should be required to follow the law.

Other writers in *Literaturnaia gazeta* went further, using letters to the editors as examples to show how the collectives and even families of law-breakers should take responsibility for their crimes. The debate over the role that families and “micro-environments” played in producing criminal behavior has a long history, but Brian LaPierre argues that it was precisely during this period that law enforcement, scholars, and popular pundits began to focus on the home when seeking the source of criminal behaviors.<sup>244</sup> A 1964 article by a criminal investigator responded to readers lamenting the rise in child crime but failing to place sufficient blame on the children's families. In a criticism targeted at his audience, he suggested that “intelligentsia” parents in particular cultivated a too-precious sense of self-worth in their children, insulating them from the consequences of their misdeeds, and failing to inculcate a proper work ethic.<sup>245</sup> Another writer that year connected law-breaking to rudeness and blamed local collectives and comrade's courts for not punishing minor violations of social norms severely enough, leading young people to graduate to more serious crimes.<sup>246</sup> Though both of these writers called for harsher punishments, they did not feel that punishment of the culprit alone would eliminate crime, but rather advocated a greater sense of culpability among his or her entire community.

Some writers focused instead on enjoining readers to support people who had served their

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242 G. Kornilova, “Uvazhaemaia redaktsiia,” *Literaturnaia gazeta*, March 24, 1964.

243 GARF F. 9523 (Prokuratura SSSR vsesoiuznyi institut po izucheniiu prichin i razrabotke mer preduprezhdeniia prestupnosti), o. 1, d. 106, s. 219.

244 LaPierre, *Hooligans*, 84, 89-92.

245 A. Shpeer, “Ne mozhet byt'?” *Zametki sledovatel'ia*, *Literaturnaia gazeta*, January 4, 1964.

246 Lev Kassil', “Fel'ton: Kham'e,” *Literaturnaia gazeta*, June 29, 1964; T. Sytina, “Sudebnyi ocherk: 'Tri kresti'” *Literaturnaia gazeta*, March 21, 1964.

sentences and were working to reintegrate into lawful society.<sup>247</sup> Special attention was given to children who turned to the paper for help navigating the complicated problems and choices before them, not least of all the temptation to stray from the “proper path” of honest work. In 1964 one 16-year-old boy wrote to the author Aleksandra Brushtein (1884-1968) to confess that he was struggling with the question of how to live an honest life since he considered himself a pickpocket and had grown up respecting the values of thieves. The young correspondent hastened to add that he was not like the others, who adhered only to the laws of force and violence, and that he loved to read and to have conversations with good cultured people.

The response of the elderly Brushtein was to have the editors seek out the boy and summon him to her immediately. Both she and the article's writer agreed that the young pickpocket was wasting his youth and could count on the old woman to be a friend to him and guide him towards the right path.<sup>248</sup> Since many writers had taken it upon themselves to make public claims about crime and morality in Soviet society, they seemed to appreciate it when ordinary people appealed to them for help in these matters.

One popular fiction writer, Grigorii Medynskii (1899-1984), became known for his works on crime during the 1960s and 1970s and would soon become the main intellectual to whom many (particularly young people) would appeal. A discussion in *Literaturnaia gazeta* of his work *Difficult Book*, the first in which Medynskii published his correspondences with formerly and currently incarcerated people, exemplified the various perspectives that readers and contributors took on the issue of crime in the newspaper. In his writing, Medynskii toed the line between encouraging individuals to take responsibility for their own reform, and recognizing that pervasive social circumstances made this impossible for many. In a review of *Difficult Book* in *Literaturnaia gazeta*, the writer Evgenii Bogat wrote that he found the book not merely difficult, but also kind and smart, and advised his friend Vladimir Chvanov, an employee of the Moscow criminal investigation department, to read it. Chvanov,

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247 Mikhail Berestinskii, “Osvobozhdenie Anatoliia Selikhova,” *Literaturnaia gazeta*, June 19, 1965.

248 L. Kabo, “Beregi svoiu iunost!” *Literaturnaia gazeta*, January 18, 1964.

to Bogat's surprise, responded with criticisms of the book, and Bogat included the ensuing dialog between the two men in his review article.

Chvanov's perspective mirrored that of the critics of Khrushchev's criminal justice reforms from previous years: there was too much focus on criminals as “victims of circumstance.” According to Chvanov, Medynskii excused the misdeeds of these “victims” too readily, downplaying the importance of personal responsibility and instead coddling the criminals as they thumped their chests before him like repentant sinners.<sup>249</sup>

Responses to Chvanov's critique followed in subsequent issues of the paper, and those which were published took a high moral and intellectual tone. N. Chetunov, also a writer, reminded readers that socialist justice, as the culmination of centuries of modern humanistic thought, sought to eliminate crime not through the severity, but rather the inevitability, of punishment. In the following issue, A. Usov, a philosophy professor, responded to this by pointing out that the debate between the two men was no rudimentary juxtaposition of idealism against materialism: Chetunov and Chvanov alike acknowledged the importance of both individual decisions and the environment. And yet, he felt that the job of a socialist education was to give people the moral resources to cope with challenging situations. In this respect, institutions of socialist upbringing (families, schools, collectives) should take some responsibility for the moral failings of their charges.<sup>250</sup>

The issue was not resolved that year, nor in subsequent years, though many contributors and readers offered more or less novel points to complicate the matter. What the paper presented instead was a portrait of an extended public discussion about the causes of crime and the methods for preventing it. Though many voices were represented in this forum, two main positions emerged. In one camp were the legalists who thought the rules of procedure, of evidence, and the dictates of law more generally should be faithfully observed; in the other were advocates of harsh, swift, and uncompromising responses to

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249 E. Bogat and B. Chvanov, “Vinovnost' i nakazanie: o proisvedenie G. Medynskogo 'Trudnaia kniga' (o pravonarushiteliakh); dialog mezhdru podpolkovnikom militsiia v. Chvanovym i spetsial'nym korrespondentom *Literaturnaia gazeta* Evgeniem Bogatom” *Literaturnaia gazeta*, May 13, 1965.  
250 N. Chetunov, “Kak pobedit zlo?: Vinovnost' i nakazanie—prodolzhaem rezgovor” *Literaturnaia gazeta*, May 20 1965; A. Usov, “Chelovek—ne vylinka” *Literaturnaia gazeta*, May 27, 1965.

crimes.

As we saw in the argument begun by Medynskii's *Difficult Book*, the people most likely to take the legalist position were writers, academics, or teachers. Those who favored order over law were often members of the police force, or ordinary workers—often activists in their collectives. These debate carried over into popular news organs as well. There it was generally the experts and officials who explained the importance of procedure and lawfulness when dealing with crime, and readers who decried lenient sentences for criminals and “hooligans.”<sup>251</sup> All of these debates pointed to an unresolved question in Soviet society as a whole: how to understand the persistence of criminal activity under socialism and how to eliminate it without reverting to the repressive and perverted legalism of the Stalinist past. In this way, discussions about crime and punishment frequently doubled as commentaries on the meaning of right and wrong in Soviet society: people used them as an opportunity to argue that the Soviet justice system should not only be just, but compassionate, hopeful, and humane.

### **III. The journalist as detective and jurist: reports on crime in the popular news**

Popular newspapers like *Pravda*, *Izvestiia*, or *Komsomol'skaia Pravda* took a slightly different approach to crime journalism than did *Literaturnaia gazeta*. Many crime-related articles in popular newspapers throughout the 1960s and 1970s were suspenseful tales of police and citizen heroes catching criminals and thwarting crimes—the kind of stories that scholars at the Procuracy Institute had worked to eliminate from their journal *Sledstvennaia praktika*—and included only glancing mentions of the culprit's misdeeds, characteristics, and punishment.<sup>252</sup> Yet these newspapers also featured letters from readers complaining about injustice and crimes perpetrated by powerful people in their local government, communities, or work collectives, as well as excessively harsh or unjust sentences for more vulnerable people. Reporters responded by taking it upon themselves to see that these complaints were properly investigated and remedies found.

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251 Iuri Tkachevskii, “Chelovek opustilsia” *Pravda*, October 1, 1970; I. Feofanov, “Vy podaete emu ruku?” *Izvestiia* 18 November 1966.

252 See for example: A. Murzin, “Poltora chasa iz zhizni Ivana Egorova,” *Pravda*, November 20, 1966.

While the authors in *Literaturnaia gazeta* debated whether Soviet society should prioritize severity towards criminals or strict adherence to the law, writers in the popular papers frequently expounded on the effectiveness of the Soviet legal system. *Pravda* had long been considered to be the official mouthpiece of the Central Committee of the Communist Party, publishing its perspective and positions on various issues in widely accessible language.<sup>253</sup> Throughout the 1960s and 1970s, articles about crime and the law written by officials and legal experts continued to appear in the columns of popular newspapers, often espousing the centrality of rule of law in the Soviet criminal justice system. For example, in April of 1964 Aleksander Gorkin of the Soviet Supreme Court wrote an article in *Pravda* about the importance of the Soviet Union's legal institutions. He called the Soviet courts “tools of education and discipline,” formed by the founders of socialism, who wanted a system based not on martial force, but on the rule of law.<sup>254</sup>

*Izvestiia* also featured articles about crime written by experts defending party policy, but from a slightly different angle. *Izvestiia* had from its founding, but especially during the *thaw*, been the paper known for slightly more independence and focus on human interest than *Pravda*. Adhering to the philosophy that its *thaw*-era editor Aleksei Adzhubei dubbed “journalism of the person,” the paper focused on “heroes of everyday life.”<sup>255</sup> In *Izvestiia*, even after the *thaw*, writers like Ol'ga Chaikovskaia wrote articles profiling workers in the justice system, as well as others affected by it.

Chaikovskaia's “heroes” were more likely to be trained professionals than simple working people. Indeed, in 1965—a few years before her participation in the trial of Burov and Kabanov—Chaikovskaia outlined the importance of professional legal education for those who would work in the courts. She and legal scholar A. Poliak both criticized a memoir by the children's book writer I.K. Nedolia about his time as a people's assessor (a lay person who serves a term adjudicating cases on a panel of professional judges) in which he claimed that jurists should make decisions not just based on the law, but on their internal convictions. Both Chaikovskaia and Poliak objected that making legal

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253“Pravda” in *Encyclopedia of Russian History*, Millar ed.

254 A. Gorkin, “Na strazhe sotsialisticheskoi zakonnost.”

255 Matthew Lenoe, “Izvestiia” in *Encyclopedia of Russian History*, Millar ed.

decisions took not just knowledge, but also talent and skill, and that the consequences of mistakes could be dire and irreversible for both criminal defendants and crime victims. Though they did not explicitly condemn the function of the people's assessor in courts, they seemed to fear the implication of Nedolia's argument that many of the public's problems with the courts could be solved if lay people and not lawyers were making the decisions.<sup>256</sup>

Not only did *Izvestiia* articles describe and defend the way that the legal system worked, they also attempted explanations for why there was still crime in the Soviet Union many decades after the fall of capitalism there. A typical article—written in 1969—emphasized that criminality did in fact thrive on the conditions produced by capitalism (pointing out that many gangsters in the United States came from the bourgeois classes), and therefore crime decreased every year in the Soviet Union. At the same time, the author was careful to point out that this was happening slowly and unevenly because the Soviet project to eliminate crime required that people's consciousnesses be completely reconstructed. This, the author claimed, was why socialist societies paid as much attention to re-education as they did to punishment.<sup>257</sup> These articles were clearly meant to explain away the apparent contradictions between what citizens heard about socialist law and justice, and the persistence of crime that they learned of or experienced first hand.

Alternately, there were also articles written by members of law enforcement praising police and citizen-led patrols for stopping crime and finding criminals, likely published as a response to popular concerns about law enforcement failing to do its job effectively.<sup>258</sup> Indeed, one of the most common functions of articles about crime was to address readers' problems and complaints. Some of the complaints were more general, like the one addressed in an article by V. Remnev and O. Temushkin in *Izvestiia* in 1966 responding to the accusation that procurors were not doing their jobs if defendants were

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256 A. Poliak, "Iuridicheskaia nevezhestvo" *Izvestiia* July 30, 1965; Ol'ga Chaikovskaia, "Strannaia eta knizhka," *Izvestiia* July 27, 1965; Igor Nedolia, *Imenem respubliki: (zapiski narodnogo zasedatelia)* (Znanie: Moskva, 1965).

257 "Obshchestvo i pravoporiadok: Problemy sotsialnoi zhizni" *Pravda*, July 21, 1969; V. Egorov "Kak velit zakon" *Pravda*, November 24, 1970; I. Karpets and V. Kudriavtsev, "Obshchestvennyi progress i pravoporiadok" *Pravda*, February 9, 1972.

258 P. Diachkov, "Ob"iavlaiu rosysk!" *Pravda*, November 28, 1965; V. Tikhonov, "Vsegda na postu" *Pravda*, November 10, 1965; A. Murzin, "Poltora chasa iz zhizni Ivana Egorova" *Pravda*, November 20, 1966; M. Vasin, "Dozor" *Pravda*, September 4, 1966; M. Kreimer, "Prestupnik ne ushel" *Pravda*, August 28, 1975.

not charged and given harsh sentences. The fact that, since the early days of the Soviet courts, conviction rates had always been particularly high and growing made it difficult for people to understand that following the law precisely sometimes led to acquittals.<sup>259</sup> Remnev and Temushkin explained that it was a common popular misconception that procurors were responsible for securing convictions at all costs. In fact, they explained, it was their professional obligation to support a conviction only when convinced on the basis of the law that the defendant was truly guilty. At other times, authors agreed with letter-writers on the issue of overly lenient punishments. In 1966, *Izvestiia* editors wrote to a local procuror in support of a petition from fifty villagers in Volzhski outraged that a man who killed a guard attempting to charge him with illegal fishing was only sentenced to seven years for both the murder and the illegal fishing.<sup>260</sup>

Yet in spite of correspondents' occasional support for harsher sentences, and contrary to many historical accounts which have emphasized only the punitive impulse in the Soviet public during this period, the popular newspapers continued to stress that social progress meant less punishment. Criminologists from the Institute of the Procuracy Igor Karpets and Vladimir Kudriavtsev wrote in *Pravda* in 1972 that, in spite of recently introduced harsher punishments for certain crimes, punishment would not solve the problem of crime in the long term. They reiterated that crime prevention was the future of criminal justice, and, unsurprisingly considering their line of work, that scientific study and technological advancements were going to help socialist society reach its goals of remaking man and eliminating crime.<sup>261</sup>

Most articles dealing with letters from readers focused less on the future than on the problems that affected them personally at the time. Many readers wrote to newspapers with their own legal or bureaucratic issues, and if the editors felt the case was particularly outrageous, these letters and the journalists' responses were published. Some papers even had offices and employees that dealt

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259 Solomon, "The Case of the Vanishing Acquittal," *Soviet Studies*, Vol. 39, no. 4 (October 1987), 531-555.

260 V. Remnev and O. Temushkin, "Kto est' prokuror" *Izvestiia*, November 22, 1966; "Vystrel na volge," *Izvestiia*, October 3, 1966.

261 Igor Karpets and Vladimir Kudriavtsev, "Obshchestvennyi progress I pravoporiadok" *Pravda*, February 9, 1972.

exclusively with readers' letters about legal and moral problems.<sup>262</sup> Occasionally a letter would be answered with a visit from a journalist, who would then act as investigator and advocate on behalf of the letter-writer, detailing all of the allegations and findings in an article.

Most frequently, readers' claims centered on unlawful behavior by powerful people in their *kolkhoz*'s, factories, or local parties offices. In the 1960s, the articles almost always concluded with the remedies taken by or against the guilty parties, inspiring faith that the press could pressure the powerful on behalf of ordinary people. One reader wrote to *Izvestiia* in 1966 to report that he had been fired from his job to make room for someone else who had been transferred for bad behavior, and the journalist who wrote an article in response confirmed that this was unlawful and the worker's rights had been violated. Another worker in a *kolkhoz* in Briansk oblast' wrote to *Pravda* in 1970 to complain about party leaders who were irresponsible and frequently drunk. A journalist was sent to investigate, and found that not only were the claims true, but the regional party committee had been there investigating the same complaints multiple times and had failed to take any action.<sup>263</sup> Articles like these validated not only the individuals who complained to the editors, but also the laws, rules, and ideals upon which they were basing their expectations of Soviet justice.

Historians have highlighted the complaints that ordinary people frequently voiced in public forums about criminals going unpunished and released into society without being truly rehabilitated. Many news articles treated “criminals” in a similar way: complaining about light sentencing and lack of concern for rehabilitation.<sup>264</sup> Yet many articles also featured protagonists who felt that they were not being treated equally before the law, and that more powerful and connected people in their town, region, or workplace broke the law with impunity and were protected. V. Goncharov wrote in *Pravda* in 1980 about people who went so far as to brag to police officers attempting to arrest them that they would never be charged because of their powerful relatives. The author was not satisfied even though he

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262 Writer Evgennii Bogat mentions one such office at the Moscow Komsomol news: Evgenii Bogat, "Tret'e izmerenie," *Literaturnaia gazeta*, August 15, 1964; see also K. A. Veselov, "Slozhnyi uzel: pis'mo starogo bol'shevika Tat'iane S." *Literaturnaia gazeta*, February 1, 1964.

263 P. Koriagin, "Udivitelnye istorii" *Izvestiia*, November 19, 1966.

264 E. Chistiakova, "Iz zala suda: kvartirnyi khuligan," *Izvestiia*, November 23, 1966; N. Koshelev, "Vystrel na volge," *Izvestiia*, October 3, 1966.

reported that many of these people ended up having their cases transferred to other regions or higher courts where their connections could not influence the outcome.<sup>265</sup> The outrage is palpable in Goncharov's article, as it was in many similar pieces: such injustices should never happen in a socialist society.

However, correspondents for *Pravda* and *Izvestiia* saved their fiercest indignation for when they investigated complaints by readers about the inhumanity and arbitrariness of officials in their local *kolkhoz*, party, and other government departments. One case stretched over a few issues of *Pravda* in 1968, as a reporter looked into the claims of a carpenter in Kazakhstan who said that he was fired for reporting systematic theft from his *sovkhos*. Thanks to these articles, not only was the theft revealed and the carpenter restored to his position, but other forms of corruption and faulty mechanisms of oversight in the local economy, government, and party organs were exposed. While the final article about this case expressed satisfaction that the problem had been resolved in some way, many other articles did not end so optimistically.

In one case from 1971, a woman in the Volga region wrote to *Pravda* to express her sorrow and outrage over the actions of the Department of Internal Affairs at her son's *sovkhos* after the young man died from an accident on the job. They classified the tractor crash that led to his death as a crime rather than an accident, claiming that he had for some reason intentionally crashed the vehicle into a bridge. They therefore refused to disburse insurance payments to his family because this was not required if the death was caused by a criminal act. The mother had already gone to the procuror to protest and the decision was reversed before she wrote to *Pravda*. The purpose of her letter was not to ask for help with her own problem, but to draw attention to a larger problem. The author of the article agreed, and used her case to target the pervasive inhumanity shown to working people by bureaucrats and officials who seldom thought about the consequences of their official decisions and decrees.<sup>266</sup>

Journalists in popular newspapers served many roles for readers in the Brezhnev era. They not

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265 D. Novoplianskii, "Otdel'no vziatyi Ulankin" *Pravda*, March 26, 1968; V. Goncharov, "Obkhodnym manerom" *Pravda*, August 13, 1980.

266 A. Kozhin, "Progliadeli" *Pravda*, February 9, 1970; M. Buzhkevich, "Molochnye batalii" *Pravda*, May 15, 1967; G. Ivanov, "Kak raziadili ostanovku" *Pravda*, June 16, 1967.

only informed them about how their legal system should work, they also expressed outrage and frustration over the ways in which the system was failing. They served as alternate sources of authority or truth that could pressure powerful people to do what they were obligated to do, but for which they were rarely held accountable.

Why, when people were treated unlawfully and unfairly by officials, including the oversight committees that were designed to deal with complaints, did they go to *Pravda*, and not the police, or procuror? There was a long tradition in Russian culture of ordinary people appealing to notable figures for help with personal or local problems.<sup>267</sup> Even some of the journalists themselves believed that their interference in legal matters served an irreplaceable purpose. Evgeny Bogat wrote about the department that answered readers' letters to *Moscow Komsomol news* that sometimes professional writers were the best people to understand a difficult problem. They could, as he put it, “see it in three dimensions,” and believe in a person, whether or not the investigation led to a published story.<sup>268</sup> Readers seemed to agree, and continued to appeal to respected cultural figures with problems that no one else seemed to want to deal with.

However, these articles and the letters that inspired them were also, in many ways, peculiar to the early Brezhnev era: journalists could write more or less openly about many problems in the economic and legal system, and intercede for readers with local officials, bringing the attention and pressure needed to solve those problems. By the end of the 1960s and into the 1970s, articles increasingly concluded with matters unresolved and with a lament by the journalist over the continuing injustices that they witnessed. Further, the interference of journalists into matters that should have been solved by local officials and police, however successful, paved the way for doubts about the ability of law enforcement to do its job when no one of note was watching. What was one to think about Soviet justice when her letter was not answered, her case not investigated? Her fate left to the organs of justice, factory and party bosses alone, with no one of any consequence there to question the outcome? This problem was one that

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<sup>267</sup> Vaksberg, *Stalin's Prosecutor*, 274.

<sup>268</sup> Bogat, “Tret'e izmerenie.” *Literaturnaia gazeta*, August 15, 1964.

troubled some of the most powerful officials in law enforcement, leading to a novel and unexpected approach to its solution.

#### **IV. “If you work hard enough on a case, you will discover the truth”: Crime stories on television**

The Ministry of Internal Affairs (MVD) sought to increase the public's trust in the police and political officials, and address the frustrations with unpunished crimes that came through in so many of the letters to newspapers. In response, Minister of Justice Nikolai Shchelokov, then a close associate of Brezhnev and the author of numerous reforms in the police force, sought to create a different narrative about Soviet justice.<sup>269</sup> He believed that a television show about the criminal investigation unit of Moscow would help to reduce crime and serve as good publicity for the police.<sup>270</sup> Television was becoming an increasingly acceptable and effective way for government agents to get their messages across to audiences.<sup>271</sup> Over the course of the 1960s, the medium developed its own role in the state media apparatus as its creative workers learned how to walk the line between enlightenment and entertainment effectively.<sup>272</sup> The MVD's police drama was no exception. With General Boris Viktorov from the MVD as legal consultant and Viacheslav Brovkin as director, the USSR's central television company turned popular short stories about a team of talented investigators by Ol'ga and Aleksander Lavrov into the longest-running television serial in Soviet history.<sup>273</sup> *Experts Conduct an Investigation* was equal parts fast-paced action, and slow-building narratives full of moral and political import.

The overriding theme of *Experts*, however, was legality: investigators solved every case while following protocol, protecting citizens' rights, and respecting the law. It portrayed a world in which police were as honest as they were clever, and their talents and good faith combined with the new

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269 Andrei Diatlov, “Galina Vyshnevskaiia: 'Moi dolg—rasskazat' o Shchelokove” *Komsomolskaia Pravda* Ukraina October 19, 2010. Accessed October 20, 2016. <http://kp.ua/politics/248445-halyna-vyshnevskaiia-moi-dolh-rasskazat-o-schelokove>; Oleg Kashin, “Sledstvie vedut znatoki. Retroretsenziia.” *Vsgliad: Delovaia gazeta*, November 10, 2006. Accessed October 20, 2016. <http://www.vz.ru/columns/2006/11/10/56357.html>

270 Kashin, “Retroretsenziia”; Elena Prokhorova, “Can the Meeting Place Be Changed? Crime and Identity Discourse in Russian Television Series of the 1990s.” *Slavic Review* 62, no. 3 (2003): 515.

271 Evans, *Between Truth and Time*, 54.

272 *Ibid.*, 49-80.

273 Prokhorova, “Can the Meeting Place Be Changed?”, 515.

possibilities afforded by modern forensic science allowed them to solve any crime, and punish only those who were truly guilty.

Over the two decades in which the show aired, it responded to the fears and complaints of citizens about law enforcement and crime that dominated discussions of crime in newspapers and readers' letters. While citizens complained about their feeling of inequality before the law, ineffectual policing, and the inhumanity of the agents of the state and law, *Experts* offered a portrait of ideal investigators who were tough, fair, and honest. The series showed that when the law is applied properly and scientific techniques of investigation are used, no guilty person will escape punishment, and no innocent person will suffer it.

From its debut in 1971, *Experts Conduct an Investigation* features a team of investigators: two male detectives and one female forensic scientist. Pavel Pavlovich Znamenskii (Georgii Martyniuk) is a thorough and sensitive major in the criminal investigation unit of the Moscow police force. He excels at catching inconsistencies and falsehoods in witnesses and suspects, and almost always manages to convince those under questioning to confess the truth by confronting them with their own lies. Aleksander “Shurik” Nikolaevich Tomin (Leonid Kanevskii) is a somewhat cavalier and daring improviser. He frequently goes undercover to infiltrate criminal groups, and takes great personal risks to locate and detain criminals. Zinaida “Zina” Yanovna Kibrit (El'za Lezhdei) is the forensic scientist whose expertise provides the other two with the evidence that makes all of their work possible and lawful. In the first episode they are referred to in jest by colleagues as the ZnaToKi (a portmanteau of the first syllables of their last names, and the Russian word for “experts”) when they initially cannot seem to solve a case, and they adopt the moniker proudly in subsequent episodes.

While the protagonists are appealing and sympathetic, *Experts* was not a particularly character-driven drama. Throughout eighteen years of filming, none of the detectives have on-screen families of their own. Though we hear that Zina has a husband for a few episodes, he soon drops out of the narrative without explanation. The two men live with their mothers. All of them face work-related challenges:

Znamenskii and Tomin are accused of taking bribes in one episode; Tomin is shot; and Zina is blackmailed by a criminal who holds her beloved nephew and dog hostage. But the heroes weather these difficulties by consistently applying their combined professional gifts: for Zina, scientific reasoning and cutting-edge tools; for Znamenskii, psychology, and for Tomin his uncanny ability to think and act like a criminal. Their personalities and relationships to one another do not change significantly or develop throughout the series. At one point the creators had plans to build a romantic plot around Znamenskii and Zina, but these were reportedly thwarted by censors.<sup>274</sup>

The characters' lack of dynamism certainly wore on the enthusiasm of the actors who played them. Georgii Martyniuk later admitted that at times he was bored of playing the role of Znamenskii; the character never developed at all.<sup>275</sup> Leonid Kanevskii attempted to leave the show after the eighth episode, since the original plan had been for the series to be a five or six part film and he wanted to move on to other roles.<sup>276</sup> The writers and producers even wrote Tomin's exit into the plot: in the episode titled *Escape* from 1973, he is shot by a suspect while attempting to negotiate his surrender. A montage of his most memorable moments plays before the credits roll, signaling his final departure, and a new detective named Tokarev is introduced to take his place in the titular portmanteau. And yet in the next episode, which aired a few months later, Tomin is recovering in a hospital bed.

Apparently the studio received such a massive and adamant response from viewers about this plot twist (with some saying things like “If you kill off Tomin, we're selling our television!”) that they caved to the popular pressure and brought him back. Diverse viewers were invested not just in Tomin, but in the show itself. The show's theme song “Invisible battle” became the unofficial hymn of the Soviet police force. And the police were not the only ones watching; the series was so popular, the director claimed, that MVD data showed crime rates dropping during the times when *Experts* was broadcast.<sup>277</sup>

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274 “Vospominaniia Emilii Andreevny Kashirnikovoi.” Accessed October 23, 2016. [http://www.tvmuseum.ru/catalog.asp?ob\\_no=6281&page=2](http://www.tvmuseum.ru/catalog.asp?ob_no=6281&page=2)

275 Igor Vin, “Georgi Martyniuk.” Accessed October 20, 2016. <http://www.peoples.ru/art/cinema/actor/martynyuk/>

276 Ol'ga i Aleksandr Lavrov, *Shantazh: Kriminal'nye povesti* (Lakhdenpokh'ia, Karelia: "Ladoga LTD", 1993), preface.

277 Aleksander Slavutskii, “Ubete Tomina—prodadim televizor!” *Trud* September 22, 2005.

Why, when the plot of the show and the complexity of its main characters could hardly hold the attention of its stars, was it so popular with the public? In spite of the attempted murder, blackmail, and bribery mentioned above, very few of the crimes investigated could be called violent or salacious. Most were cases of people embezzling products from their workplaces and engaging in illegal trade, and any thrills that viewers could glean from the show were mainly psychological. Some have pointed out that the show frequently featured notable guest stars in the roles of criminals, suggesting that perhaps it was not the heroes that fascinated the audience so much as the villains.<sup>278</sup>

Yet another possibility, suggested by Martyniuk, is that it was precisely the fact that the three experts were not real but ideal police that attracted viewers.<sup>279</sup> He thought that the public tuned in to *Experts* to see justice as it should have been: characterized by equality, fairness, and humanity, and tending toward the elimination of crime. Above all, the series emphasized repeatedly that evidence was the foundation of Soviet law. No one could be charged with a crime without evidence, nor could criminals hope to escape detection, for the traces they invariably left behind would betray them sooner or later. This created a fantasy of both justice and perfect information, in which the Soviet state was not only capable of, but totally committed to discovering the truth.

The show was, in a sense, a response to the complaints of readers in *Pravda*, *Izvestiia*, and *Literaturnaia gazeta* throughout the 1960s. It was an attempt to educate viewers about the way that the law worked, while addressing some of their fears and complains. Tomin and Znamenskii embodied the tension between legality and toughness, and Zina resolved it by bringing in the element of science. Frequently in the series, Znamenskii's commitment to the most minute details of a case frustrates his colleague Tomin, who is quicker to arrest first and ask questions later. And yet his toughness is not without measure: when Tomin is recuperating in the hospital from his gunshot wound, he makes it clear that he nonetheless firmly believes in the presumption of innocence, saying that he does not regret attempting to reason with the fugitive who eventually shot him, and pointing out that it would be

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<sup>278</sup> Vin, "Georgi Martyniuk"; Aleksander Troshin, "Detektiv na kazhdii den." *Sovetskii ekran* 23 (December 1975).

<sup>279</sup> *Ibid.*

intolerable if he had just started shooting the suspect as soon as he saw him.

Tomin's measured toughness makes up a key part of the trio's genius, but the series makes it clear that this is only one part. In this same episode, Znamenskii's investigation of a street brawl without Tomin threatens to dissolve into absurd legalism. We see in the end however, that Znamenskii's doubts not only lead to a stronger case against the suspect, but also keep him from being misled by his own and others' prejudices. In the episode, titled "Witness" (January 1974), a young woman runs to get help after an older man who had been harassing her picks a fight with her boyfriend. When she returns with a police officer, the boyfriend is alone and unconscious. There are no apparent witnesses to the fight, and therefore not enough evidence to bring charges against the older man, Platonov. When the young woman pleads with the crowd gathered around her unconscious companion, searching its members for one who can corroborate her story, a witness does eventually come forward and names Platonov as the aggressor. The latter denies this accusation however, suggesting instead that the witness might have been the one who knocked the young man unconscious. The case becomes more complicated when the injured young man awakens having lost his memory and his sense of sight. It appears as if everything hinges on the witness's testimony.

As Znamenskii conducts his inquiry, he demonstrates the ways in which prejudice can influence the course of an investigation; he struggles with, and eventually overcomes his initial instincts by insisting on corroborating evidence for every suspicion and claim made by anyone in the case. Both Platonov and the young woman, Rita, are subjected to scrutiny and have their moral character questioned. An investigation into Platonov's record finds that he was kicked out of law school for immoral activity. This black mark in his record might have confirmed for Znamenskii the "hooliganistic" tendencies that led Platonov to harass Rita and fight with her boyfriend, but in the Soviet Union of *Experts Conduct an Investigation*, this alone is not enough to charge him.<sup>280</sup> Further, Platonov had studied the law long enough to understand the extent to which Soviet police needed to base criminal

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<sup>280</sup> Historians suggest that, in the court of Soviet public opinion as well as in the eyes of the law, past crimes and immoral activities were indicators of a person's likelihood to commit new crimes. See LaPierre, *Hooligans*, 51-52; Dobson, *Khrushchev's Cold Summer*, 112-125.

charges on evidence, and how little evidence there was against him. When he refused to acknowledge that he dealt the knock-out blow to the young man, suggesting that he might have fallen and knocked himself unconscious, or again blaming the “witness,” Znamenskii responds: “A Soviet citizen has the right to defend himself, but how can you continue to say such things? What about the laws of conscience?” And yet Znamenskii insists on more evidence, hard evidence, before he can legally charge Platonov.

In questioning the sole witness to the fight, Vlasov, Znamenskii asks for details of the blow that Platonov allegedly dealt the young man, as well as the series of events leading up to the fight: how did Platonov interact with Rita? Was he rude? Was it clear that she was waiting for a young man, or did she invite his attention somehow? Was she firm in her rejection of his advances, or did she speak ambiguously? Vlasov cannot provide a definitive answer, but Rita's appearance figures prominently both in his response and in Znamenskii's questions; both the detective and the witness begin the story of the crime by saying: “A beautiful girl was standing alone...”

Znamenskii is tempted to draw conclusions about the case based on Rita's appearance after he speaks with the victim's father who says that he has never liked the girl, that she is too heavily made up, and that a decent girl did not attract so much drama, recalling the Khrushchev-era link between immoral behavior and crime. Znamenskii responds by pointing out that the girl is not to blame, since women's skirts have shrunk to nothing in recent years (a reference to Western fashion norms which might have signaled Rita's connection to foreign ideas and values).<sup>281</sup> However, he later asks Zina: if a woman is wearing a skirt about fifteen centimeters shorter than yours, does that make her morally suspect? Zina dismisses the question as boorish, and Znamenskii agrees, saying that he actually likes the girl, and lets the subject drop. Later, when Rita visits her boyfriend in the hospital, the ailing young man, unable to see, asks what dress she is wearing and she responds that she wore slacks and a sweater so as not to scandalize the hospital workers. “Let them be scandalized!” he responds, and as Znamenskii looks on

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281 Aleksei Yurchak, *Everything Was Forever, Until It Was No More : The Last Soviet Generation*. (Princeton : Princeton University Press, 2013), 170-175.

with the young man's father, it is clear that neither of them can deny the love and devotion between the two young people. Though she is modern, attractive, and occasionally dresses provocatively, all evidence confirms that she is good and honest, and the girl's character is no longer in question.

Eventually, Zina's forensic analysis of the young man's wounds corroborates Vlasov's version of events, producing the evidence that they need to convince Platonov to confess. All of this evidence is used to charge Platonov: a confession, a corroborating witness statement, and matching physical evidence. Though hunches about Platonov's hooliganistic tendencies based on his past might have led to the right answer, prejudice alone could not produce a solid, or legal, case. Conversely, doubts that a few of the main players had about Rita's moral character based on her appearance, which might have led to the case against Platonov being dismissed, ended up being patently false on closer inspection. On both counts, Znamenskii insisted on pushing beyond appearances not only to get to the truth of the case, but to ensure that he could prove it.

Later in this same episode, viewers learn that while the Moscow criminal investigation unit, embodied by Znamenskii, would not charge anyone without evidence, it would pursue every crime for which there was evidence. The key witness in the case against Platonov, Vlasov, reveals the source of his reluctance to speak up against Platonov: five years earlier he was involved in a similar incident. He was talking to a girl, could not quite tell whether she was interested in him, when suddenly a man approached him and they exchanged words and then blows. Vlasov was holding a key in his hand when he hit the stranger, and ran from the scene immediately afterward. Asked if he is confessing because he is ready to pay for his crime, he says yes, he even brought his toothbrush. Yet again more evidence is needed, however; Znamenskii calls the police station in the neighborhood where the fight occurred to ask if there was a case still open and if so, learn the victim's fate. From there, he says to Vlasov, they would just have to wait to find out if he could let him go home with a clear conscience, or take down his confession. (The viewers never find out whether the case is still open).

Even the experts are not immune to the commitment of the MVD to investigate all cases

thoroughly, as later on in the series, Znamenskii and Tomin themselves are investigated when their superiors receive evidence suggesting that the two detectives have taken bribes. This would have resonated with viewers, since not only did people perceive that bribery was extremely common in local law enforcement and government, but they had also recently witnessed a renewed campaign to route out corruption in officials and state employees.<sup>282</sup> In this episode of *Experts*, “From the life of fruit” (1981) the Department for the Prevention of Misappropriation of Socialist Property (OBXSS) comes in to handle the case against the two experts. Though Tomin and Znamenskii are initially shocked by the accusations, they immediately trust and cooperate with the agents, who carry out their jobs dutifully. The main investigator explains to Tomin that he cannot just go to his boss and say “Guys! What are we doing here? These are great people, I have known Tomin for twenty years!” The experts' trust in their colleagues is well-founded, as the evidence turns out to have been doctored (a fact discovered through scientific investigation and assiduous detective work). In this small-screen representation of a very current and ubiquitous crime, suspicion is based on evidence and not political disfavor, investigators do their jobs conscientiously and effectively, and the truth is clearly established. And, unlike in the actual Soviet Union, bribery is a fiction created by criminals to slander honest police.

Discussions about crime that took place in popular newspapers in the 1960s revealed a fundamental conflict between jurists and scholars on the one hand (who argued that the rule of law and respect for people's rights was paramount) and officials and police on the other (who felt that nit-picking over procedural and legal issues often thwarted their efforts to punish criminals and prevent crime). *Experts*, though clearly a platform for the police perspective, sought to resolve this conflict with what amounted to a magic bullet in almost every episode: science. *Experts* showed that an evidence-based, procedurally sound rule of law did not, as many claimed, allow law-breakers to get off scot-free and leave crimes unpunished, but in fact allowed more crimes to be solved thanks to advances in forensic science. Whereas, in cases like the one in “Witness,” some commentators might have seen a parable for

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<sup>282</sup> Clark, *Crime and Punishment in Soviet Officialdom*; Schwartz, “Economic Crime in the U.S.S.R: A Comparison of the Khrushchev and Brezhnev Eras,” *The International and Comparative Law Quarterly*, Vol. 30, No. 2, 1981, pp. 281-296.

excessive legalism (as Znamenskii could not bring a case against Platonov unless he found a witness to the actual blow that knocked the young man out) Zina's scientific analysis of the victim's wounds gave the police just the factual support they needed to get a confession from the suspect. Science plays an essential role in every case that the experts solve, and each time the two male investigators delight at Zina's findings as if they were revelations from heaven.

Zina's character has been panned by critics as little more than a technician, bringing few of her own talents or opinions to the work and therefore undermining the ostensibly empowering image of a female detective on the small screen.<sup>283</sup> The choice of a female scientist lends itself to many possible interpretations: perhaps the directors wanted to demonstrate that forensic science created greater opportunities for women in police work, being a less dangerous and physically demanding occupation than walking the beat. Or that forensic science was so foolproof that it could even be done by a woman. Indeed, Zina does chide herself for womanly foolishness when she makes mistakes. Yet there is more evidence that her position is meant to be empowering, considering that the show's heroes treat her like a miracle-worker, and its villains frequently dismiss and underestimate this lady detective.

In one episode, "He left and never came back," (1980), Zina truly cracks open the case. The experts are investigating habitual theft of material from a dye factory when a factory employee goes missing and his bloody shirt turns up in the house of his co-worker—a man who had been to prison before and therefore immediately arouses police suspicions. Zina tries a new kind of analysis that tells her that, while the blood on the shirt indeed belongs to the missing man, it came from a nosebleed rather than a wound. Not only that, but on her way to the dye factory from the laboratory, she stops in a store where she discovers the destination of the stolen fabric: hand-sewn doll clothes sold out of plan to regional stores. Before she reveals all of these findings to her colleagues, she asks for the men to make her tea, and Tomin hurries to prepare it for her, offering her cakes to go with it, just as she had done for him earlier in the episode. This episode confirms Zina's place as a necessary and equal part of the trio of

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<sup>283</sup> Vin, "Georgi Martyniuk"; Oushakine, "Crimes of Substitution," 431-32.

experts, a point which stands in stark contrast to her treatment by the suspects who try to woo her with talk of dresses when she only wants them to speak frankly about net factory output.

In most other episodes, however, the relationship between the three experts is such that when the men reach an impasse, Zina clears the way with hard facts. In another episode titled “The accident,” (1972) the danger of excessive legalism that we saw in Platonov's case shows up again, and is again defeated by scientific evidence. This episode, however, goes a step further, emphasizing that the law and its agents are there to serve every Soviet citizen and that every citizen is equal before the law. When a factory boss allows a young, provincial taxi driver to take the blame for an accident he caused, the experts end up battling cronyism and corruption along with transportation safety crimes.

In the beginning of this episode, an inexperienced taxi driver has struck and killed a pedestrian and sped away. A group of bystanders demands that the driver be punished, but the experts take their time to ascertain the facts of the case—which on the surface appears to be quite open and shut. The facts, however, raise essential questions that Znamenskii cannot ignore: why did the driver suddenly swerve onto the sidewalk just as the pedestrian was running out of his building? Why did some witnesses mention a man with a dog standing near them when no such man came forward as a witness? And above all, how could a Moscow taxi driver, who should have been trained to a scientific level of skill and safety have made such an egregious mistake?

Whereas the cagey suspect Platonov from “Witness” did not quite finish his legal education, this case features a professional working lawyer who at first appears to be doing her best to assist the detectives investigating the accident. It later becomes clear however, that she is actually helping her boss Sotnikov, the head of the Department of Urban Planning and Parks in the city of Moscow, escape responsibility for causing the accident that killed the pedestrian. The driver swerved to miss Sotnikov as he was crossing the street illegally and hit the pedestrian who seemed to “appear out of nowhere.” The lawyer, Sotnikov's employee, had surveyed the bystanders to see which ones saw Sotnikov cross the street, found the only ones who had seen him, and left them off of the list of witnesses that she jotted

down on the scene and offered to the investigators. Once the investigators discover what she has done, Znamenskii asks her, “we studied the same principles of law, and both know that if you work hard enough on a case, you will discover the truth. So why are you stalling us?”

The detectives go on to show that their commitment to discovering the truth holds true for all suspects equally. When Sotnikov acknowledges his guilt, and offers to accept the consequences appropriate for someone in his position—but explaining that he is not a criminal, and that the detectives might want to consult his bosses— Znamenskii retorts that he is an investigator and consults the Criminal Code. The detectives then remind Sotnikov that he lives in Soviet society, where the law is the law for everyone—where a taxi driver newly arrived from the provinces faces the same punishment as the head of a Moscow city agency. The penalty, he adds, according to article 213 of the criminal code, is up to five years deprivation of liberty.

This episode both informed viewers about issues important to officials—like transportation safety and the concept of legal responsibility, and responded to a common criticism of the police and the courts from those years, namely, that some local bosses acted as if they are above the law. Recalling the dissertation work of Boris Zotov in 1964 discussed in Chapter 1, the episode featured numerous long discussions with drivers and with the city transportation police. These experts informed viewers about the importance of traffic safety in a society where technology is changing rapidly, and explained to viewers that what they might perceive as a devaluing of human life was simply the result of the speed of technology (cars) outpacing the habits of the people. The episode also showed that the most obvious suspect in a crime might not be the one legally responsible, and encouraged viewers not to jump to conclusions before investigations were completed by experts. Finally, it reaffirmed that everyone in the Soviet Union should be subject to the same laws and the same punishments.

*Experts* could be criticized on many legal points, particularly those related to the rights of the accused. Ending every episode with a confession and an arrest, for example, implies that a charge brought by police is tantamount to a conviction. Further, confessions—though corroborated by hard

evidence—figure so prominently in the resolution of crimes in the show as to imply that there remain no legal ambiguities in cases once the suspect is charged. No judge, procurator, or trial figures into the resolution of any case. Likewise, defense lawyers play no role in the series except when they are spoken of derisively, as the paid co-conspirator of an unrepentant suspect determined to subvert the cause of justice. Nonetheless, unlike later representations of the police on television like in *The Meeting Place Cannot be Changed* (1979), in which the seasoned detective played by Vladimir Vysotskii breaks the rules but gets results, in *Experts* science and evidence allow the investigators to follow all of the rules of the criminal procedural code without sacrificing their crime-fighting effectiveness.<sup>284</sup>

Viewers noticed that the investigators in the show were not only lawful, but also polite, fair, and above all humane. The director Brovkin, and Martinyuk (who played Znamenskii) noted that the actors carefully researched their roles by observing real investigations by the police at Petrovka. They had to stop, however, once the series became more popular and suspects recognized and appealed to them with exclamations like, “Would Pavel Pavlovich [Znamenskii] speak to someone like this [officer is speaking to me]?”<sup>285</sup> *Experts*, it seemed, had created such good PR for the police that it actually made the real police look worse by comparison.

As we saw in newspaper articles and letters to the editor about crime throughout the 1960s, “humanism” in the justice system was often spoken of as a hindrance to police effectiveness. The popular series from which I pulled the introductory quote for this chapter, *The Meeting Place Cannot be Changed*, has been said to exemplify that lesson, with Vladimir Vysotskii's character Zheglov cutting procedural corners and showing no mercy in order to catch his thief. Citing a scene in which Zheglov stealthily plants a stolen wallet on a known pickpocket, Elena Prokhorova even claimed that the series' popularity derived from its depiction of this kind of “popular justice” from its lead detective. A public frustrated with government incompetence, she suggested, appreciated when one of its most popular celebrities eschewed procedure and took matters into his own hands to catch a thief.

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284 Prokhorova, “Can the Meeting Place be Changed?” 515-516.

285 Slavutskii, “Ubete Tomina—prodadim televizor!”; Vin, “Georgi Martyniuk.”

However, even Vysotskii's portrait of a uncompromising renegade cop is balanced by his partner, a fresh-faced new recruit straight from the front named Sharapov who believes in the thaw-era philosophy of forgiveness and redemption and challenges his captain's violations of procedure. Sharapov's approach is validated when a thief he is out to entrap recognizes him from the front and saves the officer's life just before taking his own. Viewers might have enjoyed watching Vysotskii's cavalier crusade for retribution, and this may have conveyed a certain populist nostalgia for Stalinist order, as Prokhorova suggests, but the overall picture that one gets from *The Meeting Place* is of a just, effective, and fair legal system that seeks to redeem and reform rather than simply to punish.

In this way, *The Meeting Place* and *Experts* convey similar fundamental ideas about Soviet justice. The investigators in *Experts*, in particular Pavel Pavlovich Znamenskii, show that civil and even compassionate treatment of suspects often leads to more clues and a more solid case. In one episode, called "A bowed head," (1971) Znamenskii's mild approach to suspects is tested, leading even him to question his judgement, but ultimately proving the benefits of patience and understanding in solving crimes. When a factory director is implicated in an embezzlement scheme, she cooperates with investigators and Znamenskii releases her before trial to break the news to her husband. A few days later, the director's husband comes into the police office to report her missing, having never returned home after her release. It appears as if Znamenskii has made a mistake and been too lenient with a clever criminal.

Further questioning of the husband, however, leads Znamenskii to the conclusion that it is not less humanity, but in fact more kindness that is needed in the case. Znamenskii chides the husband for judging his wife harshly: how could he not have known what his wife was doing when he ate at her factory's restaurant every night and accepted many expensive gifts from her? And knowing that, how could he reject her and judge her harshly when he was in some way responsible for her crimes? With this, *Experts* creates the impression of a humane and modern police force, a total departure from the days three decades earlier of forced false confessions and family members denouncing and disowning

one another. When the factory director Maslova is finally found, she thanks him for his understanding, but Znamenskii insists that it is not him, but the law, that is humane, and should not be broken or abused.

In spite of the patent idealism of the show's characters and plots, which would have seemed far-fetched in any society, *Experts* was meant to look realistic. This was common in journalism aimed at the intelligentsia and for the masses, as well as in television programming at the time; all of these media exhibited meticulous attention to detail and a clear obsession with realism. It appears as if, in order to render the larger goal of stories like those in *Experts* (to foster understanding of and faith in the Soviet justice system) plausible, the narratives needed to be carried along with familiar elements of everyday reality.<sup>286</sup>

*Experts* includes a multitude of banal moments from daily life that have very little to do with the series' plot or moral. Every person who talks to Znamenskii in his office, no matter how agitated, distraught, or hurried, must have his or her official pass signed and stamped by the detective in order to get out of the building. This detail, which shows up consistently throughout the series, and is completely unrelated to any plot line in any episode, helped establish the effective, conscientious, and thoughtful work of the investigators as both mundane and true to life. These details and others, which include banal discussions between women waiting in lines, scenes of domestic life, and long shots of characters traveling through Moscow from one important task to another, made the show seem as real as the good work of the investigators would have made it appear to be fantasy.

This concern with realism may have helped to inspire viewers to write to the show asking for help with cases close to them—just as they did to newspapers and famous literary and cultural figures. The people involved in creating the show understood that they did in fact have the power to help viewers in some way, and did not take this responsibility lightly. The director Emilia Kashirnikova recalled:

Bags full of letters came across my desk. They were incredibly painful to read: parents wrote in asking us to look into the death of their only son in the army, whether he might have been shot for

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<sup>286</sup> For a discussion of attention to technical detail in contemporary print media, see: Kozlov, *The Readers of Novyi Mir*, 90-92.

his nationality; the father of a girl who was killed by the blades of a motorboat sent us a thick notebook full of accounts proving the guilt of the boat's driver; a mother trying to prove the innocence of her son, a student charged with murder, and on and on. I lost sleep trying to send these appeals to different places: the procuracy, the investigative organs, different ministries..."

Leonid Kanevskii, who played the role of Tomin, also recalled in a recent interview:

We got letters from all over the country ... It is shocking, but many viewers asked us for advice, some seriously appealed to us for help, clearly assuming that we were actual police officers. Once ... I was told that a woman was looking for me before a show, and her face lit up as soon as she saw me. The poor woman had come all the way from Sukhumi where she had a serious issue that local police could not solve. One of her relatives advised her to come to Tomin in Moscow, he would certainly help. I listened to her carefully and asked questions, but suddenly asked myself: what am I doing? How can I, an actor, help her? But I did. I gave her the number of a lawyer who could get involved in the case and figure out the situation.

For some viewers, it might have been their only hope to be heard fairly, as they often mistrusted the real police, and felt they needed powerful supporters if they were going to see justice done.<sup>287</sup>

The popular media became a means through which a few lucky people could communicate directly with figures who appeared to have the power to make Soviet ideals reality. The converse was also true: people like the criminologist Vladimir Kudriavtsev and Minister of Internal Affairs Shelekov with a strong vision of what Soviet justice and legality should look like, could bring that vision to the masses, helping them to hold local officials accountable for negligence and misdeeds.

The question of how to deal with crime remained pressing throughout the Brezhnev era. *Experts* was an attempt to resolve this question, at least in people's minds, though it had unintended consequences. Just as journalists from *Pravda* and *Izvestiia* found themselves ending their reports on readers' letters with growing pessimism as the 1970s wore on, the creators and actors of *Experts* also had to grapple with the extent to which their portrayal of criminal justice and of crime itself increasingly did not match reality.

## VI. Conclusion

A closer look at the topic of crime in the Soviet media under Brezhnev yields surprising insights

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<sup>287</sup> "Vospominaniia Emilii Andreevny Kashirnikovoi"; Evgenii Katyshev, "Znatoki vostrebovany vseгда." *Shchit i Mech* 25 (1281).

not only into ideas about crime, but also into the changing role of the media itself. Scholars claim that what differentiated the *glasnost'* era media from its Brezhnev-era predecessor was in part a new plurality of perspectives on issues of importance to the Soviet public.<sup>288</sup> Reporting and commentary on crime, however, already exhibited a diversity of perspectives as early as the Khrushchev era, and this continued into the years of so-called “stagnation.”<sup>289</sup> Likewise, scholars have claimed that the relationship between journalists and readers changed during *glasnost'*, with more ordinary people responding to journalists' work on previously forbidden topics by writing letters, asking questions, and demanding answers. However, we can see that the public was actively engaged with the media that it consumed long before Gorbachev came to power.

While much was still proscribed in public discussions and media representations of crime during the Brezhnev era, the images and arguments they produced were nonetheless complex and varied. One persistent theme, not only in crime journalism, but also in television crime shows like *Experts* and *The Meeting Place*, was the role that facts, evidence, and procedure should play in the legal system. Historians have argued that evidence-based reporting was an obsession of the *thaw* era and then later during *glasnost'*, with journalists and writers in both periods claiming to break with the past by rejecting propaganda in favor of truth.<sup>290</sup> Crime journalists as well as the creators of programs like *Experts* showed that fairness, objectivity, and verifiable facts were also touted publicly as essential Soviet values throughout the Brezhnev era, and made the contrast of these stated values against the realities of official injustice all the more stark.

*The Meeting Place* emphasized the role of fairness and objectivity in the justice system as well, but in the series there was no clear answer to whether criminal “holdovers” of capitalism had any place in Soviet society. While in *Experts* detective Znamenskii keeps tabs on the rehabilitation process of his

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288 Jennifer E. Turpin, *Reinventing the Soviet Self: Media and Social Change in the Former Soviet Union* (Westport, Conn: Praeger, 1995), 29.

289 There was, scholars have argued, a certain degree of diversity in the viewpoints expressed by different news outlets even in the early days of the Soviet Union due to the fact that newspapers often served as platforms for different organizations which represented different interests. My study of crime stories has shown that differing opinions on issues of justice existed within the same papers at roughly the same time. See: Brian McNair, *Glasnost, Perestroika and the Soviet Media* (New York : Routledge, 1991), 73.

290 Turpin, *Reinventing the Soviet Self*, 33. See also Zubok, *Zhivago's Children*, 54-55; and Anatoly Pinsky, “The Diaristic Form and Subjectivity under Khrushchev.” *Slavic Review*, vol. 73, no. 4, 2014, pp. 805–827: 808. [www.jstor.org/stable/10.5612/slavicreview.73.4.805](http://www.jstor.org/stable/10.5612/slavicreview.73.4.805)

former suspects, and Tomin risks his life protecting the rights of a convicted criminal, the interplay between the novice detective Sharapov and Vysotskii's grizzled Zheglov in *The Meeting Place* paints a more ambiguous picture. Zheglov battles fiercely to discover and punish the guilty, and Sharapov fights just as hard to exonerate the innocent. In a non-adversarial legal system, where the police and state prosecutors ideally should not pursue a conviction unless guilt can be unequivocally proven, this type of struggle on the front end of a case is essential to guaranteeing a just outcome.

And yet the fact that neither detective is converted to the other's way of approaching the law by the end of the series suggests that the difference between right and wrong, guilty and innocent, is not as plain as it appears to have been in *Experts*. At the end of *The Meeting Place*, the “facts” of the case have failed to produce a fully satisfying outcome; while a group of seemingly incorrigible thieves has been broken up and sent to prison, the one man among them who had appeared to be redeemable, having been driven to crime by war-era hardships, is shot dead while fleeing the police. By *The Meeting Place*'s release in 1979, the image of the Soviet legal system created by *Experts*, in which crime is steadily dying out, criminals increasingly redeemable, and justice fully guaranteed by science and conscientious experts, had been replaced by a world in which crime was as much of a reality as it was a tragedy. A decade later in 1989 during *perestroika*, *Experts* concluded on an even darker note than *The Meeting Place*, with the experts failing to solve a case for the first time in the series' history; the mafia and the drug trade finally defeated science and the law. The possibilities for representing reality in the media expanded to an unprecedented degree just as the hope and optimism expressed by earlier *Experts* episodes seemed to contract into nothing.

The sentiment captured by Zheglov's famous phrase, “the thief belongs in jail!” certainly lived on long after 1979, and its meaning to various groups of people became increasingly difficult to pin down. While the phrase's popularity at first might have seemed like a validation of Zheglov's vigilantism and lack of respect for procedure when pursuing members of the criminal underworld, it also likely reflected a growing awareness of and disdain for corruption in Soviet officialdom and the justice system.

In my next chapter, I will show that by the time *The Meeting Place* aired in 1979, many Soviet citizens had already spent more than a decade questioning who the “real criminals” were in their society, and who truly belonged in jail. They were assisted by some of the very writers who had dedicated so much of their careers to explaining away the persistence of crime in the Soviet Union. Multifaceted conversations sprang up around the issue of crime in the late 1950s, and interest in the topic did not wane over the course of the 1960s and 1970s; in fact, popular interest and involvement in these conversations led some intellectuals to join some of their readers in quests to reform, and if unsuccessful, to expose the failures of the criminal justice system and by extension the Soviet political system more broadly.

I will look more closely at the life of one of these writers—Grigori Medynskii—who in 1959 published the first book to deal with criminality since the 1920s entitled *Honor*. He believed then that crime was just one of the many topics of great social relevance he had studied and written about during his long career of service to the Soviet state, and that he would soon move on to something new. Once he began to receive readers' responses to this book however, he realized that his work had touched a nerve, and that this problem was much deeper and more significant than he had previously understood. Indeed, it turned out that questions of crime and injustice were of dire importance to a great many people from different strata of Soviet society and from all over the Soviet Union. He spent the rest of his life working with and learning from his readers about real problems that he was seldom able to discuss in his books. Through this experience of engaging with readers in letters and in person for decades, his eyes were opened to realities that his privileged position in Soviet society might otherwise have hid from him. Inevitably, by the time he reached the end of his life, he had been deeply affected by these experiences and acquaintances, and began to agitate for revolutionary reforms and venture critiques of the Soviet system that earlier would have been anathema to everything he believed and valued.



## Chapter Four. Grigorii Medynskii and his Readers: Crime, Literature, and Reform in the Decades of Developed Socialism

“Grigorii Alexandrovich, you have lived a long life. You were even alive under Tsarist rule. How did you manage, and what helped you not to lose yourself in life, and to become a good person—a famous writer at that? If you can, Grigorii Alexandrovich, then, please, answer: how in the world does one get on the right path?”

--Letter from 16 students of class 9A in a children's prison colony to G.A. Medynskii, 1975<sup>291</sup>

### I. Introduction

The proliferation of stories, images, and discussions of crime on television and in the popular news, books, and films throughout the 1960s and 70s was not merely imposed on the Soviet populace by leaders in the party and state—though their support was essential. The problems and questions that dominated these media representations also reflected the concerns of readers and viewers who saw crime as one of the most serious social problems of their time. Parts of the Soviet population were concerned about crime because they felt that Soviet authorities were excessively lenient with “criminals,” and they called for harsher punishments for illegal and antisocial behavior, and believing such measures to be the only solution to rampant criminality.<sup>292</sup>

But this perspective on crime was far from universal: other segments of the population expressed concern over the problem of criminality but rejected such a draconic approach. For many, popular accounts of criminality opened broader discussions, providing a venue where they could address problems for which they found no other outlet or recourse: problems like corruption, inequality, and injustice. And many people turned to stories and discussions of crime not because they had committed or fallen victim to crimes, but rather because they found themselves wondering why crime and injustice seemed not only to flourish in the Soviet Union, but in fact to characterize the Soviet economy and way of life.

In this chapter, I will explore these questions and anxieties by focusing on a writer who put himself at the center of discussions about crime in Soviet society from the 1960s onward, Grigorii Alexandrovich Medynskii, and the many readers and correspondents who turned to him for advice until

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291 Grigorii Medynskii “Razgovor v ser'ez: publitsistika,” in *Sobranie sochinenie*, vol. 2 (Moskva: Khudozhestvennaia literatura, 1981), 528.

292 See for example: Dobson, *Khrushchev's Cold Summer*; LaPierre, *Hooligans in Khrushchev's Russia*.

his death in 1984. An author and laureate of the State Prize for literature, his 1959 novel *Chest'* (Honor)—the story of a young man, his crime, and his path to redemption and transformation into a productive Soviet citizen—was the first major popular work of fiction to deal with the problem of crime in the post-Stalin Soviet Union. Medynskii followed up *Honor* with many more works of fiction and non-fiction centering on the problems of criminality and of reintegrating former “criminals” into Soviet society. His works attracted attention from those who were personally affected by the problem of crime or by the criminal justice system (especially incarcerated or formerly incarcerated people and their families). Medynskii also developed a loyal following among many who had never set foot in a courtroom or police station, but nonetheless felt they needed help navigating life in the Soviet Union, and saw the language of crime as a means through which to express their fears and struggles. By the mid-1960s, discussions of crime allowed people to publicly explore topics as diverse as Stalinist repression, the command economy, corruption, the gulag and its offspring the late Soviet correctional labor colony, as well as street crime and violence. By this time, it was clear that many people saw the connections between all of these problems, but fewer and fewer solutions.

What began for Medynskii as a short foray into the topic of children's penal colonies ended up occupying the rest of his life, thanks to the overwhelming responses of readers to his work on the topic. During his final decades, Medynskii not only answered many of these countless letters, but dedicated himself to improving and reforming the criminal justice system, sometimes in cooperation with high-level officials at the Ministry of Internal Affairs—efforts that remain unappreciated today. But Medynskii's career and life are noteworthy not just for his personal contributions, but also for the ways in which his shifting perspective on the problem of crime mirrored (and also helped to shape) broader shifts in popular attitudes about crime. As this chapter will show, Medynskii began his career in the 1920s believing he could give young people the confidence and skills to transform their lives into the stories of success that they read about in Soviet fiction and saw in films and on television. In the final three decades of his life, however, he became increasingly aware of the institutional roadblocks,

including failures of leadership and miscarriages of justice, that frequently stood in their way. He soon came to view these problems as increasingly beyond reform. Though widely recognized and appreciated by the people he had helped, by the late 1960s, Medynskii acknowledged that he could no longer effect social transformation with his work. He could only share his elite privilege with some less fortunate fellow-citizens and even then he found he had far too little privilege to go around.

Medynskii's later cynicism toward the prospects for meaningful change within the framework of the Soviet system stemmed largely from his long correspondences and relationships with his readers: his best source of information, his harshest critics, and often the “subjects” of both his fiction and nonfiction writings. While Medynskii, like many Soviet writers, had always received feedback on his writing in the form of letters from readers, there was something different in the letters that came after he wrote *Honor*. While many letters were hopeful, and full of praise for Medynskii and his work, from 1959 to the early 1980s, an increasing number of readers professed despair at their own prospects for happiness and success within mainstream Soviet society, and pointed to crime and corruption among Soviet leadership on the local and all-union level as their primary concern and stumbling block. Medynskii often offered his own experiences as a source of hope and direction, but to those who were themselves battling for humanity and justice against the government and the party, these arguments only further demonstrated how far the state had diverged from its ideals. Medynskii's very last years were spent gathering evidence for a damning protest against corruption that has yet to see the inside of a publishing house. These final writings are profound in their insights into the nature of injustice in the Soviet Union.

Medynskii's unacknowledged role in deepening popular knowledge about criminal justice follows a timeline very similar to that of the institutions, trends, and tendencies examined in this dissertation. Medynskii's book *Honor* explored the problem of child crime in a way that was neither salacious, simplistic, nor heroic, and was published in the period in which criminologists complained that their trade journal read like a bad feuilleton and taught them very little about how to solve and prevent crimes. Though *Honor* was published four years before the founding of the new Procuracy

Institute in 1963, which essentially shifted criminologists' focus from solving individual crimes to contributing to the understanding of the causes of crime generally, Medynskii's novel focused on doing just that. *Honor* was not mystery novel (*detektiv*), but an exploration of the reasons why a good communist society still produced criminals. The book's focus on the role of the family and local community in both producing “criminals” and rehabilitating them echoed the ways of thinking common to the Khrushchev era in criminal justice. And yet its insistence that officers of the state and the courts do their jobs lawfully and conscientiously, and take responsibility for their failures, presages the overarching themes of both the “trial of two boys” and *Experts Conduct and Investigation*. Taken as a whole, Medynskii's life story shows us the extent to which the process of interacting with readers—looking at evidence from their experiences and from workers in the justice system—served to fundamentally change the character and the goals of his work, turning him from a servant of the state, to a crusader for truth in spite of it.<sup>293</sup> Just as the criminologists at the Procuracy Institute drew unexpected conclusions from their study in Orenburg as a result of their interactions with the workers there, Medynskii's commitment to building dialogues and relationships with his readers led him to play roles he never anticipated.

Medynskii's life story also shows him tackling a series of the most pressing social crises of the day at every stage of Soviet history. Reform of the individual “criminal” and the criminal justice system was the final problem in that series, and the one that most reflected the major contradictions and fundamental flaws of the final decades of the Soviet Union's existence. In this last attempt at serving his fellow man Medynskii would be most disappointed. For in trying to take on the problem of criminality, he would discover that his fellow-citizens' grievances and frustrations were directed at the core of the Soviet political system. Unlike in previous eras where he worked with the state to make needed changes, this time the system itself was anathema to the efforts that he and his correspondents made to change things.

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<sup>293</sup> Medynskii's later writings would circulate only unofficially among friends and readers whom he knew well.

In spite of this opposition, Medynskii's mailbox became a sounding board in which a wide variety of members of the Soviet populace could share their views and concerns about the state of criminal justice and the war on crime. All together, these responses create a portrait of a Soviet public whose legal and political consciousness was heavily informed by the war on crime and the concern with and ideas about criminality that came with it. While Medynskii's works may not have given his readers the expectations or legal categories that they used to make their arguments, their responses to his books showed that they were listening, watching, and reading the media in which the war on crime was fought from the 1960s through the end of the 1970s. Newspaper writers like Ol'ga Chaikovskaia (whose work was discussed in chapter two), Arkady Vaksberg, and Iurii Feofanov, as well as films like *Believe me People*, *The Person Who Doubt*, and the television show *Experts Conduct an Investigation* figured into Medynskii's readers' ideas about what justice should look like in the Soviet Union. Quotes from party, government, and legal officials also appeared in people's arguments and complaints, showing that the population had great interest, and great expectations, when it came to their society's handling of crime.

Medynskii's readers also showed themselves capable of delivering incisive criticisms of the people and institutions that controlled society and determined the shape of truth and justice. These criticisms were also based on ideas that were fundamental to Soviet criminal justice from the outset, and which in many ways served as the ideological foundation of the war on crime. From the late 1950s all the way through the early 1980s, Medynskii's readers asked him and themselves again and again: if crime is a social phenomenon deriving from the ills of capitalism—from greed and corruption, hunger and want, and above all from inequality—then what does it say about Soviet society that crime and criminals have not yet been eliminated in the Soviet Union, and in fact appear to perpetually increase? While early on Medynskii would try to encourage these readers not to give up hope in Soviet institutions, and with some success, by 1966 more and more readers seemed increasingly disillusioned.

While some of the letters—which came from a variety of geographical locations within the Soviet Republics, from people of all ages, economic and social backgrounds, and education levels—

conformed to the claims that modern historians and contemporary journalists have made, showing pervasive public intolerance for criminality, and widespread desire for hard-line punitive tactics in the war on crime, most did not.<sup>294</sup> In fact, the reactions to Medynskii's writings show a reading public with much more nuanced ideas about social problems, crime, and justice, than the “retributive public” narrative has given them credit for. This chapter is also the story of that public and its changing views of the war on crime as reflected in letters that its members wrote to Medynskii.

The author himself would eventually undergo a rather drastic change in his own political views after reading these letters.<sup>295</sup> This chapter therefore will also tell of how his engagement with these readers and his attempts to amplify their voices led Medynskii himself on a journey, from penning what many considered to be official propaganda, to writing unpublishable polemics against powerful people and institutions, and building a community of passionate reformers.

## **II: Soviet *Popovich***

Though Grigorii Aleksandrovich Medynskii would later claim that a feeling of deep disillusion with his parents' and community's belief system led him to embrace socialism, his pre-revolutionary education and experiences actually helped form the value system that he was to spend his life developing and passing on to others while working for the Soviet state.

The son of an Orthodox priest (*popovich*) born at the turn of the century, Grigorii derived many of his own highest values from his father. Like many young sons of the church at the time, he considered himself a member of the Russian *intelligentsia*, and felt responsible for carrying on its great traditions even as he supported the revolutionary changes happening around him. The desire to serve one's fellow man, the compulsion to improve oneself through writing and self-exploration, and a love of literature were his inheritance. These values would eventually lead Grigorii to break with his father and the church, but would also make up the core commonalities linking his future as a Soviet writer with his

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294 Miriam Dobson, *Khrushchev's Cold Summer*, 165-167; and “‘Show the Bandits No Mercy!’: Amnesty, Criminality and Public Response in 1953.”

295 Grigori Medynskii, “Stradanie mysli,” unpublished manuscript, Private Collection of S.F. Pokrovskaya.

Orthodox past.

It so happened that Grigorii's own individual, youthful spiritual rebirth coincided with his country's political renaissance. He found his intellectual independence from his father and his caste just as the crisis of government in early 20<sup>th</sup> century Russia was delivering its hitherto frustrated and marginalized *intelligenty* up to a future of both opportunity and uncertainty. In contrast to previous generations of *popovichi* and *intelligenty*, by the time that Grigorii was ready to work, the incipient Soviet state was glad to hire him—wary though it often was of that same intellectualism for which its predecessor state could find no use.<sup>296</sup>

He was compelled to identify the most pressing needs of his people, and marshal his own talents to meet them; he understood this to be his duty as a Russian *intelligent*. His own developing service ethos derived from the core values that he took from his rural priestly childhood. By the 1920s, however, this was beginning to take on a distinctly Soviet shape as he himself was molded by the changing needs and values of his society. While he published essays and fictional stories based on his experiences, Medynskii spent the 1930s working in a home for orphaned children as an educator, and with the builders of the Moscow Metro on adult education and political literacy, helping them to document both the actual building of the metro, and their own individual burgeoning political consciousnesses in

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296 Though Grigorii characterized the years of doubt that preceded his rebirth as a Socialist civil servant as ones of intense solitude and introspection, he was certainly not alone in this experience. The 19<sup>th</sup> century *intelligentsia*, many of whose members inspired Grigorii's quest, by definition also underwent a process of questioning received wisdom and of deciding for themselves precisely how to manifest their calling to be the "consciousness of the nation." Doubt was often the *modus operandi* of this process from the first few decades of the 19<sup>th</sup> century. Yet a widespread denial of God's existence did not arise until the sons of the *raznochintzy* and clergy entered the ranks of the *intelligentsia* in the second half of that century. According to Victoria Frede, "to them, God came to symbolize both a system of hierarchy, which they repudiated, and a connection to their own history, which they wished to overcome." Though this repudiation often brought with it the feeling of having been launched into an abyss, the obligation to face that abyss, and to decide one's own role and mission towards Russia and towards humanity was a duty that no self-respecting *intelligent* could ignore. Grigorii Alexandrovich's deep respect for his father played a major role in this struggle for him, and father-son conversations about God continued to the end of Alexander Filatych's life, and their impact were felt to the very end of his Grigorii's. As Grigorii wrote of his father in his autobiography, "in the end, he was an extraordinary 'servant of god on earth', and he did everything that he was obliged to do by his position ... serving evil in its grand historical sense, in his life he never did people any harm or evil." And, "I don't take it upon myself to judge fully his views from that time, even on such topics as faith in God, because the time when a son becomes for his father an interlocutor, turned out for us to coincide with the time of grand and decisive reordering, and we stood on different sides of the historical barricades." Having resolved his doubt by adopting the conviction that God does not exist, Grigorii was still having a difficult time deciding how he should live. This was a common theme among the mid-19<sup>th</sup> century atheist *intelligenty* that Victoria Frede examines, and his ultimate resolution would reflect theirs as well, with one very significant difference. Frede holds that doubt and atheism often led to one of two modes of living: revolutionary communitarianism, or individualistic introspection. The first mode was inspired by the writings of Feuerbach, Chernyshevsky, and Dobroliubov and the *intelligenty* who adopted it cultivated, "the hope that they might participate directly in the political and social transformation of their country," while the second was exemplified by Dmitrii Pisarev who proposed instead, "that individuals must live by and for themselves." The first attitude was often embraced by revolutionaries, who came increasingly to see that total social transformation and faith in God were mutually exclusive. It is for this reason that this strand of the atheistic *intelligentsia* ethics was consistently appropriated by Soviet thinkers and writers, and Grigorii Alexandrovich would likewise follow this example. Therein, however, lies the essential difference between Grigorii's situation and that of his 19<sup>th</sup> century predecessors: while their revolutionary atheism would compel them to oppose their state, his would lead him to embrace his. Victoria Frede, *Doubt, Atheism, and the Nineteenth-Century Russian Intelligentsia* (Madison: University of Wisconsin Press, 2011), 14-17, 180-181; Grigori Aleksandrovich Medynskii, *Stupeni zhizni: liriko-publitsisticheskoe povestvovanie*. (Moskva: Sovetskii Pisatel', 1981), 55, 15, 41-43, 59-62.

“production diaries”.<sup>297</sup>

After leaving the Moscow Metro Diaries project, Grigorii Medynskii focused on writing about the contributions that women made in collective farms during the Great Patriotic War. In conducting this research, he began to interact closely with his readers, soliciting their perspectives and their advice. This process culminated in his 1949 novel *Mar'ia*, earning him the Stalin Prize for literature in 1950. *Mar'ia* not only firmly established Medynskii as a writer, but it also helped him to develop his “artistic agenda,” which for him meant a vision for service to society in accordance with his evolving and deepening Soviet humanism, the needs of his state, and the duties of the Russian *Intelligentsia*.<sup>298</sup>

### III. Writing the new Soviet Man and Woman

Writing *Mar'ia* helped expose Medynskii to the realities of life in the Soviet Union that his elite status had long prevented him from seeing. He in turn tried to pass his discoveries on to his readers. One Leningrad factory worker wrote that she loved *Mar'ia* so much she went to work on a collective farm herself, and hoped that the writer could help her to reconcile his inspiring book with the deplorable reality that she experienced.<sup>299</sup> His response to her was quite characteristic of his correspondence with readers in the 1950s and into the 1960s. Echoing the reader's outrage, he told her that he had forwarded her note to the proper authorities, and urged her to follow up on this complaint about her *kolkhoz* herself, keeping him informed of her progress. He exhorted readers not just to alter their attitudes in order to share with him the “transcendent” vision of a communist future, but to make it real with concrete, steadfast action. The kind of reality that *Mar'ia* portrayed was possible, but they must work to make it happen.<sup>300</sup>

Medynskii also took his cues on the direction that his writing took from his readers. While

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297 G.A. Medynskii, “Asia Davidovna Kalinina,” *Krasnaia nov'; literaturno-khudozhestvennyi i nauchno-populiarnyi zhurnal*, November, 1932, 30; James Bowen, *Soviet Education: Anton Makarenko and the years of Experiment* (Madison: University of Wisconsin Press, 1962), 11-12, 43; Medynskii, *Stupeni zhizni*, 118-119; For more on the Stalinist production diary, and diaries in the Soviet Union in general, see Jochen Hellbeck, “Working, Struggling, Becoming: Stalin-Era Autobiographical Texts,” *Russian Review* 60, 3 (2001): 340-59; Josette Bouvard, “L'injonction autobiographique dans les années 1930: G.A. Medynskij et l'histoire du métro de Moscou,” *Cahiers du monde russe* 50, 1 (2009): 81, 91.

298 Medynskii, *Sobranie sochinenii*, vol. 1 (Moskva: Khudozhestvennaya Literatura, 1981).

299 Medynskii, *Stupeni zhizni*, 193.

300 Katerina Clark, *The Soviet Novel: History as Ritual*. (Chicago: University of Chicago Press, 1981).

working on the second part of *Mar'ia*, Medynskii spoke with many readers about how to describe the postwar years. The novel's first part had ended with Mar'ia believing her husband dead, yet a few women asked Medynskii if Semyon could please come back from the war, since “Mar'ia's a good woman, she needs to be cheered up somehow.” In response, the author asked readers on a collective farm in Tul'skaya Oblast' how Mar'ia and Semyon should live together after his return. He recalled that, in the midst of a debate about this issue, a young woman stood up and said, “I think Mar'ia should keep on being the director, and put the farm first.”<sup>301</sup>

At the time—in the late 1940s and early 1950s—Medynskii was accustomed to basing his writing not on the truth that he discovered in his research, but instead on an idealized version of reality that was meant to give his readers hope and inspiration. During this period, he carefully walked the line between the realism that his intelligentsia values seemed to require of him, and the idealism that the political and literary establishment demanded. Later in his life, he would devote his work entirely to telling the truth his readers' exposed to him—a truth which he was already beginning to see in the late 1940s when he wrote *Mar'ia*.

Even then Medynskii was criticized for taking an excessively negative view of life on the collective farm for depicting some of its problems, albeit in a muted way. He was admonished by his colleague Eleazar Maltsev at a meeting of the Writers' Union, and told that he “needs to get out of his office once in a while, then he'll begin to see life like it is.”<sup>302</sup> Reflecting on this criticism, Medynskii later concluded that his mistake was not in depicting some of the problems of *kolkhoz* life—he reaffirmed that it would have been a crime for him not to mention the abuses of power over the *kolkhoz* that he saw their leaders commit—but in removing almost all obstacles from the protagonist's path to success.<sup>303</sup> “A writer is the son of his people and of his times,” he wrote in a 1954 article, “and he should be guided by the needs of his people and times.”<sup>304</sup> What his readers told him, and he concurred, was that

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301 Medynskii, *Stupeni zhizni*, 183.

302 *Ibid.*, 198-9.

303 *Ibid.*, 101.

304 *Ibid.*, 24.

they were sick to death of positive heroes whose successes were preordained and unstoppable in the years of literary *conflictlessness*, because even while those characters could be awe-inspiring and admirable, there was little to learn from them.<sup>305</sup>

Even before Il'ya Ehrenburg published his widely-read work that gave a name to the post-Stalinist era in May of 1954, other Soviet writers were beginning to deal in their works with issues such as the pomposity and inefficiencies of the Party bureaucracy, the need for individual self-expression in art, and the wretchedness of village life.<sup>306</sup> At this time, a reader from Kronstadt posed a question which concerned Medynskii greatly: "I read your article, but still do not understand why you didn't write about the other party deficiencies that you noticed, if you noticed them ... what does 'party-mindedness' mean, if a writer (let's just say) hides what he sees, what he considers to be bad and harmful?"<sup>307</sup> Recalling this letter much later in his life, Medynskii remarked on how grave and deserved the young man's criticism was, and asked himself, "what's better? To give up the opportunity to publish a book altogether, or to cave in and abstain from dealing with some problems in it?"<sup>308</sup>

He also spoke about this problem at a discussion of the "problems of the modern Soviet novel," at the Institute for World Literature in 1959. At which he said, "It seems that, if a historian were to judge our times by looking at our literature, he would be left in a quandary, saying to himself: there was a crisis in agriculture—where is the reflection of that crisis in literature? Where were Babaevskii, Laptev, Maltsev, Medynskii, or Nikolaeva; aren't there any traces in the literature of that time?" He questioned his own role in this lacuna in particular, saying, "after all, I saw all of it when I rode and walked from *kolkhoz* to *kolkhoz*... I saw all kinds of problems with agricultural laws, with taxes, in the central planning system, as well as in the system of leadership; I saw all of it, but didn't lift a finger against it...

<sup>309</sup> In an inversion of the Neo-Platonic formula of socialist realist utopianism, he claimed that the greater truth of the party and of life was to be found not in a vision of the socialist future, but in an

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305 *Ibid.*, 25.

306 Marc Slonim, *Soviet Russian Literature: Writers and Problems, 1917-1977* (New York: Oxford University Press, 1977), 321-2; Medynskii, *Stupeni zhizni*, 26-27, 32.

307 *Stupeni zhizni*, 207.

308 *Ibid.*, 108.

309 Arkhiv Rossiiskoi akademii nauk (ARAN) f. 397, op. 1, d. 464, l. 38 (Stenogramma diskussii, posviashchennoi problemam sovetskovo romana, 1959).

honest appraisal of the day's apparent deficiencies. The duty of the writer therefore was to expose these deficiencies in spite of the pervading mood or norms of his contemporaries or superiors so that he could lead the way to that better socialist future.

After this, the question of what determines a person's moral character began to move to the center of Medynskii's writings and ruminations. During a visit to the juvenile office of the Moscow city courthouse, he encountered a "curious case." Thirteen boys stood on trial for robbery, most of them were students, eight had parents who were party members, six had parents who worked in the Ministry of Internal Affairs, and four of the boys' parents were teachers.<sup>310</sup> What had gone wrong? This was the question that Medynskii set out to answer with his book, *Honor* which was published in serial form starting in 1959. This book drew such a broad and intense reaction from readers that his relationships and correspondences with them would occupy his time and his writings to the very end of his life, as well as permanently change his outlook on Soviet justice.

#### **IV. *Honor*: Medynskii and crime**

*Honor's* main protagonist is a ninth-grade boy named Anton Shelestov, and the book is structured around the psychological and social factors that lead him to commit a crime, and then the combination of external conditions and internal struggles that contribute to his redemption. Anton is tired of the meaningless speechifying of what he ironically calls "good Soviet people", embodied by his smug careerist stepfather who delivers this lecture to him on the word 'honor': "Sincerity—this is the basis of honesty ... or maybe it's the other way around ... Maybe it's the other way around indeed! ... Anyway, between them is complete interdependence. It's dialectics my dear boy. Dialectics!"<sup>311</sup>

Anton curses his mother and his teachers, brushes off both the censure and the friendly overtures of his Komsomol-member classmates, and halfheartedly stumbles into a community of child criminals. He is initiated into their gang by a boy whom he considers his only friend, and justifies his first steps

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310 Medynskii, *Stupeni zhizni*, 216-7.

311 Medynskii, "Chest', povest'," *Sobranie sochinenie*, vol. 2 (Moscow: Khudozhestvennaia Literatura, 1981), 50.

into this criminal world by claiming he is bound by friendship and honor.<sup>312</sup> By the end of the book, however, Anton undergoes a massive transformation and is slowly disabused of his respect for the “honor” of thieves. The lessons he learns in a juvenile correctional colony ultimately convince him that the loyalty he felt to his group of nascent criminals was based on a misguided turn in his search for acceptance and community. As the author walks his reader—almost day by day—through the time that Anton spends serving out his sentence in his reform colony, one cannot help but think that Medynskii himself is attempting to parse and solve the problem of how to reform a criminal, as well as to educate a child.<sup>313</sup>

That this topic was one of the most pressing of his day is indisputable. Medynskii claims in his memoirs and in discussions with readers that he faced great opposition from his professional and social community while he was writing it (“Don't you have anything else to write about,” asked one well-known critic; “you could drown in this,” advised a professor of philosophy). And yet the first part of *Honor* was nonetheless published in 1959 in the magazine “Moscow” and read over the radio that same year.<sup>314</sup>

Medynskii claimed that the what ultimately saved the book was Khrushchev's speech to the Writer's Union in 1959 in which the leader spoke about his conversations with a “former criminal” and made the pronouncement that “there is no one who cannot be redeemed.” After *Honor* was released, Medynskii's fellow-writers met the book and its topic favorably. Tamara Kasimirovna Trifonova claimed in a 1959 forum on the state of the modern novel: “It goes without saying that now the problem of the war on crime is extremely timely. It seems to me that his is an interesting and fruitful step in this direction.” As Mikhail Matveevich Kuznetsov put it: “he attracts some of the most diverse readers with his extremely sharp treatment of moral problems—such is the resonance of his work with their experiences.”<sup>315</sup>

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312 *Ibid.*, 20, 101.

313 Medynskii, *Stupeni zhizni*, 219.

314 *Ibid.*, 218. See also Gosudarstvennyi istoricheskii muzei (State Historical Museum), hereafter GIM, inv 102452/arkh 4966 folder “Stenogramma vstrechi s pisatelem Medynskii 10 November 1961 Vysshie literaturnye kursy,” l. 38-40.

315 ARAN f. 397 (Institut mirovoi literatury im. A.M. Gor'kogo) op. 1 d. 464 l. 41, 90 (Stenogramma diskussii, posviashchennoi problemam sovetskovo romana, 1959).

Whatever difficulties Medynskii may have encountered in writing his book, its subject was certainly nothing if not timely. Soviet society was in the middle of a series of experiments to reintegrate and rehabilitate millions of Gulag inmates who were released from their prisons or places of exile after Stalin's death. The state and party authorities, especially Khrushchev, exhorted the Soviet population to participate in these community-based projects, designed to create new men and a better society. However, community rehabilitation efforts provoked a popular backlash, and proved as ineffectual at producing new and reformed Soviet citizens as had “reforging” through labor in the gulag.<sup>316</sup>

Medynskii's novel reflects this popular skepticism about the effectiveness of rehabilitation, but instead of placing the blame on “criminal” individuals, he focuses on the faults of the system itself, and in particular the gulag system that was being dismantled at the time. In *Honor*, the entire institution of the gulag turns troubled children into “thieves in law” (*vory v zakone*) by immersing them in criminal culture and isolating them from lawful communist society—a sentiment also expressed by Khrushchev in his speech to the Writers' Union in 1959.<sup>317</sup> Yet while Khrushchev's policies would ultimately revert back to exclusion and punishment to deal with people charged with crimes, Medynskii developed his perspective on individual rehabilitation, part of which involved popularizing stories of human redemption. Though *Honor* does in fact contain reflections of popular mistrust of gulag returnees that were prevalent at the time of its publication, it ultimately addresses this popular unease to combat, rather than aggravate, the public skepticism about the community reform programs that Dobson describes.<sup>318</sup>

*Honor* likewise exposes the inadequacy of contemporary explanations for criminal behavior. By

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316 The amnesty itself, however, was planned and ordered by Beria as part of his new program of leadership after Stalin's death: “Novyi kurs’ L. P. Berii. 1953,” *Istoricheskii arkhiv* 4 (1996): 132-164; Marc Elie, and Yves Cohen, *Les anciens détenus du Goulag* (Thèse de doctorat, Paris: EHESS, 2007); Miriam Dobson, *Khrushchev's Cold Summer*; LaPierre, *Hooligans in Khrushchev's Russia*.

317 Rossiskii gosudarstvennyi arkhiv noveishei istorii (RGANI) f. 52, op. 1, d. 310 l. 1-47 “Rech’ N.S. Khrushcheva na II s’ezde pisatelei SSSR 22 may 1959.”

318 Miriam Dobson uses a scene from *Honor* to explore the public reaction to gulag returnees after the amnesty. Around the end of the 1950's, she writes, “the criminal returnee began to be portrayed as a potentially sinister figure. By 1960 this menacing character was portrayed in literature, namely in G.A. Medynskii's children's novel, *Chest'* (*Honor*). In the novel a gulag returnee, the twenty-six-year-old Vit'ka Buzunov, is highly instrumental in the hero's fall from grace, always pushing the group of teenagers living on his block toward more serious crimes. Buzunov, nicknamed the Rat, is an entirely objectionable character: having spent time in prison, he was freed by the amnesty and returned to his old home even though he was denied a *propiska* (residence permit) and continued to make a living off petty crime.” This interpretation of the character of Buzunov is not inaccurate: out of all of the boy criminals, “the Rat” is the only one who appears utterly unredeemable. Yet he is also the only one of the boys who had an unambiguously terrible childhood, with a father in and out of prison himself, and an abusive alcoholic mother. If anything, the character of “the Rat” serves not to demonize returnees, but to confirm the book's overall message: that criminality and other social ills perpetuate themselves if people are simply imprisoned but not reformed. Dobson, *Khrushchev's Cold Summer*, 124.

the late 1950's it was hardly tenable to call crime a “holdover from capitalism,” or revive the pre-revolutionary scapegoats of “cold and hunger,” especially when the crimes were committed by children whose parents had been raised under socialism. It was common at the time to blame influences coming from Western culture for youth rebellion and anti-social behavior generally.<sup>319</sup> Medynskii's book subverts this view by having Anton and his classmate Marina dance to Western music at their school's New Year's Eve party, and watch a movie from the West on television with Anton's mother—all as part of their healthy, legal, mainstream courtship. Medynskii also mocked this explanation of crime as a Western import in his memoirs, saying, “What is this, the influence of Italian neorealism? No comrades! This is a phenomenon of our life, and we can't ignore it ... A very deep and important question that is fundamental for our society to ask is, whose criminals are these anyway?” His very clear answer was, “they are ours; our children, our brothers, our fellow-citizens.”<sup>320</sup>

Medynskii was also suspicious of the prevailing explanations for juvenile delinquency which were too quick to place all of the blame on poor parenting and bad schools. After all, he was introduced to this topic by the trial of the sons of party-members and teachers, well-meaning parents who had no idea where they had gone wrong. Why did this happen, and what could be done about it? Medynskii left these questions open at the end of the first installment of *Honor*. The responses that the writer received from readers helped him to further develop his answer.

## **V. The life and crimes of Vitya Petrov**

“Greetings Grigorii Aleksandrovich! I just heard the radio broadcast of your story *Honor*. I was really moved by the episode in which Anton met his father. It reminded me of my own meeting with my father, when I, like Anton, decided to break with my not-so-great past and ran off to his house in Smolensk ... Before I left home I sent him a letter explaining everything. Nonetheless his first words to me were: 'Why did you come? Get the hell out of here!' ... Yet I think I'll become a good person, in spite of the fact that, in one of the most difficult moments in my life, when I was trying to decide the question of whether to continue living altogether, my father, who I turned to for help, knocked down my last hope for it.”

--Letter to G.A. Medynskii from Vitya Petrov, March 1959

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319 Mark Edele, “Strange Young Men in Stalin's Moscow: The Birth and Life of the Stiliagi, 1945-1953.” *Jahrbücher für Geschichte Osteuropas*, Neue Folge 50, 1 (2002), 37-61.

320 Medynskii, *Stupeni zhizni*, 230-231.

“Dear Vitya! I am touched by your honest and emotional letter. I'm glad that listening to a chapter from my book on the radio provoked such deep thoughts and feelings in you ... You write: I don't believe in people! You know, I don't think it's necessary to come to such serious and decisive conclusion. There are good people out there, sincere and sympathetic, and you shouldn't lose faith in that. What would you do all alone, without other people? It's not good to be locked up all by yourself with your own sorrow, anger and bitterness, especially since the generosity of your soul obviously calls out for people.”

--Response to Vitya Petrov from G.A. Medynskii, April, 1959

On a train to a sanatorium in Kislovodsk with his wife in the Spring of 1959, Medynskii heard the first reading of his book over the radio. When he returned home, waiting for him was the above-quoted letter from a teenaged boy in Briansk. His warm response would begin a long correspondence between the sixty-year old and the young man.

By the end of 1963, the two men (Vitya has just turned twenty-one) published their correspondences in a magazine under both of their names, and it later came out as a book titled *Difficult Book* (1976).<sup>321</sup> Many more people young and old wrote to Medynskii in response to his conversations with Vitya, as well as to the first part of *Honor*, and many of their stories and personalities were eventually written into *Honor* itself. Medynskii preferred to focus on the many instances in which timely assistance proved indispensable in turning a “criminal” life around. For his commitment to the lives and fates of his fellow man, and his continued faith in the doctrine of human goodness and socialist achievement, he would be called by some readers a “priest of atheism.” He did not object to this appellation, and used it as an occasion to ponder at the end of his life the meaning of the “faith” to which he had been devoted, and the purpose that it had afforded him.

## **VI. The priest of atheism and the search for meaning in life**

“I admit that after I finished *Honor*, I thought that my mission was accomplished. I had 'paid the debt that God had lain upon me, the sinner.' ... but ... my readers wouldn't let me off the hook. Letters came in a stream, then an avalanche. It was exactly as if some sort of dam had been opened: people with complex and difficult fates saw that someone was interested in them and their big and painful questions, and they started to write ... at first it overwhelmed me. I tried to answer them, argue,

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<sup>321</sup> *Ibid.*, 492.

make contacts, connections, intervene in peoples' fates, help them to set up their lives, but in the end I finally understood that you can't bail out an ocean with a spoon. But these letters unsettled me, as did the people and the lives that they represented, and the thoughts, feelings, and pain which they held in them. What could I do with them? I couldn't just shove them in a drawer, where they'd sit as long as I lived and get thrown into the trash bin after that. After all, contained in them were the troubles and pain of real life people. I knew that I had to approach this problem in a different way, like a writer: I had to interpret it."<sup>322</sup>

Medynskii chose the most interesting and representative letters, the ones dealing with some of the more relevant problems of criminality, and published what he could, along with his own commentary and thoughts. These correspondences and conversations would reach an even wider audience when they were published in his 1964 *Difficult Book*.<sup>323</sup> This book in turn drew more letters to Medynskii from readers, and gave Medynskii more questions and problems to deal with both in private and in public.

Many readers struggled with how to respond to the deficiencies and corruption in their own economy and government. Publicly, Medynskii responded to his readers by emphasizing the solutions to be found in the ideas of Soviet socialism. In his advice to them he explicitly tied the imperatives of personal morality to the responsibility to improve and uphold the values of socialism in the face of dishonesty and abuse of power. In 1960, one man made the long trip from Leningrad to Moscow to discuss this issue in person. He showed Medynskii documentation from a sixteen-year battle that he had been waging at work against an out-of-plan operation involving much of his plant's labor and materials. The worker, Pobedonotsev, complained to the party, to the city government, and tried to go all the way to Moscow with his grievance, but was roundly brushed off or ignored, and even his wife and close friends urged him to drop his obsessive struggle. Grigorii held up this man as an example of the refusal to stoop to apathy in life and work, and to serve the cause of justice that connected personal morality with the imperatives of socialist labor and construction.<sup>324</sup> "Above all we need to fight against the greatest evil there is: indifference," he wrote in *Difficult Book*.

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322 Medynskii, *Stupeni zhizni*, 240.

323 Medynskii, "Trudnnaia Kniga," *Sobranie Sochinenie*, vol. 3 (Moscow: Khudozhestvennaia Literatura, 1981).

324 *Ibid.*, 300-303.

Medynskii's social and literary work up until 1959—educating peasants and orphans, giving workers a voice, and immortalizing the battles that women fought and won on collective farms during and after the war—bolstered his argument for Soviet social and psychological progress, and underscored the value of experimentation with new ideas. The writings of his later years became a literal realization of one goal of Socialist Realist literature, which was to bridge the gap between what is and what ought to be through a transcendent narrative. As his readers began to write themselves into his tales of moral downfall and socialist redemption, his commitment to write back to them, and to put their stories to social use, allowed them to achieve feats of reform that previously seemed impossible.<sup>325</sup>

Medynskii's work with prisoners, juvenile delinquents, and “people with difficult fates,” starting with his preliminary research into children's penal colonies for *Honor*, put him into dialogue with people who wanted to believe in the promises of rehabilitation, progress, and change, but whose experiences gave them reason to be skeptical. The volume and intensity of responses to his writings about crime and rehabilitation, and the public discussions that they sparked, show us how crucial this problem was for his contemporaries, and what significance they attributed to its solution. In the end, however Medynskii's efforts to reform wayward citizens left him and his ideas about criminality and reform permanently changed. While he might have begun this work by seeking the root causes of crime in Soviet society, his readers prompted him to ask instead: who are the real “criminals” in the Soviet Union?

## VII. The Soviet writer's social roles and responsibilities

“I read your article 'You answer for yourself' in *Izvestiia* and I could not help but write,” began a letter to Grigory Medynskii (1899-1984) in late summer of 1964; “You have gotten a lot of things wrong. You look at problems relatively superficially. This probably reflects the invisible and imperceptible barrier that separates you from those who, for one reason or another, are located or once were located in places of incarceration; who have experienced or are experiencing for themselves everything that will never be felt by someone who has not walked the path from crime to punishment.”<sup>326</sup>

Letters like this one, from an anonymous writer, provide evidence that Medynskii's readers conceived of

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325 Katerina Clark, *The Soviet Novel*.

326 Undated letter without signature or envelope, GIM, inv 102452/arkh 4966 [folder of responses to "Sam za sebya v otvete"].

criminality and justice in a variety of ways over the three decades in which he collected them. While it is clear that Soviet readers were influenced by scientific discoveries and theories about crime from the early 1960s, discussed in this dissertation's first chapter, and the popular narratives about crime from the third, crime began to take on an altogether different meaning to many of them by end of the decade. Whereas in the early 1960s most of Medynskii's correspondents—whether “criminals,” formerly incarcerated people, juveniles, or simply concerned citizens—seemed willing to see crime as the result of the mistakes and misfortune of individuals, and believe that Soviet-style socialism offered solutions to it, from about 1966 many came to see crime as a direct consequence of many of the ills of Soviet society. What is more, as a result of these relationship and interactions, Medynskii himself came to agree with his readers, and to claim that crime was not “an atavism in Soviet society, but an outgrowth of socialism.”<sup>327</sup>

In spite of the overwhelming number and complexity of these letters, to the extent that the elderly Medynskii was able, he listened to his correspondents, responded to them, based his work on their thoughts and experiences, and changed his focus, and ultimately his deeply-held beliefs, in light of them. By 1971, in works that Medynskii could not publish, he ceased offering advice and assistance, and instead let his readers speak for themselves.<sup>328</sup> It was these writings that would make him one of the most significant figures in the political education of many later reformers. The majority of letters came from people who were most deeply affected by the criminal justice system: incarcerated people, their families and advocates.<sup>329</sup> Yet at the same time, Medynskii's mailbox became a sounding board in which a wide variety of members of the Soviet population could share their concerns about the state of criminal

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327 Medynskii gave these readers' letters to a friend, archivist Tamara Mazur at the State Historical Museum's manuscript division, for safe-keeping near the end of his life. He believed that these letters contained the unsaid or unsayable thoughts of their writers, the suffering of those with “difficult fates,” and that it was his duty to find a way to express these experiences. Medynskii's collection of letters and manuscripts is currently being sorted and catalogued by the Historical Museum's archivists, who generously gave me access to almost 200 letters from readers from as early as 1939, to as late as 1982. Though I cannot be sure of precisely how many letters this collection contains until the cataloging is complete, the archivists at the Historical Museum's division of written sources furnished me with every folder that they could find which contained letters clearly opened and read by Medynskii himself. In part, my goal in discussing these letters is not to make definitive claims about their representativeness of broader Soviet public opinion, but instead to show the breadth and variety of citizens concerned about the issues of crime and criminal justice, and the depth and complexity of their conceptions, complaints, and fears.

328 Medynskii claimed that he attempted to publish some of these works, along with other works that he managed to publish with great difficulty, like *A Difficult Book*, but these later works were mainly read by close friend and associates in manuscript form. See Vladimir Mai, “Propavshaia kniga: Grigory Medynskii 'Stradanye Mysli,’” *Demokratia i sotsializm* no 1, October 2014, 106-111.

329 Out of almost 200 letter writers, at least 147 of whom were male, there were 72 who were in prison at the time of writing their letters, and 13 who had been at one point. Out of at least 28 women, two had been in prison previously, and one was at the time of writing.

justice and the war on crime.

Many of Medynskii's correspondents saw his writings on crime as evidence that he might be able to help them in their own criminal cases. In fact, Medynskii did intercede in a few of them in the first few years after *Honor* was published. If he found certain people's stories or personalities compelling, he would visit them in prison, talk to their family members about their experiences, and sometimes write letters to the prison administrations, the courts, and the procuracy in support of their appeals for release or reduced sentences.<sup>330</sup>

By the mid-1960s, however, most correspondents seemed (or tried to seem) less interested in seeking Medynskii's help to improve their individual situations. Rather, letters increasingly offered criticisms of Medynskii's portrayals of reality, suggested ways to improve the criminal justice system and fight the war on crime, and presented views on how to raise young people not to commit crimes. Those letter writers who were in prison frequently expressed a very strong sense of their own identity as Soviet citizens, and emphasized their ability to contribute and return to society. Of this perhaps select group of prisoners and ex-cons who read such literature as Medynskii's, most of Medynskii's respondents acknowledged feeling a great deal of guilt, and assumed a significant degree of personal responsibility for their conduct, but still questioned the logic and utility of the harsh punishments and arbitrary treatment that they received from the authorities. What the "criminals" who wrote Medynskii sought most frequently was not concrete assistance, but help in seeing the broader picture of justice and progress that he and others were painting in their writings instead of the cruelty and corruption that they experienced.

Medynskii also received many letters from purportedly law-abiding citizens commenting on different aspects of the war on crime. While some of these letters conformed to the claims that modern historians and contemporary journalists have made about pervasive public intolerance for criminality and widespread desire for hard-line punitive tactics in the war on crime, most did not.<sup>331</sup> After about

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330 Medynskii, *Stupeni zhizni: liriko-publitsisticheskoe povestvovanie*. (Moskva: Sovetskii Pisatel', 1981), 352.

331 See Miriam Dobson, *Khrushchev's Cold Summer*; Brian LaPierre, *Hooligans in Khrushchev's Russia*.

1966, Medynskii began to receive more letters from ordinary citizens (most identified themselves as workers, engineers, or collective farmers) who no longer conceived of the war on crime in terms of wayward teenagers and street criminals. Instead, they began to use the language of crime to condemn the local and central authorities for corruption, hypocrisy, and abuse of power. For these people, crime was a metaphor through which they could speak about the inequality and unfair distribution of privilege—including access to legal rights—that they experienced in their daily lives.

Many argued compellingly that the real “criminals” occupied important positions in party, state, and industry, and profited from their positions with impunity. Not only that, but Medynskii's correspondents began to demand that these officials face legal responsibility, and took great personal risks to bring this about. So many letters like this arrived that Medynskii eventually began to shift his attention to this problem in his private writings. It was as if ordinary people, many of them life-long communists, were beginning to see what prisoners, formerly incarcerated people, and their families had known for decades: that the justice system all too frequently failed to live up to its promises to punish the guilty, exonerate the innocent, and reform the wayward.<sup>332</sup> Further, these failures were no longer understood as mistakes to be corrected, or isolated imperfections, but instead increasingly looked to Medynskii's readers like inextricable elements of the system as such. We should recall that one of the major features of the rhetoric of late Socialism was to replace the utopian promise of eliminating crime for good, with the slightly more plausible guarantee that the justice system would accurately and effectively sort the innocent from the guilty.

It was in part the experience of the decade-long war on crime—fought mainly in the press, in the academy, and in the highest decision-making bodies over what should be done to discover and punish those guilty of crimes—that provided these readers with the categories of analysis and the expectations of justice to fuel their own quixotic battles against the powerful “criminals” in their local government and industries. Whereas intellectuals like Kaminskaia and Chaikovskaia attempted to bring legal

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<sup>332</sup> As one self-professed Soviet criminal-turned-manager put it years later, “When I picked pockets, they sent me to prison; when I stole millions, they provided me with security,” a sentiment that was echoed many times by Medynskii's correspondents. Aleksandr Gorbachev, “I've seen hell, and it is real”: Ukrainian Pentecostals in the American Midwest and one man's twisted path to Jesus,” *Meduza* 20 May, 2015.

consciousness to a small town dominated by arbitrary and mob justice in the “trial of two boys,” they ultimately ended up using the law against the townspeople. Medynskii, on the other hand, united hundreds behind the cause of justice and the law. In this case, the willingness of a well-connected urban intellectual like him to cross class and regional lines and listen to the thoughts and experiences of the Soviet public allowed for the creation of a community of dissatisfied and informed citizens, ready and eager for change.

### **VIII. The Authority to Speak the Truth**

But why did readers respond to Medynskii the way that they did? What did they think they would get out of writing to him? While some wanted help, or just recognition, many, especially those in prison, challenged Medynskii’s authority to write about the penal system in the first place. The anonymous letter writer cited above continued his letter to Medynskii:

“While it is an indisputable fact that the criminal has no right to blame anyone for his fall but himself—whatever 'objective reasons' might have led him to the defendant's bench—I have long had some thoughts on the kinds of changes that need to be made to our corrective labor politics and system ... The changes that I want to introduce would, in my opinion, significantly lower crime in our country and, in the course of ten years, eliminate such crimes as theft, robbery and other property crimes ... I appealed to the Central Committee in 1962 about my ideas for a new ITK [correctional labor colony]—one that could truly be called a socialist ITK—and asked for permission to work on this project for ten months, since I am currently incarcerated and cannot do anything without special permission, but got no reply.”<sup>333</sup>

He continued by quoting Khrushchev's speech from the November 1961 meeting of agricultural workers in Tselinograd claiming that “there is no man who cannot be reformed,” and noting that, if this is true, then everyone, independent of position in society, should work on this problem.<sup>334</sup>

This was not an unusual response to Medynskii's work in the first half of the 1960s. The imprisoned man's letter seized on the possibility of both reform and open conversation about social problems that characterized Khrushchev's “thaw,” possibilities typically understood to have been closed

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<sup>333</sup> Undated letter without signature or envelope, GIM inv 102452/arkh 4966 [folder of responses to "Sam za sebya v otvete"].

<sup>334</sup> *Ibid.*

off (at least with respect to criminal justice and corrections) by 1964, when this letter was written.<sup>335</sup>

Many of Medynskii's readers saw in his writing a chance to explore a whole host of social issues connected to crime: education, child-rearing, juvenile delinquency, alcoholism, drug use, employment problems, housing shortages, and corruption. For the incarcerated, Medynskii's work presented an opportunity to contribute and return to Soviet society with a new mission and purpose.<sup>336</sup>

More than anything, in the years immediately following *Honor's* publication, readers expressed appreciation for Medynskii's attention to a serious problem that had for many years gone unexamined, and hope for their own and the collective future of the Soviet Union. Like the letter writer quoted above, who felt that he could be uniquely valuable to Soviet society because of his experience of crime and incarceration, many others expressed a similar desire to tell their stories. They explained this desire by saying either that they believed in the usefulness of Medynskii's project and wanted to help him continue with it, or that they disagreed with Medynskii's ideas and approach, and wanted to help him understand reality better.

## IX. Redressing wrongs

While many of Medynskii's readers felt that books like *Honor* were invitations to participate in the historical project to eliminate criminality, there were also those who saw the author and his work as an appropriate medium through which to redress the historical wrongs they had observed and suffered, and they saw a connection between these wrongs and the “war on crime”. The injustices that these particular correspondents wrote of went beyond the typical claims about unfair policing and sentencing tactics or prison conditions, and dealt instead with the consequences of political repression. Among these

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335 For more on the “thaw” in Soviet criminal justice, politics and culture, see: Yoram Gorlizki, “De-Stalinization and the Politics of Russian Criminal Justice, 1953-1964.” Ph.D. diss., University of Oxford, 1992; Vladimir A. Kozlov, *Mass Uprisings in the USSR: Protest and Rebellion in the Post-Stalin Years* (M.E. Sharpe, 2002); Aleksandr Genis and Petr Vail’, *60-e: Mir sovetskogo cheloveka* (Moscow: Novoe literaturnoe obozrenie, 1988 [1998]); Alfred Dressler, “Party and Writers: 1956-58,” *Soviet Studies* X (Apr. 1959): 417-32. Boris I. Gorokhoff, *Publishing in the U.S.S.R.* (Bloomington: Indiana University Press, 1959); Donald Filtzer, *The Khrushchev Era: De-Stalinization and the Limits of Reform in the USSR, 1953-1964* (Houndmills: The Macmillan Press, 1993); Edward Robert Sharp, “School Reform during the Khrushchev Period: A Radical Attempt to Re-make Soviet Social and Economic Structures.” Ph.D. diss., University of Michigan, 1995. William J. Tompson, *Khrushchev: A Political Life* (New York: St. Martin’s Press, 1995); Susan E. Reid, “Destalinization and the Remodernization of Soviet Art: The Search for a Contemporary Realism, 1953-1963,” Ph.D. Diss., University of Pennsylvania; L.A. Sidorova, *Ottepel’ v istoricheskoi nauke: Sovetskaia itoriografiia pervogo poslestalinskogo desiatiletiia* (Moscow: Pamiatniki istoricheskoi mysli, 1997).

336 *Stupeni zhizni*, 240.

correspondents were victims of Stalinist persecution, official discrimination, and semi-official blacklisting as well as social ostracism after confinement. These correspondents looked to the community formed by Medynskii and his readers as an alternative court of justice that might be able to right the wrongs of history and misfortune.

One such letter came in 1962 from Mikhail Markovich Mirer (alias Skorii, alias Miller, alias Petrov), from a village in Turkmenistan. Born in 1906 in Poltava Oblast', Ukraine, he was sentenced in 1942 to thirteen years in a prison camp under Article 58 of the Criminal Code of the Soviet Union for anti-Soviet activities. He thus sat out the end of the Second World War along with thousands of his compatriots, victims of the mass repressions of the 1930s and 40s, who were charged with similar crimes. What made Mirer's case unusual, however, was that he was already in prison when he committed his first "anti-Soviet" act. He had been serving two years—the latest in a string of prison stints—for burglary, brigandage, and fraud (hence the many aliases). Mirer claimed to have spent his—and the Soviet Union's—young decades as a "thief-in-law," riding train cars in the North Caucasus, where he worked for the railroad and the police, and stealing suitcases from the first-class cabins. In 1942 he and some other "criminal" prisoners were sent to an NKVD camp, and there he found himself in the midst of public officials, party members, and NKVD agents from the North Caucasus, Belarus, Ukraine, and other republics. "I asked them over and over," he said, "what are you being punished for? Me, I am a thief, and I know exactly why I am in here, but why are you here?" When none of them could answer him, he became irate: "I shouted loudly and expressed my dissatisfaction that the higher organs of power, including Stalin, Molotov, and Kaganovich, had unjustly arrested party workers and employees of the NKVD." For this he was charged with anti-Soviet agitation and given eight years in a special camp. He wrote that he was telling Medynskii the whole truth, so that he in turn could write about it in his books. For Mirer, a logical extension of Medynskii's honest discussion of crime in the contemporary Soviet Union was that there should be a simultaneous discussion of the persecution and punishment of

innocents in the Soviet Union's past.<sup>337</sup>

Mirer's experience with political repression did not prevent him from telling the rest of his story in terms that clearly reflected idealized narratives of socialist justice, however. After he served his sentence, he was able to return to respectable Soviet society through honest labor; he eventually became a factory boss and self-professed loyal citizen and active member of Soviet society. He listed all of the awards, degrees, and promotions that he had been given in the years since he was released for his conscientious labor, and boasted of his reputation for intolerance towards theft in his own factory. Initially he had to travel to a few different towns before he could find a factory director who would hire a formerly incarcerated man, but when he did, he also found a collective to help him realize his ambitions, and support him and his family through difficult times. He ended the letter, which was accompanied by documents verifying his claims about his own incarceration and work history, by writing, “I want to say thank you to the Communist Party of the Soviet Union, the government of the USSR, my friends and brothers!”<sup>338</sup>

Mirer's letter might have been continuing in a narrative vein that ran through most of Soviet history—his life story reminds one of the 1920s “notes of a detective,” genre exemplified by the stories of Lev Sheinin: extolling the virtues of the Soviet system for remaking criminals into patriotic workers while reveling in the details of true crimes, and the lives of the outlaws who had ostensibly been eliminated for good.<sup>339</sup> Though Mirer still revered the thieves' code of honor in the late Soviet era (and described the community of thieves in utopian terms: with extremely diverse and harmonious inter-racial and international bands sharing both labor and profits), he nevertheless gave up the trade, since, as he put it, “these days, there are hardly any honest thieves left.” And yet his recent memory of political repression, and hope that revealing this history to the public might still be possible and do some good, make his letter in 1962 emblematic of the times. For, though he understood the horrors of the past and the failings of the present firsthand, he also experienced the promises of Soviet justice firsthand, in his

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337 18 August 1962 letter from Mirer, M. M., GIM inv 102452/arkh 4966 [Folder: Pis'ma M. M. Mirer, 21 dokumenta c konvertom 1952-1962].

338 *Ibid.*

339 See for example: Lev Sheinin, *Zapiski sledovatel'ia*. (Moscow: Gos. izd. khudozh. lit., 1962).

life and work collective. In spite of, or perhaps because of his subsequent successes in work and life, he thought that revealing the historical wrongs that he witnessed was an important element of Medynskii's "battle for man" and the Soviet state's "war on crime."

Not all writers who saw the connection between political repression and the persistence of criminality in the Soviet Union were so lucky. As the years went on, these unlucky ones became increasingly the norm. A reader from the Rostov Oblast' wrote in the mid to late 1960s that he "read *Honor* and saw his entire life laid out before him." In light of his actual life experiences, however, the connection seems puzzling at first. The man's grandfather fought in the civil war, and his father helped to build their collective farm, then worked his way from combine operator to chairman. The correspondent himself was too young to join the army when the Germans invaded, and instead was caught up in the occupation of his town, and sent as a prisoner to Germany by some of his own classmates who had begun to work for the occupying government. "I can't even put down what I went through in Germany," he revealed, "I tried to run twice, and twice I ended back up in prison beaten half to death ... but I never lost faith in the victory of our Red Army ... they tried to agitate among us to recruit us into the Vlasovites, but not one person from our camps left to join them—and we had Russians, Ukrainians, Poles, Czechs, French, Belgian and Hungarians." Once the second front was opened, the author claimed that he and his fellow-prisoners escaped and ended up in the hands of the English. "The first thing that we asked was to be returned home, but the English did not hurry to do this and tried instead to agitate for us to leave for England or America. Luckily I was returned to my motherland, found my mother and father, and at 19 got my first job on a tractor brigade." He soon found that while he was never openly persecuted, he was excluded from all paths of advancement. "I could work quietly as a tractor driver, but it need only to be mentioned that I was in Germany, and even my friends turn away from me and bosses and party members refuse to consider me [for admission to institutes and for jobs]." There seemed to be no place for him in Soviet society besides as a worker, though he felt that he had many other talents which he had proved with his performance on the job and

in school.<sup>340</sup> Thus this correspondent saw himself in *Honor's* Anton not because of their shared experience of imprisonment, but because of the difficulty that both young men had when attempting to convince their communities and society as a whole that they should be trusted and given all of the opportunities attendant upon full Soviet citizenship.

Neither man gave in to the ostracism, each worked to defend his honor, but the fictional hero of *Honor*, Anton, met with more success than did the anonymous letter writer from Rostov, whose experiences after imprisonment led him to renounce the communist faith that had so defined his early life. “Forgive me for my openness,” he concluded, “but it has been long known that you writers are the carriers of our thoughts and since you wrote *Honor*, you should understand me well. To fight for your own honor is really quite difficult. I am not giving my name so that you won't think that I am asking for sympathy ... my fate is shared by thousands ... It is worthwhile to be concerned about those people.” Unlike Mirer, whose observation of historical wrongs was followed by the experience of redemption and rehabilitation within a supportive socialist collective, the anonymous writer from Rostov Oblast' experienced both an historical wrong and its continued effects so acutely that they extinguished his support for and faith in the party. Though this man seems never to have been charged with a crime, he still identified strongly with the experience of the Soviet criminal.<sup>341</sup>

Many readers, like Genadii Sholukov from Astrakhan in 1966, felt that Medynskii's books inaccurately depicted the Soviet state and society as forgiving, and that the author had misleadingly insisted (along with “all of the newspapers”) that “it is never too late to become a person.” In Sholukov's experience “this was nonsense: if you stumble but once in your entire life, you will live out the remainder of it walking along the bottom, carrying your mistakes with you like stones.”<sup>342</sup>

Incarcerated letter writers also claimed that part of the reason that true rehabilitation (or “becoming a person”) was not possible for someone who had been convicted of a crime, was that even

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340 Unsigned, undated letter sent from Rostovskaia Oblast' to Karel'skaya ASSR Gosizdat, to be forwarded to G.A. Medynskii, GIM inv 102452/arkh 4966 [Folder Chest': pis'ma, otkliki]. From context clues about the man's age, it is likely this was writing in the mid to late 1960s.

341 *Ibid.*

342 29 August 1966 letter from Genadii Iakovlevich Sholukov in Astrakhan, GIM inv 102452/arkh 4966 [Folder: “Chest': pis'ma, otkliki”].

though he was encouraged to rejoin and contribute to Soviet society, he was never allowed to move out of the working class. Like the anonymous former German war prisoner above (who likened his situation to that of an “ex-con,” though he had never been charged or served time in the Soviet Union), they felt ignored and condescended to by officials and the professional class, and scarcely enjoyed the benefits of the society of which they ostensibly formed the economic backbone. “I would be proud to be a simple worker, and the son of a worker,” claimed a prisoner named Iudin from Perm Oblast' in 1965, “if I did not hear so often that 'laboring is the fate of talentless people,' and see that my entire role in life is reduced to a program of labor, while the privileged few ride around in *Volgas* and *Pobedas* and enjoy all that is good in life. How can one, looking at this, continue to claim that we are all friends, comrades and brothers?”<sup>343</sup>

## **X. The Soviet Justice System and its Discontents**

Where the above readers, all writing around 1965 or 1966, praised Medynskii's work, but lamented its unreality, others felt that, in perpetuating fantasies about Soviet justice, Medynskii was doing Soviet citizens an injustice. These letter-writers were apt to point out the hypocrisy that they saw in the Soviet justice system: that its agents and champions leveled harsh and categorical judgements against others, but failed to see their own flaws and those of the system itself. Letters often cited the role that the courts and police played in Stalin's purges, and the fact that the laws were perpetually changing—making certain crimes more or less serious according to the year, and absolving certain categories of prisoners for seemingly arbitrary reasons. Most frequently, writers mentioned the fact that not all citizens were equal in the eyes of the law: officials and the well-connected were rarely punished for their crimes (whether white collar or violent) while those without means or position were frequently punished harshly whether or not their guilt was proven fairly. Together, these critical letters bear witness to a

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<sup>343</sup> 10 January 1965 letter from Victor Nikolaevich Iudin in Perm Oblast', GIM inv 102452/arkh 4966 [Folder: Pis'ma neposredstvenno ot zakliuchenikh 1959-1965].

public with a rather clear picture of what socialist justice should look like, but who harbored few delusions about the reality of that picture in the Soviet Union.

Those who felt that Medynskii was doing his readers a disservice thought that he should have explored the reality of mistakes made by the justice system in adjudicating people's guilt or innocence. One letter writer from 1965 pejoratively called Medynskii a troubadour of the Soviet justice system—adding that it had long been no secret that the system was middling to poor and even harmful to people. He went on to say that he knew first-hand of mistakes made in determining punishments, and of innocent people found guilty, like in the film *The Person Who Doubts* (1963). He reminded Medynskii that the foundational principle of criminal procedure was that guilt should be proven completely, and that if it was not, this should work to the advantage of the accused. What often happened instead, was that court officials treated their duties irresponsibly, and relied on coercing a confession from the accused, as we saw in the trial of Burov and Kabanov from Chapter two, rather than on gathering complete evidence. “You might say that I’m an anomaly and an anti-patriot, but the loyal majority doesn’t have to encounter the legal problems like those who judge or are judged,” he continued. “Don’t get me wrong, I’m not anti-Soviet, I just think it could be better than it is today. After all, would you tell someone who was thrown in the dirt under Stalin that “a criminal is a criminal and he should suffer his punishment?”<sup>344</sup>

Not only their own experiences with judicial mistakes, but the Soviet media, and their memories of Stalinism led these people to doubt the virtue, truthfulness and wisdom of the legal system, and to see its mistakes as evidence of its fundamental flaws. For these flaws, many correspondents laid blame squarely on the party leaders, whose own degeneracy, they felt, sowed the seeds of lawlessness in society. Further, people's experiences with Soviet film and literature taught them to demand more of communism's vanguard. Oleg Kapustin, a prisoner in the Lugansk Oblast' of Ukraine wrote around 1965: “Communist-Bolsheviks used to be different. They fought for truth and for the people, and they

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344 Letter from Korolev Viktor Stepanovich in Komi ASSR, GIM inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

risked their lives and health, not to speak of their reputations ... Such true communists were all but destroyed by 1941. What kind of example is it for the thieves, when party members steal and lie? In reality, thieves with party cards are protected, while a thief without pants is locked in prison ... The great mass of Bolshevik leaders like the ones in the film *Believe Me People* [1964] have been eliminated, and their ideas have disappeared ... and now the laws read one way, but judges still decide people's fates however they choose ... And further, I fear what awaits me after prison, even though I have already gotten on the path of honest work and community service. I wish that I could find people like those in *Night Patrol* [1957] or *Believe Me People* but it seems that they only exist on screen or in the newspaper stories.”<sup>345</sup> Another letter writer, one of very few female correspondents, echoed this sentiment exactly: “only in books and films is there a head investigator like in *Believe Me People*, and not in real life. In reality, every official wants to meet his quota of uncovered and captured criminals,” and, she added, officials could use all sorts of sordid means to do so.<sup>346</sup>

Though these letter writers evinced frustration with the extent to which Soviet reality in the mid-1960s lagged behind the stories told in the media, it was also clear that they wanted to be involved in fixing Soviet society and raising the future generation without crime. Consequently, self-proclaimed criminals and non-criminals alike often complained that far too few of their compatriots shared this goal. One 19-year-old reader wrote in 1964 that he wanted to become an investigator, but that he already understood that many of the principles that he learned in school, the ideas of Lenin and Dzerzhinsky, were not observed in real life. In reality, bureaucrats were just as bad as hooligans, and their apathy and formalism led people to strive solely to “mind their own business.” This, he implied, hampered progress towards the goal of eliminating crime.<sup>347</sup>

This attitude of “minding one's own business” for fear of legal reprisals, was a product of Stalinist repression, another of Medynskii's correspondents ventured. But “now that Soviet citizens

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345 Undated letter from Kapustin, Oleg Vladimirovich in Perebal'sk, Lugansk Oblast', GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

346 14 July 1965 letter from Karpova in Ufa, GIM inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

347 28 August 1964 letter from Simonov Aleksei Ivanovich in Moscow, GIM inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

breathe freer,” he asked, “why does crime still proliferate?”<sup>348</sup> A young man in Vilnius also wrote in 1964 that he enjoyed Medynskii's work precisely because he did not want to live just to “mind his own business.” He claimed that he was part of a bad crowd at school, but felt that he finally had the courage to break with them after reading *Honor*. He saw the connection between apathy and crime, but also believed in the possibility of escaping both.<sup>349</sup>

Many more readers, however, were so convinced of the pervasive atmosphere of indifference towards the plight of others, and towards the public good—often based on their own experiences inside and out of Soviet correctional facilities—that they expressed deep skepticism about the potential for Soviet justice to ever meet the high ideals that its 'troubadours' proclaimed. In a letter written around 1964, a man named Victor incarcerated in Sverdlovsk Oblast' scoffed at the ideals of Soviet justice, equality, and humanism that Medynskii depicted in his writings, since he had observed things like the head of his camp scheming with other officials to steal the people's property, or the Mayor of their town sentenced to only one month for raping a girl under the threat of a weapon.<sup>350</sup> This two-tiered system, where the poor and unconnected were punished harshly for small crimes, while the elites committed graver offenses with impunity, may have been what another letter writer meant when he cited the Soviet “way of life,” and “material and social inequality,” as the true sources of crime.<sup>351</sup> Most of these writers insisted that it was useless to write about “reeducation” in Soviet publications as long as these things stayed the same.

Many letter writers understood the true motives of the Soviet correctional system to be much more cynical than party decrees and the media proclaimed them to be: “I've come to understand that the [corrective labor] colonies are slave labor forces for the Soviet Union—even though we are supposed to be great humanists,” wrote Victor from Sverdlovsk. He saw no reason for his tough sentence other than to extract cheap labor, since he was neither being made into a good citizen, nor punished in accordance

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<sup>348</sup> *Ibid.*

<sup>349</sup> 3 April 64 letter from Minchuk in Vil'nus, GIM inv 102452/arkh 4966 [Folder: “Chest” pis'ma, otклиki].

<sup>350</sup> Undated letter from Loktopov, Viktor Grigorievich in Tavda, Sverdlov Oblast, GIM inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

<sup>351</sup> 28 August 1964 letter from Simonov Aleksei Ivanovich in Moscow, GIM inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

with the crime for which he was charged: "I'm already 37," he wrote, "and I'll be 44 when i get out. I don't have much chance of having a family, and even half of my sentence would be enough to make up for the crime [which he insisted he did not commit] ... I was in Germany, in a concentration camp, and somehow I could handle that better because they were fascists in charge, but these are communists."<sup>352</sup>

## **XI. Medynskii responds**

Medynskii made various efforts to challenge and contradict these critical readers. He responded to many of them personally, admonishing some for not accepting responsibility for their fates, and saying that they needed to redeem themselves from the inside out by acknowledging their own faults and laboring for the good of the country. He also wrote articles, ostensibly in response to particular readers, in order to convey these messages to a wider audience. And yet, the more critical letters started coming in 1964, and the influx showed few signs of letting up by the late 1960s, when Medynskii had clearly begun to change his mind about the issues on which he had written so confidently in the early 1960s. Eventually, in his unpublished writing, which circulated to friends and colleagues unofficially, Medynskii made it clear that the letters he had received from his readers led to his philosophical and political *volte-face*. His own experiences trying to address and solve their problems caused him to doubt his earlier convictions and to start down a different path entirely.

At first, he claimed, he had responded to some of the more unfortunate and sympathetic among them by intervening in their lives, finding out more about their stories, and using his influence and connections to effect just outcomes where the justice system had failed to do so. He would discover by 1965 that, on the one hand, his ideas about morality in law were impossible to implement without his continued intervention in the hierarchies of the party, court, government, and industry that controlled people's access to the kinds of lives they wanted to live (and sometimes not even then). On the other hand, when his readers truly pondered the problems that they saw before them, they frequently came to

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<sup>352</sup> Undated letter from Loktopov, Viktor Grigorievich in Tavda, Sverdlov Oblast, GIM inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

conclusions that were quite critical and subversive of party and state hierarchies.

What did his readers tell him, and why did these revelations have such an impact on the elderly writer? When Medynskii first began answering his readers and intervening in their fates, he worked to help people maintain their faith in a justice system that he felt fundamentally worked, or could work if enough people played their roles properly. Though in print he deferred to the law and the legal system's determinations, in the mid-1960s, Medynskii privately began to question the moral authority of the courts along with his readers.

By the end of the 1960s, he came to realize that it was precisely the Soviet citizen who played his or her role most admirably that suffered the greatest injustice. In an early draft of “A Moral Position,” an article published in *Izvestiia* in 1966, he told a story that both offended his conscience, and contradicted his ideas of socialist legality: “In 1949 a man was slandered with the charge of being a bandit, by real bandits with blood on their hands who wanted to punish him for refusing to participate in their deeds. This slander was supported by the investigators and procuror of Odessa, all of whom were eager to cross one more unsolved crime off of their list. As a result, the accused Victor Tkachenko was sentenced to 20 years for murder, and only after 15 years was he freed for lack of a *corpus delicti*\*. You might say that those were the dark days of the cult of personality; and yet in 1961 there was also a case, in direct response to an order from the Central Committee about the war on bribe-taking, in which the director of a construction trust was similarly impugned and charged with 10 years, until eventually he was released for the same reason: complete lack of evidence for his guilt. Why is it then, that the officials involved in both of these cases were given promotions? Is this not a moral problem?”<sup>353</sup>

Unfortunately, the “bandits” in Victor's case (one of whom, Valentine, brought this case to Medynskii's attention in order to atone for the sin of falsely accusing an innocent man) proved more willing to take personal responsibility for their misdeeds than the officials who facilitated them. By the time he wrote to Medynskii in January 1964, Valentine had been doing his best “to find someone who

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\*Evidence that a crime has in fact occurred.

353 Medynskii, “Nravstvennaia pozitsiia,” *Izvestiia* 11 July 1966 (162). The draft was written out by hand and presumably untouched by editors, censors or critics GIM, Folder “Stat'ia 'Nravstvennaia pozitsiia,' pis'ma otkliki iz stat'i” GIM, [Folder: “Stat'ia 'Nravstvennaia pozitsiia,' pis'ma otkliki iz stat'i.”]

would be willing to help establish the objective truth, but it seems there is no such organ of Soviet power; I have appealed to all of them.” He thought that the state prosecutor who helped convict Victor would “not be afraid to admit his mistake for the sake of justice, and to free an innocent man who had been the victim of criminals. I wanted to believe in him as a person and a communist,” he wrote, but he soon found that his faith was misplaced.<sup>354</sup>

With Medynskii's help, Victor eventually won his freedom. Though Medynskii used this case as an example of justice realized, if late, Victor's take on his experience with Soviet punishment and justice was quite different. He was grateful to be out of prison, but at the same time, he was extremely disheartened by the unfairness of the processes that put him in and got him out of there. Further, in January 1965 Victor wrote Medynskii from Odessa describing the difficulties of life outside of prison. He worked fifteen hours per day and took on extra work on the weekends to pay for a meager life. He was told he would have to wait at least five years to receive adequate housing. Victor also noted the poor progress of the criminal investigation of the boys who put him in jail. He was not seeking their harsh prosecution; on the contrary, he hoped that revealing their lies might expose the illegal tactics that investigators and prosecutors had used in 1949, and lead to more people being exonerated. No one would acknowledge the mistake, however.

Despite his debt of gratitude to Medynskii, Victor's experience over the previous sixteen years led him to question the political system as a whole. “Is it worth it then,” he asked, “to be a citizen of the Soviet Union? No! I am thoroughly convinced of that. I plan to save up to go to Moscow in February, I hope to get permission to leave the country. Maybe for that I'll get sent to another camp, but I'm not afraid. To live without a home, and without rights, and look at the cretins in leadership posts—I'd rather be done with it altogether.” He then sent his greetings to Medynskii's wife, and promised to stop by when in Moscow.<sup>355</sup> His respect for Medynskii, his personal experience of “justice realized,” and his accuser's repentance all failed to restore Victor's faith in the Soviet Union, its values and virtues.

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354 Personal collection of S.F. Pokrovskaiia, [Folder: “Letter from Tkachenko.”]

355 *Ibid.*

What had looked at first like a victory for Soviet justice also illustrates that, even when Medynskii's interventions were most successful, his efforts did not always have the desired effect. While Medynskii wrote and showed in his published articles that mistakes did happen in the Soviet courts and prison system, he would privately use his influence and connections to correct some of them. He argued that this activity underscored the fundamental fairness (or potential for fairness) in Soviet justice, and yet readers often drew the opposite conclusion. Many of Medynskii's correspondents, like Shelestov, insisted that they, as individuals, should be able to right the wrongs committed by the Soviet justice system by telling the truth to the right authority. This earnest faith often led to disappointment. Some recipients of Medynskii's largess saw it for what it was: evidence that truth alone did not ensure a just outcome in Soviet courts, and that privilege played a major and perhaps the most important role in ensuring that "justice" was done.

## **XII. Assigning Blame**

Medynskii's privileges as a Soviet writing and elite *intelligentsia* member initially put a good deal of emotional and experiential distance between him and his readers. His public writings beginning in 1959 mainly focused on encouraging personal accountability in the individual "criminals," and often employed a didactic or therapeutic tone, exhorting readers to "think about their faults," "take responsibility for their mistakes," and "work on themselves." By the late 1960s, though, Medynskii began to transfer blame from private individuals to the social and legal system more broadly. His change in perspective reflected the ideas of a growing proportion of his correspondents.

Both Medynskii and his correspondents frequently dealt with questions of legal consciousness versus morality: should defendants be punished according to the letter of the law? Should the law take into account ameliorating circumstances, as it was intended to do, or was injustice so rife within society that the application of the law became inherently arbitrary? In their private and semi-private drafts and correspondences, he and his readers clearly acknowledge the imperfect, and perhaps even criminal, nature of some government officials and functionaries. As is apparent from the article "A Moral

Position,” Medynskii intended his exhortations to readers to “think about their faults,” “take responsibility for their mistakes,” and “work on themselves,” to apply as much to police officers and judges as it did to people considered to be juvenile delinquents, drunks, and hooligans—even if this critique of officialdom rarely made it into print. These sentiments were clear in the responses that Medynskii received from readers, who, much like the dairy factory workers in Orenburg, frequently denounced his harsh treatment of individual, petty “criminals” by pointing out that the real “criminals” were in important positions and did infinitely more damage.

A particularly controversial article from 1965 (the year before “A Moral Position” was published) touched on this issue and elicited a flood of responses. In the conversations that resulted from the article, we can see how Medynskii's readers began to influence his ideas and his writings about criminal justice. In this piece, “Think About It, How are You Going to Live?” Medynskii responded to a letter from a mother named Anna Dmitrievna, reproducing parts of her letter verbatim, before chastising her for her presumptuousness in appealing to him, and her request for what he saw as undeserved mercy for her delinquent son, Volodya.

She wrote (her original letter remains in Medynskii's archive): “I'm appealing to you, a humanist who has dedicated his life's work to helping those who are incarcerated, as the mother of a prisoner,” and explained her son's situation.<sup>356</sup> Volodya claimed that he was attacked by “hooligans,” and in the process of defending himself, injured one of them badly enough to send him to the hospital. For that he was charged with exceeding the amount of force necessary for self-defense, and eventually sentenced to two years, but released on his own recognizance awaiting trial. Anna Dmitrievna asked Medynskii to judge for himself whether or not her son had suffered a gross miscarriage of justice.

Medynskii responded: “maybe there was a mistake in your son's first case: determining excessive force is a subtle matter, and the police seemed to agree, since they did not keep him in custody after the incident. But if he were innocent, then this charge should have made him more fearful and cautious, and

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356 Grigory Medynskii, “Podumaite, kak zhit' dal'she?” *Izvestiia* 10 July 1965 (162), 6. July 1965 letter from Anna Dmitrievna, GIM [Folder: Pis'ma neposredstvenno ot zakliuchenikh 1959-1965].

instead it had the opposite effect on him.” Medynskii then summarized the boy's second crime: “in a drunken state, he broke into his employer's meat locker [he worked at a meat processing plant] and stole two whole pigs. When a stevedore tried to stop him, he lunged at the stevedore, stabbing him in the hand. For that he has rightly been given 10 years.” He rebuked Anna Dmitrievna for quibbling over the size of the wound that her son gave the stevedore, saying with derision that she sounded like a defense lawyer. Indeed, he went on to observe that in appealing the case, her son’s lawyer argued that the fact that the stevedore was struck in the hand and not the chest is evidence that the accused had never intended his blow to be lethal. This, in Medynskii’s opinion, obfuscated the important fact that Volodya “stabbed a person with a knife. An honest worker stood up to defend our common good, and was struck by a criminal for it. If that isn’t banditry, I don’t know what is!”<sup>357</sup>

He also accused her of some rather significant misunderstandings: she appealed to his “humaneness,” and praised him for “dedicating his life’s work to prisoners” when, in his opinion, he dedicated his life to the healthy, pure and strong soul of a person, and waged a battle not to protect “criminals,” but to overcome and obliterate criminality. In his words, he “[brought] difficult and important issues into the public view, and trie[d] to show that these [were] not administrative issues, but the responsibility of society more broadly.” Some people understood this, he claimed, and by chiming in with their suggestions and thoughts, helped to broaden and deepen everybody's understanding of the issues. “Others, however, feel that I, at my age, and in spite of my illness, and all of my social and professional responsibilities, ought to—yes, am obliged to—solve their personal problems.” He clearly placed Anna Dmitrievna in the latter camp, and perhaps worse: for she, in his opinion, used his works to justify crime.<sup>358</sup>

In fact, he claimed, he intended his works to help improve the war on crime: so that the courts could make better judgements, the prisons do better reeducation work, and ultimately there would be no one left to convict. No, he ended his article, he did not intend to justify crime, and while crime still

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357 Grigory Medynskii, "Podumaite, kak zhit' dal'she?" *Izvestiia* 10 July 1965 (162), 6. July 1965 letter from Anna Dmitrievna, GIM [Folder: Pis'ma neposredstvenno ot zakliuchenikh 1959-1965].

358 *Ibid.*

existed in the Soviet Union, he insisted that: “a criminal is a criminal and is obliged to carry a punishment.”<sup>359</sup>

#### **XIV. Medynskii's Readers Adjudicate**

Medynskii's readers' responses were often as ambivalent as they were varied. Through them, and particularly through the responses to Anna Dmitrevna's letter, we can see the different issues that concerned citizens about crime and justice, and the complex expectations they had of the law and the courts. We can also see a lot of skepticism about his and many other claims in the media about Soviet justice, its agents and subjects.

Many correspondents took Medynskii's words as a denunciation of the entire “soft-line,” rehabilitation-based criminal justice project that had characterized the early Khrushchev era. They agreed, and endorsed a war on crime based on harsher sentencing and ruthless policing tactics (arguably the direction that Soviet criminal justice policy had begun to take a few years early).<sup>360</sup> These more callous responses accord with the existing historiographical literature on popular perceptions of criminal justice campaigns under Khrushchev. Most historians argue that Khrushchev's “humanizing” reforms, as well as the criminal amnesties that began in 1953, were very unpopular among Soviet citizens, who favored retributive approaches to the war on crime.<sup>361</sup>

Others, however, sympathized with his antagonists and criticized him for lambasting a poor mother and her petty “criminal” son, when there were much bigger and more dangerous enemies in the war on crime. Medynskii was soon overwhelmed by responses. Particularly troubling were those from people who partially agreed with him and with the notions of justice that they heard proclaimed in the Central Committee, in newspapers articles, and on film, but found these notions to be very far from their own experiences.

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<sup>359</sup> *Ibid.*

<sup>360</sup> See LaPierre, *Hooligans*, 193-194.

<sup>361</sup> See: LaPierre, “Making Hooliganism on a Mass Scale: The Campaign against Petty Hooliganism in the Soviet Union, 1956-1964,” *Cahiers du monde russe*. 2006 No 47 1-2, 349-75; LaPierre, *Private Matters or Public Crimes: The Emergence of Domestic Hooliganism in the Soviet Union, 1939-1966* in Lewis Siegelbaum, ed. *Borders of Socialism: Private Spheres of Soviet Russia*. New York: Pallgrave Macmillan, 2006, P. 191-207; Miriam Dobson, “Show the Bandit-Enemies no Mercy!”, 21-40.

Many readers' reactions to this piece were complicated by the fact that Anna Dmitrevna's son Volodya's first "crime" was allegedly defending himself against 'hooligans,' the main category of "criminals"—vague and amorphous though it was—towards whom many citizens demanded tougher policies. Thanks to this nuance in Volodya's case, we can get a better picture of the truly conflicted ideas that many citizens held about crime and justice. In particular, Volodya's brush with so-called hooligans, and his willingness to defend himself against them with force, evoked considerable sympathy in many readers, who blamed the police and criminal justice system for letting habitual hooligans walk free, while treating Volodya, who posed no real threat to good Soviet citizens, like a dangerous criminal. For many readers, it was likewise troubling that their system punished innocent people too often, and guilty people too harshly. In an unsigned, undated letter, an elderly man in Gorky wrote that, though he condemned Volodya's crime of stabbing the stevedore, he objected to the boy being punished for defending himself against a hooligan. "How are citizens supposed to deal with hooligans when the police are not doing their job of protecting us?"<sup>362</sup>

Readers were split on the whether Volodya was a threat to his community, or whether it was the community's responsibility to help him. A. Barybina in Kharkov wrote that, while she felt for Anna Dmitrievna as a mother, Anna should nonetheless be ashamed of the way that her son turned out. Under the influence of boys like Volodya, she wrote, other perfectly good boys would also become troublesome and misbehave.<sup>363</sup> On the other hand, a reader with the last name Azizian in Baku expressed respect for Medynskii and the work that he did for humanity, but chided him for his callous response to Anna Dmitrievna, reminding him that it "perhaps was not in Anna Dmitrievna's power to help her son, that is why she is coming to you. Her son was not born a criminal, after all ... The battle to prevent crime is everyone's responsibility, it requires the cooperation of our whole community."<sup>364</sup> Barybina was clearly reflecting the early "Thaw" era criminological position that attributed juvenile delinquency to

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362 Deborah Field, *Private Life and Communist Morality in Khrushchev's Russia* (New York: Peter Lang, 2007), 87-89

363 A.A. Barybina in Kharkov, GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

364 Undated letter from Azizian in Baku, GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

poor parenting and negative influences from peers, while Azizian recalled the contemporaneous campaign to involve the entire community in raising and reforming a child.<sup>365</sup>

Readers evinced a sharp distrust of both tactics, as well as the information produced by the police and the courts, and indeed blamed the state for creating more “criminals” than it reformed. In Azizian's opinion, “We all have seen that investigative organs frequently overstate facts, and embellish their cases to strengthen the foundations for the sentences they want the courts to give. Then they strive, not to correct the law-breaker with a punishment of an educational nature, but instead to ratchet up the cruelty of the sentence—inspiring demoralization in the criminal, and not loyalty.”<sup>366</sup> Among those voicing this mistrust were people who had impeccable communist credentials, a point of which Medynskii made note. One formerly incarcerated man, Ivan Arekhovskii, was favorably disposed to fundamental elements of Soviet legal and criminological ideology, but insisted that the only effective approach to punishment was a humane one, and that the legal system as he had experienced it was neither humane nor always effective.<sup>367</sup>

Arekhovskii claimed that he had been excluded from the party after accusing the directors of a state farm in his oblast' of theft. He said that his 17-year-old son then did something “stupid,” stealing a bottle of vodka from a cafeteria. The procuror and court, in his opinion, found a way to punish him through his son for revealing the corruption that they had long been hiding. The son was sentenced to two years imprisonment with confiscation of 210 rubles of his father's property, as well as much of his own. This was a much larger sum than the vodka he stole was worth, and a devastating amount for a man who had only a small pension to live on. “Let him serve two years in prison,” Arekhovskii went on, “but only if the goal is to reform and educate him, not to cripple his mental and emotional development and retard his growth into a mature man.” He went on to call the existence of children's prisons a crime against humanity, citing Soviet research on the biochemistry of the developing brain, and calling for a

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365 Harold Berman, *Justice in the USSR: An Interpretation of Soviet Law*. (Cambridge: Harvard University Press, 1963), 255-258.

366 Undated letter from Azizian in Baku, GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

367 13 July 1965 letter from Arekhovskii Ivan Vasilievich from Ul'ianovskii Oblast', in the village of Kornilovka, GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

more intelligent and less sadistic approach to child crime.

Arekhovskii's main point was one that began to appear in many letters to Medynskii around 1965: that there was no use blaming mothers, fathers, and teachers for juvenile delinquency and crime, when all of the institutions that children grew up in and around were shot through with criminal dealings. "Children see thievery everywhere—no matter where their mothers send them: to the store, the cafeteria, the butter factory, the mill ... If you send your kids to harvest corn in a collective farm in Autumn, they learn to steal whatever they can. This experience overpowers anything that a parent might teach them." But it was not the collective farmers and their corn theft that did the most damage, in his opinion. Rather, "dissipation comes from the leaders of industry first and foremost, those who are infected with that feudal arrogance that makes them think that they are allowed to do things that the average person may not. This is a pure-blooded contradiction to communism." From his perspective, the highest positions were filled by false communists, and the main reason that crime persisted in the streets was that "criminals" controlled the courts, factories, government, and party.<sup>368</sup>

Many of Medynskii's readers shared Arekhovskii's opinion, and saw the "war on crime," with its no-tolerance approach to those who committed even petty crimes, as a hypocritical diversion from real problems, and felt that writers like him only contributed to this diversion when they in fact had the power to influence matters for the better. Rikhter in *Voznesensk* compared Medynskii's article to a recent editorial by Olga Chaikovskaya which similarly invoked notions of honesty and truth when talking about criminal justice. Yet these words, he wrote, took on a relative meaning in the context of the courts, which were less concerned with truth and justice than they were with maintaining existing hierarchies of privilege and power.<sup>369</sup>

Many readers, like Rikhter, cross-referenced other writers whose work touched on the issue of crime, and seemed to believe that, even though writers and journalists frequently misrepresented reality,

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368 13 July 1965 letter from Arekhovskii Ivan Vasilevich from Ul'ianovsk Oblast', in the village of Komilovka, GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

369 Ol'ga Chaikovskaya, "Strannaya eta knizhka," *Izvestiia* 27 July 1965 (176), 4. 30 July 1965 letter from M. Rikhter from Voznesensk, Nikolaev Oblast', GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

they did have some power and authority to improve it. Readers had long been implying that Medynskii himself, writers like him, or the community of readers who read and corresponded with them, should serve as an alternative source of moral authority to the courts and police, and that they would do a better job of achieving just outcomes than the justice system itself. In response to “Think about it, how are you going to live?”, “V” from Moscow suggested that the “court of the readers of *Izvestiia*” might be the only one that could influence Anna Dmitrievna's son's fate. He personally wondered “How much time had lapsed between the first sentence and the second crime? It is likely that, in a state of agitation after the unfairness of the first judgement, the accused committed the second crime. Also, if the court made a mistake in the first case, who is to say that it did not also wrongly determine the punishment as well? This means that to some degree the court itself is to blame for the [second] crime.”<sup>370</sup>

Yet the courts, according to readers like “V” and Rikhter, were sites in which privilege, and not truth or justice, was paramount, and the truth-seeking of journalists and writers was no match for the power of party members and government officials. “V” complained that often simple people were punished harshly for petty thefts, while truly dangerous criminals were given punishments “according to the party line,” i.e. party members were excused from criminal responsibility and instead admonished by their party superiors. Even this weak punishment, he claimed, would come only after an article in *Izvestiia* had exposed them publicly and aroused popular anger.<sup>371</sup> Rikhter said that had seen a case in which the son of a judge and a prosecutor murdered a driver in order to rob him, and this crime was chalked up to a childish mistake so the offender was able to avoid a public trial. “What kind of honesty and truth is that?” he asked.<sup>372</sup>

Honesty and truth, and the obligation of journalists and writers to serve these values above all, were recurring themes in the letters written to Medynskii in the mid-1960s. Oleg Kapustin wrote from a prison camp in the Luhansk Oblast' of Ukraine that his biggest frustration was not his own sad fate, but

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370 30 July 1965 letter from M. Rikhter, GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

371 *Ibid.*; 23 July 1965 letter from V. from Moscow, Shchelkovo, GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

372 30 July 1965 letter from M. Rikhter from Voznesensk, Nikolaev Oblast', GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

the blatant contradictions that he saw between rhetoric and reality. “Writers and journalists create beautiful feuilletons condemning criminals,” he wrote, “but can any of you answer the question: is our goal to eliminate crime, and if so, when and how? In 47 years of Soviet power, our authorities have defeated many enemies—internal and external—but they somehow cannot manage to win victory over criminals.” He then implied that instead of serving the cause of eliminating crime, the criminal justice system by then had become a means of perpetuating it: the decades-long sentences that were handed down so readily increased criminality. Criminals were not corrected in prison, in his view, but became fiercer, and in the meantime more children were left without fathers.

Real communists would not do this; Kapustin claimed to have seen what communism should be from movies like *Believe Me People* and *Night Patrol*. In both of these movies, Soviet officials worked to exonerate the innocent just as hard as they did to discover and punish the guilty. Curiously, Kapustin forgave film and television programs for representing the ideal state of criminal justice, rather than the actual state, but felt that writers ought to follow a different, more truthful model.<sup>373</sup>

While Kapustin was very clear about the fact that he himself was guilty, he believed that many others in prison with him were not. He had read in the central papers about investigators admitting to mistakes they made in cases and people being freed as a result, but still had not seen it happen. As for the guilty ones, like himself, they were put away long past the point of correction, and instead they became embittered.<sup>374</sup>

A letter from a woman named Arkhipova in Kharkov to the editor of *Izvestiia* succinctly summed up many of the complaints of the critical letter-writers. “Medynskii's article troubled me a great deal,” she wrote, “because my husband has suffered a fate similar to Anna Dmitrievna's son: he has been sentenced to two and a half years for defending himself against two drunk hooligans. The hooligans approached him while he was fixing his car, which had stalled in the middle of the road. They spoke to

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373 Undated letter from Kapustin, Oleg Vladimirovich in Perebal'sk, Lugansk Oblast', GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp]. He then, rather incongruously and without apparent irony, offered to help in any way that he could with Anna Dmitrievna's son's reform—since, as he claimed, a prison sentence would do nothing of the sort.

374 Undated letter from Kapustin, Oleg Vladimirovich in Perebal'sk, Lugansk Oblast', GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

him in uncensored language, yelled and threatened him until he hit them with a car key, as a result of which one of them ended up in the hospital. The 'victim' had been convicted two or more times with hooliganism, and my husband not once. Why are they out there still drinking and walking free, while he is in prison? Is it because one of them is a party member, and my husband is not? I am begging you for an explanation so that I can understand and find the truth here. I am a young woman with two young children and a sick mother—it offends me that such a trustworthy person as myself continues to be ignored in my appeals.”<sup>375</sup> Arkhipova evinced both a frustration with the presence and impunity of “hooligans” among honest people, rendered defenseless before them, and with the existence of a privileged class among Soviet citizens that could commit crimes without punishment, while others committed no real crimes but suffered punishment anyway. This last point would soon become the predominant sentiment of Medynskii's respondents. To a certain extent, these letters could be read as a challenge to Medynskii: to accept the responsibility of his vocation, and begin to write the truth—not merely to ask his readers to critique themselves and to “think about” moral and social problems, but to speak up about the injustices that he saw thanks to them.

This article, “Think About It, How are You Going to Live?” and readers' reactions to it, marked the beginning of a gradual shift—both in Medynskii's approach to the seemingly intractable problem of Soviet criminality, and to the way that he interacted with his readers. In the coming years, Medynskii continued to respond to his readers in *Izvestiia*, in his old avuncular and philosophical way, with articles like “A Moral Position,” and “Continuing the Conversation.” He repeatedly exhorted people to think deeply about serious problems, without ever really revealing what his readers had been telling him for years: upon deep reflection on the problem of crime, they frequently came to the conclusion that crime was not the exception, but the rule of the Soviet system.<sup>376</sup>

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375 20 July 1965 letter from Arkhipova from Kharkov Oblast' in the village of Savintsy, GIM, inv 102452/arkh 4966 [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

376 Final draft of articles "Nravstvennaia pozitsiia" *Izvestiia*, 2 July 1966 (162) and "Prodolzhenie razgovora" 29 July 1966 (177) in GIM, inv 102452/arkh 4966 folder "Stat'ia 'Nravstvennaia pozitsiia' pis'ma otkliki iz stat'i."

## **XV. Medynskii uncensored**

Medynskii both publicly and privately defended the promises of Soviet justice long after his readers had begun to provide him with ample evidence that those promises remained widely unrealized. It is unclear whether he did so because he truly believed this, or because he was unable to publish works in which he said otherwise. Yet there must have been a modicum of faith that motivated his silence. To the end of his life he insisted that he never considered himself a dissident. His fame and position gave him the privilege to believe his own stories about Soviet justice, but it also encouraged more people to write to him about their experiences of injustice. Medynskii responded in two ways. As we have seen, in some cases, he used his fame to intercede on their behalf and to circumvent legal protocol. This was part and parcel of the “arbitrariness” that his correspondents denounced to him in their appeals. In other cases, he would publish their letters, including autobiographies, in unofficial, uncensored books and manuscripts in order to demonstrate that “good” Soviet citizens were waging fierce battles against the “criminal” deeds of their own political and economic authorities.

By 1969, no longer motivated or able to appeal to the authorities for help, nor interpret his correspondents' stories and words in terms that fit with an official narrative of communist morality and justice, Medynskii began to compile letters and reproduce them in their entirety for private circulation. These unpublished works (which would be passed from hand to hand in self-published copies) were almost entirely composed of letters from his readers. He had no more answers to give, so he let his readers speak for themselves.

By the 1970's, these works would inspire a number of his 'students,' to join or form organized opposition groups, claiming that he was the first to suggest that crime was not a *perezhitok* (holdover) of the old system, but a *nazhitok* (which can be translated as a product, or the lifeblood) of the current one—a problem for which Soviet society and its institutions alone were responsible. Though his published works had begun the process that led them to this realization, it was rather his other, unpublished works, that eventually inspired it. The typical letter writer quoted in these unofficial publications lived in a

peripheral industrial city, was a skilled worker or manager with a technical education, and was often a party member and/or had served in the military. He (I will talk briefly later about how Medynskii used gender to confer legitimacy on the correspondents he quoted) had taken risks to expose corruption in his factory, party, or government leadership, and had suffered retaliation as a result. Almost all of these writers appeared to be writing to Medynskii either as an objective outside party who could give them a faithful communist opinion on their problems, or to inform him of the sort of thing that could happen in the contemporary Soviet Union. In spite of Medynskii's nonparty status, he provided a perspective that they felt they could not get from their local party hierarchy. They saw the problems that they faced as all-pervasive, and did not believe that appealing to higher party or state authorities would fix them—most of them had already tried that route and suffered disappointment and reprisals for it. They were all inspired to turn to Medynskii because they felt that their case related to his work on criminal justice—that they were morally obligated to stop crime where they saw it, and to seek just punishment for the “criminals” even at great personal and professional risk to themselves.

Medynskii seemed to agree, and wrote about these cases in private even as he appeared to be saying something very different in his published works. In fact, he might have begun to think about this as early as 1965, when he received the letter from Anna Dmitrievna. On the front of her letter he wrote the title of his article in which he berated her for her irresponsibility and claimed that her son deserved to suffer his fate in prison (“Think about it, how are you going to live?”). But on the back he wrote, capitalized and in quotation marks, “Alarm (*Trevoga*).” “Alarm” was the title of an article from the early 1970s that never saw the inside of a publishing house, and was composed of letters written to Medynskii from 1965 to the early 1970s. Anna Dmitrievna's letter contained much more than what Medynskii quoted from it in “Think about it, how are you going to live?” For one thing, though she did ask Medynskii to look into the case of her son's conviction, Anna's main complaint was that all of their appeals ended up in the hands of the same official who had sentenced her son in the first place; the appeals were consequently denied with the same formulaic response. Moreover, she claimed that the

value of the stolen pigs, eighteen rubles, had already been returned to the factory, and all of the parties involved considered it to be a drunken mistake; the court, however, insisted that Volodya nonetheless serve ten years in prison for his transgression.

This example of the 'bureaucratism' and of the harmfully retributive tendencies growing in the Soviet justice system at the time might have been enough to make Medynskii categorize this letter with the others in "Alarm." But Anna Dmitrievna also added that Volodya was born in 1938, a month after her husband—a Bulgarian communist who came to Russia as a political emigrant in 1926—was arrested, and the family forcibly resettled in the Urals. As we saw, many of the correspondents quoted in Medynskii's unpublished works spoke of their own or family members' repression. Anna Dmitrievna's husband spent 9 years in the camps and was rehabilitated in 1956. She went on to say that as the wife of a repressed communist she was denied registration in every town where she tried to settle, but was eventually able to find a job working on the Volga-Don construction project, which required her to complete a two month training course. This was 1941, and the course was in Leningrad. The city soon afterwards came under siege by the German army, and she ended up living there in the infamous conditions of famine and deprivation with her children for two years. She therefore did not appreciate the court casting aspersions on the "upbringing" that she was responsible for giving her son, and blaming his crime on that "poor upbringing." Her family had suffered more than their share of injustice because of the cult of personality, and because of the German invaders, but now they were suffering the indifference and arbitrariness of Soviet courts and Soviet judges, though the entire family, including Volodya, had studied and worked their whole lives as was proper.<sup>377</sup>

Anna Dmitrievna's story shared elements with letters that later appeared in "Alarm," as well as with many memoirs written during or after the "thaw": her life and the lives of her family members were defined mainly by Stalin's terror and the war, and yet she was most disheartened by the indifference and despotism that she experienced from the legal and political authorities later in her life.<sup>378</sup> Like Anna

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<sup>377</sup> July 1965 letter from Anna Dmitrievna, GIM [Folder: pis'ma neposredstvenno ot zakliuchenikh 1959-1965].

<sup>378</sup> Irina Paperno, *Stories of the Soviet Experience: Memoirs, Diaries, Dreams* (Ithaca: Cornell University Press, 2009), 15.

Dmitrevna, most of the letter-writers who appeared in “Alarm” focused not on mistakes in the legal system leading to injustice, but an entire system of injustice, inequality, and arbitrariness that prevented them from, and even punished them for, trying to fix problems and mistakes.

One letter, written around 1970 from a man Medynskii described as a “rural reader” working in the river transportation industry, discussed the hold that so-called bureaucratism had over Soviet society, and how it led to corruption and apathy.<sup>379</sup> He found it particularly appalling and contrary to the ideals of socialism that courts were organized like industries where employees aimed to fulfill norms and minimums. In industry this led to report padding and waste—a terrifying analogy if one considered that the numbers being manipulated here represented human lives. He also claimed that this imparted the wrong values to the youth, who everywhere saw thieves and dishonest bosses succeeding at obtaining the best material goods. A good treatment of this issue, he felt, was in the film *Beware of the Car!* (1966), which he believed depicted people organizing themselves to catch autos thieves because the organs in charge of doing so were corrupt and incompetent.

In a second letter from this man, he answered a request of Medynskii's to describe himself and his life—which was, to all appearances, a respectable one. His father had been a party member since 1918, and in 1924 he became a Young Pioneer. This changed him dramatically, for it was his first foray into community life—which to him was so engaging that he barely came home to eat dinner and sleep. All the more so when he joined the *Komsomol*. Though he emerged from his service in the war unharmed, most of his family members were not so lucky, and he abandoned plans to finish studying at the Voronezh agricultural institute, and instead spent the next 19 years working in river transport.<sup>380</sup> This writer was not sure why Medynskii asked him for this information, but was happy to give it out of appreciation for all that he had learned from *A Difficult Book*. The fact that Medynskii included the man's biography in “Alarm” suggests that his goal here was not the same as it was when he asked many young correspondents to tell him about their lives. He was not trying to spark self-reflection and dialog

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379 Personal collection of S.F. Pokrovskaiia, folder: “Trevoga.”

380 *Ibid.*

in order to reform this man, but he wanted to see, and wanted the readers of “Alarm” to see, what sort of man would make such dangerous claims about his and their superiors. This man appeared to be a simple worker, and a good communist.

Medynskii compiled stories from other letters showing how common was this “rural reader's” experience. In one example, a group of workers from his state farm appealed to *Partgoskontrol* (the organization charged with handling citizens' complaints about the conduct of party or the government workers) in summer of 1962 with complaints about their director and the officials who protected him in spite of the fact that he stole from the farm. Though inspectors established the truth of these accusations, the director faced no criminal charges and was merely transferred to another farm, while the authors of the letter suffered slander and persecution that left some of them excluded from the party, their jobs, or the farm. “If this is not despotism, I don't know what is.” The problem, as he saw it, was twofold: whistle-blowers were punished when they stood up against despotism and theft, while higher authorities protected “criminals” because punishing them would be too difficult: too many powerful people would be implicated. These letters had much in common with those from earlier correspondents criticizing the version of Soviet justice that Medynskii portrayed in his literary works: they referenced Soviet films, journalism, and literature; they connected petty street crime to the pervasiveness of crime among officials; and they argued that going through acceptable legal channels did no good, and even caused them harm.<sup>381</sup>

## **XVII. Gender, legitimacy, and justifying dissent**

One problem that “whistle-blowers” typically encountered, in the Soviet Union as elsewhere, was that their past, their character, and their motives frequently came under scrutiny as soon as they dared to expose the “crimes” of their superiors. As we saw in the “trial of two boys,” women were

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381 For example: 22 November 1963 letter from Semyon Iakovlevich Brianst in Kursk oblast', GIM [Folder: “Chest' pis'ma i otkliki”], 30 July 1965 letter from M. Rikhter in Voznesensk; 18 July 1965 letter from N. I. Prozorov in Sverdlovsk oblast'; 13 July 1965 letter from Ivan Vasilevich Arekhovskii in Ul'ianovskii region; and 13 July 1965 letter from Karpova in Ufa, GIM [Folder: 'Podumaite, kak zhit' dal'she', *Izvestiia* July 11 1965 no 162; starting July 1965; 182 pp].

especially vulnerable to such attacks when they attempted to enter the supposed domain of law and reason. In another unpublished essay, entitled “Oak Doors,” Medynskii again discussed a female letter-writer and her complaints. This time, unlike with Anna Dmitrevna, he did not so much berate her as he did contrast her, the fallible and imperfect letter writer, with a more trustworthy one, while simultaneously supporting both of their claims.<sup>382</sup> Now, in the early 1970s, he was not providing a therapeutic model of self-perfection—as he generally did in his earlier published works—but rather precluding *ad hominem* attacks on his subjects, and bolstering their credibility.<sup>383</sup> The piece, written around 1972, began with a letter from a woman named Bolshakova in the resort town of Gelendzhik. She claimed that she was an ordinary person distinguished only by the fact that she was careless enough to give birth to three children, then lose her husband to tuberculosis. She had moved her family from Sakhalin to the Russian town on the Black Sea for her children's health, and after seven years was still unable to find adequate housing, or employment, all on account of her “large family.” She was told repeatedly that there was a housing shortage, an order in which things are done—where city officials took care of the city's own residents first, and she was nobody's resident.

She was disturbed mainly by the normalcy of inequality and injustice in a society that was purportedly the most just and equal in history. Though she herself was “fully formed morally” and would never do anything improper in hopes of affording them more comfort, she worried about what her children were learning from the experience.

“It is not so much my children's holey shoes that I worry about, but the shiny new shoes of vacationers that cannot help but make a mark on their unformed souls. I think that a lot of families of modest means share my concerns. How can it be that there are children and adults on our streets dressed up so that you can't even look at them without feeling your own inadequacy, as well as a sense of envy, base desire, and injustice? What effect does this have on the formation of a person? How can the obvious fact that some people have so much and others so little still be justified by the cliché that 'difficulties still exist'?”

This, she speculated, was how children learned hypocrisy. Everywhere in their little resort town people

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382 Private collection of S. F. Pokrovskaia, “Dubovye dvery” in Folder: “Zoltorotiki.”

383 The extent to which citizen petitioners, when writing to representatives of the state, attempted to legitimize their requests or complaints by fashioning themselves into ideal Soviet citizens throughout all periods of Soviet history has been the subject of many historical studies. See for example: Golfo Alexopoulos, “Victim Talk: Defense Testimony and Denunciation under Stalin,” *Law and Social Inquiry*, Vol. 24, No. 3 (Summer, 1999), 637-654; Sheila Fitzpatrick, *Stalin's Peasants: Resistance and Survival in the Russian Village After Collectivization*. (New York: Oxford University Press, 1994); Stephen Kotkin, *Magnetic Mountain: Stalinism As a Civilization*. (Berkeley: University of California Press, 1995); Jochem Hellbeck, *Revolution on My Mind: Writing a Diary Under Stalin*. (Cambridge, Mass: Harvard University Press, 2009).

spoke of communist morality, but it was nowhere to be seen. “They proclaim that we are fighting a war for man, but it really is a battle for the right to be a part of the *nomenklatura*.”

Medynskii wrote about this woman's letter: “You might say: what irresponsible womanish nonsense—philistinism bordering on anti-Soviet!” He claimed to have initially reacted to it this way as well, thinking: “the woman has clearly had an unfortunate life, and now she is so offended, insulted, and embittered that even the cheerful coastal luster of a resort village looks like a gloomy fog.” But then he received another letter from the same town echoing Bolshakova's complaints which seemed to make them more legitimate.

The letter came a year and a half after Bolshakova's, in 1973, from “a completely different person with a very different fate.” This man, Aleksei Khort, Medynskii described as a loyal patriot and faithful son of the motherland. In Khort's case, this meant that he was born a poor peasant before the revolution and joined the Red Army as a volunteer in October 1917. He worked for the OGPU and then as the secretary of the regional party committee, but was repressed during the purges, then later rehabilitated. He got a university education, and by the time that he wrote Medynskii he was retired, but still politically active. He had all of the political credentials that Bolshakova seemed to lack, and none of the apparent self-interest. He, like many other correspondents, emphasized his acceptance to the party, his repression under Stalin, and his war experience and subsequent rehabilitation as the most significant milestones of his life.<sup>384</sup>

Khort wrote to Medynskii because he had dedicated his life to discovering the causes of crime and developing measures to eliminate it. He wanted to discuss theft of socialist property, a problem which he claimed the “community of Gelendzhik had been battling since 1960.” He was not talking about anything so small and quotidian as the group of petty butter thieves uncovered in Orenburg in 1963 discussed in chapter one of this dissertation: this thief was so highly placed, that every complaint would eventually end up on his desk, and the theft would continue. He stole materials from the

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384 Paperno, 15.

collective farm, falsified accounts, and reaped state rewards and accolades for record harvests. Meanwhile, Khort was punished and censured as a slanderer. This especially upset him because he claimed that he had never informed on anyone in his life—himself included—even in 1938 when he was repressed and imprisoned. Recalling that experience, he ended by asking, “Is this what thousands and millions of people died for in prison walls, starting with the first populists ... and ending with the war against the fascists?”<sup>385</sup> Khort echoed the sentiments of many of Medynskii's correspondents: he was appalled to see the privileged few officials and party members take for themselves the benefits that ordinary Soviet citizens had truly suffered and fought for. This he felt was a crass contradiction of the ideals that had inspired them to suffer and fight in the first place.

Medynskii noted that he was convinced of Khort's honesty immediately. Though Bolshakova spoke of legitimate problems, she seemed to have had less credibility in Medynskii's (and his presumed audience's) eyes than the male writer because she was primarily concerned with her own family. Bolshakova described her family life in such a way that emphasized her identification with the Russian intelligentsia, in part by repeatedly claiming that writers were to them greater authorities than any party leader, and the only material things they truly valued were books. Nonetheless, Medynskii had his hypothetical reader dismiss Bolshakova's problems as 'womanish.' Why would he have done this? And why nonetheless include her letter in his discussion? His prejudicial treatment of Anna Dmitrevna and Shelestov's wife suggests that he might have been inclined to distrust the motives of women in general. Yet it is also likely that he felt he had to be particularly critical of her as a representative of those intelligentsia values we know that he himself possessed. It was perhaps partially a product of his personal insecurities about his own class origins that made him afford more credence to his working-class male correspondent, and to take his complaints more seriously.<sup>386</sup>

Further, Khort had a journalist corroborate his story in the magazine *Councils of Workers' Deputies* in 1966 (which Medynskii read) but, though the issue went to print, it somehow disappeared

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385 Private collection of S. F. Pokrovskaiia, “Dubovye dveri” in Folder: “Zoltorotiki,” 15-22.

386 G.A. Medynskii, “Razgovor cherez okean,” *Inostranaya literatura* n. 8, 1960, quoted in *Stupeni zhizni*, 224.

from the stores at their state farm.<sup>387</sup> Khort claimed that the main culprit exposed in the article, Vishnevskii, who was the director of the agricultural department of the district executive committee, “had built his entire professional and personal life on deceit. But was protected by his party card, and those who were clearly in debt to him ...”<sup>388</sup>

In case anyone might suggest that this individual was an isolated case, Khort offered examples of other crimes of which he was personally aware: the director of a restaurant exposed in the newspaper of the Black Sea sanatorium as an embezzler of government property. Though he was supposed to be brought to criminal responsibility, instead he was made the director of a first-class restaurant. There were also shipments of refrigerators that never made it to stores, and an entire underground cotton factory and market in the region.<sup>389</sup>

When Medynskii asked Khort what role he, as a person in power, had played, Khort responded that he had reported misdeeds as soon as he knew about them to the responsible official. Nothing came of it. No criminal responsibility for the accused, that is, but Khort was soon saddled with the reputation of a troublemaker and rabble-rouser and reprimanded for it. He did not stop, though inspectors had come from the Central Committee—ostensibly to check out his complaints—and instead threatened him if he did not stop writing to the authorities about the misdeeds of his superiors. Though the officials to whom Khort complained frequently directed him instead to designated review organs like the Party-state control office, these were often crippled by orders of higher authorities, or unable to take any action stronger than transferring offenders to different enterprises.<sup>390</sup> What Khort really wanted, was for the corrupt local leaders to come to criminal responsibility.

Khort was not alone. He also told of a worker named Yartsev who had a very similar life story to his, and who also stood up to his collective farm director, hoping to bring him to some criminal responsibility. Instead he saw the director transferred to another collective farm, and Yartsev was told to

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387 “Feuilleton kamennyi topor,” *Sovyety deputatov trudiashchikhsia* 1966 no 4 no 10 .

388 Private collection of S. F. Pokrovskaiia, “Dubovye dveri” in Folder: “Zoltorotiki,” 17.

389 Private collection of S. F. Pokrovskaiia, “Dubovye dveri” [Folder: “Zoltorotiki,”], 18.

390 The evolution of organizations charged with supervising party and state activities is detailed by William Clark, *Crime and Punishment in Soviet Officialdom*, 100-113.

give up his quixotic quest and just live for himself like everyone else.<sup>391</sup>

Medynskii heard a similar story from a man named Borisov who actually gave a speech at a meeting of the Gelendzhik city party conference about the abuses of power he had witnessed. He mentioned many cases of corruption, theft, and intimidation of whistle-blowers by authorities, and pointed out that these cases were not so different from the ones often featured in the central newspapers. The main difference was that in the papers the thieves face criminal punishment, but not so in his experience. “Because to put them on the defendant's bench would be to impugn the integrity of a whole host of influential directors who have long forgotten, or never knew in the first place, what Leninist modesty and exactingness looks like—who live only for their own enjoyment, throwing balls, parties and 'salons,' knowing full well that they are drinking and eating what has been stolen from the state.”<sup>392</sup>

Borisov made it clear in his speech that he equated theft of state property with theft from the neediest and most dependent citizens. He recalled the fall of 1963, when the Soviet government was forced to forbid the sale of white bread and flour for sick people who had recently undergone stomach operations and even for children, and yet many of the heads of enterprises were sending carloads of grain out the back door. His resort organization alone lost a few tons, and when asked about it in a meeting of the village council, the director stated on the record that “the bosses took it.” If the authorities had shown themselves to be so indifferent to the people, and so disdainful of the party order, he asked, “how absurd does it look for my party organization to then go out and do political work among the residents of the village?”<sup>393</sup>

The only discernible result from this speech was that Borisov was reprimanded and made to explain his “performance” to the secretary of the city party committee. A representative of the Central Committee interrogated him for two days, trying to convince him of the seriousness of his “crimes.” This was no idle threat either, for Borisov knew that “for a brave, honest word, a person can not only be denounced as a slanderer, but also left without work, or diagnosed as clinically insane and sent to a

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391 Private collection of S. F. Pokrovskaja, “Dubovye dveri” [Folder: “Zoltorotiki,”], 22-23.

392 *Ibid.*

393 *Ibid.*

psychiatric hospital.”

Nonetheless, Borisov continued to complain to this representative of the crimes of his superiors. In the process, he was made to name a series of communists who, upon questioning and to his great satisfaction, not only supported his claims, but added to them. The Central Committee representative was then forced to include in the dossier of a party boss the allegation that he had once secured the release of a young woman from a pioneer camp to spend time with her in his private apartment. In bringing up this crime in particular, Borisov invoked the frequently cited connection between disrespect for the honor of women, and licentiousness, hooliganism, and greed.<sup>394</sup>

Finally, another example that Borisov and his comrades brought up was tangentially connected to Bolshakova's predicament: in fall of 1966 a woman with two children and an elderly mother was ordered out of her state-owned apartment by the procurator so that more space could be made for the secretary of the city party committee. At first the construction workers renovating the apartment were asked to do it, but when they refused, the bailiff and police came and dragged the terrified children from their mother and threw them into the street. There the family lived for over two months, while locals and tourists came to gape in horror, until the force of public opinion led to the family's settlement in the “red corner” of a resort, and the ailing children sent to hospitals. The people, Borisov claimed, understood the inherent injustice in all of this: on the dachas belonging to the regional committee of the party someone wrote in big red letters: “here lives the Soviet bourgeoisie.”<sup>395</sup>

“No one was charged for this crime,” he complained about the poor family's eviction, and continued to return to this refrain in his letters and complaints: that the misdeeds of officials were crimes and should be treated as such. He clearly understood justice as requiring the punishment of those who committed these criminal acts in the same way that all other thieves, swindlers, and hooligans were supposedly punished, and swore that he would never throw up his hands in this fight like other good

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394 *Ibid.*, 38-41; See for example, Joan Neuberger, *Hooliganism: Crime, Culture, and Power in St. Petersburg, 1900-1914* (Berkeley, CA: University of California Press, 1993), 27-33.

395 Private collection of S. F. Pokrovskaja, “Dubovye dveri” in Folder: “Zoltorotiki,” 41-42.

communists had been forced to do.<sup>396</sup>

Borisov ended by saying that it was as clear to him as to anyone else that these monstrous cases of deception, dissipation, theft, and dishonest practices were foreign to socialism. But he also knew that nothing happened without a cause, and could not make peace with the scope and ubiquity of these problems. “I have undergone a long and tormented search; have gone to the “Mecca” of Moscow three times, trying to find the truth. The oak doors are shut tight against the public, and I am left empty-handed and heavy-hearted. But I continue the search.”<sup>397</sup>

Medynskii went on to write in his “Oak Doors” that he followed up with these men and, as of 1971, one of their foes, Vishnevskii, had finally been put behind bars. Yet in his place there had cropped up new scams and new “criminals,” while the reporters continued to write the same stories about the “gross violation of the law in Gelendzhik,” and the people continued to find that their complaints were ignored, or returned to those officials against whom they were directed.<sup>398</sup>

Medynskii himself mused at the end of the piece: “I imagine ... all of the honest communists and the enemies that they have fought: the whites in the civil war, the fascists in the fatherland war, and see the people who now judge them for those very same qualities of honesty, devotion, and I wonder, where is the truth: on which side of the oak doors?”<sup>399</sup> With “Oak Doors,” he constructed an argument out of his readers' experiences, combining them in such a way that all of the letter-writers validated one another's claims without ever actually having met. Though some experiences, like Bolshakova's, were presumed illegitimate because of their gender and station in life, and others, like Khort's, had their credibility undermined by vindictive bosses, together they represented an undeniable reality. Likewise, these readers all awakened Medynskii to serious problems, and lent legitimacy to his analysis of them. Where “Oak Doors” might have seemed like an ideological rant by a disaffected intellectual writing in *samizdat*, it became instead a credible cause for concern once Medynskii's position was backed up by a

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396 *Ibid.*, 29-30b.

397 *Ibid.*, 44.

398 *Ibid.*, 45-47.

399 *Ibid.*, 53.

poor mother of three, as well as a worker and veteran of multiple wars.

## **Conclusion**

Even before Brezhnev and Andropov could initiate the crack-down on official corruption in the late 1970s, Medynskii's collection of letters shows that people had long begun connecting the stated goals of the “war on crime” to the everyday injustices that they witnessed and suffered at the hands of bosses in government, industry, and the party.<sup>400</sup> As these people formulated it, it was not spoiled and lazy teenagers motivated by the prospect of an easy life full of dance clubs and fashionable clothes who committed the crimes that most concerned them, but the class of Soviet elites who consumed ostentatiously and stole with impunity. To a considerable portion of citizens, this problem looked to be so pervasive among those in power, that the equally corrupt legal system did not stand a chance of fixing it (just as it had for a long time failed to fix the problem of crime on the streets).

However, the battles waged by people like Borisov and Khort, and the criticism leveled by people like Bolshakova and Anna Dmitrievna, would not have taken the shape that they did if it had not been for the previous decade's war on crime as it was fought in the papers, on television and in film, and in books like Medynskii's. Medynskii's correspondents understood the arbitrariness, greed, and corruption that they observed in officials in terms of crime—terms that they had learned from Medynskii and writers like him throughout the 1960s and 1970s. Furthermore, they believed these crimes should be punished in the way that hooligans and thieves were supposed to be punished: in accordance with the law, and by the legal system, though they increasingly doubted the likelihood of this outcome.

The “war on crime,” and the articles, films, television programs, and political discussions that accompanied criminal justice practices and policies, had ingrained in many Soviet citizens the expectation that the guilty should be punished, the innocent absolved, and the wayward reformed. Yet instead of simply fomenting rage against “criminals,” as defined by the state and courts, this “war” led

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<sup>400</sup> Clark, *Crime and Punishment in Soviet Officialdom*, 162-163.

people to question the nature of power and authority in their society. Letters to Medynskii showed that when ordinary people re-examined the question of who is a criminal in the Brezhnev era, they ultimately returned to the Marxian concept of law as a tool of the powerful long after experts and elites had moved away from this formulation when discussing the Soviet Union.<sup>401</sup>

They did not all give up hope and resign themselves to the idea that this would always be the case, however. At least one of Medynskii's correspondents was inspired by his work to take great risks in order to effect positive change in Soviet society—and does so to this day in Russia. Journalist and translator Vladimir Kardailskii was asked in a recent interview about what had inspired him to form the underground student political group called, significantly, “Perestroika” in the early 1980s. He responded that a friend of his from university, Viktor Monakhov, had introduced him to his “spiritual father, the writer Grigorii Medynskii, who was one of the first Soviet writers to deal with the problem of crime in socialist society.” Kardailskii described *Honor's* impact as “explosive,” and recalled how, after its publication, discussions were organized all over the country, including in his school in Samara (then Kuibyshev). What impressed Kardailskii about Medynskii's work, was that he was the first to speak of social problems as products of the Soviet system, rather than “holdovers” of the previous system.

When Kardailskii met Medynskii personally through Monakhov, he reported that the author made him see that the greatest misfortune of the people was the corrupting effects of the Soviet system of justice and government. He recalled how, in one of Medynskii's unpublished works, the writer “literally listed by name all of the culprits that would soon be accused in the 'Krasnodar case.' Calling these people the 'corrupting cancer that tore apart the country in the Brezhnev period.’” In 2010 Kardailskii saw in Medynskii's accusations a parallel to a recent event: “after the April 2009 gubernatorial elections in Sochi— 'exemplary' and 'democratic' from the point of view of then President Dmitri Medvedev—the opposition candidate Boris Nemtsov called the authorities that undermined civil society the 'vile mafia of the Kuban.’”<sup>402</sup> Though Kardailskii clearly saw that new “criminals” occupied

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401 Louise Shelly, “Soviet Criminology,” 615-619.

402 Aleksei Piatkovskii interview with Vladimir Kardailskii, December 2008-July 2010, [http://igrunov.ru/vin/vchk-vin-n\\_histor/remen/1269186609.html](http://igrunov.ru/vin/vchk-vin-n_histor/remen/1269186609.html).

the old positions of power and enjoyed the same immunity as did their counterparts in the Brezhnev era, he also made clear through his own work that a critical popular response could still be possible as well. In this as in countless other cases, Medynskii's instructions to think seriously on the problems of society, and the community of people that he connected over this inquiry, proved just as lasting as those problems.

Where did this leave Medynskii? In one of his last works, "Suffering of the Mind," which only circulated unofficially, he wrote that he had recently noticed a recurring theme in letters that he received from his readers. Responding to his discussions of individual morality and ideals, readers would ask him again and again, "how can we speak of ideals, when such a thing is allowed to go on here?" and most would give examples from their own lives of unfairness, injustice, and inequality.<sup>403</sup> He began to feel as if he and his desk drawer had become a repository of his people's shared anguish; he likened himself to an old woman who recorded all of the folk songs of her old village—her seventy-two year old voice carrying all three hundred twenty tunes alone—and travelled to Moscow to pass them on (to whom is unclear), lest they go to the grave with her.<sup>404</sup> The sufferings of his readers, their quixotic crusades, and pleas for help and guidance, were to Medynskii a part of his people's history, and his legacy as a writer depended on his ability to preserve them.<sup>405</sup> "All of the thoughts and ideas represented in these letters," he wrote, "are like tiny cracks in the asphalt of today's 'consensus' which has paved over the old cobblestones of diverse and competing opinions. Everywhere else these cracks are filled in and covered over with rules and restrictions, but not here; here people speak just what they think."<sup>406</sup>

In his final writings, Medynskii did more than simply let his readers speak. He used his skills, his connections, and his platform as a writer to research, verify, and publicize issues that many of his fellow-citizens were either unaware of, or thought impossible to change. In his efforts to work with people from lower classes and less privileged regions, he, like the scholars at the Institute of

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403 G.A. Medynskii, "Stradanye mysli," 1971: Private collection of S. F. Pokrovskaiia, in Folder: "Stradanye mysli," 10.

404 *Ibid.*

405 *Ibid.*, 25-30.

406 *Ibid.*, 23.

Criminology, and the journalists and writers examining the problem of crime for *Izvestiia* and *Literaturnaya gazeta*, became aware of deep-rooted problems with his own society from which his privileged position in it might otherwise have shielded him. In turn, his writings, both private, public, and unofficial, were able to speak to and connect people across the Soviet Union who had previously felt that they had no advocate, no comrade, no hope, in their struggles with the “real criminals” of Soviet society. By reaching across class and regional divides, using the skills, the ethos, and the authority of a Soviet writer, and tapping into the deep well of knowledge and interest that had been created in the public by the “war on crime,” Medynskii created a community of active political citizens, armed with knowledge, and ready for change.

## Afterword

Arbitrariness, greed, and corruption: none of these were, legally speaking, crimes in and of themselves in the Soviet Union under late socialism. And yet popular discussions of criminality centered on these terms. The Soviet people knew a great deal about crime and about the law by this time: they knew that theft of socialist property carried higher penalties than other types of theft—and in some cases, was considered a more grievous offense than many violent crimes. They knew that improvements in technology and scientific methods of investigation should have made detective work more foolproof, and criminal activity riskier. But they knew above all that the Soviet criminal justice system was supposed to be the most just in the world, that crime was meant to disappear (if slowly and incompletely), and that injustice would follow it into the dustbin of history.

They learned these things from credible sources. After 1963, Soviet citizens could read articles by scholars from the newly reformed Procuracy Institute for the Study of Crime and Development of Measures to Prevent Criminality in newspapers like *Izvestiia*, *Pravda*, *Komsomol'skaia Pravda*, and *Literaturnaia gazeta* about the causes of crime. They could read accounts of crimes, investigations, and trials in these papers, as well as their local or regional papers, and learn about the work of the police and courts through television programs like *Experts Conduct an Investigation*, and *The Meeting Place Cannot be Changed*. They could also write to the journalists, scholars, and actors whose names were publicly associated with these works to ask questions, discuss their experiences, often hoping for a response. In the 1960s and 1970s, ordinary people in the Soviet Union were better informed about the law and their own legal system than ever before.

By the late 1970s, terms like arbitrariness, greed, and corruption—terms more of moral than of legal disapprobation—became increasingly prevalent in popular descriptions of what crime meant in their society. Decades of articles, speeches, and narratives about crime had not only educated the Soviet people about the law, but had also reiterated the link between criminal activity and social ills. By

showing crime to be a necessary attendant of capitalism, by emphasizing the superiority of legality over vigilante justice, and by insisting on the social causes of criminality, the Soviet media inundated audiences with a vision of a just socialist society that merely underscored the unfairness of their everyday experiences. Inadvertently, those scholars, writers, and officials who worked hardest to battle crime for the good of the state, ended up instead demonstrating that the Soviet state was inextricably complicit in criminality.

The widespread perception that crime was on the rise led many in the late 1960s to recognize that the Soviet state had itself perpetrated some of the worst crimes. People saw criminality both in the state's historical legacy, particularly of Stalinism, but also perceived that injustice was pervasive in the contemporary state under Brezhnev. The popular mood during this time is often said to have been pessimistic. It has been my aim, however, to show that this pessimism was neither inevitable nor unchanging for the Soviet public, but rather hard-won. Though Brezhnev's war on crime might have begun with a reversal of Khrushchev-era reforms—with official directives to courts and procuracies to employ tougher sentencing and limit use of rehabilitative and non-custodial punishments—it also involved a notable reliance on scientific knowledge and technology.<sup>407</sup> This focus on facts, evidence, and information was a key element that distinguished Brezhnev's criminal justice system from both its Khrushchev-era and Stalin-era predecessors, and lay at the foundation of many Soviet citizens' relationship to their state and to their own laws in the Brezhnev era.

Further, the Soviet public was not only better informed than ever before about the law, but also involved in scholarly information-gathering to an unprecedented degree. After the founding of the Procuracy Institute, dedicated to discovering the causes and solutions for crime using social-scientific methods and state-of-the-art technology, its employees turned to factory workers to ask why their coworkers stole. Instead of condemning the thieves, the workers pointed to larger problems with local

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<sup>407</sup> Jeffrey S. Hardy, *The Gulag After Stalin: Redefining punishment in Khrushchev's Soviet Union, 1953-1964*, 205; see also Todd Foglesong, "The Reform of Criminal Justice and Evolution of Judicial Dependence in Late Soviet Russia" in Peter Solomon, ed. *Reforming Justice in Russia, 1864-1996: Power, Culture, and the Limits of Legal Order* (London: M.E. Sharpe, 1997), 282-324; Marc Elie, "Khrushchev's Gulag: The Soviet Penitentiary System after Stalin's Death, 1953-1964," in *The Thaw: Soviet Society and Culture during the 1950s and 1960s*, ed. Denis Kozlov and Eleonor Gilburd (Toronto: University of Toronto Press, 2013), 109-42; Dmitri Shalin, "The Development of Soviet Sociology, 1956-1976" *Annual Review of Sociology*, Vol. 4, 171-191: 179-184.

law enforcement, management, and the party hierarchy, exposing layers of corruption at the upper echelons of their provincial society, and belying claims that crime sprang solely from broken families and bad schools. The scholars heard their subjects, relayed these findings to all of the state and party officials to whom they reported, and concluded their studies with recommendations based on what they had heard from the workers. When wealthy managers stole from the factory in large amounts, systematically, and with impunity, how could one blame a poor employee for doing the same on a much smaller scale? Procuracy Institute scholars had only to quote the factory workers they had interviewed in their reports to officials to demonstrate the dilemma.

Through investigations and debates on crime, ordinary Soviet people, incarcerated and formerly incarcerated people included, interacted with the elite scholars and writers of the *intelligentsia* to an extent and in a way that was truly unique in the history of the Soviet state. It has often been argued that social mobility and rising standards of living peaked early in the Brezhnev period, and that this growth slowed in the late 1970s with declining oil prices, contributing to scarcities, making inequality more apparent, and widening the divide between the elites and ordinary people.<sup>408</sup> And yet historians have also shown that Soviet citizens learned to create and contest their own identities and social roles during this same period.<sup>409</sup> My research affirms these seemingly contradictory observations; the existence of dissatisfaction and resentment clearly did not preclude people showing initiative and seeking creative solutions to their problems.

Historians are continuously expanding our understanding of the era of “stagnation,” showing that the period was actually marked by a great deal of optimism, of individual engagement with state ideology, with state agents, and with the rest of the world. Beginning with Edwin Bacon and Mark Sandle in 2002, scholars have challenged the idea that Soviet society stagnated under Brezhnev, and demonstrated that many elements that we associate with the *Thaw* era persisted long past Khrushchev's departure from the Kremlin. Dina Feinberg and Artemy Kalinovsky's recent collection on this topic

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408 William Tompson, *The Soviet Union Under Brezhnev* (Harlow, UK: Pearson, 2003), 84-85.

409 See Vladislav Zubok, *Zhivago's Children: The Last Russian Intelligentsia* (Cambridge, MA: Harvard University Press, 2009), 297-334, and Seweryn Bialer, *U.S.S.R. After Brezhnev* (New York: Foreign Policy Association, 1983), 7-10.

follows in this vein, adding that many actors participated and believed in broad, long-term, socialist goals well into the 1980s.<sup>410</sup> I hope to have demonstrated that another staple of this period was the movement of legal experts, professional writers, and curious journalists (and their writings) from the urban centers in which they lived and worked to far-flung parts of the Soviet Union to meet with, teach, and learn from ordinary Soviet people, and the eagerness of these people to receive them, to challenge and engage with them.

Historians have also recently begun to explore the diverse and complicated relationships that individuals from different social backgrounds maintained with official state ideology throughout the Brezhnev era. Western scholars of the Soviet Union, casual contemporary observers, and pundits have, since the late 1960s, focused attention on the experiences of Soviet intellectuals in general, and dissidents in particular. They tracked the growing dissatisfaction and desperation in the writings of highly educated and articulate writers, artists, and filmmakers, amid the very real injustices committed by the Soviet state, from the invasion of Prague in 1968, to the suppression of free speech and persecution of writers and artists at home, and the tedium and absurdity of life under “advanced” socialism, as well as the frustrated efforts of liberal reformers.<sup>411</sup> This perspective has been challenged and refined, however by excellent scholarship, including the seminal work on this period by Aleksei Yurchak, arguing that intellectual elites in Moscow (and youth in particularly) found a good deal of meaning, fulfillment, and self-expression, even in the state-prescribed rituals that constituted their public lives.<sup>412</sup>

Likewise, experts and other opinion-makers have commented on the correlation between popular

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410 *Brezhnev Reconsidered*, Edwin Bacon and Mark Sandle, eds., (New York: Palgrave Macmillan, 2002); *Reconsidering Stagnation in the Brezhnev Era: Ideology and Exchange*, eds. Dina Feinberg and Artemy Kalinovsky, (London: Lexington Books, 2016); see also *Soviet Society in the Era of Late Socialism, 1964-1985*, ed. Neringa Klumbyte and Gulnaz Sharafutdinova, (Plymouth, UK: Lexington Books, 2013); and recent special journal issues dedicated to new ways to look at the Brezhnev era of late socialism: *Cahiers Du Monde Russe*, 54/1-4 (2013), and *Russian History*, 41/3 (2014).

411 Robert D. English, *Russian and the Idea of the West: Gorbachev, Intellectuals, and the End of the Cold War* (New York: Columbia University Press, 2000); Stephen F. Cohen and Katrina Vanden Heuvel, *Voices of Glasnost: Interviews with Gorbachev's Reformers* (New York: Norton & Co., 1989)

412 Aleksei Yurchak, *Everything Was Forever, Until It Was No More: The Last Soviet Generation* (Princeton University Press, 2006); see also Sergei Zhuk *Rock and Roll in the Rocket City: The West, Identity, and Ideology in Soviet Dnepropetrovsk, 1960–1985* (Washington, D.C.: Woodrow Wilson Center Press, 2010); Anna Krylova, “The Tenacious Liberal Subject in Soviet Studies,” *Kritika: Explorations in Russian and Eurasian History*, 1, no. 1 (2000): 119-146; Scherbenok, “Everything Was Over before It Was No More: Decaying Civilization in Late Stagnation Cinema,” in *Reconsidering Stagnation*, 77-84; Mark Sandle, “A Triumph of Ideological Hairdressing? Intellectual Life in the Brezhnev Era Reconsidered,” in *Brezhnev Reconsidered*, 135–164; John Gooding, “The Roots of Perestroika,” in *Brezhnev Reconsidered*, 188–102.

consumer dissatisfaction in the Soviet Union and the nation's economic and political collapse since the collapse became a public fascination.<sup>413</sup> The promises, they claimed, of the Soviet state to deliver consumer goods ran aground on the reality of the planned economy and rapidly declining oil prices in the 1970s, leaving the ordinary Soviet citizen wondering if she really was better off living outside of the world capitalist market economy. How could Communism ever deliver a classless utopia, if Socialism could not even deliver basic goods to her local stores?<sup>414</sup> Recently, scholars have questioned this line of argument as well, showing how Soviet people negotiated their own complex system of official and black market economic relations, developing their personal and social identities through material possessions in ways that were not dissimilar from their consumer capitalist counterparts.<sup>415</sup>

One common element uniting the older, Cold War era scholarship and the research of the 1990s with the new perspectives on the Brezhnev era is that they continue to place intellectuals, officials, and other elites at the center of their investigations of Soviet moral ideals and ideas about justice. Meanwhile regular Soviet citizens often serve as the avatars for state-consumer relations or as unwitting subjects in state-sponsored social and moral control experiments.<sup>416</sup> Yet Soviet elites also wrestled with issues of everyday living and consumption, as Yurchak and Svetlana Boym vividly describe. But ordinary members of the Soviet public likewise engaged in frequent and adamant discussions and contemplation of matters of ideology, morality, and justice in their society.<sup>417</sup>

Further, many of these discussions brought intellectuals together with their humble readers, and

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413 Peter Hanson, *The Rise and Fall of the Soviet Economy: An Economic History of the USSR from 1945* (Longman: 2003); See also popular works like Thomas L. Friedman, *The Lexus and the Olive Tree* (New York: Anchor Books, 2000), and scholarly treatments like Victoria De Grazia, *Irresistible Empire: America's Advance through Twentieth-Century Europe* (Cambridge: Belknap Press, 2005); Walter Hixson, *Parting the Curtain: Propaganda, Culture, and the Cold War, 1945-1961* (New York: St. Martin's Press, 1997).

414 David K. Willis, *Klass: How Russians Really Live* (New York: Avon Books, 1987); David Shipler, *Russia: Broken Idols, Solemn Dreams* (New York: Times Books, 1983).

415 Edwin Bacon, "Reconsidering Brezhnev," in *Brezhnev Reconsidered*, 15-18; Anna Paretskaya, "A Middle Class without Capitalism? Socialist Ideology and Post-Collectivist Discourse in the Late-Soviet Era," in *Soviet Society in the Era of Late Socialism*, 43-66; Lewis Siegelbaum, *Cars for Comrades The Life of the Soviet Automobile* (Ithaca; London: Cornell University Press, 2008); Siegelbaum, "People on the Move during the 'Era of Stagnation': The Rural Exodus in the RSFSR during the 1960s-1980s," *Reconsidering Stagnation*, 43-59; Natalia Chernyshova, "Consumers as Citizens: Revisiting the Question of Public Disengagement in the Brezhnev Era" *Reconsidering Stagnation*, 3-20; Chernyshova, *Soviet Consumer Culture in the Brezhnev Era*, (New York: Routledge [BASEES/Routledge Series on Russian and East European Studies 90], 2013).

416 See Neringa Klumbyte "Soviet Ethical Citizenship: Morality, the State, and Laughter in Late Soviet Lithuania," in *Soviet Society in the Era of Late Socialism*, 91-116; Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance During the Thaw* (Madison: University of Wisconsin Press, 2012).

417 For diverse and sophisticated discussions of the changing meanings of elements of daily life (*byt*) for members of every strata of Soviet society, see Yurchak, *Everything Was Forever*; Svetlana Boym, *Common Places: Mythologies of Everyday Life in Russia* (Cambridge: Harvard University Press, 1994), 121-167; David Crowley and Susan E. Reid eds., *Socialist Spaces: Sites of Everyday Life in the Eastern Bloc* (Oxford: Berg, 2002); and Lewis Siegelbaum ed., *Borders of Socialism: Private Spheres of Soviet Russia* (New York: Palgrave Macmillan, 2006).

led both parties to a deeper understanding of the varieties of experiences and perspectives among their compatriots. Amid all of this diversity, injustice was a recurring theme. In addition to people complaining that their criminal records forced them into second-class citizenship status long after they should have been considered rehabilitated, many people spoke of the ramifications of Stalinist repression in their own lives, likening their lot to that of a “criminal” or outcast. The connection that people saw between their lives under Stalinism and their lives at the pinnacle of Soviet material prosperity and legal and social stability was more of an expression than a cause of their disillusionment with the Soviet state and its ideology.

Between 1964 and 1985, urbanization and educational attainment were at their highest in the country's history, along with living standards and general economic well-being; the prison system, as Jeffrey Hardy has recently argued, had been successfully reformed to many reject vestiges of Stalinism; Soviet society was experiencing what some historians suggest was a “golden age” of moderation and serenity; and the public was privy to more information about laws and had access to the legal establishment like no other time in history. And yet people were still unable to accept the injustice and lawlessness that they saw in Soviet institutions.<sup>418</sup>

Thus, it was not necessarily the fact of Stalinist repression itself that made late Soviet society appear rotten to some, but the sense that little had changed in spite of all rhetoric and metrics to the contrary.<sup>419</sup> Hardy goes to great lengths to argue that, at least when it came to the Gulag system, Khrushchev's reforms represented a vast improvement over the Stalinist order, and that these reforms carried over into the Brezhnev era and beyond. Hardy is certainly correct in his assessment that partial improvements took place. Yet, scholars still need to make sense of the recorded experiences and feelings of injustice among people who, despite their strong commitment to a political and social system they had been taught to cherish and protect, nevertheless became deeply disillusioned. For injustice is rarely

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<sup>418</sup> Tompson, *The Soviet Union Under Brezhnev*, 84-87 (Tompson suggests that it was the superior education of the general population vis-a-vis their rulers that led to increased popular scrutiny and dissatisfaction with leaders' decisions); Hardy, *The Gulag After Stalin*, 202; Mark Elie and Isabelle Ohayon, “Forword,” *Cahiers Du Monde Russe*, 54/1-2 (2013), 1-16: 3-4; Yoram Gorlizki, “Political Reform and Local Party Interventions Under Khrushchev,” in *Reforming Justice in Russia, 1864-1996. Power, Culture, and the Limits of Legal Order*, ed. Peter Solomon, (London: M.E. Sharpe, 1997), 256-281; and Todd Foglesong, “The Reform of Criminal Justice and Evolution of Judicial Dependence in Late Soviet Russia,” *Reforming Justice in Russia*, 282-324.  
<sup>419</sup> Hardy, *The Gulag After Stalin*, 202-206.

defined as a sense that things are no better than they once were, but rather that they are so much worse than they should be.

It was not only those who were or had been incarcerated who felt betrayed and needed to speak out about the meaning and ubiquity of “crime” in their society. People who not only obeyed the laws but expected the same of their bosses and local officials were often the ones who complained most indignantly, and at great risk to their own security and serenity, about the corruption, arbitrariness, and lawlessness that they defined as the most pervasive crimes in their society. There seems to have been a close relationship between the strength of people's optimism early on in their relationship with the Soviet state, and the depth of their pessimism later. And so there need not be a fundamental contradiction between the claims of those scholars and commentators who say that the final decades of the Soviet Union's existence were characterized by stagnation, and pervasive lack of faith in the state and its institutions, and those who argue that the era was actually full of innovation. These claims are in fact two sides of the same coin. It was not cynicism, but earnest faith in the promises of developed socialism that led so many to such profound disappointment with its reality.

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