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Killing the Soviet Man:  
The Death Penalty in the Soviet Union, 1954-1991

By

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A dissertation submitted in partial satisfaction of the

requirements for the degree of

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in

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in the

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of the

University of California, Berkeley

Committee in charge:

Professor Yuri Slezkine, Chair

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Abstract

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This dissertation examines the history of popular engagement with the Soviet criminal justice system from the Khrushchev era to the present. Specifically, it is the first history of the Soviet death penalty, one that traces the effect it had on ordinary people and how it shaped their perceptions of the Soviet state, the law, and socialist ideology from the “Thaw” to the country’s collapse in 1991.

In the decades following Stalin’s death, courtrooms across the Soviet Union became sites of a new and intense form of civic engagement. In 1954, the country’s leadership reinstated the death penalty for non-political crimes, overturning a Stalin-era decree that abolished the death penalty in times of peace. Over the next thirty-seven years, courts across the Soviet Union sentenced a combined 33,329 people to death. This phenomenon transformed the lives not just of the executed, but their mothers, fathers, wives, husbands, children, co-workers, friends, and members of their communities. Many of these people possessed little to no knowledge of Soviet laws or the legal system that administered them. This all changed once they found themselves occupying a position where each word they uttered and each action they took meant the difference between life and death for the accused. Rather than stand idle while the Soviet state decided who should live and die, these people intervened in the judicial process to express grievances, convey demands, and articulate their own visions of justice and legality. Interventions like these had a profound impact both for the accused and those who defended or denied their right to live. By exposing them to the inner workings of the most sensitive branch of the Russian legal and judicial system, the death penalty process offered ordinary people an education in Soviet morality, law, and governance, empowering them to acquire novel forms of legal and procedural knowledge that, I argue, engendered their transformation from Soviet subjects to Soviet citizens.

This dissertation argues that the Soviet criminal justice system created a distinctive space for knowledge acquisition, legal debate, and popular engagement with the Soviet state from 1954 to 1991. Following legal professionals and ordinary citizens as they adjudicated individual capital cases, I examine how the legal, moral, and procedural norms that undergirded the Soviet death penalty helped usher in the development of a legal consciousness qualitatively distinct from “socialist legality,” the post-Stalinist legal philosophy upheld by the country’s legal and political elites. I analyze how people took advantage of innovations like the open courtroom, psychiatric screenings, and

appellate review to advocate on behalf of their own interests and those of their kith, kin, and local communities.

I build my social analysis on a diverse set of archival primary sources, namely, a classified collection of 109 death penalty case files that span the 1945-1991 period, housed in the Central Archive of the Moscow Region. Untouched since they were originally compiled, these case files contain court transcripts, forensic evaluations, crime scene photographs, psychiatric reports, written verdicts, appeal letters, and citizen complaints. Together they describe how ordinary people and state officials navigated through the death penalty process. Through a close social historical reading of these sources, I uncover the ways in which ordinary citizens used the legal innovations made available to them through the capital litigation process to lay claims to citizenship in new and profound ways. My dissertation uncovers the late socialist period as a transformative moment of identity formation in the post-Stalin and late socialist period. In the fields of Soviet and Russian history, it demonstrates the central place of Soviet law in the production of late-Soviet identity.

To my father, Boris

## Acknowledgments

This dissertation took a village to write. Or, should I say, a *mir*. I will begin first with my dissertation committee. Yuri Slezkine's brilliance shaped each and every word on the pages that follow. I am forever grateful for his support, mentorship, and friendship. He will be dismayed by the cliché that opens these acknowledgements. Victoria Frede's careful, thorough, critical feedback sharpened my analysis and removed many ugly typos. Anyone who gets to have her edit their work is very, very lucky. Joan Neuberger is my spirit historian. Her rigorous, sometimes ruthless, but always compassionate feedback got me through the final months of writing this dissertation, and the past decade of my life in general. Daniel Sargent was an early supporter of my academic career. He was the one who told me to go to graduate school, and accepted me as a transfer student in 2012. He is a true institution builder and a spirited colleague (and a patient intellectual sparing partner). I will miss the time we spent sifting through our different feelings about Henry Kissinger. Finally, Jonathan Simon provided many thought-provoking and challenging afternoon discussions about Derrida, Foucault, Benjamin, Fanon and others who laid the theoretical foundation for this dissertation. I could think of few more pleasant ways to spend one's time than talking about *Discipline and Punish* in his sunny office at Boalt Law with sweeping views of the San Francisco Bay.

I feel like the luckiest human in the world to have spent the majority of my academic career in Dwinelle Hall as a member of the UC Berkeley History Department. Several members of the department's faculty and staff provided invaluable support to this project and to me personally. First and foremost, Mabel Lee guided me through the bureaucratic tornado that is UC Berkeley with care, compassion, empathy, and her beautiful smile. Margaret Chowning, John Connelly, David Henkin, Rebecca Herman, Thomas Lacquer, James Vernon, and Felicia Viator offered illuminating feedback and support at critical moments and often on short notice. Caitlin Rosenthal trained me in quantitative methods and deserves credit for the graphs included here. Todd Kuebler and Erin Leigh Inama always picked up my calls and chatted with me in the hallway, and Marianne Bartholomew-Couts worked hard to keep the department running as smoothly as possible despite extreme austerity measures and many disruptive institutional changes.

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I began my graduate career at the University of Texas at Austin, where I first learned how to read and write like a historian. Joan Neuberger deserves another acknowledgement as perhaps the first person who believed seriously in my potential as a historian. She

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My academic career at Berkeley began as an undergraduate, and the friendships I formed during those years continued to nurture me throughout graduate school. Lauren Abercrombie, Cassandra Bowles, Courtney Clark, Leona Frey, Madeleine McCarthy, Colleen McElroy, and Marieke Saeman have kept me laughing (oftentimes to tears) for the past decade and a half. So has Sara de Bretteville. I am grateful to all of them for forcing me to take weekends off, inviting me to things even when they knew I wouldn't come, and never asking me when I'll be done with school.

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The jury is still out on how much my family inspired me to pursue a career writing, researching, and teaching Russian and Soviet history. On the surface, their influence is pretty self-evident: I inherited from them my knowledge of the Russian language, Russian culture, love for *bania* and all things pickled. I always feel very cool when I tell people that I was born in the USSR. But they also rarely spoke about their lives in the Soviet Union, leaving me with more questions than answers. It took me many years to feel gratitude for that void, which left me with space and permission to seek out those answers myself. My mother Yelena

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“The twentieth century ‘Jacobins’ will not guillotine the capitalists; imitation of a good model is not duplication.” - Vladimir Ilyich Lenin.<sup>1</sup>

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<sup>1</sup> Vladimir I. Lenin, “O vragakh naroda,” *Sobineniia* (Moscow, 1932), 505, in William Walter Abrams, Jr., “Capital Punishment and the Russian Revolution,” Columbia University PhD, 1971.

## “This is not 1937”: An Introduction

Georgii Kondrashkin was forty-eight years old when a judge in the city of Rostov-on-Don sentenced him to death for a murder that he claimed he did not commit. The year was 1967, the fiftieth anniversary of the Russian Revolution. Kondrashkin was born in 1919, and had watched his life unfold in step with the revolution’s own coming of age. He joined the *komsomol* in the 1930s, and was in his late teens around the time when newspaper headlines alerted the Soviet public to the trials of Old Bolsheviks, newly branded as enemies of the people. When people began to disappear shortly thereafter, he would witness, and remember, that, too. When war came, in 1941, Kondrashkin was drafted into the Red Army like any other twenty-two year old, able-bodied man did, demobilizing only after being wounded but not before receiving an award for his service. He spent the next two and a half decades working first at a hair salon and next as a mechanic at a string of factories outside the city of Smolensk, the city of his birth. On all accounts, Kondrashkin perfectly fit the mold for what a model Soviet citizen should be: a worker, a party loyalist, a patriot, a committed servant to the Soviet state.

But things looked very different beneath the surface. In 1940, Kondrashkin was arrested for engaging in “hooliganism” and sentenced to a one-year term in a corrective-labor camp. Upon his release in 1941, a court found him guilty of embezzlement, and sent him to prison for a year before being drafted into the Red Army. The stress of war service drove him to abuse alcohol, and in 1945, was sentenced to four years in prison. Things did not improve for Kondrashkin after the war. In 1953, he was sentenced to another year prison term for hooliganism; in 1963, a six-month term for theft. His official record listed a host of other small infractions for which he was never convicted: stealing fuel during the war, arriving to work intoxicated, engaging in undisciplined behavior and “petty hooliganism,” or missing work entirely. People like Kondrashkin thus posed a major problem for the Soviet legal system. On paper, he was very much a child of the Russian Revolution: an average worker raised on Marxist-Leninist principles and the key rites of passages that defined the Soviet experience. But he had fallen far short of what the revolution’s architects envisioned their country’s New Men would be: a person who committed economically-motivated crimes, struggled to control his impulses, and maintained a consistently poor work ethic.<sup>2</sup>

Kondrashkin confronted this paradox directly when he sat down to write a letter to the Russian Supreme Court in the days immediately after his trial. Kondrashkin discovered that the only legal recourse he had to challenge the death sentence he had been given was to appeal it, in writing, to the Russian Supreme Court. He began his appeal letter by asking the following question: “Why do I, a worker, have to die an innocent man?” Offering what he called “a worker’s point of view,” he explained that “our socialist laws do not allow this,” adding in a separate letter that he believed that the court had “bended Lenin’s laws however they saw fit.” Kondrashkin was a decorated war veteran who, despite being injured, went right back to work upon demobilizing. For two and a half decades after the war, he worked as a mechanic at a string of factories outside the city of Smolensk. Having been sentenced to death for a crime that he insisted he did not commit, Kondrashkin could not help but feel betrayed. “I have a higher degree, I earn money,” he wrote, exasperated. “I, along with my children, am starting to feel ashamed, that, after shouldering twenty four years of work experience, I am being slandered. I have worked as a foreman, taught and trained people, and suddenly I have become a murderer.” The episode destroyed the narrative that he had created about his life and his sense of self, unleashing what can only be described as an identity crisis. “What is a worker? He is a man who is helpless, who cannot be trusted, who can be destroyed even if he is

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<sup>2</sup> GARF, f. A-385, op. 22, d. 2615.

innocent.” Kondrashkin, like many workers on death row, expected more from a government and a legal system that claimed to celebrate, represent, and protect honest toilers like him. After all, he wrote, “this is not 1937.”<sup>3</sup>

Without knowing it, Kondrashkin hit on yet another major paradox at the center of Soviet criminal justice, a paradox that had frustrated Soviet leaders, legal theorists, and judicial officials for half a century at the time of his writing. If socialism had the potential to rehabilitate all people, what role did the death penalty occupy in a country had, by 1967, “built” socialism? Who was it designed to punish, now that socialism’s enemies - represented by the counterrevolutionary White Army, rich peasant “kulaks,” saboteurs within the Communist Party, and Nazi Germany - had been eliminated, and all that was left were workers like Kondrashkin, the very people for whom the revolution was waged and “Lenin’s laws” created? These questions became all the more urgent after Stalin’s death, when the death penalty’s continued existence seemed to contradict not just the logic of Soviet socialism as a whole, but of the leadership’s commitment to eliminating the institutions that had become hallmarks of Stalinist rule, the death penalty being chief among them.

The Soviet Union was conceived from the very start as the first European revolutionary state that would rule without the death penalty. Death penalty abolition was baked into the Russian liberal and socialist tradition long before the Bolsheviks’ seizure of power, and it was supposed to coincide with, and signal, the fulfillment of at least part of the socialist program. Writing from Swedish exile in 1917, Lenin remarked that the death penalty as it existed in the capitalist west and Imperial Russia alike, functioned as “a weapon against the masses.” That same year, Joseph Stalin described capital punishment and executions as “the alpha and omega of the dictatorship of the imperialist bourgeoisie.”<sup>4</sup> According to this logic, a truly socialist society, ruled by and for the proletariat masses and void of a counter-revolutionary, capitalist, imperial elite, would obviate the need to retain capital punishment. On November 8, 1917, just one day after the Bolsheviks came to power, the Military Revolutionary Committee passed the first formal decree of the Soviet government, which abolished the death penalty for all crimes.

The 1917 decree would turn out to be short lived. Counterrevolutionary elements continued to challenge the Bolsheviks’ - and, by extension, the proletariat’s - claim to power well after November 1917, entering death penalty abolition premature. On September 5, 1918, at the start of the civil war, Lenin’s government reinstated the death penalty for political crimes. But as soon as the war ended, the Soviet state again declared the death penalty to be abolished. In a decree from January 17, 1920, the government stated that the elimination of the counterrevolutionary forces and the consolidation of Soviet power made it possible to abolish the death penalty for enemies of Soviet power. However, this decree did provide for the possibility of its revival. Moreover, the abolition of the death penalty extended only to the RSFSR and only for sentences passed by ordinary courts; military tribunals and revolutionary tribunals could still apply the death penalty. But within four months, with the start of the Russo-Polish War, the death penalty returned. Lenin defended this revival by stating: “For us this question is decided by expediency. But of course, the Soviet state will not maintain the death penalty for longer than is necessary.”<sup>5</sup> Yet, in 1921-22, even as the civil war came to a close, the death penalty remained, at least for a time.

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<sup>3</sup> GARF, f. A-385, op. 22, d. 2615, ll. 18-20.

<sup>4</sup> A.A. Gertsenzon, “Karatel’naia politika i ugovnoe zakonodatel’stvo vremenogo pravitel’stva,” *Sovetskoe gosudarstvo i Pravo*, No. 2, (1941), 61 in William Walter Abrams, Jr., “Capital Punishment and the Russian Revolution,” Columbia University PhD, 1971, 301.

The decrees which called on the death penalty's abolition remained on Soviet leaders' minds for decades after it was overturned in 1918. The country's first Criminal Code, published in 1922, explicitly held out the promise of capital punishment's ultimate abolition. "To combat the most serious crimes that threaten the foundations of Soviet power and the Soviet system," the 1922 Code read, "the Central Executive Committee of the USSR will retain the death penalty until its ultimate abolition as an exceptional means of protecting the worker state."<sup>6</sup> The worker state needed to be protected for longer than expected. Indeed, it would take a civil war, collectivization, industrialization, cultural revolution, purges, terror, and a World War for the promise to be fulfilled under Joseph Stalin. On May 27, 1947, the Presidium of the Supreme Soviet abolished the death penalty for all crimes, a decision that Mikhail Gernet, one of the most celebrated criminologists and a longtime proponent of abolition described as "a momentous day not only...in the history of the great country of the Union of Soviet Socialist Republics, but also in the history of all mankind."<sup>7</sup>

When Stalin died in 1953, the death penalty was a sentencing option only in cases of treason, espionage, and desertion, along with serious crimes committed in the Gulag.<sup>8</sup> In a decree dated 30 April 1954, however, Stalin's heirs extended capital punishment to premeditated murder committed under aggravated circumstances. Intended to be applied to "exceptional cases" only, the new law was applied liberally by Soviet judges. Over the next seven years, the number of murder-related death sentences issued annually increased from 388 in 1954, to 2,612 in 1961. During Khrushchev's entire period in office, 16,791 death sentences would be issued for murder across the Soviet Union.<sup>9</sup>

After 1954, the Soviet leadership stopped entertaining the idea that its exceptionalism rested in its ability to rule without the capacity to take human life. Instead, it chose to reform the way that the death penalty was to be administered, transforming it into an institution not fundamentally dissimilar, at least in form, from the United States, Japan, and other countries in the liberal-democratic west which used the death penalty. It instituted procedural reforms and came to rely on teams of experts (legal, medical, judicial) several steps removed from the center of political power to administer the death penalty. Ordinary citizens, including the convicted, were drawn into the criminal process in the hope that popular participation would make state killing appear transparent and even democratic, an expression of popular will rather than state power. As this dissertation shows, these reforms would produce a host of unintended consequences. Specifically, they opened the door to competing demands, interpretations, and critiques that proved difficult to resolve. These critiques notwithstanding, the death penalty that emerged from the post-Stalin period would remain intact, ultimately outliving the Soviet Union itself until a moratorium on its use was put in place in 1996.

This dissertation asks how ordinary Soviet citizens made sense of the death penalty, and the Soviet legal system more generally, over the course of the 1954-1991 period. To access these intimate experiences and reflections, it draws on criminal case files drawn from death penalty cases tried in the Moscow *Oblast* Court as its main source base. The court itself was located in the city of Moscow, but covered a population of around seven million people by 1989. These people lived in towns and villages in a 44,300 square kilometer area. These cases represent only a small fraction of

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<sup>6</sup> 1922 UK.

<sup>7</sup> Russian State Library (RGB), f. 603, k. 2, ed.kh. 5, l. 1.

<sup>8</sup> GARF, f. R-8131, Prokuratura SSSR, op. 32, Opis' sekretnykh arkhivnykh materialov za 1951-1963 gg., d. 557, Predstavleniia i pis'ma v Ministerstvo Vnutrennikh del SSSR i Glavnoe Upravlenie lageriami MVD SSSR o nadzore za mestami zakliucheniia., l. 156; GARF, f. R-9492, Ministerstvo iustitsii SSSR, op. 5, Upravlenie lagernykh sudov, 1945-1954, d. 194, Spetssoobshcheniia i doneseniia nach-ka GULAGa Miu SSSR ministru iustitsii SSSR o chrezvychainykh proisshestviakh v ITL..., l. 171-79.

<sup>9</sup> GARF, f. R-9492, op. 6, Dela postoiannogo khraneniia, 1944-1991 gg., d. 122, Spravka o rabote sudebnykh organov po bor'be s prestupnost'iu za 1963-1966 gg., l. 76.

the 38,340 death penalty cases tried in the Soviet Union between 1954 and 1991. Tried in a Moscow courtroom, the case files and the conclusions I draw from them do not speak to death penalty regimes in other Soviet republics and satellite states, a subject ripe for future scholarly research.<sup>10</sup> Nor can the case files be considered direct points of entry into ordinary peoples' inner thoughts or conscious awareness. Still, they are replete with insights that greatly contribute to our understanding of how the post-Stalin death penalty functioned and how people experienced it.

The testimonies, stories, and reflections contained in the cases are mediated by the language and protocols of bureaucratic procedure, and the state actors who wrote them, as well as the act of speaking and writing. They give us insight into the various interpretive and narrative strategies that people who found themselves embroiled in a process that dealt with existential issues of life and death. The people who found themselves at the center of capital trials normally arrived in a heightened emotional state. Some, the accused, would emerge on death row. Others arrived as relatives, friends, neighbors, and co-workers of a victim of a violent crime. Relatives, friends, neighbors, and co-workers of the accused also participated. People arrived in various states of grief, anger, and fear; many testified to all of these feelings, all at once. Words and actions born from these raw circumstances, what Alexis Peri has called "life in extremis,"<sup>11</sup> carried a level of urgency, purpose, and unfiltered energy that few other environments could produce.

By studying their responses to death-penalty trials, this dissertation aims to access deeper changes that were taking place within Soviet society during the post-Stalin era. All too often, these remain under the surface, undetectable. Through my analysis of death-penalty files, I show how the post-Stalin legal system, far from being only repressive and arbitrary, created space for people to adopt new ways of engaging with the Soviet state. Transparency transformed the courtroom into a kind of school for individuals who entered it, whether they did so voluntarily or by force. The Soviet courtroom offered a venue to acquire a vocabulary and worldview rooted in law and legal-rational procedure to a range of individuals, from the person being put on trial for a death penalty eligible crime like murder to factory workers ("social accusers" or *obshchestvennye obviniteli*) sent to monitor the courtroom proceedings and represent the interests of their colleagues.

With this focus in mind, I read the case files not for information about the crimes they record and the circumstances that produced them, but to get a sense of the questions, assumptions, and experiences that informed the thinking of people involved, or, more precisely, the articulation of their thoughts on paper. I am interested in where they put their attention, what questions mattered to them most, the language they used to answer those questions, and how they communicated those answers to representatives of the Soviet state.

From end to end, the compiled files of death penalty cases are extraordinarily rich in detail, offering us perspectives on a broad cross-section of the population and ordinary lives in the Soviet Union. After all, these cases were tried in Soviet courts, by Soviet judges guided by Soviet laws, who relied on the participation of Soviet institutional actors and civilians alike to share their knowledge and provide the context for the crime that was being adjudicated. The files contain vivid, first person descriptions of the lived experience of post-Stalin life: of childhood upbringings both happy and troubled, marriages and divorce, work and unemployment, innocence and tragedy. For the most part, the voices captured in the case files belong to average people who came from worker families of modest means, and who lived a considerable distance away from the Soviet capital. In other words, these people represented the epitome of the kind of people that the Russian Revolution and Soviet socialism set out to forge: New Soviet Men and Women.

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<sup>10</sup> GARF, R-9492, op. 6, d. 259, l. 80; GARF, f. R-9492, op. 6, d. 210, l. 47; GARF, f. R9492, op. 6, d. 626, l. 7.

<sup>11</sup> Alexis Peri, *The War Within: Diaries from the Siege of Leningrad* (Cambridge: Harvard University Press, 2017), 237.



The Soviet men and women at the center of this study brought to the death penalty process unfiltered insights into Soviet life and Soviet socialism that the urgent, time-sensitive, raw conditions provoked them to describe their lives and impressions in extraordinary detail. Some of the principles these people considered include: Soviet assumptions about psychological illness and health, the state of gender relations in Soviet society, Marxist-Leninist theories on the origins of crime, socialist legality, and the role that communist morality played in the adjudication of Soviet laws. They engaged critically with the experts and professional elites who had, beginning in the early 1950s, become the main arbiters within the death penalty process. These included forensic experts, criminal investigators, forensic psychiatrists, judges, and appellate courts. None of the people surveyed here voiced criticism of the death penalty in and of itself; contemporary debates about the death penalty's abolition, lack of effectiveness in deterring crime, and insufficiency as a response to the dilemmas of the victims and their families do not appear even once in the cases I survey. Neither do the words "human rights" appear in these testimonies. What they did voice was a subtle but no less monumental critique of how the Soviet state--through its legal and expert representatives managed or mismanaged a process that dealt quite literally with matters of life and death.

This dissertation contributes to the growing literature on Russian and Soviet criminal justice and legal history. The past two decades have generated a wave of scholarship that has elucidated the dynamics - institutional, social, and political - that gave the Soviet criminal justice system its special shape. Some of the newest literature has addressed the post-Stalin period, asking to what extent the legal, social, political, and economic reforms ushered in under created a criminal justice system fundamentally distinct from the one that created during Joseph Stalin's quarter-century in office. Mostly, these works have covered a manageable slice of the four decades that followed Stalin's death in 1953. Many have examined the Khrushchev years, chronicling a judicial system that was becoming more professionalized, systematized, and decentralized during the 1950s and 1960s.<sup>12</sup> In addition, they have chronicled the dramatic downsizing and reformation of the Soviet Gulag, even as new laws were passed in response to a general public that was becoming more anxious about a perceived rise in crime in the aftermath of the 1953 Amnesty Decree.<sup>13</sup> Even more recently, scholars have turned to study the Brezhnev period, using newly available archival sources to explore the social, legal, and cultural consequences of the "war on crime" waged during Leonid Brezhnev's years in office.<sup>14</sup>

Rather than focus on a chronological time period defined by the Kremlin leadership, this dissertation examines the entire post-Stalin period in order to better track the long term consequences that Khrushchev's legal reforms produced. In addition, many legal histories periodize

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<sup>12</sup> See, among others, Harold J. Berman, *Justice in the U.S.S.R: An Interpretation of Soviet Law*, rev. ed. (New York: Vintage Books, 1963); Berman, *Soviet Criminal Law and Procedure: The RSFSR Codes* (Cambridge, MA: Harvard University Press, 1966); George Ginsburgs, "Structural and Functional Evolution of the Soviet Judiciary since Stalin's Death: 1953-1956," *Soviet Studies*, 13, 3 (Jan. 1962): 281-302; Walter D. Connor, *Deviance in Soviet Society: Crime, Delinquency, and Alcoholism* (New York: Columbia University Press, 1969); and Peter H. Solomon, Jr., *Soviet Criminologists and Criminal Policy: Specialists in Policy-Making* (New York: Columbia University Press, 1978).

<sup>13</sup> See, among others, Yoram Gorlizki, "Delegalization in Russia: Soviet Comrades' Courts in Retrospect," *The American Journal of Comparative Law*, 46, 3 (Summer 1998): 403-25; Gorlizki, "Policing Post-Stalin Society: The *Militsiia* and Public Order under Khrushchev," *Cahiers du Monde russe*, 44, 2-3 (Apr.-Sep. 2003): 465-80; Miriam Dobson, *Khrushchev's Cold Summer: Gulag Returnees, Crime, and the Fate of Reform after Stalin* (Ithaca, NY: Cornell University Press, 2009); Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, Policing and Producing Deviance During the Thaw* (Madison: University of Wisconsin Press, 2012); Robert Hornsby, *Protest, Reform and Repression in Khrushchev's Soviet Union* (Cambridge: Cambridge University Press, 2013); Marc Elie and Jeffrey S. Hardy, "'Letting the Beasts out of the Cage': Parole in the Post-Stalin Gulag, 1953-1973," *Europe-Asia Studies*, 67, 4 (Jun. 2015): 579-605; and Jeffrey S. Hardy, *The Gulag After Stalin: Redefining Punishment in Khrushchev's Soviet Union, 1953-1964* (Ithaca, NY: Cornell University Press, 2016).

<sup>14</sup> Cite Rhiannon's diss.

the history of Soviet criminal justice system based on changes to the country's laws. The bulk of death penalty legislative and judicial reform took place during the 1950s and early 60s, and the three most significant legal changes to the Soviet death penalty were all passed during the first eight years after Stalin's death. These receive treatment within each chapter where appropriate. Powerful as they were, these changes held long-term consequences that played out gradually over the span of succeeding decades. Their consequences for the subjects at the heart of my study experienced or understood capital punishment were not foreseen and become visible only by attending to long-term trends that cross familiar chronological and conceptual boundaries.

Adhering to a fluid chronological framework has led me to uncover a subtle but momentous change not just within the Soviet legal and criminal justice system, but within Soviet society writ large. In 1953, the social universe in which people lived was one defined by well-established and widely recognized and comprehensible Soviet values, ones that celebrated service to the state, to one's family and community, and towards the self. It was a society where assumptions, like the idea that people could be reformed, that experts should be respected, that solidarity across class lines mattered most of all.

Yet an important shift in popular attitudes towards these values, state authority and official discourse took place in the late 1970s and early 1980s, culminating during Gorbachev's tenure. Khrushchev-era reforms designed to professionalize, depoliticize, and lend legitimacy to the country's legal institutions inadvertently invited criticism of what came to be seen as a poorly managed and unjust criminal justice system. Throughout the 1980s and during Perestroika, popular hostility to state authority grew more acute and qualitatively distinct, giving rise to a legalistic, rights-based concept of citizenship that persisted until, and indeed outlived, the collapse of the Soviet state. What this dissertation argues is that the shift in popular attitudes towards the state was not one of belief to non-belief, but a shift from one kind of belief to another, from a belief in a particularly Soviet type of morality to a belief in a more generic system of legality.

The main challenge that the late socialist period poses for historians is how best to write about the era without reading the collapse into it. Recent work has challenged the once dominant view that disenchantment and apathy were the defining characteristics of the late Soviet experience. According to the older narrative, a widespread legitimacy crisis, forced people to carve out other spheres in which to live what they considered to be a more authentic life. By tapping into a rare collection of late Soviet records, my dissertation captures the voices of people as they spoke in real time beginning in 1954 through the last days of Gorbachev's tenure. These records reveal a gradient of attitudes towards the Soviet state and Soviet law emerges: from trust to anger and everything in between. In this way, they support a newer historiography arguing that the Soviet "long 1970s" - the decade and a half stretching from 1968 to the early 1980s - were anything but "stagnant," the term typically ascribed to the period.<sup>15</sup>

This dissertation argues that late socialism produced a new kind of Soviet system of meaning, community, and identity, a shift not simply in popular attitudes towards the Soviet state, but of Soviet identity and its corresponding worldview. People who lived through this period began to engage with Soviet institutions, concepts, and authority in new, dynamic, and profoundly unsettling ways. In coming to terms with death at the hands of the state, ordinary people acquired legal knowledge and articulated new expectations and demands of their government. They began to untether themselves from a coherent and publicly shared moral community that had been forged during the Stalin period. The community and the people and structures that existed within it spoke a shared language, upheld shared values, and celebrated shared achievements and values: of labor, community service, good deeds, individual and collective sacrifice, in short, to the Soviet way of life.

The chapters of this study are organized thematically to reflect the design of a courtroom. Focusing on institutions and people invested in the death penalty process allows me better to show how the actors at the heart of my project experienced the death penalty. Part One focuses on the “team of experts” involved in the death penalty—forensic teams, psychiatric evaluators, and lawyers—who bore most of the burden in administering the death penalty in the postwar period. The first chapter explains the professionalization of forensic medicine after Stalin, intended to lend credibility and scientific rigor to criminal investigations. Yet it also shows how forensic scientists’ claims to superior knowledge eroded as civilians began to privilege their own versions of the truth based on their status as witnesses and informants, local experts in their own right.

Chapter 2 turns to psychiatry and its role in determining death penalty eligibility. After Stalin’s death, psychiatric assessments became mandatory for all criminal investigations that might result in a death sentence. This reform elevated the role of the county’s forensic psychiatrists by granting them the power to determine who was mentally fit for life and death. This prerogative came under fire, as lawyers and ordinary citizens alike began to challenge psychiatrists’ monopoly on psychiatric knowledge, mainly by advocating for a more holistic understanding of what constituted mental health and illness.

Chapter 3 turns to the defense counsel, a beneficiary of the Soviet state’s attempt to provide universal legal representation for all criminal defendants in the post-Stalin era. Once loyal servants of the Soviet state, defense attorneys, especially those assigned to capital cases, eventually began to interpret the law and manipulate procedural guidelines in creative and innovative ways in order to save their clients’ lives.

Part Two shifts attention from state actors to citizens, showing how the accused, their families, and members of their communities – contested, lent support for, and coped with death sentences after they had been passed and executed. Chapter Four examines the consequences of the open courtroom system, one of the institutional reforms put in place in the late 1950s and early 1960s to render courtrooms more transparent, accessible, and democratic, a counterweight to the opaque, closed-court system of the Stalin period. What began as an experiment in securing popular participation in and support for the criminal justice system became an unpredictable and ultimately hostile environment where ordinary citizens, newly educated in the workings of their country’s legal system regularly aired grievances, called out shortcomings, and blew the whistle on incompetent state officials. A similar dynamic arose out of the appeals process, another innovation to come out of the post-Stalin legal system. Designed as a popular check on judicial power whereby the accused could submit a petition arguing in favor of a commuted sentence, the appeals process evolved into a space for the accused to lay claims both to their right to due process and to life.

Together, the chapters in this dissertation show that efforts by the Soviet state to produce a transparent legal system underpinned by a uniform and predictable set of procedures succeeded in securing civilian participation and cooperation. But these efforts did not produce acquiescence. Rather, civilians learned to use the tools provided them to influence the courts, thereby challenging the expertise of state actors who adjudicated and administered the law. In this way, modern courts in their Soviet iteration failed to produce a depersonalized system of justice that arbitrated over the lives of citizens, instead yielding to a highly personalized set of negotiations, with outcomes for both victims and perpetrators that, while transparent, remained highly personal and highly contested..

## Chapter One: The Mind

Behold a man.

A young man, in his late 20s decides to take an afternoon off from work one day in 1989. It's late summer in the city of Kolomna, and most people are taking the day to bask along the sandy shore of the city's main waterway, the Oka River.

Aleksandr Filatov was no exception. A skilled sailor, he borrows a friend's sailboat to take out for a ride. He picks a calm point in the middle of the channel to sail to and park, turning off the motor, when he gets there and seizing and take a the moment to enjoy the scenery with a bottle of vodka, the river's currents passing inaudibly beneath him. When he turns the engine on to make his way back, however, he notices a strange sound coming from the motor gives him pause. A jam. Eager to avoid any complications, he sails to a nearby marina where one of his dockworker friends gives the motorboat a look over and offers suggestions for possible repairs. But just when Filatov starts tinkering with the motor, two young girls approach his boat and ask if he could take them out for a ride on the river. Within two hours, both girls would be dead.<sup>16</sup>

What happened during those two hours was captured in the testimony that Filatov gave to the Kolomna police the following day. He described to his interrogators how he took the girls on a ride around the river in the boat, but for reasons he could not understand, could not remember what happened after. To refresh Filatov's memory, the investigator tells him that the body of one of the girls who had accompanied Filatov on the boat was discovered washed up along the river's shores/ Suddenly, Filatov's memory begins to clear, giving way to the following statements:

At the time I had no intention of killing or suffocating her, but of course I understand that if you block a person's respiratory system for long enough, they could suffocate. But I did not think about this. For me, the main thing was for the girl to stop screaming, I did not care about anything. Apparently, I lost complete control of my actions, because for reasons that remain unclear, I grabbed from the pocket of my jeans a piece of nylon rope, threw the cord on the girl, and wrapped the rope around her neck, fastening it with an ordinary knot.<sup>17</sup>

He explained how a night's rest did little to jog his memory:

When I woke up on August 16 I could not remember what I did the day before. This has happened before, that if I drink or feel exhausted, I have trouble remembering my actions the following morning. Sometimes I can't remember what I did at all during the entire previous day. Even the doctor at the drug center where I've received treatment before can confirm this - that after a night of heavy drinking, I experience a kind of amnesia, memory loss.<sup>18</sup>

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<sup>16</sup> Arkhiv Moskovskogo oblastnogo suda (thereafter AMOS), d. 2-213/90, t. 1, l. 30.

<sup>17</sup> AMOS, d. 2-213/90, t. 1, l. 35.

<sup>18</sup> Ibid.

That Filatov could not remember murdering two young girls stumped not just him but his attorney, too. His self-described amnesia coupled with what many witnesses would eventually come to describe as an uncharacteristically violent and motive-less act seemed to point to something more than cold-blooded murder. To figure out what, exactly, was going on with Filatov, the Kolomna city prosecutor assigned to trying his case wrote a memo to the city's forensic-psychiatric clinic, requesting that they prepare intake papers for a patient who would be arriving at their facility shortly.<sup>19</sup>

### *Mind Control*

During the twentieth century, countries throughout Western Europe and the Americas implemented laws that disqualified the “mentally ill” from the death penalty. This was often done in two ways: by explicitly singling out the mentally ill as death penalty ineligible, or by treating one's mental illness as a mitigating factor (that is, as a circumstance or condition that justified a lesser punitive sentence).<sup>20</sup> In each case, the accused had to receive a psychiatric diagnosis from an officially recognized psychiatrist to confirm that they suffered from a mental illness and therefore could not receive the death penalty.

Like penal codes elsewhere, the Criminal Code of the RSFSR rejected the concept of a mandatory death penalty, acknowledging that punishments should fit not just the crime but the person who committed it and the circumstances that produced it.<sup>21</sup> No iteration of the Criminal Code of the RSFSR explicitly banned capital punishment for the mentally ill like it did for pregnant women (1924), and individuals under the age of 18 (1924) and over the age of 65 (1960).<sup>22</sup> What they did instead was limit the application of the death penalty to crimes committed with premeditation and intentional aggravation. Worded slightly differently, anyone found to have committed a death penalty-eligible crime *without* premeditation or intentional aggravation would be spared from the highest form of punishment.

One way to establish lack of premeditation and intentional aggravation was through psychiatric review. In the Soviet Union, where psychological disorders - clinical depression, anxiety, post-traumatic stress - were ideologically unrecognized and therefore undiagnosed, only a person suffering from psychosis - hallucinations, delusions, and catatonia - could be found to be lacking in premeditation and intention by reason of insanity, thereby disqualifying them from the death penalty. According to the Criminal Code, individuals found to be legally insane (*nevmeniaemyi*) could not be held responsible for a crime because their “chronic mental illness” or “temporary mental disorder” rendered them “unaware of the nature and social dangers of their actions...and/or unable to control them.”<sup>23</sup> A mental illness could also be framed as a mitigating factor (*smiagchaiushchie obstoiatel'stva*), defined as a condition that warranted the assignment of a less severe penal sanction for the offender. Beginning in 1954, psychiatric evaluations were ordered each time someone committed a death penalty-eligible crime. Courts used the evaluations to determine whether that crime that person met the qualifications for premeditated murder, rape, “banditry,” police assault, etc. Under this system, legal and procedural safeguards would prevent an individual from being sentenced to

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<sup>19</sup> AMOS, d. 2-213/90, t. 1.

<sup>20</sup> William A. Schabas, *The Abolition of the Death Penalty in International Law* (Cambridge: Cambridge University Press, 2002).

<sup>21</sup> Andrew Novak, *The Global Decline of the Mandatory Death Penalty: Constitutional Jurisprudence and Legislative Reform in Africa, Asia and the Caribbean* (New York: Routledge, 2016).

<sup>22</sup> "Ugolovnyi kodeks RSFSR, 1922," *Sobranie kodeksov RSFSR* (Moscow, 1925).

<sup>23</sup> *Ibid.*

death, thus obviating the need for a specific amnesty clause for the mentally ill in the Russian Criminal Code.

To qualify for the death penalty, a crime had to be committed both with premeditation (*umyslennyi*) and with aggravation (*otiyagchennyi*). By studying the accused's physical, neurological, and psychological behavior, forensic psychiatrists played a particularly important role in answering perhaps the most consequential question for prosecutors and judges to consider to determine the full list of sentencing options available to them.

Seen by many worldwide as an enlightened trend in criminal law, limiting the death penalty only to those deemed mentally fit nevertheless weaponized psychiatric expertise to the disadvantage of those who fail to qualify as psychiatrically unfit. But expert knowledge, in Michel Foucault's formulation, remains a violent source of power, cloaked though it may be with a veil of progressivism. Soviet psychiatrists, and forensic psychiatrists in particular, thus played a critical role in determining who received capital punishment. Not even the most punitive local prosecutor, eager to avenge the most gruesome murder by seeking the death penalty, could have their way if a forensic psychiatrist found the person in question to be mentally unfit either at the time when they were alleged to have committed the crime, or at present. In the post-Stalin Soviet Union, Soviet forensic psychiatry occupied one of the highest rungs on the hierarchy of criminological knowledge: above the police, the legal and judicial system. Part scientific, part political, this powerful entity embodied what Foucault would have recognized as the modern, disciplining state. The Soviet state tried to make the death penalty more humane and in touch with the times by limiting its application to only those who seemed mentally competent enough to receive it. In the process, it created a hierarchy of people worthy and unworthy of death, and gave forensic-psychiatrists the task of creating that hierarchy.

On paper, what made Soviet forensic-psychiatry different from its counterparts in Western Europe and the Americas is that Soviet forensic-psychiatrists took orders from the same state that was prosecuting the patients whose mental health the psychiatrists were charged with evaluating; to put it crudely, the Soviet state was both their patron and their client. This arrangement produced had the potential to produce several consequences. First, it could render the psychiatrists particularly vulnerable to political influence. The most well known example of this was the psychiatric confinement of Soviet dissidents beginning in the late 1960s. Second, it had the potential to inhibit psychiatry from behaving like a true member of a liberal civil society. As much as they might have tried to act exclusively in the name of the individuals they served, psychiatrists could have found themselves to be too closely encircled by Soviet officialdom to act as politically neutral arbiters between state and citizen. Finally, the Soviet state's client-patron role had within it the potential to drastically transformed the forensic psychiatrists' role from mental health expert to an arm of a state newly committed to unearthing criminal elements from within Soviet society. Indeed, forensic-psychiatric evaluations produced over the course of a criminal investigation betrayed a close collusion between psychiatric professionals, local police, and the prosecutor's office. Prosecutors shared the contents of an individual's criminal case file with forensic-psychiatrists, data from which found its way into the evaluations themselves, and often in incriminating ways.

In practice, Soviet forensic psychiatry in the post-Stalin period bore a closer resemblance to its analogues in Western Europe and the United States than one might assume. Although Soviet forensic-psychiatrists relied on the Soviet state for institutional support and worked closely with politically-appointed judges and local prosecutors,<sup>24</sup> court records offer scant evidence of direct

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<sup>24</sup> This arrangement is not unique to the Soviet Union. In the United States, for example, private forensic labs work closely with law enforcement and elected prosecutors who run under the banner of specific political parties, and depend on state and federal funding for support.

political interference in the criminal justice system. If forensic psychiatrists did feel pressure from above to produce specific outcomes when overseeing ordinary criminal cases, they left no traces of it in the archive. Though they did not constitute an element of civil society, they did manage to develop an understanding of themselves as a professional class, replete with their own journals, research centers, and international network of like-minded practitioners (all of which, by definition, had to adhere to a Marxist-Leninism. Finally, while forensic psychiatrists did come to occupy an important actor in the “war on crime” that began in the immediate post-Stalin years, no trace of a coordinated effort between state and scientists could be discerned in the archival record. In sum, forensic-psychiatrists from 1954 on enjoyed a significant degree of professional autonomy and the freedom to collaborate with individuals and institutions working towards the goal of treating the mentally ill.

This chapter traces how ordinary people, far removed from the halls of government and psychiatric wards alike, pierced this seemingly impenetrable wall of expertise to shift the power balance of the Soviet criminal justice system in their favor. It begins with a description of the psychiatric clinic. At first glance, the typical forensic-psychiatric ward came across as a place of therapeutic rest. Yet at its core, the forensic clinic’s mission existed as a space for confinement and knowledge production, designed less for treatment than for surveying an individual’s capacity to commit heinous and violent crimes and to merit the maximum punishments those crimes demanded. Those who inhabited this space - namely, the forensic-psychiatrists and their government patron - assumed that a combination of their expertise and legal standing would confer upon them enough authority (in the clinic, courtroom, and beyond) to guide the justice system in distinguishing the mentally well and unwell, the truly culpable from those too ill to know better, those who could be killed and those who could not. It was an authority that, by design, had to remain uncontested in order for them to do their job properly and according to Soviet legal and procedural rules.

Yet these designs would unravel shortly after being implemented. No sooner had forensic-psychiatric screenings become a part of the death penalty than forensic psychiatry’s monopoly on knowledge began to erode. It did so from below - under pressure from the defense attorneys, witnesses, and the accused - and in stages. At first, they adapted to the new guidelines, by working within and manipulating the forensic-psychiatric canon as it related to determining death penalty eligibility. Over time, they started to push to broaden the criteria that individuals were required to meet in order to disqualify themselves from death. This involved advocating for a more holistic, Freudian approach to defining mental health and its antithesis. Only after realizing that both forensic psychiatry and the state were unwilling to accommodate these demands, these people give up on the prospects of working with forensic-psychiatric experts and within the limits of psychiatric orthodoxy. Rather than rely on an intellectually rigid and seemingly unforgiving system to secure the judicial outcomes they considered just and fair, these individuals turned to less scientific, more personal sources of knowledge. The turn constituted a backlash against not only psychiatric elites, but the Soviet state and the claims it made about the state of mental health within its own borders.

### *Into the Clinic*

What happens before you enter an in-patient forensic-psychiatric clinic?

You will receive a visit from a guard at the jail where you have been housed for the past few weeks. The guard will arrive with an order from the local prosecutor’s office to escort you to the nearest psychiatric hospital, one equipped with the proper personnel and facilities to process you as a new patient. But you are not really a patient, because neither you nor anyone you know sent you to the clinic to receive treatment for mental health issues. Rather, you are a suspect under investigation for committing a crime so violent and severe that your government may want to put you to death

should it find you guilty of committing it. But before it could do so, it needs to determine two things: 1) whether you suffered from a mental illness at the time when you committed the crime; 2) whether you suffer from a mental illness at the present time. In other words, you are not entering the clinic for treatment. You are entering it for criminal processing.

By the time you arrive, your handlers will have learned a great deal about you. The prosecutor's office will have already sent them a dossier containing relevant parts of your criminal case file, along with a memo containing highlights from the investigation's findings: quotes from witness and suspect interrogations, evidence analysis, and the prosecutor's own assessment of your innocence or guilt. Each doctor or nurse assigned to observe you will always, in the back of their mind, remember the gruesome details of your criminal act. Indeed one of the biggest obstacles that you will confront during your stay is to convince your observers to treat you with as much impartiality as possible; that is, to separate you from your crime in order to elicit as much sympathy from the person assigned to diagnosing your mental state. If they only see you as a violent murderer, they will be that much less likely to label you as criminally insane and death penalty ineligible.

When you enter the psychiatric clinic, a staff member will familiarize you with the myriad of rules that govern life there as a criminal suspect. In 1954, the Ministry of Health of the USSR published a charter document (*polozheniia*) containing a standard protocol for all forensic-psychiatrists to follow when processing new admits into their medical wards.<sup>25</sup> It required criminal suspects to be under a system of total surveillance during their stay and segregated from the other non-criminal patients at all times. Anything you write - letters to your lawyer, family, and friends, or to another clinic resident - will be screened prior to sending. To read magazines or newspapers, or to take a supervised walk outside the facility, special permission from the prosecutor's office must be obtained. Individual meetings with other fellow patients are allowed, but if you opt to do so, you have to receive permission in advance and subject yourself to extra screening. You will, however, have a chance to meet other patients and inmates during recreational hours and in the workshop where you will be tasked with performing various kinds of labor. In both cases, the goal is not to entertain or employ you, but to keep you busy while doctors observe your behavior to determine how well you get along with your peers, authority figures, and simply on your own. You must always remember the following: each step you take is a data point on a rubric that will determine whether you will live or die.

However, no component of your stay will be more consequential than the sessions you spend one-on-one with the three psychiatrists assigned to your case. The goal of these sessions is to gather as much information about you as possible. They will ask you about your medical history and that of your immediate family members. Did your parents suffer from any inheritable illnesses, both physical and mental? Do you suffer from a disability that inhibits your ability to work? According to the [complete name of Instruction] issued by the Prosecutor's Office in 1954, questions like these "are important for assessing one's personality." It is important to remember that your examiners have access to your medical, military, and work records, so they will know right away if you bend the truth or skip over crucial details, a telltale sign of criminal guilt, a habit of a clear-headed criminal rather than a mentally ill person.

You will be required to do more than talk. Your handlers will submit you to a series of blood tests designed to determine the state of your physical and neurological health. Make sure to remain calm during your exams, because resistance will not curry your doctor's favor. Your psychiatrists will be mandated to submit a report with data regarding your general nutrition, the health of your internal organs and central nervous system. Samples of your blood and your cerebrospinal fluid will be sent to a lab for analysis.

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<sup>25</sup> GARF f. r-8009, op. 1, d.1199, ll. 67-70.



Your psychiatrists will also probe into the state of your mental health. The Prosecutor's office mandates that mental health assessments include feedback on the following: your ability to orient yourself in place, time, and in your surrounding; whether or not you demonstrate an understanding of why you have been referred to mental health examiners; how you interact with clinic doctors and medical staff; your sense of judgment; and your general attitude towards the crime which the state suspects you of committing.

You should expect to be asked many questions about said crime. This may come as a surprise, since you are still, technically, a suspect, and formal charges have not yet been made against you. Your psychiatric handlers, however, adhere to the philosophy that you are guilty until proven innocent: they assume that you committed the crime, and what they need to know is what exactly was going through your head while you were committing the crime. In particular, they want to know whether you were experiencing some kind of psychotic break, one that forced you to lost touch with reality and rendered you not in control, and therefore not responsible, for your actions. They will ask you if you were experiencing hallucinations, confabulations, delirium, delusions, obsessive behavior or "any other disturbance or emotion that might have inhibited your voluntary activity." Did you experience any kind of "rapidly passing painful disorders," like a dissociative disorder, dysphoria, or a seizure? Did you lose consciousness? Because your handlers lack training in Freudian psychology, anything short of psychosis would not suffice as grounds for a proper insanity defense. Depression, anxiety, stress, and alcoholic intoxication, all of which are known to affect one's ability to control her or his actions, will not convince your psychiatrists that you lost touch with reality in ways that resembled the effects of a psychotic episode.

What happens next depends on the diagnosis you receive. If, after the maximum thirty days of observation, your psychiatrists fail to arrive at a conclusive diagnosis, they will recommend a supplementary examination, which will, in nearly all "especially difficult" cases like yours, be conducted by "highly qualified specialists" at the Central Scientific Research Institute of Forensic Psychiatry, named after Professor Serbskii, commonly known as the Serbskii Institute. If they determine that you did, in fact, suffer from psychosis when you committed the crime, and that you have a history of suffering from it more broadly, they will provide the prosecutor with a general summary of the clinical data gathered, the nature and development of the psychotic illness, and an explanation of how that disease affected your ability to control your actions. After they submit their conclusions, you will remain in custody until a letter arrives from the prosecutor's office confirming that the case against you has been thrown out, at which time you will either go home with relatives who will come and get you from the clinic, or be transferred to a different clinic wing, one that treats people with diagnosed mental illnesses.

If, however, your doctors find no evidence of psychosis, the next steps to follow are rather simple. They will submit a report to the prosecutor's office communicating their findings, and wait for a representative from their office to arrive at the clinic and "evacuate the patient immediately." In the days that follow, the prosecutor's office will submit a formal indictment (*obvinitel'noe zakliuchenie*) to the nearest regional court. You are no longer a criminal suspect whose actions may have spawned from chronic mental illness or a spontaneous mental break. You are now a criminal defendant awaiting trial for a crime that may result in your death.

### *Becoming Experts*

In his 1963 work *Madness and Civilization*, Michel Foucault charted the rise of what most would recognize today as the modern-day psychiatrist. According to Foucault, today's psychiatrist exists as a "mediating element between reason and madness" - that is, between the "enlightened" state and the mentally ill patient. Rather than use medieval tools, coercion, and corporal punishment,

modern psychiatrists worked with little more than their gaze, knowledge, and language — what he called “incarnations of reason” — to cure, pacify, and, according to Foucault, “normalize” their subjects. Gone were the tortuous “dungeons” where the mentally ill were confined in the past. In their stead stood the mental asylum and its attendant psychiatrist, “the full force of the authority invested in him by the fact of his not being mad.”<sup>26</sup>

It was this authority and its claims to objectivity, scientific legitimacy, and naturally-derived reason that rested at the heart of Foucault’s critique of the new “positivist” psychiatry. He was unwilling to interpret nineteenth century reforms to the profession as triumphant breaks from the cruel and brutal practices that dominated psychiatric theory and practice in the pre-Enlightenment era. Where most saw progress and neutrality, Foucault saw an invisible but no less powerful form of coercion and subjectivity. Rather than serve the interests of church and family, positive psychiatry’s claims worked in the name of bourgeois morality to defang those individuals who posed a threat to the greater social order. Those diagnosed as “mad,” in other words, were not “mentally ill,” just not incompatible with bourgeois industrial society.

Yet as totalizing as this power arrangement may have been in theory, it was far from absolute in practice. Indeed, not long after the death penalty’s reinstatement in 1954 did regular citizens, newly cognizant of the role that psychiatric expertise would play in shaping the outcomes of capital murder cases, started to engage with psychiatric practice in ways that undercut both Foucault’s theory of biopower and Soviet psychiatric orthodoxy, especially as it related to Freudian psychology.

From the beginning, forensic-psychiatrists’s power over the minds and bodies of their patients was never absolute. No sooner had the ink dried on the 1954 Charter than people outside the clinic began to manipulate forensic-psychiatric knowledge and procedure in order to secure their preferred judicial outcome.

Defense attorneys were the first to do so. Aside from jurists, law professors, and prosecutors, attorneys possessed the highest training in criminal law and possessed intimate knowledge of both the Criminal Code and the Code of Criminal Procedure. During Stalin’s final years in office, his administration rolled out a series of education initiatives designed to specialize and professionalize those employed by the country’s legal institutions.<sup>27</sup> Bar Associations union-wide witnessed spikes in membership, a product of state investment in legal education. Though they continued to be run by an older generation of party loyalists, Bar Associations began to attract a younger demographic of educated and skilled attorneys who, to their superiors’ chagrin, brought to their work a greater sense of independence and even irreverence.<sup>28</sup>

Attorneys frequently summoned that independent, irreverent spirit during the appeals phase of death penalty trials. After a defendant received a verdict of guilty with a sentence of death, defense attorneys spared no legal strategy to save their client’s life, either through a commuted sentence or a retrial. Wherever possible, defense attorneys worked to identify weaknesses and contradictions in forensic evaluations, witness testimonies, and statements that the prosecutor made during the trial. Anything to forestall the ultimate legal defeat of watching their client being escorted to the shooting chamber.

Nowhere did defense attorneys demonstrate more creativity and boldness than when they contested the psychiatric evaluations that declared their clients to be criminally sane. Unlike trial testimony, with was (in most cases) verbalized in colloquial speech, psychiatric evaluations were filled with equal amounts of psychiatric and medical jargon that the average person would have difficulty deciphering unless they had the proper specialized training. A law degree offered little

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<sup>26</sup> Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York: Random House, 1965).

<sup>27</sup> See Chapter 8 of Peter Solomon, *Soviet Criminal Justice Under Stalin* (Cambridge: Cambridge University Press, 1997).

<sup>28</sup> For more on the post-Stalin Bar Association, see Chapter 3 of this dissertation.

respite, but it did give defense attorneys access to the same authoritative texts that forensic-psychiatrists used for their own professional training: the psychiatric textbook.

On March 21, 1955, Moscow's Serbskii Institute took in its newest resident, a twenty-eight year old man named Viktor Alekseevich Oglodin. Oglodin had been sent to the clinic to undergo rounds of psychiatric testing by order of the Moscow Regional Court. In January of that year, Oglodin had been arrested for allegedly murdering his friend Petr Ivanovich Tropkov in the village of Vasil'evo, approximately 100 kilometers southeast of Moscow. The case attracted significant media attention in the local papers. A reporter from *Kolomenskaia pravda*, Kolomna's largest newspaper, attended the trial and was in the courtroom when the judge issued his verdict: guilty, with a sentence of death by shooting. The article that he produced for the paper announcing the verdict was widely read by city residents, who attached cut-outs of the article to letters submitted to the local prosecutor to voice support for the judge's decision.<sup>29</sup>

The outcome of Oglodin's case, however, was not so cut and dry. When Oglodin's case came under appeal, it was discovered that the prosecutor assigned to the case failed to order the forensic-psychiatric evaluation necessary to determine whether Oglodin and his crime qualified for the death penalty. Indeed, had Oglodin's defense attorney, one A.A. Krylova, not submitted a petition two days after the verdict was passed requesting that Oglodin receive a proper psychiatric diagnosis, her client's fate would have almost certainly been resolved without the issuance of a proper psychiatric evaluation. "Pursuant to Article 63 of the First Edition of the Code of Criminal Procedure," Krylova wrote, "a forensic-psychiatric examination is required to determine the mental state of the accused, when there were serious doubts about his mental state and the mental soundness of his behavior both before and after the crime was committed."<sup>30</sup>

The prosecutor's failure to order a psychiatric evaluation directly impacted Krylova's client, who, according to Krylova and those who knew Oglodin well, had a history of "pathological intoxication," a condition that, if properly diagnosed by a team of forensic specialists, would render him legally insane according to contemporary standards. Citing the 1954 edition of the Textbook of Forensic Psychiatry, Krylova explained that:

Pathological intoxication is a type of acute psychotic condition that can arise immediately after alcohol is consumed. It is a more extreme form of basic intoxication, but lacks the physical symptoms typically associated with it: a pathologically intoxicated person moves with strength and concentration, with direction and confidence. Their speech is intelligent and they behave with expediency and apparent consciousness. The length of time during which an individual may remain in a state of pathological intoxication can vary: from several minutes to a few hours. It typically ends with the individual falling into a deep and long state of slumber, with the subsequent loss of memories (amnesia) or very vague and sketchy understanding of what just happened.<sup>31</sup>

This textbook definition corroborated witness testimony that described Oglodin as being lucid and in control of his actions when he stabbed his friend. It also paired well with Oglodin's own claim that he had no memory of committing the crime in the first place. Perhaps most important of all, it

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<sup>29</sup> TsGAMO, f. 7335, op. 1, d. 7081, l. 129.

<sup>30</sup> TsGAMO, f. 7335, op. 1, d. 7081, l. 97.

<sup>31</sup> *Ibid*, l. 100.

resolved the dissonance between Oglodin's sober personality and his drunken personality. According to those who knew him well, Oglodin was a kind, hard working, and shy individual. Having worked on a *kolkhoz* since he was a child, he transferred to a munitions factory during the "Great Patriotic War" where, according to his employer, "he fulfilled all of his duties to defend our Motherland" before returning to the *kolkhoz* once the war ended. On his days off, he "played an active role in helping the other farmers clean, harvest crops, and the like." He eventually went on to become a certified carpenter before enlisting in a local factory. The job fit him so well that, according to his work record, he consistently outperformed his peers by 200%.<sup>32</sup>

According to Krylova, these character statements stood "in stark contrast to the claim made in the judge's verdict, where it states that Oglodin made a reputation for himself as a 'drunk and a hooligan' in his hometown of Vasil'evo." In fact, the only time her client's behavior turned unruly was when he consumed alcohol. Whereas most people jettisoned their inhibitions and behaved out of character after consuming a significant quantity of alcohol, Oglodin, by all accounts, turned into an altogether different person, dangerous to both himself and people around him. For example, according to one witness who testified during Oglodin's trial, "alcohol turns him into a terrible person," so much so that "he often tried to commit suicide." The witness recalled one such episode from two years prior when Oglodin, drunk and in the company of a group of friends, tied one end of a rope around a heavy stone and the other end around his neck and lunged the contraption and himself into the lake "with the goal of ending his life." According to the witness, had his close friends not jumped into the water and wrestled him out of the lake, Oglodin would have drowned. Krylova expressed shock that a doctor "with any number of years in giving opinions in court cases would doubt Oglodin's mental health [the moment when he committed the crime] and would agree that he suffers from pathological intoxication."<sup>33</sup> According to Krylova, if granted a retrial, together with a comprehensive forensic-psychiatric examination, all questions regarding the state of Oglodin's mental illness would be resolved, and in his favor.

At first, Krylova's request for forensic review seemed to have succeeded. Two weeks after she submitted her appeal, the Supreme Court of the RSFSR ordered a retrial and a new investigation for Oglodin's case. The court cited the Moscow Regional Court's "failure to send Oglodin for forensic-psychiatric evaluation" given the fact that "the court findings offer many reasons to doubt the state of Oglodin's mental health" and that "the evidence does not suggest that Oglodin acted with intent when he killed [the victim]." Ultimately, however, the forensic-psychiatric evaluations released by the Serbskii Institute several weeks later firmly rejected any suggestion that Oglodin suffered from pathological intoxication the night he committed the murder, though they did concede that "he shows signs of emotional instability and a tendency to abuse alcohol." He was, according to the doctor who reviewed his case, legally sane.<sup>34</sup> Eight months later, after subjecting himself to a new trial and a failed attempt to appeal his case, Oglodin was executed.<sup>35</sup>

Textbooks were not the only source of knowledge that defense attorneys turned to when crafting their own diagnosis for their clients. In many cases, their own personal experience with their client sufficed when it came to determining whether someone was legally sane or not.

The 1962 case of one Viktor Semonovich Serov offers one such example. Serov was forty-five years old when police arrested and charged him with the murder of his wife. Serov was born in 1917 and raised in the village of Arinino, in the Ramenskii region outside of Moscow, and his life mapped neatly onto the major events of the Soviet history. He enrolled in school at a young age,

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<sup>32</sup> TsGAMO, f. 7335, op. 1, d. 7081, l. 98.

<sup>33</sup> TsGAMO, f. 7335, op. 1, d. 7081, l. 100-101.

<sup>34</sup> TsGAMO, f. 7335, op. 1, d. 7081, l. 194ob.

<sup>35</sup> Ibid, l. 226.

joined the *komsomol* in 1932, trained to become a locksmith-toolmaker after completing school, and fought in the Great Patriotic War. After demobilizing, he gained work experience by working in factories around Ramenskii oblast', receiving one labor award and promotion after another.<sup>36</sup>

Yet despite having all of the trappings of a "model" Soviet existence, Serov's life was not untroubled. During most of his adult life, he sought treatment for various forms of pains and nervous conditions. His troubles began soon after the war ended, when a head injury that he received in combat resulted in a score of chronic medical complications that endless rounds of treatment could not cure. According to an excerpt from his medical history, included in his criminal file, Serov first admitted himself for medical treatment in 1944 for self-diagnosed shell shock, as a result of a shrapnel wound he suffered to the head. "From then on, he began to experience severe headaches periodically," along with lower back pain." In 1951, after years of treatment, doctors diagnosed Serov with post-traumatic astheno-neurotic syndrome (*posttravmaticheskii asteno-nevroticheskii sindrom*), a precursor to what would eventually be known as PTSD. He became a certified invalid of the third group shortly thereafter, but came short of receiving a complete work clearance, for he was deemed to be "partially able-bodied" and healthy enough to "perform work that did not require him to lift heavy items."<sup>37</sup>

The distinction did little to mitigate Serov's head pains and general state of discomfort. To the contrary, his symptoms got worse as he got older. By the time of his arrest, Serov had spent several long periods of time under the supervision of various neurologists, who modified his diagnosis to post-traumatic asthenic cerebraesthesia depressive reaction, symptoms of which included emotional disturbances and intellectual deterioration. In 1961, a year before his arrest, Serov had enlisted the help of the Central Research Institute of the Examination of Work Ability and the Organization of Disabled Persons, the agency responsible for assessing and treating disabled Soviet citizens (and, after the war, injured war veterans). After treating him, the agency issued a report confirming that Serov suffered from "head pain, memory loss, poor sleep, increased irritation, periodic pain in his lower back and in his right leg." Physical pain aside, the doctor treating Serov noted that the patient "behaved "distant, refused to talk, even though he seemed lucid."<sup>38</sup>

Yet Despite Serov's long history of documented and self-alleged illnesses, the doctors and forensic psychiatrists consulted on his criminal case found scant empirical evidence of mental illness. Upon admitting Serov, the team of forensic psychiatrists at the Serbskii Institute received a notice from the Ramenskoe region's prosecutor's office with the following line of inquiry: "Does Serov suffer from a mental illness (*dushevnoe zabolovanie*) and if so, does he require inpatient treatment?" and "was Serov legally sane (*vmeniaemyi*) when he committed the crime, and is he sane in the present?"<sup>39</sup> For several days, the team of experts at Serbskii ran tests on, conducted interviews, and monitored Serov, who for his part continued to complain of the same problems that he had for nearly a decade. Ultimately, the psychiatrists reached the conclusion that Serov, though troubled both physiologically and psychologically, lacked the characteristics of someone who was criminally insane. What they concluded instead was that Serov was, on all accounts, of decent health. "He is lucid, capable of orienting himself properly in terms of space and time, and adapts well to his surroundings. No psychotic phenomena has been observed. He speaks openly but lacks candor." Though they took note of his "tense, angry, and extremely defensive response when answering questions," the psychiatrists assigned little weight to them. To the contrary, they interpreted these

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<sup>36</sup> TsGAMO, f. 7335, op. 1, d. 11580, t. 1, ll. 207-211.

<sup>37</sup> TsGAMO, f. 7335, op. 1, d. 11580, t. 1, l. 95.

<sup>38</sup> TsGAMO, f. 7335, op. 1, d. 11580, t. 4, l. 60-62.

<sup>39</sup> TsGAMO, f. 7335, op. 1, d. 11580, t. 4, l. 80.

characteristics as a sign that “he is emotionally capable and able to exercise critical judgement towards himself and his surrounding environment.”<sup>40</sup>

They went on to disprove each of Serov’s assertions and question the legitimacy of his past diagnoses. According to the report that they eventually submitted to the prosecutor’s office, “the objective data offers no indication that he was shell shocked during the war,” because the medical record from his hospital stay during the war “shows no indication of this and no effect on disability.” Serov’s insistence that he “could not remember what he did” the night of the murder was “clinically implausible” and thus without merit. Indeed, they criticized his “tendency to describe himself as being ill, contrary to the objective data in his case file and medical records,” painting him as little more than a doctor-shopper ready to stop at nothing to receive the documentation he needed to be given the designation of a third level invalid. “He shows no sign of experiencing psychotic phenomena, fits, loss of consciousness, intellectual disabilities, or damage to his vital organs.” All in all, the doctors “did not detect any signs of pathology,” and diagnosed him as criminally sane.<sup>41</sup>

At the same time as the doctors at Serbskii Institute expressed great confidence in Serov’s mental state, many around him were not convinced. No one was left with less confidence than Serov’s defense attorney, one P.Ia. Bogacheva, who spent the greater part of 1961 studying Serov’s case files and spending time with him personally to prepare him for trial and the appeals process that followed. During the course of their working relationship, Bogacheva gained first-hand insights into Serov’s temperament and disposition, ones that led her to a very different conclusion about her client’s mental state. “It is quite clear that recent events have aggravated Serov to the point where he has developed a case of post-traumatic paranoia (*posttravmaticheskaia paranoia*)” Bogacheva wrote in the first of the two appeals that she would ultimately submit to the Russian Supreme Court. “Everything about his behavior suggests that he has become a paranoid psychopath,” she continued. One episode in particular provoked alarm. When it came time to appeal his sentence in writing, Serov produced an impressive yet incoherent four hundred and sixteen page document filled with everything from his own interpretation of Marxism-Leninism to a meditation on Russian literary heroes. The letter did more to frustrate Serov’s attorney than it did to secure a commuted sentence or retrial. “His belligerent behavior, endless complaints about even the smallest matters, and his long-winded pronouncements filled with unnecessary details are typical of the kind of behavior that one sees in a psychopath.” Bogacheva reiterated her assessment of her client’s mental state in no uncertain terms in the appeal letter she submitted on her client’s behalf:

I object to neither the circumstances of the case, nor the incriminating evidence, nor the legal qualifications of those involved in the case’s litigation. The accused [Serov] completely deserves a guilty verdict and the most severe punishment available. But Serov’s past and present behavior cast serious doubt on the condition of his mental state. Sane people do not submit an endless stream of baseless complaints and cause major delays in the criminal proceedings. They do not submit 416 page appeal letters. They do not take three days to give their ‘final word’ in court. They did not do everything except what is required and requested from them. [Serov’s] crime deserves the death penalty. But before executing someone, one must be

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<sup>40</sup> TsGAMO, f. 7335, op. 1, d. 11580, t. 4, ll. 82-830b.

<sup>41</sup> TsGAMO, f. 7335, op. 1, d. 11465, t. 5, l. 130.

completely certain that the person in question is, in fact, sane, and not a schizophrenic.<sup>42</sup>

As frustrating as it must have been to collaborate with such an uncooperative and erratic client, even more vexing for Bogacheva was the court's reluctance to take seriously her assessment of Serov's mental state. As her comments suggest, the hours that she spent one-on-one with her client poring over his lengthy files and advising him on proper conduct gave Bogacheva the confidence to act as an authority on the circumstances - aggravating and mitigating - surrounding her client's case. But what seemed obvious to Bogacheva did not fit the court psychiatrists' definition of criminal insanity. In December 1961, a firing squad executed Viktor Serov, his legacy entombed in his 416-page opus.

One did not have to receive a law school education in order to become well versed in the language of performance of mental illness. A combination of good connections and common sense could also do the trick. When police brought Nikolai Iakovlevich Tserulev into custody after his neighbors in the city of Noginsk reported seeing him stab his friend, one S.I. Grachev, the evening of 6 June 1977, Tserulev was already familiar with the criminal judicial process. His run-ins with the law began ten years earlier, in 1966, when, at the age of twenty, he was put on trial for and found guilty of disturbing the work of a police office while in a state of intoxication. Over time, his criminal behavior became increasingly violent and severe: beating his wife, aggravated larceny, and drunken brawls were some of the offenses listed on his criminal record. A veteran inmate, Tserulev spent a combined six years in a host of labor camps, where he built a robust social circle of fellow convicts. So close were his bonds that, in 1968, while serving out a sentence in ISO-25/3, devised what turned out to be an aborted escape plan with two fellow inmates that earned him an additional year and ten months of his original three year prison sentence. Grachev, whose murder Tserulev would be put on trial for in 1978, was himself a former camp internee who served time with Tserulev during one of his many prison stints.<sup>43</sup>

For all of his experience within the Soviet criminal justice, Tserulev was never admitted into a forensic-psychiatric hospital for psychiatric evaluation. His first psychiatric hospital stay took place in September 1977, when representatives from the Noginsk local prosecutor's office checked him into the city's Center for Social and Forensic Psychiatry in anticipation of his upcoming murder trial. Over the course of several weeks, Tserulev provided doctors with several data points that complicated the flat portrait that his criminal record painted of him as a person. Speaking to the doctors, Tserulev admitted to struggling with self-mutilation and self harm. A self-described "short-tempered and irritable" person, he told doctors that he had a tendency to cut himself in "subjectively difficult situations." Most difficult of all was the time he spent in prison, where Tserulev, in a quest to mitigate his anxieties, turned to alcohol and narcotics ("morphine, opioids, and others"), which, in turn, "caused him to experience visual and auditory hallucinations." Character statements submitted by his labor camp supervisors made no mention of his history of self-mutilation, though they did confirm Tserulev's accounts of his drug and alcohol abuse. Any doubts about his tendency to self-mutilate should have been resolved when the correctional authorities overseeing Tserulev in the months leading up to his psychiatric evaluation submitted a report detailing an incident when he "dealt himself cuts to both elbows and pierced his veins" so deeply that he had to have surgery to remedy the damage. As punishment, the guards placed Tserulev in solitary confinement.<sup>44</sup>

Unlike the prison guards, the forensic psychiatrists who administered Tserulev's psychiatric examination found little to be alarmed by his behavior. They confirmed the presence of "self-

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<sup>42</sup> Ibid.

<sup>43</sup> TsGAMO, f. 7335, op. 1, d. 5141, l. 109

<sup>44</sup> TsGAMO, f. 7335, op. 1, d. 5141, ll. 184-185.

mutilation marks” around his elbows in the report they submitted to the prosecutor’s office, but nothing else about his behavior struck them as alarming or even off kilter. Aside from his irritable demeanor and his “limited understanding of personal space,” Tserulev struck his observers as “lucid, well oriented in his surroundings, and well aware of why he has been sent for psychiatric observation.” They described him as “getting actively defensive” when the topic of his crime (which he categorically denied committing) arose and expressed “deep concern about his future fate” and “great interest in the outcome of the case.” Instead of currying sympathy among his observers, Tserulev’s self awareness cemented his observers’ impression of him as a cunning career criminal.<sup>45</sup>

The doctors had another reason to harbor suspicion towards their patient. Prior to admitting Tseruev for observation, the hospital received a memo from a Senior Correctional Official from IZ-49/1, the jail where Tserulev was being held prior to trial, alerting them to a discovery they had made. “Over the course of his detention in [our] institution, Tserulev repeatedly established contact with prisoners in nearby cells in order to receive information from those who had been evaluated by forensic experts on how to feign mental illness during a trial or under forensic-psychiatric examination, with the goal of evading criminal liability or to delay the trial.” News of Tserulev’s plot to manipulate his medical custodians by playing up his history of psychiatric disorders produced the reverse effect. Rather than interpret his history of substance abuse and self-harm as evidence of legal insanity, the forensic-psychiatrist evaluators viewed them as fabrications intended to deceive them into diagnosing him as legally insane. “The statements that the accused made during the examination...should be considered to be simulations,” wrote the appellate court judge tasked with overseeing the case.<sup>46</sup> And with the stroke of a pen, Tserulev’s gamble failed. He was executed in December 1977.

Underneath Tserulev’s boldness and chicanery rested a thorough knowledge of (and even respect for) Soviet psychiatric review. Instead of ignoring, flouting, or contesting the rules and procedural norms that applied to its case, Tserulev studied each of them well, even brainstorming with fellow inmates, to make them work in their favor. By 1977, Soviet forensic-psychiatric norms had become so entrenched within the criminal justice system that prison inmates were becoming fluent in thm. Tserulev’s might have failed, but Soviet forensic-psychiatry succeeded. At least for the time being.

### *Freud Returns*

Over time, psychiatrists, legal professionals, and laypeople ceased engaging with officially-recognized ways for assessing a person’s mental health. For many, the standard metrics - lucidity, orientation, and the all-important question of psychosis - no longer seemed adequate for determining whether a person was of sound enough mind to understand the content and consequences of their criminal actions. Many began to advocate indirectly for a more capacious understanding of what qualified as mental illness and health, one that took into consideration a wider range of factors, including one’s childhood upbringing, interpersonal relationships, history of melancholia and depression, among others. Through their attempts to persuade the authorities to view factors like these as causes and symptoms of mental illness, these individuals dealt a blow to more than forensic-psychiatry’s legitimacy. They also leveled a challenge against Soviet psychiatry’s core principle: its wholesale rejection of Freudian psychology.

In the decades following the revolution, Soviet psychiatry and psychology underwent profound theoretical and institutional changes. During the period of the New Economic Policy,

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<sup>45</sup> TsGAMO, f. 7335, op. 1, d. 5141, l. 282.

<sup>46</sup> TsGAMO, f. 7335, op. 1, d. 5141, ll. 184-185.



Freudian psychoanalysis enjoyed a period of ascendancy, for it paired well with the period's tolerance for individualism and experimentation in finding cures for social ills. Yet it would not take long for practicing psychoanalysts to realize that the Freudian principles on which their profession was based could not be reconciled with Marxist theory; the Freudian notion of the unconscious directly contradicted Marx's conception of dialectical materialism. Yet some did attempt to merge the two, culminating in the establishment of "Freudian Marxism" during the early 1920s, which sought to expand behavioral psychology to include materialistic interpretations of human behavior and motives. They argued that Freud's thesis was, at its core, materialistic: that the conflict between man and woman's psychological needs and the social demands placed upon them will move irreversibly towards a final resolution. Until then, the conflict will remain displaced, manifesting itself in the unconscious displaced form. Freud's privileging of the circumstances of one's upbringing, education, and childhood authority figures received a Marxist makeover, reframed as symptoms of class antagonism and resource inequality.<sup>47</sup>

During the early 1920s, the outlook for Freudian Marxism seemed optimistic. But Lenin's death and Stalin's path to power ushered in a new, more conservative mood among theorists and party officials charged with working out the boundaries of psychiatric thought. Challenges began to emerge in as early as 1924, when V. Iurets, a party philosopher, published an article titled "Freudism and Marxism" denouncing Freudian Marxism and its exponents in the strongest of terms. Among the article's many criticisms of psychoanalytic theory, it singled out Freud's failure to adequately consider social and economic factors as the root causes of psychological conflict and stress. According to Iurets, Freud's work suffered from a general lack of empiricism and was at its core far too speculative and reductionist to explain the motivations of a mass society. Two years later, another article published by I.D. Sapir, a member of the Communist Academy in Moscow, leveled an even more devastating criticism of Freud. Also titled "Freudism and Marxism," it rejected the possibility that Freudian psychology could incorporate the same social critique as Marxist theory. "Class society is the richest source of traumatizing influences on the psyche," Sapir wrote, adding that "it was the nature of that society which ought to be the focus of inquiries into the etiology of distress, not individual victims." To focus too much on individual unconsciousness, as Freudian theory does, violates the Marxist belief that posits the existence of a collective unconsciousness, one that is shaped by socioeconomic realities of a given time and place. "Individual unconsciousness emanates from the social, not the reverse," Sapir affirmed. By the end of the decade psychoanalysis, both as an intellectual theory and a clinical practice for understanding and treating mental illness, would cease to exist. In 1930, with Stalin in power and the cultural revolution (which targeted psychology in the same ways as it did other professions) in full swing, the State Publishing House released Freud's *The Future of an Illusion*, the last of his works to be translated into Russian until after Stalin's death.<sup>48</sup>

Freud benefited from a partial rehabilitation in the decades following Stalin's death, but by that point, Soviet psychological practitioners had developed a preference for Pavlovian theory and its attendant modes of treating mental illness; that is, for pills as opposed to talk therapy. The postwar period witnessed a flourishing in the asylum movement, not just in the Soviet Union but throughout Europe and the United States. Treating large numbers of mentally ill patients in large,

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<sup>47</sup> Martin A. Miller, *Freudian Theory under Bolshevik Rule: The Theoretical Controversy during the 1920s*, *Slavic Review*, Vol. 44, No. 4 (Winter, 1985), pp. 625-646. For more on Russian and Soviet psychology, see Raymond Augustine Bauer, *The New Man in Soviet Psychology* (Cambridge: Harvard University Press, 1952); Alexander Etkind, *Eros of the Impossible: The History of Psychoanalysis in Russia* (New York: Routledge, 1997); David Joravsky, *Soviet Psychology: A Critical History* (Basil Blackwell, Cambridge, MA, 1989); Martin A. Miller, *Freud and the Bolsheviks: Psychoanalysis in Imperial Russia and the Soviet Union* (New Haven: Yale University Press, 1998).

<sup>48</sup> *Ibid.*

publicly subsidized medical facilities reflected the era's commitment to using welfare and science to improve the human condition. Nowhere did these principles find a more fertile ideological home than in the Soviet Union, where Pavlovian physiology had, by 1950, become the foundation for the whole edifice of medicine, including psychology. All future generations of Soviet psychiatrists would have to contend with the theory of conditioned reflexes as it applied to mental health. The implication was that reflexes served as mechanisms that helped people adjust to the circumstances they found themselves in. Neuroses, according to this view, were the outcome of extreme conditions or maladaptive responses. Through medicine and other experimental, clinical treatments, Soviet psychiatrists would create the neurological conditions that would produce a reflexive mental response typical of a well-adapted and mentally sane individual.

What, then, does this all have to do with Soviet forensic psychiatry and the death penalty? Because their profession explicitly rejected the idea of a subconscious, psychiatric evaluators, when determining whether an individual committed a crime with premeditation and aggravated intent (that is, whether they committed it consciously), specifically did not assign weight to factors that a Freudian psychology might characterize as a mitigating circumstance. For example, to determine what might have caused a person to commit murder-rape, a Freudian-trained psychiatrist might ask a patient about their childhood upbringing, their relationship with their mother or father, or any episodic abuse they might have suffered as a child, the memories of which they might be suppressing. Knowledge like this could then be used to reframe the rape-murder not as a senseless act committed by a clear-headed, well-adapted individual, but as an involuntary behavioral manifestation of immense internal conflict experienced by an emotionally troubled and mentally ill person.

Soviet psychiatrists operated from a different institutional tradition, one that did not recognize mood and anxiety disorders such as depression, stress, anxiety. The reason for their exclusion from the canon of Soviet mental disease (the preferred term) was relatively simple: conditions that manifest themselves on an individual level (that is, among certain people, as opposed to large swaths of a population) could not be attributed to structural factors such as social and economic factors which would, in theory, manifest themselves within society at large. Indeed, only psychotic disorders - namely, hallucinations, delusions, bipolar disorder, and schizophrenia - the causes of which could be attributed to physiological factors. Only psychotic disorders adhered to the Great Medical Encyclopedia's definition of mental disease as "a human condition which interferes with an individual's regular conduct when their emotions, mood, and thinking cease to reflect reality. According to Soviet psychiatric orthodoxy, to be mentally ill was to be mentally detached from the real world.

The questions that psychiatrists asked when diagnosing someone's mental health reflected a more narrow definition of what counted as mental illness compared to their counterparts in the west. Instead of probing into an individual's upbringing and familiar relations, Soviet psychiatrists limited their inquiries to the recent present. In the case of the criminally accused, forensic-psychiatrists would ask the patient under evaluation to describe the cognitive and visual sensations that they experienced in the moments immediately preceding the crime's commission. Did they experience any hallucinations or hear voices that may have triggered them to commit the criminal act? If so, was this the first time that they had experienced a psychotic episode? Did psychosis run in their family? How someone responded to these questions naturally depended on the strength of their memory, as well as the extent to which any episodes of psychosis that their family members and they themselves were documented in their official medical records.

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Ol'ga Ivanovna Lebedeva noticed that something was not quite right with her son Valera Lebedev sometime in late 1959. In November of that year, an equipment malfunction at the factory where Lebedev worked produced an explosion that left him with second-degree burns on his face and legs. Six weeks of hospitalization followed, but according to Lebedeva, her son never fully recovered. Speaking to a police officer in November 1960, almost exactly one year after her son's accident, Lebedeva described her son's new disposition as "extremely irritable" and "stubborn," a far cry from the calm and agreeable teenage boy she raised.

She rehashed this story several months later, in February 1961, this time as a courtroom witness at her son's murder trial. In late 1960, police arrested Lebedev under suspicion of boarding a bus and firing a gun at the driver and the passengers inside. "His behavior has been abnormal ever since the factory accident," she explained to the local prosecutor who questioned her. "On one occasion, in December 1959, he even tried to hang himself," his mother reported, an incident that Lebedev himself confirmed multiple times during the course of his case's litigation. The message that both mother and son tried to communicate to the authorities was simple: Valera Lebedev was mentally unwell.<sup>49</sup>

Unlike Lebedev and his mother, who described his behavior in the months leading up to the incident as exhibiting signs of mental illness, the forensic-psychiatrists who examined Lebedev at Moscow's Serbskii Institute reached an altogether different conclusion. "The subject orients himself well and fully, willingly comes into contact [with the examiner], and responds to inquiries with detail." According to the report, he ate and slept well, exhibited logical thinking, performed the labor to which he was assigned satisfactorily, and showed no signs of memory loss. To the contrary, when asked to reflect on the crime he was being investigated for, he expressed anxiety and even got defensive, "claiming that he allegedly did not remember how the crime unfolded" and that he "shot the bus passengers in self defense," statements that, according to the examiner, suggested a level of mental clarity and "an ability to think critically about his actions and surroundings." The doctors detected no signs of Lebedev suffering from "delusions, hallucinations, or psychotic phenomena," and were pleased to sign off on a clean bill of health.<sup>50</sup>

Interestingly, their conclusion sharply contradicted not just Lebedev's and his mother's testimonies, but some of the discoveries that the doctors themselves made during Lebedev's stay in their custody and documented in their report. For example, they described his personality as "unstable, moody, rude, unhappy, and demanding." They noted the second degree burn that Lebedev acquired as a result of the aforementioned factory explosion, suggesting that the event may have had an impact on Lebedev's wellbeing. During one psychiatric session, Lebedev confessed to attempting suicide not once but twice: first by hanging, and next by slitting his wrists. He also admitted to abusing alcohol in the years following his factory accident, a habit that, like his second suicide attempt, he kept a secret, including from his mother. Though alarming, these findings failed to convince Lebedev's custodians that he met the criteria to be considered legally insane. "Lebedev V. I. Does not suffer from mental disease, though we detect a propensity in him to abuse alcohol. Based on the case materials and the clinical examinations, we conclude that he did not commit the offense as a result of a painful mental disorder, but rather in a state of alcoholic intoxication." Confident in "the subject's ability to orient himself in his surroundings, the consciousness of his actions, the physical signs of a history of intoxication, and the absence of any psychotic disturbances, such as delusions, hallucinations, and far, I.V. Lebedev should be considered legally sane."<sup>51</sup>

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<sup>49</sup> TsGAMO, f. 7335, op. 1, d. 10221, ll. 140-141ob.

<sup>50</sup> TsGAMO, f. 7335, op. 1, d. 10221, ll. 81-81ob.

<sup>51</sup> Ibid.

Nikolai Lapshin's lawyer sensed that his client may be suffering from some kind of mood disorder almost immediately after being assigned to his case. On 27 August, 1975, the Moscow Regional Court sentenced Lapshin to death for raping and murdering his stepdaughter Oksana. Letters from people across the city of Elektrogordsk, where Lapshin lived and where Oksana was murdered, poured into the prosecutor's office shortly after Lapshin's arrest. Each of the letters preserved in Lapshin's criminal case file articulated a single demand: a crime as heinous as Lapshin's deserved nothing short of the "highest form of punishment." In claiming to know how best to punish Lapshin, the letters' authors also claimed to know who Lapshin was as a person. The real Lapshin was a sadist (*sadist*), a "disgrace" (*pozor*), "no longer human" (*poterial chelovecheskii oblik*). Photographs of Lapshin taken at the scene of the crime, staring apathetically and even hypnotically, into the camera, seemed to confirm his reputation as a sociopath, as "someone who," according to Oksana's mother Lyudmila, was "not worth defending."<sup>52</sup>

But Lapshin's lawyer, one V.A. Averin, had no choice but to defend his client to the best of his abilities. As a state-appointed attorney, it was his job to furnish any piece of evidence or information that could prove Lapshin's innocence or secure for him the least severe sentence. It did not take long for Averin to put together a defense strategy. After going through Lapshin's case files, Averin noticed something strange: Lapshin had been found to be legally sane and was not ordered to undergo an in-patient forensic-psychiatric evaluation at the Serbskii Institute. This fact alone was neither shocking nor unprecedented. After all, in-patient psychiatric evaluations were only necessary if the initial, outpatient evaluation turned up inconclusive or found someone to be so ill that they demanded in-patient medical treatment in a facility equipped to house people under criminal investigation. Since an outpatient examination had found Lapshin to be both sane and healthy enough to stand trial, he did not require further psychiatric monitoring, especially not in an in-patient facility.<sup>53</sup>

Averin, however, arrived at an altogether different diagnosis of his client's mental state. Prior to their initial meeting, Lapshin had attempted suicide while spending time in solitary confinement, an act that Averin interpreted as his attempt to "punish himself" (*kaznit' sebia*) after "realizing the full horror of the offense" he committed.<sup>54</sup> Indeed, according to Averin, the "repulsive circumstances of the criminal case" - that is, of Lapshin's actions - "raise doubts about Lapshin's mental competence," doubts that become all the more severe when coupled with other notable facts surrounding his client's biography. For example, in 1954, when Lapshin was three years old, his father died from complication related to alcoholism, an event that would prove to be a source of lifelong trauma for Lapshin who, in 1974, checked himself into a hospital to receive treatment for body pains, and was eventually diagnosed with myopathy, a type of muscular disease that causes severe muscle weakness. The condition continued to cause him pain for the remainder of his life, often leading him to seek medical attention and earning him a third-step invalid status. He would spend the rest of his life going in and out of clinics, seeking medical attention for an illness nobody seemed capable of curing. He spent the day before Oksana's murder at a local *poliklinika*, complaining of chronic head pain. "Given the circumstances," Averin wrote, "it is clear that Lapshin's case demands that he be sent for in-patient psychiatric treatment."<sup>55</sup>

By invoking his client's turbulent medical history, parental loss, and invalid status as reasons for why Lapshin required an in-patient psychiatric assessment, Averin urged the court and the forensic-psychiatric establishment to broaden its understanding of what constituted mental health.

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<sup>52</sup> TsGAMO, f. 7335, op 1, d. 2642, l. 240ob.

<sup>53</sup> TsGAMO, f. 7335, op 1, d. 2642, ll. 102-103.

<sup>54</sup> TsGAMO, f. 7335, op 1, d. 2642, l. 232.

<sup>55</sup> TsGAMO, f. 7335, op 1, d. 2642, ll. 170-1700b.

Rather than focus exclusively on whether Lapshin experienced a psychotic episode at the time of the crime, Averin pressured the court to adopt a more holistic approach to evaluating his client's state of mind, one that would require the court to view factors such as Lapshin's upbringing and personal life as proof that he might be suffering from a mental illness that rendered him as incapable of controlling his actions as would a psychotic break. Though he falls short of stating so directly, Lapshin's attorney had an inkling that his client was suffering from a form of psychological or emotional trauma that might have driven him to commit the crime he did. He reasoned that someone with such a troubled medical and personal history warranted, and indeed deserved, the fullest forensic-psychiatric evaluation available. Why, he asked the court, did the psychiatrists who examined Lapshin think otherwise?

This question seemed to stump not just Averin, but representatives from the local prosecutor's office, where Averin submitted his initial complaint. Soon after receiving Averin's complaint, staff at the prosecutor's office sent a memorandum to the court with a request to review the psychiatrist's decision and their own recommendation on how to proceed. Rather than send Lapshin for inpatient observation, the prosecutor asked the court to order the psychiatrist who diagnosed Lapshin as sane to appear in court and reaffirm their opinion on the matter, a request that the court approved. On 26 August, 1975, a day before Lapshin's trial was scheduled to begin, the psychiatrist in question attended the trial and submitted an affidavit confirming his original findings. "In the period of the incriminated offense Lapshin N.I.," the psychiatrist wrote, "Lapshin N.I. was not experiencing any kind of temporary mental disorder or break in mental activity." Nor, according to the center's findings, did he suffer from pathological intoxication. Aside from "some signs of chronic alcoholism," Lapshin, according to the psychiatrist's assessment, was healthy, legally sane, and of sound enough mind to be held responsible for breaking the law. He required no inpatient psychiatric observation or treatment, and based on his hospital's findings, recommended that the judge reject Averin's request for supplementary psychiatric screenings. The following day, the court accepted the doctor's recommendation and gave the prosecutor's office the green light to continue with the trial.<sup>56</sup>

The judge presiding over the case was not the only person to be won over by the psychiatrist's affidavit. Other people in attendance found his findings convincing and used them to undermine the defense's attempts to paint Lapshin as mentally ill. One such person was Lyudmila Khruleva, the mother of the slain Oksana. Khruleva was left flabbergasted by even the suggestion that her daughter's murderer should have his sentence commuted on account of an unsubstantiated mental illness. "As the victim's mother," she wrote, "I disagree with the lawyer Averin, and categorically oppose any changes that may come out of his complaint." She took aim at Averin's "allegations that [Lapshin was] psychologically ill (*ssylaetsia na ego nezdorovuii psikhiki*)," especially in light of the fact that "during the trial, a [psychiatric] expert testified and outlined his conclusions that everything [Lapshin] did was done in a state of mental clarity." The psychiatrist's conclusions did for Khruleva the same thing it did for the prosecutor who litigated Lapshin's case: shroud their desire for retribution with a veil of reason. "Averin is trying to save his client's life without even thinking about us," Khruleva lamented. Contesting the psychiatrist's conclusions and demanding a second psychiatric evaluation was, in Khruleva's eyes, tantamount to a zero-sum game in which safeguarding the accused's right to due process necessarily undermined the victim's right to justice. "Who is going to defend my own child, who is no longer with us, who underwent so much suffering?" Khruleva asked. "[Lapshin's] lawyer is insisting on having his client undergo inpatient observation, when these kinds of people are completely unworthy of being defended." Luckily for Khruleva, her government ultimately agreed with her outlook of the world. On October 3, 1975, the

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<sup>56</sup> Ibid.

Supreme Court of the RSFSR, having had already rejected Averin's request for in-patient psychiatric examination, denied his request for a commuted sentence on his client's behalf. A year later, on August 27, 1976, Nikolai Lapshin was executed by way of firing squad, rectifying the imbalance that threatened to disrupt Khruleva's moral universe.<sup>57</sup>

#### *Victim's Revenge*

Challenges to psychiatric review, unflattering though they may have been to the authorities to whom they were directed, remained fundamentally conservative in content and goals. They identified shortcomings, not irredeemable failures, to how the system worked. They sought to work within, not outside, the judicially sanctioned forensic-psychiatric profession. They worked to broaden the legal meaning of "mental illness," not to discount its usefulness altogether. Like a fever in need of curing, Soviet forensic-psychiatry could be remedied with the help of lawyer intervention and public input. Once nursed back to health, forensic-psychiatry would continue to perform the important work of sparing the mentally ill from death.

And then everything changed.

During what would turn out to be the Soviet Union's final decade, a new kind of critique of forensic-psychiatry crystallized, one that called into question forensic-psychiatry's entire existence and its usefulness for producing just verdicts. People no longer seemed intent on fixing or manipulating the system as much as they wanted it gone completely. They ceased targeting forensic-psychiatry as a discipline, and transferred their criticism to the state that professed blind faith in an "objective" institution that turned out to be anything but. The voices of those who subscribed to this view could not be neatly organized into forensic-psychiatrist's critics and supporters, for they were disillusioned by both the state that relied on forensic-psychiatric expertise and those who engaged with it: the lawyers who assiduously tried to manipulate psychiatric diagnoses, the parents and friends of the accused who gave their own psychiatric assessments of their loved one's mental health in court, and the accused who tried to leverage mental health assessments to their own advantage. A process that was once conceived as a vital safeguard against undue state violence came to be seen as little more than an arm of an already dysfunctional state apparatus, one too rotten and corrupt to secure the interests of the citizens it claimed to serve. By the time Gorbachev had assumed the mantle of political power, a flu had transformed into a cancer that had wrecked havoc on a body that was not worth saving.

It took Antonina Davydovna Ratnikova one year, five months, and two days to come to the realization that forensic-psychiatry might prevent her from seeking justice on her son's behalf. On February 22, 1986, while her son Genadii Ratnikov was hosting his cousin, one Vladimir Alekseevich Savinkov, in his small apartment, the two got into a serious fight in front of Ratnikov's wife and five year-old son. Savinkov, who had been drinking for most of the morning and afternoon, grew agitated at his cousin and picked up a metal rod that he saw lying on his host's kitchen table. In short order, he began to strike his cousin, dealing what would turn out to be several fatal blows to his head before moving on to Ratnikov's wife and young son. In a matter of minutes, three lifeless bodies were lying in front of him, each in their own puddles of blood. Though he was eager to conceal his crime, Savinkov was even more anxious to make the apartment presentable enough to accommodate him for a few more nights. He arrived at a solution: clean the blood, move the bodies onto the apartment balcony (where the winter chill would postpone the decomposition process), and lock the balcony door in place with a kitchen chair. Neighbor only discovered the Ratnikovs' bodies after a week's time. Until then, Savinkov would spend several nights in his cousin's bed, even

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<sup>57</sup> TsGAMO, f. 7335, op 1, d. 2642, l. 240ob.

inviting a friend to take advantage of his newly acquired living space, before a neighbor called the police.<sup>58</sup>

As might be expected, the entire situation left Ratnikov's mother, Antonina Ratnikova, devastated. In just twenty-four hours, she lost not only her son, but her grandson and daughter-in-law, who she referred to collectively as her "young family" in her witness testimonies and in court. She had shared the apartment with her son and his family, and found herself without a place to stay after their home turned into an off-limits crime scene. To cope with her grief, Ratnikova decided to keep busy by dedicating all of her efforts to seeking justice for her son and his family. She spent her days writing letters to anyone who would listen: to her local prosecutor's office, to the court where the case would be tried. To each recipient, she communicated her single demand: nothing short of a guilty verdict and death sentence for their killer would suffice.

At first, Ratnikova's efforts seemed to pay off. In the spring of 1986, the Moscow Regional Court sentenced Savinkov to death after finding him guilty of first degree, triple-homicide. But no sooner had the ink dried on the verdict than his attorney submitted a complaint highlighting his client's mental problems and requesting both a retrial and several months of medical treatment for his client. Ratnikova, whose entire life had been turned upside down as a result of Savinkov's actions, spiraled into a rage. She had known Savinkov, her nephew, his whole life. Never did he give off the impression of being mentally unwell. Ratnikova began to suspect that she was being duped by the very system that was supposed to be on her side. At first, she blamed Savinkov and his cunning defense attorney, who Ratnikova accused of coaching his client to feign a psychiatric illness:

During the trial, Savinkov pretended to be mentally ill (he refused to answer the judge's questions, despite the fact that he underwent forensic-psychiatric examination on two separate occasions (once immediately after his arrest, and once before the trial) and both times he was found to be mentally sane and healthy and fully capable of answering questions related to his crime. In my opinion, [Savinkov's] lawyer's behavior during the trial was unacceptable. He demanded that a psychiatrist be brought in [to diagnose his client], who, concluded that the accused was suffering from a nervous reaction and required medical treatment.<sup>59</sup>

It did not take long for Ratnikova to shift her blame away from the individual people involved in the case to the legal system, the moral foundations and inner logic of which now appeared to be both suspect and foreign:

How could it be that, after spending more than a year and a half in prison, all of a sudden, he demands psychiatric treatment? What are we, the people who lost loved ones, supposed to do? What am I, a mother who lost a son, a daughter, and a grandchild supposed to do? He killed three innocent people, and we are expected to let him live? Each time we mothers submit petitions to the court, we get the same answer: 'he needs to receive medical treatment.' What kind of answer is that?...We plead with you to review our petitions and choose the proper sentence, one that will make it so that the murderer could

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<sup>58</sup> AMOS, d. 2/100-89, t. 4, ll. 140-149.

<sup>59</sup> AMOS, d. 2/100-89, t. 4, l. 2.

face the court and receive the correct punishment. Murderers should not be allowed to live among the rest of us.<sup>60</sup>

As it happens, Ratnikova was not the only grieving mother who would make her problems with the inner logic of the Soviet legal system known to the courts. Recall the case of Aleksandr Filatov, the man from Kolomna who opened this chapter. Filatov eventually underwent a forensic-psychiatric evaluation before being put on trial for the murder of the two little girls. The doctors charged to his case found him to be legally sane, but the case dragged on, inexplicably, for another two years, before a judge found Filatov guilty of double first-degree murder in February 1991 and sentenced him to death. In the courthouse that day, one Liudmila Viktorovna Shtrykova breathed a sigh of relief. The mother of one of the slain girls, Shtrykova had been fighting for Filatov to receive the most severe penal sentence ever since she recognized her daughter's lifeless body at the Kolomna city morgue two years earlier. Frustrated though she may have been by the slow speed at which the case dragged out, she was pleased that the judge had reached what she interpreted to be the correct ruling.

Unsurprisingly, she experienced a deep shock when she discovered that the court was entertaining the thought of commuting Filatov's sentence when the case went under appeal. More stunning than this was the reason for the commuted sentence. According to Filatov's defense attorney, his client suffered from pathological intoxication, which rendered the crimes he committed against Shtrykova's daughter as lacking in premeditation and therefore death penalty ineligible. The gesture bothered Shtrykova of a number of reasons. She could not understand how someone could argue against a set of conclusions that took two years to produce. "The investigation lasted an entire year," she lamented. "He underwent two different expert assessments, and in both cases, he was found to be psychologically well." By challenging the evaluation, Filatov's lawyer, in Shtrykova's eyes, made a mockery not just of her but of the judicial safeguards that were supposed to protect victims like her from people like Filatov. "He is healthy, and the court did the right thing when it sentenced him to the death penalty the first time." Why, she asked, "were the members of the court prepared to nullify the sentence and order a retrial simply because of his lawyer's complaint?" She had developed a deep-seated distrust over the lawyer's motives and findings over the course of the trial and investigation. "During the entire process, Filatov and his lawyer went above and beyond to disrupt and delay the proceedings," taking advantage of any opportunity to secure for his client an acquittal or, barring that, a commuted sentence. During the trial, Filatov refused to testify in front of the judge. Instead, he relied on his lawyer's depiction of himself as mentally ill, a strategy that lent credibility to Shtrykova's suspicions ("he claims he's sick, but the doctor said otherwise)."

Yet as much as she detested the lawyer's manipulations, Shtrykova blamed the court for condoning the lawyer's behavior and allowing and accommodating what she took to be a gross act of injustice. "How is it possible for the court to pardon Filatov, or give him a less severe sentence?" she asked hypothetically. "He took the life of two defenseless children, and deprived their parents of the happiness and hope. He stole from us all that was good in the world." From Shtrykova's vantage point, giving Filatov the benefit of the doubt and entertaining his lawyer's request for a commuted sentence amount to a personal attack against her (the real victim) and her claims to victimhood. That the lawyer could acquire so much leverage by arguing against psychiatric expertise, something designed to be fool-proof and indisputable, added insult to injury. The episode taught Shtrykova that laws, legal procedure, and the strength of her own personal intervention, could not guarantee that justice as she defined it would prevail. The culprits, in her eyes, were not just Filatov

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<sup>60</sup> AMOS, d. 2/100-89, t. 4, ll. 7-8.



and his scheming defense attorney, but the courts and psychiatrists, their willingness to circumvent their own laws and legal protocols, and the state that condoned it.

### *Conclusion*

Despite the best efforts of legal reformers and the attempts of a newly professionalized and, in all likelihood, well-intentioned cohort of forensic-psychiatrists from clinics both small and prestigious, their actions failed to diminish the arbitrariness and excesses associated with the death penalty. Neither entity brought the mess of psychiatrically diagnosing criminal suspects to heel. Rather, psychiatric assessments as an integral part of the death penalty process lost its credibility in part because defining what counts as mental illness is an inherently difficult affair. What counts as mental illness continually changes both in the law and in psychiatric practice, a fact that Soviet psychiatrists (and perhaps psychiatrists everywhere) did not appreciate. As a result, the experts tasked with doing so oftentimes reveal themselves to be both out of touch or and inept from the perspective of the accused, their kith, and their kin. As the previous chapter demonstrated, Khrushchev-era reforms to the Criminal Procedural Code promised to fortify the country's legal and judicial systems, to make criminal investigations more scientific and less capricious by championing forensic medicine. Forensic-psychiatry took that promise to the next level by applying the same rigorous scientific methods not to a three-dimensional crime scene, but to the unknown quantity of the human mind, something notoriously difficult to define, to measure, and to assess.

What reformers overlooked was that science, and psychiatric assessments in particular, required people to practice it, and those people had to be trusted in order for what they practiced to appear legitimate. As the stories above suggest, at no point in the post-Stalin period did forensic-psychiatry operate in ways that shielded it from criticism, however muted or severe, from below. Whether it came from lawyers who tried desperately to school themselves in psychiatric medicine to compete with the experts themselves, death row inmates who did their best to fake their way into an insanity diagnosis, or victims' relatives who lacked the patience for forensic-psychiatry entirely.

What allowed forensic-psychiatric experts to maintain their legitimacy for as long as they did was the existence and persistence of a moral code and a moral community willing to accept the idea that people who commit violent crimes - even particularly heinous ones - deserved a second chance if they were found to be mentally ill. Forensic-psychiatry, for all of its flaws, spoke using a similar vocabulary and worked within a similar moral and ethical tradition as those conversant with it. Had lawyers not believed in the principles that undergirded forensic-psychiatric review, they almost certainly would not have engaged so closely with its practice. Neither would family members who tried to reframe their loved ones' history of emotional and stress disorders as being on par with psychosis if they did not find common cause with the idea that their loved ones' past traumas could mitigate the actions they took in the present, no matter how heinous those actions were.

Were the experts doomed from the start? In the west, people questioned the insanity defense and the role that psychiatric professionals played in defending or undermining it. But in the Soviet case the terms of the debate were different because the Stalinist legacy left people acutely sensitive to what appeared to some to reek of extra-judicial meddling in criminal justice. What these people sought instead, and what the Soviet justice system could not seem to provide them, was a system that offered less discretion, less uncertainty, and more rule-governed behavior. By the late 1980s, when people looked at a courtroom, the people they saw inside looked foreign and strange. These experts - products of the Khrushchev era reformers - seemed to be on the side of a value system that either no longer existed or did not make sense. They were part of a very different moral community than the one people like Shtrykova had come to know in the 1950s and 60s. They

occupied a courtroom that looked an awful lot like the Stalin-era one that their very existence was designed to denounce. Forensic-psychiatry, for all of its flaws, used a similar vocabulary and worked within a similar moral and ethical tradition as those conversant with it. Had lawyers not believed in the principles that undergirded forensic-psychiatric review, they almost certainly would not have engaged so closely with, and thereby countenanced, its practice. Neither would family members who tried to reframe their loved ones' history of emotional and stress disorders as being on par with psychosis do so if they did not find common cause with the idea that their loved ones' past traumas - medical *and* personal - could mitigate the actions, no matter how heinous, they took in the present.

Soviet forensic psychiatrists suffered a similar fate as did the forensic scientists discussed in the previous chapter. Decades of presenting themselves as legitimate sources of authority in theory but fallible and out of touch in practice effectively eroded the public's trust in their capacity to mete justice properly and effectively. No longer willing to tolerate the moral ambiguities that necessarily arise when questions of mental illness are posed in defense of the accused, people began to advocate for a more simplistic but coherent standards for distinguishing right from wrong. Child killers deserved to be punished. Sexual abusers deserved the death penalty. An eye for an eye. That the Soviet criminal code countenanced a version of this type of primitive justice by allowing the death penalty for particularly heinous crimes rendered forensic-psychiatry all the more problematic, for it seemed to have the potential to obstruct clearly written laws and procedure. On the eve of what would turn out to be the country's collapse, Soviet people turned their backs on the indecipherable, jargon-laden world of Soviet forensic-psychiatry and became advocates for the most unlikely, even oxymoronic, belief systems: simple justice and the law.

## Chapter Two: Witness

It seemed like it was meant to be. Valentin and Valentina fell in love. The two met in 1961 and moved in together almost immediately, into a house in the city of Mozhaisk, approximately seventy-five miles away from the center of Moscow. They worked in the same local brick factory, Valentina as a brick molder and Valentin as a fire stoker. They took the unusual step of not getting married. Three years after moving in together, Valentina - who kept her name of Didenko, gave birth to a son, Igor Valentinovich Iliushin, completing what, on the surface, appeared to be a happy, young family.<sup>61</sup>



*The Iliushin-Didenko home (source: TsGAMO, f. 7335, op. 1, d. 1164, l. 5)*

A very different story unfolded beneath the surface, however, one that only a select group of people were privy to. About two years into their relationship, around the time when Igor was born, Valentin began to drink heavily. He would begin his day with wine or vodka, come to work intoxicated, and finish his day with hefty servings of alcohol at a local canteen. He started abusing his wife shortly thereafter. At first, the abuse was mostly verbal. Physical threats soon followed. In no time, the threats became real. “I have known Valentina for ten years, and her husband for six years, ever since she married him,” Zinadiia Antsiferova, one of Valentina’s co-workers and self-described “girlfriend,” remembered. “She told me everything about her life,” including the reality of her home life. “[Valentin] often came to work drunk. I warned him so many times that he should not do that, and he promised to stop, but then kept doing it anyway. When

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<sup>61</sup> TsGAMO, f. 7335, op. 1, d. 1164.

[Valentin] drank, he would often hit his wife, and more often than not, she would escape to a friend's house to spend the night."<sup>62</sup>

Antsiferova was far from the only person to whom Valentina confided about her abusive domestic life. Valentina's friend of twenty years, Vera Izvets, recalled a similar dynamic taking place in the Iliushin home. "She told me that her husband often insulted her when he got drunk, that he hit her often," Izvets told investigators. She added that, although Valentina knew that her husband's behavior was inappropriate, "she kept quiet, did not tell anyone anything, and never complained to me about Iliushin at any point during the six years they lived together."<sup>63</sup> Vera was her only trusted confidant. Valentin's behavior was abusive enough to be fodder for the intimate conversations that Valentina had with her friends, but not bad enough to serve as the basis for complaints, either to friends or the local police. Fights, so it seemed to everyone, was a normal part of marriage.

Things stopped seeming normal the night of June 5, 1968. Several days earlier, Valentina learned that Valentin was having an affair, a fact that, she later learned, was common knowledge among members of their community. She decided that she had enough. That night, Valentina told Valentin to move out. Valentin had just arrived home from work in his usual intoxicated state. Izvets remembered learning about Valentin's reaction to his partner's news in the days that followed. "I heard that Valentina told him that she planned to change the locks of their apartment. Iliushin often responds to her with threats, telling her that if she installs a new lock, that he'll kick her out into the cold."<sup>64</sup> Valentin, angry at his wife's threats, proceeded to storm out of the house, where he went he did not say. Overcome with fear that her husband might return in an even more intoxicated, angrier state, Valentina decided to flee. "Valentina came over to our house because she was worried that [Iliushin] might hurt her," Izvets recalled. "She asked us to notify the police, but I talked her out of it, and told her to go home and try to settle things [with her husband]," she added. As she explained what happened, she conveyed a tinge of regret considering the events that followed:

[Valentina went back home, but] at 2 in the morning, we got a knock on our door from our neighbor, who told us that Iliushin was hitting his wife and that she was screaming. Then I, along with [a few of my neighbors], walked over to her home. When we arrived, the door was closed. One of us started to knock, and eventually, Iliushin opened the door. He was covered in blood. He told us that we were too late, that he had already 'dealt' (*spravilsia*) with his wife, that he had hit her three times already with an axe. I was told to go out and get some men, and when I came back with them, my friend was holding Valentina's son in her arms. The child saw everything happen, and he told us that 'daddy is killing mommy' (*papka mamku ubivael*). I took the child and brought him to my house. The child told me that, when daddy hit mommy with the axe, she fell, and when daddy tried to pick her up, she couldn't stand on her own. She never got up. The little boy's legs, hands, face, and shirt were covered in blood. The boy slept over in my house, and in the morning, he thought everything that happened was just a dream. I worry that his mother's murder will seriously affect him.<sup>65</sup>

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<sup>62</sup> TsGAMO, f. 7335, op. 1, d. 1164, ll. 21-22.

<sup>63</sup> TsGAMO, f. 7335, op. 1, d. 1164, ll. 18-180b.

<sup>64</sup> TsGAMO, f. 7335, op. 1, d. 1164, ll. 18-180b.

<sup>65</sup> TsGAMO, f. 7335, op. 1, d. 1164, ll. 18-180b.

The forensic team that arrived at the scene took its time dusting around the Iliushin-Didenko home, taking photographs and tucking away relevant pieces of evidence for analysis. Traces of blood scrubbed off the floor. Didenko's butchered body lying in the child's room, a pool of blood by her side. A camera flash captured the "multiple lacerations" on her head, a pail filled with "a liquid that looks like blood," an axe stained with blood. An autopsy conducted the following day confirm the presence of "multiple bodily injuries, fourteen cuts to the body that originated from an axe," all of which "were inflicted while the subject was still alive." Reenactments of the murder conducted within the forensic lab found that "several of the wounds were inflicted when Didenko was in a vertical position." Her death, they announced, was caused by "head trauma and bleeding within the brain." Attached to the final forensic report were photographs of Didenko's head, her hair shaved and face scrubbed clean of dried blood to highlight the size and scale of her head wounds.<sup>66</sup>



*Blood stains on the Iliushin-Didenko kitchen floor (source: TsGAMO, f. 7335, op. 1, d. 1164, l. 5).*



*Left: The axe that Iliushin used to attack Didenko; Right: a pail filled with Didenko's blood, mopped up for forensic evaluation (source: TsGAMO, f. 7335, op. 1, d. 1164, l. 5).*

### *Introduction*

One event had taken place, but it would be assessed in two very different ways.

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<sup>66</sup> TsGAMO, f. 7335, op. 1, d. 1164, l. 50.

On the one hand, there were the forensic investigators, whose knowledge of what happened to Valentina was limited to what they could see and feel, collect and study, in the days immediately following her death. Save for their faith in science and scientific procedure, these specialists prided themselves on their status as neutral actors, detached in all the right ways from the human subjects and human actions they were tasked with inspecting. The information they needed to gather upon entering a crime scene, and the data points they would ultimately generate for the court's consideration, were very different and, in many ways, much more narrow than the kinds of information provided by witnesses like Zinadiia Antsiferova and Vera Izvets. Forensic investigators demanded objective answers to objective questions: How many wounds to the flesh did it take to end the victim's life? What does the shape and location of a wound reveal about how it was inflicted? Where did the blood, dried into the cracks of the wooden floor, come from, and to which type does it belong?

By contrast, you have Valentina Didenko's close circle of female friends - coworkers, their wives, mothers, and daughters - testifying to the qualitative suffering, both past and present, that their friend endured atin Iliushin's hands. Insults and beatings. Nights spent sleeping on a neighbor's pull-out sofa. Smuggling her young son to safety. The bold if not half-baked (and ultimately fateful) Her plan to put an end to her suffering with a simple lock change. Memories, whispers, late night conversations about experiences both distant and near spoke to questions not just of what happened, but *why* it happened. As witnesses, their concept of the truth remained rooted in subjective life experiences, most significant of all serving as friends and confidants to a woman who endured and ultimately succumbed to a life of domestic abuse. Women like Zinadiia Antsiferova and Vera Izvets did not need to know how many wounds Iliushin inflicted on their girlfriend's body, what position Valentina was standing in when he bludgeoned her with an axe, whether the blood stain on the kitchen counter matched Valentina's blood type. They had a seemingly endless, and perhaps more meaningful, information pool, born from personal and lived experience, to draw from to determine who killed Valentina, how they killed her, why, and when.

This chapter is about witnesses-- a new kind of authority figure who arose to prominence in the context of criminal, and particularly death penalty, cases during the post-Stalin period. Specifically, it focuses on Soviet women like Zinadiia Antsiferova and Vera Izvets, who participated in criminal cases where the perpetrator committed acts of violence against other women.

Specifically, it will discuss their participation in the context of reforms put in place after 1954 to diversify the kind of evidence that counted as admissible in criminal proceedings. During the purges and terror, Andrei Vyshinskii's theory of evidence led prosecutors and judges to privilege confessions as the "queen of evidence."<sup>67</sup> After Stalin's death, a revival in forensic science and medicine professionalized and broadened the weight attached to evidence collection and to witness testimony, which must be gathered carefully and systematically. These reforms would shape the contents of criminal indictments, verdicts, appeals decisions.<sup>68</sup> Witnesses, often dozens of them, were called to participate in trials, and influenced judicial decisions and sentences. Soviet women turned out to be enthusiastic participants in this new forensic regime, especially when it came to testifying in cases concerning women victims. They often divulged information that no forensic specialist was capable of securing on their own. They told investigators about perpetrators' systemic domestic abuse, "hooliganism," alcohol addiction, and poor parenting, facts that witnesses gathered from intimate friendships that they cultivated with the victims of the crime in question.

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<sup>67</sup> For more on Andrei Vyshinskii, his time as Procurator General of the USSR under Stalin, and his intellectual trajectory, see Solomon.

<sup>68</sup> For more on forensic medicine after Stalin, see Solomon.

Post-Stalin judicial reforms encouraged women like Antsiferova and Izvets to serve as witnesses and provide investigators with the evidence they needed to try criminal cases. For the post-Stalin period saw nothing short of a revolution in forensics as it sought a radical departure from the unprofessional, unscientific, and murky standards that governed evidence collection during the Stalin period. Legal thinkers, forensic researchers, and forensic scientists themselves began to embrace a more clinical approach towards gathering the raw material that a criminal case demanded prior to going to trial. For example, they placed an increased emphasis on material evidence as opposed to confessions (forced and otherwise) that were the hallmarks of Stalin-era criminal forensics. They limited the value of hearsay evidence, and promoted the idea that a confession must be confirmed by other forms of evidence. Yet perhaps the most consequential reform to come out of these proposals was the return to the earlier norm - established during the period of the Great Reforms in the late nineteenth century and retained during the period of the NEP - of relegating evidence collection to a neutral officer of the court - that is, to forensic collection experts - as opposed to the police. This involved creating boundaries between judiciary and administrative officials. Simply put, untrained and politically vulnerable MVD officers would no longer be in charge of gathering evidence and thus laying the foundation for a criminal case. From 1954 onwards, forensic specialists existed as autonomous and independent actors, both in theory and in practice.

Classifying cases of domestic homicide was a notoriously complex and loaded endeavor in the Soviet Union (and, for that matter, everywhere). Questions of motive, character, patterns of behavior both past and present shaped whether the homicide should be framed as unintentional (an accident), premeditated (intentional), aggravated (exceptionally violent) or mitigated. To answer these questions, investigators faced the challenge of furnishing tangible proof for intangible realities: of marital bliss or marital decline, of trust and betrayal, of domestic tranquility or domestic strife. In the process, investigators often relied on the subjective, self-interested, and frequently conflicting testimonies of the perpetrator and the victim's kith and kin. Making sense of the messy, oftentimes hidden, dynamics of a couple's home life in the aftermath of a domestic homicide posed perhaps one of the greatest challenges to a state that prided itself on its ability to penetrate and render legible its citizens' private lives.

Women's testimony played an outsized role in death penalty cases because they reclassified "family quarrels" - domestic disturbances viewed by many within the Soviet legal system as unfortunate and spontaneous accidents - as death penalty eligible crimes committed with premeditation and intentional aggravation. Testimonies like these create a natural tension when paired with newly important forensic data - fingerprints, blood work, autopsy reports - because the former was subjective and the other intentionally objective. Both data sets claimed to tell the truth and promised to pave the way for arriving at the most appropriate sentence. But witness testimonies complicated matters because they made the punishment not about just the crime, but about the person - oftentimes, witness testimonies conveyed very little about the crime itself, and focused instead on the person who committed it. Witnesses who knew nothing about the crime itself would appear in court and testify, largely on behalf of the victims or survivors, and call for harsh sentences including the death penalty against perpetrators.

The case of Valentin Iliushin illustrates this dynamic. In the months that followed Valentina's murder, a debate unfolded over how best to classify the crime. Was it a spontaneous act of involuntary manslaughter, triggered by a long history of interpersonal conflict and fueled by alcohol? Or was it premeditated murder with preceded and clear intent? Iliushin's lawyer, one M.S. Kuznetsova, worked hard to frame her client's actions as the former. She submitted a complaint (*kbodataistvo*) to the Moscow oblast' court in which she argued that Iliushin's crime more closely resembled manslaughter because his client "murdered Didenko due to personal matters (*na pochve lichnykh vzaimootnoshchenii*)." The euphemism would not be lost on her? reader, who understood the

lawyer's argument as an attempt not only to unload blame off the perpetrator, but to share it with the victim.<sup>69</sup>

The prosecutor responded to the complaint with a counterargument. Drawing from the pages of witness testimony generated from interviews conducted with Didenko's friends and co-workers, the prosecutor categorically denied Kuznetsova's request for reclassification. "The murder that Iliushin committed against Didenko was an act of hooliganism," the prosecutor began. "While the evidence does confirm that Iliushin and Didenko had a turbulent relationship and fought often," he continued, "Iliushin was always the one who initiated the fights, motivated for the most part by his rude behavior (*grubost*) and consistently drunken behavior." Didenko "was not the source of the couple's arguments" ("*povodov dlia skandalov ne podavala*"), and therefore she should not to take any of the blame for her partner's own behavior. The prosecutor did not need to rely on friends' testimony alone to conclude that Iliushin's behavior was no act of manslaughter. "Iliushin committed the murder with excess cruelty, as evidenced by the multiple antemortem wounds captured in the autopsy reports."<sup>70</sup>

Thus, the prosecutors melded information gathered from the crime scene with oral testimony to construct their litigations in the post-Stalin period, and this was especially true when they tried crimes against women committed by or involving intimate partners. Forensic specialists provided prosecutors with answers to the questions of when, how, and where; witnesses like Antsiferova and Izvets answered the questions of who and why. At times, the authority accorded witnesses even outstripped that of forensic scientists. Their unique insights into a couple's relationship - the conflicts, hang ups, and behavioral trends - created the all important context against which the crime and the person who committed it could be properly assessed. With their help, isolated incidents would be identified as a reoccurring behavior; a drunken episode as a history of alcohol abuse; a "mistake" appeared as part of a pattern.

Furthermore, their insights helped prosecutors police other segments of society like the workplace, where managerial monitoring and peer pressure replaced physical coercion as the main tools for maintaining communist discipline, order, and morality. In the case of Iliushin-Didenko, for example, reports of Iliushin coming drunk to work and provoking arguments with employees, captured vividly in Antsiferova's and Izvets's testimonies, served as the basis for a notice sent from the prosecutor's office to the brick factory where Iliushin and Didenko worked. The notice asked that the factory administrators "develop measures to strengthen political-educational work among the workers and employees of the plant by way of strengthening labor discipline"; in other words, to alter the environment at the brick factory. It asked the managers to notify the prosecutor's office of "all violations of labor discipline," "not to allow brawls and fights occurring within the families of factory workers and employees of plant," and "to cultivate an environment where the most malicious brawlers and drunkards would be publicly shamed by their peers." The letter concluded with a request to notify the Prosecutor's office of "all measures taken to rectify the current situation" in one month's time.<sup>71</sup>

Thus, oral testimony offered by women like Zinadiia Antsiferova and Vera Izvets played a direct role in establishing the parameters for how crimes against women - and especially those committed by or involving intimate partners - would be litigated in the post-Stalin period. Together with forensic scientists, these women helped paint a picture of the crime that was committed and the circumstances from which it came. Forensic specialists provided prosecutors with answers to the questions of when, how, and where; witnesses like Antsiferova and Izvets answered the questions of

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<sup>69</sup> TsGAMO, f. 7335, op. 1, d. 1164, l. 96.

<sup>70</sup> TsGAMO, f. 7335, op. 1, d. 1164, l. 96.

<sup>71</sup> TsGAMO, f. 7335, op. 1, d. 1164, ll. 88-89.



who and why. It would not be the first time when women became active participants within the Russian criminal justice system. Jane Burbank has shown how Russian peasant women during World War I began to bring more criminal cases against men to township courts than ever before. They began to initiate more cases that dealt with complex and sensitive issues, including intimate partner violence. Women brought cases against their own partners and against men who acted violently towards other women, usually neighbors. During the first eight months of 1916, for example, women brought 44 percent of all criminal cases heard in a court in Tsaritsyno, 15 percent of which they initiated *against* men. A majority of these cases dealt with matters related to assaults on personal dignity and property rights. None of the cases addressed male drinking and violations of public welfare, “masculine” offenses deemed too salacious to solicit women’s involvement.<sup>72</sup>

But as the case of Iliushin-Didenko shows, Soviet women were able to assume a position of authority in even the most sensitive and consequential cases. Their unique insights into a couple’s relationship - the conflicts, hang ups, and behavioral trends - created the all important context against which the crime and the person who committed it could be properly assessed. With their help, isolated incidents transformed into a reoccurring behavior; a drunken episode into a history of alcohol abuse; a mistake into a pattern. Furthermore, their insights helped prosecutors police other segments of society like the workplace, where managerial monitoring and peer pressure replaced physical coercion as the main tools for maintaining communist discipline, order, and morality.

The trust that law enforcement, investigators, and courts came to have in Soviet women as authorities in criminal justice matters in the post-Stalin period reveals a fascinating paradox. The postwar period, especially the 50s and 60s, when Iliushin’s case went to trial, represented a dynamic moment for gender relations in the Soviet Union, as it did in western countries elsewhere. Historians have documented how the war’s end ushered in a series of repressive gender policies and pronatalist laws reminiscent of those established between 1936 and 1941.<sup>73</sup> A demographic crisis ushered in by the loss of mostly male life during the “Great Patriotic War” put pressure on women to shoulder a double burden: as productive workers outside the home, and mothers and caretakers inside of it. As the country returned to a state of normalcy and witnessed the rise of a state-endorsed consumer culture, women experienced more pressure to fulfill the duties of both at once to maintain a clean and well-equipped home, marry and support their husbands, and raise the next generation of Soviet children, all while remaining politically and socially engaged and involved in the workforce. To “have it all,” women were told they had to “do it all.”

“Doing it all” pushed women into all sectors of the public sphere, and the courtroom was no exception. And although men, too, were called to serve as witnesses and testify as part of criminal cases, women developed a special rapport with the court precisely because of their unique position as authorities of both the workplace and the home. But they were a special kind of authority figure, their knowledge, at least in the eyes of the criminal justice system, limited to the affective lives of others. More so than their male counterparts, women were perceived as knowing more about friendships and intimate relationships, social and personal dynamics, secrets both open and deeply kept. The same qualities that made women valuable from the point of view of the Soviet

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<sup>72</sup> Jane Burbank, *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905-1917* (Bloomington: Indiana University Press, 2004), 215-220.

<sup>73</sup> Leading research on Soviet women in the 1950s often stresses productive and domestic burdens, including: Susan E. Reid, “Cold War in the Kitchen: Gender and the De-Stalinization of Consumer Taste in the Soviet Union under Khrushchev,” *Slavic Review*, 61:2 (Summer 2002), 211-252; Reid, “The Khrushchev Kitchen: Domesticating the Scientific-Technological Revolution,” *Journal of Contemporary History*, 40:2 (Apr. 2005), 289-316; Christine Varga-Harris, “Homemaking and the Aesthetic and Moral Perimeters of the Soviet Home during the Khrushchev Era,” *Journal of Social History* (Spring 2008), 561-589.

state were the same qualities that justified state policies designed to keep women in the home and occupying their traditional roles as wives, mothers, caretakers, and nurturers.

To trace the rise of women as authority figures in the post-Stalin courtroom, the pages that follow will begin with a summary of developments in forensic science in the pre- and post-revolutionary era. It will then move to 1954 - the rise of the criminal investigator, forensic medicine, expert witnesses - and what this revolution in forensic medicine meant for layperson participation as witnesses in criminal investigations. Soviet women proved to be particularly enthusiastic participants as witnesses in criminal investigations that involved cases of man-on-woman violence. As bystanders and survivors, these women turned to the Soviet state to help them resolve these most intimate and intractable types of conflict.

The fact that the state viewed them as ideal witnesses does not imply that women perceived their status as witnesses as serving exclusively the interests of the Soviet state. To the contrary, women used the opportunities that the post-Stalin forensic revolution bestowed on them to secure their own interests and, in many cases, those of fellow women. In the cases discussed below, they worked with the authorities to convict abusive husbands, partners, and fathers; to arrest men suspected by members of the community of physically and/or sexually abusing children; to seek justice for survivors of violence in the hands of men. When they articulated these demands, women spoke of a larger need to protect the rest of society from the dangers that these people posed. Yet the content of their demands, along with the way in which they delivered those demands, suggested something different: allegiance first to their fellow women, local communities, and themselves. At least for a time.

The pages below chart the rise of three main themes. The first part examines the emergence of witness testimony within the criminal justice landscape in the years after Stalin's death. To make criminal investigation less political and more scientifically grounded, legal reformers and theorists began to advocate for a more rigorous and systematic process for forensic evidence collection at the scene of the crime and during the pre-trial phase. Part II examines the place that women witnesses played within the new forensic regime, and especially within investigations for crimes that involved man-on-woman violence. Investigators came to rely on women to provide unique insights into the question of *why* a man killed a woman, providing context and suggesting motives for a crime that may have otherwise seemed isolated, accidental, and unintentional. To help investigators make sense of a given crime, women spoke to the Soviet state as women, drawing from the knowledge they accrued from their social lives in the work, at home, and in the public sphere. Part III explores how the content and the type of testimony that women gave changed over time. Beginning in the 1970s, women adopted a different way of speaking to the state about the criminal activity taking place around them. Rather than performing gender, women began to speak in gender-neutral and scientific terms, oftentimes at the expense of disclosing the more intimate details surrounding the circumstances of a given case. Soviet women no longer had to lean on narratives that depicted them as victims, as people who, by virtue of their victimhood and lower social standing vis-à-vis their male counterparts, had earned the right to be heard. They discovered that they had the right to be heard by virtue of their status as citizens.

A caveat is in order before proceeding further. The text below relies on material culled from witness testimonials which create two large blind spots. The first blind spot concerns the voluntary and involuntary nature of the testimonials themselves. Official transcripts of women's testimonies both during pre-trial investigations and in court did not contain information stating explicitly whether the women in question came forth as witnesses voluntarily or under some degree of coercion. On one hand, it is incredibly unlikely that all of the women discussed here approached criminal investigators completely unprovoked, or as a coordinated union. One must assume that investigators directly approached those women who promised to provide the most useful and

insightful information to aid their investigations. Thus, it is no accident that most of the witness voices captured below came from people with close personal ties to the people at the center of a criminal investigation (though some of those voices did belong to simple bystanders, as well). It is reasonable to assume that some level of coercion came into play if women refused to collaborate with the authorities. Even if that coercion was not traditionally violent in nature, the power imbalance that existed between state officials and any women they approached to serve as potential witnesses in a criminal investigation could - and likely did - compel women to offer testimony when they would not have done otherwise.

On the other hand, historians of post-Stalin law and justice have documented the marked decline in the use of terror, coercion, and threats to solicit layperson cooperation in criminal investigations. People - both women and men - asked to provide witness testimony either to investigators or in a courtroom trial had the option to decline the request. The case files consulted for the writing of this chapter contain many notices submitted to the court where people who asked to serve as witnesses in court declined to do so for reasons both mundane (usually a scheduling conflict) and logical (by claiming not to know enough about the criminal circumstances under investigation). Where possible, I offer examples of women and their representatives rejecting or expressing reluctance and downright hostility to the idea of cooperating with an investigation. Not only do these anecdotes shed light on the very real disadvantages that getting involved in a criminal investigation posed, they speak to the considerable amount of free will that members of Soviet society enjoyed during the post-Stalin period. All to say that I encourage the reader to read and interpret the statements highlighted below with these considerations in mind.

#### *Crime, Punishment, and the Rise of the Witness*

The impetus to delineate the judiciary sphere, including criminal investigations, from the administrative sphere had a long history in Russia. Debates over how best to undertake criminal investigations, especially those involving homicide and extreme violence, were prominent in the decades leading up to the Judicial Reform of 1864. The Reforms themselves ushered in a new set of procedural rules designed to decentralize the evidence and criminal investigation processes in the hopes of making both more scientific, objective, transparent, and less vulnerable to political interference. Once enacted in 1866, the reforms stripped the Ministry of Internal Affairs and its poorly trained and underpaid corps of gendarmes of the authority to conduct criminal investigations. That task would be delegated to the office of the judicial investigator (*sudebnyi sledovatel*). To become a judicial investigator, one had to receive a degree in law and jurisprudence and adhere to procedural norms stipulated in the Judicial Reforms. Upon taking office, they signed a contract stipulating that they could not be fired without legal cause, a measure designed to protect the investigators from political backlash. Along with heading investigations, judicial investigators were responsible for overseeing procedures for autopsies, hiring and evaluating experts, such as in, psychiatric reviews, and all other aspects related to forensic medicine.<sup>74</sup>

In the words of the reformers, these regulations were designed to “eliminate arbitrariness.”<sup>75</sup> But they were also supposed to improve the justice system’s reputation in the eyes of ordinary Russians, who viewed the police and courts as untrustworthy, corrupt, and abusive. No longer could a police officer enter and search someone’s home without proper cause. Beginning in 1866, judicial investigators had to demonstrate “legitimate and sufficient reason” to begin a

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<sup>74</sup> Louise McReynolds, *Murder Most Russian: True Crime and Punishment in Imperial Russia* (Ithaca: Cornell University Press, 2013), 21.

<sup>75</sup> *Ibid.*

preliminary investigation or else risk that investigation being terminated by a court judge. Searches and inspections were to be conducted in the presence of at least two witnesses. Indeed, the law explicitly encouraged mass public participation in the investigation process. “Those who are familiar with the examination are invited to participate,” the reforms stated. “In the cities - owners of houses, shops, industrial and commercial establishments, as well as their managers and attorneys; in small towns and villages besides the above-mentioned persons - landowners, rural and rural officials and church leaders.” In time-sensitive or urgent cases that lacked the requisite two witnesses, a judicial investigator could invite “other persons who enjoy the confidence of the local public.” Without overestimating the Reforms’ success at improving the justice system’s reputation in the eyes of Russian people, they did at least prioritize public participation.

Not unlike their Imperial predecessors, Bolshevik legal thinkers believed that evidence collection and criminal investigations more broadly should remain decentralized and shielded from administrative interference; an expert-centric model of criminal justice, in others words, survived the revolutionary years. So, too, did an inclusive conception of what types of data constituted valid evidence. Articles 57 and 58 of the 1923 Code of Criminal Procedure, for example, identified witness testimony, expert conclusions, and inspection reports as examples of evidence admissible in a criminal courtroom.<sup>76</sup> Under Stalin, the first blow to the process of evidence collection came in 1929. That year, a proposal to streamline pre-trial procedures reached the desk of then Prosecutor General of the USSR and Old Bolshevik Nikolai Krylenko. In its attempt to eliminate judicial paperwork, centralize administration, and shift power toward the executive branch, the law shifted responsibility for compiling and evaluating evidence and submitting it to the court’s review from forensic investigators to police officers of the NKVD.<sup>77</sup> The order was issue in October 1929, and the following decade bore out the consequences of this legislation. Criminal cases lacking witness testimonies and evidence analysis became common fixtures in courts union-wide. Witnesses and victims rarely attended court trials, and judges frequently suppressed the defendant’s right to present evidence that might support their acquittal.<sup>78</sup> Young and unskilled, police officers developed a reputation for shoddiness. Judges who tried to intervene in especially egregious cases risked drawing the police’s ire and accusations of “interfering on behalf of the defendant”, as well as of harboring contempt towards state authority.<sup>79</sup>

The second blow came five years later. In 1934, Andrei Vyshinskii, the recently appointed Procurator General of the USSR, gave a speech in which he lambasted Krylenko for the mess he made of legal and criminal procedure. All shortcuts and “simplifications” were to come to an end, and all guidelines outlined in the Code of Criminal Procedure Procedurals were to be honored without fail. Most importantly, forensic investigators were to resume their work in preparing pretrial documents, and the police were instructed to cease all involvement in the evidence collection process.<sup>80</sup> Yet Vyshinskii’s commitment to procedural integrity proved short-lived. On December 1, 1934, Sergei Kirov, head of the Leningrad Communist Party organization, was shot and killed inside his office at the Smolny Institute. Over the next three years, Vyshinskii — who had by that time become Stalin’s close personal ally — presided as judge over some of the most highly publicized trials of the Old Bolsheviks, including the Zinoviev-Kamenev trial of 1936. The 1935-1939 period provided Vyshinskii with the opportunity to refashion himself as a legal theorist and writer, advancing his “theory of judicial proof.” Throughout his tenure as Procurator, Vyshinskii developed a ranking system for the kinds of evidence that should carry the most weight in court.

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<sup>76</sup> Smylov, 1.

<sup>77</sup> Solomon 75-76, 131.

<sup>78</sup> Solomon 95.

<sup>79</sup> Solomon, 132.

<sup>80</sup> (Solomon, 163)

Confessions was the *regina probatinoum*, “the queen of all evidence,” while witness statements and forensic investigations came a distant second and third. Why confessions? According to Vyshinskii, statements and confessions of the accused “have the character and significance of basic, most important, and decisive proof.” His preference for confessions dramatically simplified the job of prosecuting and securing guilty verdicts, beginning with the Old Bolsheviks and continuing with the countless targets of the wider purges that followed. Their endless confessions, each more elaborate than the last, and guilty pleas were essential evidence at their trials. The weight Vyshinskii assigned to confessions far outlasted the terror’s end, and his authority as a legal theorist would only grow. In 1940, Vyshinskii released *The Theory of Judicial Evidence in Soviet Law*, the most complete articulation of his theory on the superiority of the confession as proof of guilt and innocence. Heaping praise on the Inquisition of the Middle Ages, when judges honored the confession as “the end of the trial,” Vyshinskii attacked the “formalism” of bourgeois evidence law, which placed too much faith in science and objectivity. He called for a two-tier system that distinguished between “evidence” and “facts” and ranked the former over the latter. “The help given to the lawsuit by science is really enormous. However, it would be erroneous to reduce the entire task of the judicial process to the art of applying scientific methods in the study of judicial evidence, which would inevitably reduce the very judicial investigation to a number of technical, mechanical, psychophysiological, chemical and other similar operations.” The text, which won the Stalin prize in 1947, entered the Soviet legal canon shortly thereafter. Even after Vyshinskii fell out of political favor after Stalin’s death, his book remained a classic, and became mandatory reading for future generations of law school students.

#### *Towards a New Theory of Evidence*

Like many branches of science, forensics and legal theory more broadly underwent a period of major soul-searching in the immediate post-Stalin period. Soon after the leader’s death, researchers and practitioners began to rethink the epistemological and intellectual compromises they tolerated for the sake of remaining within the regime’s good graces. To return the profession to a more objective, less political state, practitioners took advantage of the opportunities that “destalinization” bestowed upon them to take the reins and reform their institutions from within. Many began to scrutinize Stalin-era amendments to the Criminal Code that eroded professionally-recognized standards for evidence collection and the definition of evidence itself. Calls for a return to “socialist legality” made their proposals all the more welcome.

The years immediately following Stalin’s death witnessed a surge in debate over the question of what types of evidence qualified as strong and what types of evidence qualified as weak in the Soviet courtroom. How, many asked, to rank witness statements, expert opinion, forensic analysis, the accused’s testimonies, and victim input in order of most to least reliable? Different people had different answers. Some legal writers continued to endorse Vyshinskii’s theory that privileged defendant confessions as “the queen of all evidence” but in mitigated form.<sup>81</sup> Most, however, specifically attacked Vyshinskii’s concept of judicial evidence, rendering it unsuitable to the political and intellectual climate unleashed by the Thaw. In a 1961 book titled *The Concept of Evidence in the Soviet Criminal Trial*, one V. Ia. Dorokhov took aim at “the period of the personality cult” for “giving rise to a formal dogmatic approach to research on the issues of criminal science...and making it difficult to scientifically resolve the notion of judicial evidence.” He singled out Vyshinskii in particular for “perverting many of [forensic science’s] most important provisions, including the problem of the notion of judicial evidence” and “belittling the practical significance of the theory of judicial evidence.” He lambasted Vyshinskii for failing to uphold rigid standards for evaluating

evidence, for allowing judges to admit all kinds of evidence without debate, and for ignoring entirely the process by which evidence was collected: what exactly to collect, how to check and evaluate evidence, how to reach reliable conclusions, etc.” Yet he remained hopeful. Crediting “the enormous work done by the CPSU to eliminate the consequences of the personality cult, an increase in the quality of criticism in legal literature, and the overcoming of the erroneous views of A. Ya. Vyshinsky in science create all the possibilities for the development of a coherent scientific theory of judicial evidence” would emerge.

But what was that coherent theory to look like? Two arguments seemed to gain more traction than the rest. First, the idea of increasing the role that forensic expert opinion played over the course of a criminal investigations and criminal trials found wide acceptance. They identified a need to incorporate witness testimony - that is, first-hand accounts offered up by people who witnessed the crime take place or who knew the perpetrator or victim personally - into the pool of evidence gather. According to one writer at the time, witnesses had an advantage that not even the most careful investigator or forensic specialist could offer:

The investigator and the court deal with events that took place in the past. They are deprived of the opportunity to directly perceive the circumstances under investigation, which by the time of the investigation have already ceased to exist. To reveal the true nature of the crime and to determine its perpetrator, you need the testimony of the witness, the testimony of the victim, the testimony of the suspect, and the testimony of the accused. Witness testimony is one of the most ancient and commonly used types of evidence.<sup>82</sup>

What most of these writers likely did not predict was the enthusiasm with which members of the general public would heed their call to participate as witnesses in criminal investigations and trials. Even fewer of these writers would have predicted the outsized role that women would play in these investigations. For women, by virtue of the social roles that Soviet society had imposed on them, viewed themselves and were viewed by the court as having a unique ability “to reveal the true nature of [a] crime and to determine its perpetrator.”

On the surface, one might interpret this enthusiasm as evidence of women’s passive agency, of their unquestioning conformity to policy dictates handed down from above. But what the contents of their testimonies reveal is a larger, more self-interested yet still collectively minded agenda: of defending themselves, their communities, and, most importantly, other women, from man-on-woman violence, and man-on-woman murder, or femicide in particular. Members of post-war Soviet society, like people elsewhere, lived with an obvious but unspoken reality: most criminal acts of violence were committed by men against women. Most homicides were committed by men against women. Most people who received the death penalty were men who committed premeditated, aggravated homicide against women. Laypeople and elites understood this fact, so much so that a report on death penalty trends union-wide, issued in 1965 by the Ministry of Justice Division of Statistics, applauded measures being put in place to disqualify perpetrators of domestic violence who “were motivated by jealousy, revenge, or emotions provoked by hostile interpersonal relations” from receiving death sentences.<sup>83</sup> By lending their voices to their own experiences of violence at the hands of Soviet men and that of others in their communities, women transformed a phenomenon seen by many as unfortunate but unavoidable into something worthy of criminal

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<sup>82</sup> CITE SMYSLOV ARTICLE

<sup>83</sup> GARF, R-9492, op. 6, d. 122, l. 77.

prosecution of the highest order. In the process, they helped create a new standard for evidence, one rooted in subjective experiences, lived realities, the affective rather than the objective.

### *The Interpersonal as Evidence*

On the morning of June 6, 1968, a group of residents from the settlement of Sverdlova made a call to their local police station to report some commotion that they heard the night before. When officers arrived at the house from where the noise was reported to have come, they found a small, one story hut composed entirely of asymmetrical slabs of wood, save a large steel door and windows carved into the home's exterior. When they walked inside, they found a sparsely furnished *izba*. A man who identified himself as Iurii Vasilievich Galkin greeted them and proceeded to give them a tour of what turned out to be his home.<sup>84</sup>

Life in Galkin's house seemed to center around the kitchen, where a small dining room table stood adjacent to a kitchen counter where police found "sliced potatoes, flour, and bread" resting in a bowl. On the nearby kitchen table, a half-liter, open bottle emitted what the police officers described as "the scent of wine." Under any other circumstance, the officers would have felt as if they were walking into a kitchen while a meal was being prepared, rude guests interrupting a busy cook. But on that day, the police officers were there for a very different reason. They were there to investigate the murder of Galkin's wife, Tatiana.<sup>85</sup>

The building and the neighborhood spoke to the Galkins's modest socioeconomic standing. Sverdlova, the small village where the Galkins lived, was a small but closely-knit community. People lived side-by-side in huts identical in size and appearance to the Galkins, each one separated from the next by little more than a couple of meters. It was the kind of community where everybody knew each other's name, where doors were left unlocked, where children were raised not just by their parents, but by the entire village. Most residents, and especially the village's female residents, worked at the Sverdlov Factory, an enormous garment factory in the nearby city of Shchelkovo. It was there at the factory that Antonina Iakovleva Telezueva, Iurii Galkin's next door neighbor and one of the first witnesses called to testify in his case, first met and befriended Iurii's wife Tatiana.<sup>86</sup>



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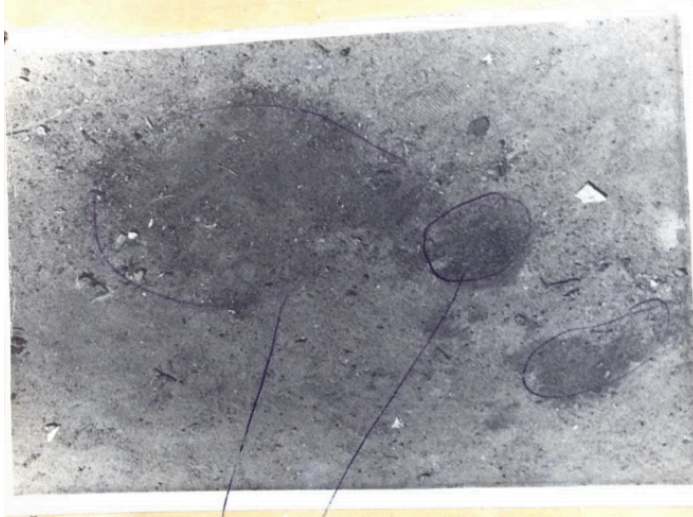
<sup>84</sup> TsGAMO, f. 7335, op. 1, d. 1107, l. X

<sup>85</sup> TsGAMO, f. 7335, op. 1, d. 1107, l. X

<sup>86</sup> TsGAMO, f. 7335, op. 1, d. 1107, l. X

*Galkin speaking with police outside his home in Sverdlova. Citation: TsGAMO, f. 7335, op. 1, d. 1107, l. 22.*

Police discovered a pool of blood, 30 centimeters by 25 centimeters in size, in the middle of a dirt road directly outside of Iurii Galkin's home. Asked where the blood came from, Galkin led the police around the corner, to an area where members of the village stored firewood to feed their fireplaces in the wintertime. There they discovered Tatiana Galkina's lifeless body, dotted with countless knife wounds and bruises, both fresh and old.<sup>87</sup>



*Blood stains outside the Galkin home.*

When it came time to explain what had transpired in his home, Galkin did not hesitate to shift the focus of the conversation away from his actions and towards those of his deceased, battered wife. According to Galkin, the quarrel that ultimately led to his wife's death stemmed from his wife's infidelity. A month earlier, the factory where Tat'iana worked organized a cruise trip to the Crimean Peninsula. Tat'iana, who had never in her life travelled beyond Moscow, enthusiastically joined a group of work colleagues on the cruise, leaving Iurii behind. Yet no sooner had she returned home from the cruise than rumors began to circulate among residents of Sverdlova that Iurii's wife had an affair on the cruise ship with a male coworker. Tatiana vehemently denied the accusations, but Iurii would not relent. Although they already had a history of domestic disputes, the two began to fight more often and more violently than usual. Alcohol exacerbated their disagreements, as Iurii had a history of alcoholism that grew more aggravated as a result of his unpredictable temper. The night of their most violent fight would turn out to be their last, as a combination of heavy drinking, Iurii's hotheadedness, jealousy, and suspicions of infidelity created a fatal environment for Tat'iana Galkina.<sup>88</sup>

Yet in the case of the Galkin homicide, the investigators' job was made considerably easier by a written document the victim allegedly left behind. The document in question, which her husband handed over to investigators immediately upon their arrival, consisted of a letter in which his slain wife confessed to her affair. "Tura, I admit to everything," the letter began. "While I was on the cruise ship, the following occurred." What followed was a summary of their courtship: their first meeting, quiet moments walking along the ship's decks, strolls in the cities where the ship docked, many filled with opened bottles of wine and vodka. Tat'iana's *mea culpa*, scribbled in particularly

<sup>87</sup> TsGAMO, f. 7335, op. 1, d. 1107, l. X

<sup>88</sup> TsGAMO, f. 7335, op. 1, d. 1107, l. X



sloppy handwriting, effectively reclassified their disagreement as a domestic brawl turned tragedy, not a premeditated act of murder.<sup>89</sup>

In the days that followed, however, a group of women witnesses helped investigators pieced together a different story, one that complicated Galkin's testimony and the letter's authenticity. Each of the women interviewed had known Galkina, and each one had a story to tell about her, her husband, and their relationship in the years and days leading up to her death.



*Tat'iana Galkina.* TsGAMO, f. 7335, op.1, d.1107, l. 172.

“What I can tell you is that Tat'iana was a very modest woman,” Antonina Telezueva told investigators during her first conversation with investigators on 18 June, 1968. Telezuela knew Galkina from work. She attended the cruise trip herself, and spent most of her vacation with a group of co-workers that included Galkina and the man with whom she had allegedly had an affair. Telezuela had know about Iurii Galkin's suspicions of his wife for some time, and told the investigators that it had become the focus of conversation around their place of work, especially since many people began to fear for Galkina's safety. “A few days after we returned from the trip, in front of a group of us, Tat'iana admitted that, after coming home, her husband bothered her from morning to night, attempted to choke her by placing his hands around her neck, bothered her and kept trying to get her to tell him who she slept with, who she drank with, who poured the vodka for whom.” Telezueva did not hesitate to come to her friend's defense. “I categorically reject any notion of Tat'iana spending time with [another man],” she testified. “In the evening, [we women] did everything on the cruise as a group: we got ready together, drank together, danced together, and returned to our room together. I was the one who personally poured the vodka for everyone.”<sup>90</sup> The message that Telezuela's testimony was designed to communicate was two-fold. First, that her friend Galkina was a good and faithful wife, and second, that Iurii Galkin's violent behavior had both precedent and motive.

Telezueva was not the only person who communicated this message to investigators. Four more women eventually came forward to serve as witnesses during the preliminary investigation and in court, all of whom would offer up all of the information they knew about the Galkins's domestic life. Reports of abuse, alcoholism, and jealousy recurred. Even Galkin's own siblings described their brother as someone who “drank and afterwards provoked arguments and physical fights with his wife.”<sup>91</sup> But the person who knew most about Galkina's personal life was her mother, Anna Martynova. Martynova had her own story to tell, one that spoke to the suffering her daughter had

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<sup>89</sup> TsGAMO, f. 7335, op. 1, d. 1107, l. X

<sup>90</sup> TsGAMO, f. 7335, op. 1, d. 1107, ll. 115-115ob.

<sup>91</sup> TsGAMO, f. 7335, op.1, d.1107, ll. 79-79ob.

endured both in the past and the present. She told investigators that her daughter's relationship with her husband had been nonconsensual and violent since the very start:

"Iurii Galkin started raping my daughter when she was sixteen years old. One time, she got pregnant, but decided to have an abortion. The two of them never had children after her abortion. I asked my daughter not to marry him, but she did not listen to me, and in 1963, the two of them got married. Galkin began to abuse my daughter soon after she moved in with him. On several occasions, she would come to my house with bruises on her face and neck. One time, Iurii stopped by my house on his own and started a fight that ended with him threatening to kill me with an axe. After she returned from her trip, she spent one night at home, and two nights with us because [Iurii] had beat her so intensely the night before. The night before her murder, Iurii's brother Viacheslav confiscated Iurii's file, which Iurii had threatened to use to kill my daughter. How he ended up killing her, I do not know. When I arrived at the scene of the crime, my daughter's lifeless body was lying on the couch."<sup>92</sup>

Martynova's confidence in her knowledge of her daughter and the latter's troubled domestic life matched the certainty with which she explained how a confession to infidelity, written in her daughter's handwriting and signed in her name, ended up in Galkin's possession. "She wrote that letter at knife's point," her mother told investigators, unequivocally, an explanation that a team of forensic handwriting experts would eventually confirm. Ultimately, Galkin would be sentenced to death after being found guilty of premeditated, aggravated murder, a conviction that reflected a consensus that Galkin's actions on June 5, 1968 were those of a vengeful person with a long history of abusing his wife, not a husband driven to violence in the heat of the moment. "While living with his wife Tat'iana Galkina...Galkin over the course of many years systematically drank, beat his wife, and threatened her with reprisals," went the formal indictment. The court concurred with the forensic team's conclusion that Galkin, "in the pursuit of a 'mitigating circumstance,' threatened to kill his wife with an axe if she refused to write and sign the document." Several months later, Galkina's defenders got what they were looking for: a death sentence for her husband, revenge for their friend.

As the story above shows, the new theory of evidence that emerged as a result of the post-Stalin wave of reforms to the Soviet criminal justice system created space for members of the Soviet public, and women in particular, to serve as witnesses in criminal investigations. Driven by a desire to right wrongs and defend members in their community from injustices of all kinds, women volunteered their knowledge to investigators who, from the women's perspective, seemed to share their own interests in finding and punishing perpetrators of said injustices. As the case involving the murder of Tat'iana Galkina demonstrates, Soviet women responded to violence against friends and family members by a husband, partner, or other male figure. They came to the investigation process as friends, mothers, sisters, daughters, co-workers, and concerned neighbors, and brought with them memories, stories, and rumors of spousal and partner abuse that, in many cases, had been going on for a long time. For women like Telezueva who came forth as witnesses to Galkina's turbulent home life, the death of a woman in the hands of an intimate partner offered them a first, and oftentimes last, time to seek justice for a suffering friend. And as the Galkin episode shows, investigators were oftentimes all too happy to help them do so. For women offered rare insights that few men could offer. They often knew victims of domestic violence personally, acquired their trust and confidence, and had heard their backstories told to them in real time. As witnesses, Soviet women were not just knowledgeable. They were credible, too, thus making them ideal participants in a newly revamped justice system committed to upholding only that which was just, objective, and true.

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<sup>92</sup> TsGAMO, f. 7335, op.1, d.1107, ll. 59-60.

What made women's testimony credible were the insights they were purported to have into the intimate, interpersonal lives of others. As holders of affective knowledge, they imparted information to investigators which helped paint a more complete picture of the circumstances from which a crime, a perpetrator, and a victim arose. In order for a crime to be considered death penalty eligible, a prosecutor needed to prove that it was committed with premeditation *and* aggravation. But premeditation and aggravation took many contested forms. Signs of aggravation might include evidence of torture, the presence of an excess of gunshot wounds and strikes to the body, and the manner in which those wounds and strikes were afflicted. In most cases, prosecutors relied on forensic scientists, who, equipped with the knowledge and tools necessary to analyze and study these data points, determined whether a crime met the qualifications it needed to be considered aggravated in nature. But whether a crime was premeditated - that is, whether the person who committed it did so with forethought, intent, a plan - was much harder to determine. For a crime to be considered premeditated, a prosecutor might point to short-term developments, like the enlistment of an accomplice or the purchase of a weapon in the days leading up to a crime's commission. But in most cases, determining premeditation was a subjective affair, one that involved studying long-term phenomenon like a person's state of mind, character, and history. For all their expertise, forensic scientists had little to offer when it came to evaluating a person's affective life. That job fell on Soviet women, who revealed themselves to be experts in all matters related to work and home, mind and heart, guilt and innocence.

As experts, Soviet women who found themselves at the center of criminal investigations worked hard to repackage their knowledge of peoples' interpersonal lives as incriminating evidence. Indeed, Telezueva and Galkina's mother's were not unique in their candidness and willingness to divulge the most intimate and violent details about a fellow woman's domestic life in the aftermath of her death in the hands of her husband. Many women felt compelled to share even the most well kept secrets about the abuse the women in their lives suffered at home for the purposes of incriminating the man responsible for that abuse. This was the position that one Kapitolina Neretina found herself in December 1972, when investigators called her in to testify in a case against her brother, Aleksei Sokov. Sokov had been suspected of murdering his wife Antonina Sokova, a relationship that many people in the neighborhood knew to be violent and unstable. "They have been fighting for as long as I could remember," Neretina told her interrogators. "Most of their arguments were provoked by my brother's drunken behavior (*sistematicheski p'ianstvoval*)." She notified investigators of an incident from 1969 when Aleksei, drunk and in a state of rage, arrived at his wife's place of work and began to physically abuse and threaten her. The incident led to a hooliganism conviction and a two-year prison sentence, but little changed after his release. "He continued to drink after he got out of prison," his sister added, a pattern a behavior that culminated in Sokov killing his wife with a kitchen knife on December 13, 1972.<sup>93</sup>

Women made a point of alerting the authorities of a man's systemic abuse not just to document the truth, but to recast a crime that would likely be written off as a tragic, one-time offense into a premeditated act with past precedent. The 1972 case of Nikolai Syrenko, a man who killed his wife Lidia, confronted a host of women come forth to investigators to offer everything they knew about the couple's romantic history that might give them some context for the tragedy that unfolded in the couple's home. The first person to speak to investigators was a neighbor, one Ekaterina Barinova. "I have known the couple for more than a year," Barinova told the investigators. "Things between the them have been bad for most of their relationship," she continued, explaining how the two of them would frequently "get together in hallway outside their apartment" (*vstrechalis' v koridore*) and discuss personal matters. Lidia had recently divulged to her

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<sup>93</sup> TsGAMO, f. 7335, op. 1, d. 1808, ll. 40-40ob.

friend that she caught her husband having an affair. Barinova made a point of telling the investigators that she was “absolutely certain” she never saw her deceased friend with other men, and that “nobody else spoke of such a thing” (*razgovora ob etom ne byl*).<sup>94</sup>

The incident left a deep impression on Syrenko’s son Sergei, 11 years old, who felt so traumatized by the event and indeed everything his father had done to harm their family, that he refused to take the witness stand during his father’s trial. Referring to Syrenko as his “former father” (*byvsnyi otets*), he submitted a letter to the court declaring that he will not participate in any part of the criminal investigation that required him to see Syrenko in person “because [his father] brutally killed my mother,” because his father came home the evening of his mother’s murder “with two knives under his shirt” for the sole purpose of “cutting my mother up” (*izrezhat’ ee*). He then gave the court a glimpse into his childhood. “When I was old enough to understand what had been going on over the course of many years, when I was old enough to remember, all I remember is [my mother and I] wandering into strangers’ homes, spending the night wherever we could.”<sup>95</sup> One of the homes where Sergei and his mother belonged to his aunt Antonina, who remembered how her sister and her nephew “slept at our house two to three times a week.”<sup>96</sup> Syrenko’s violent and belligerent behavior touched many people besides his wife Lidiia, and in the aftermath of her murder, each one came forth to share their stories.

Even though he refused to meet his father face-to-face, Sergei collaborated with the investigation and sway the verdict in his mother and his favor. On July 6, 1972, Sergei gave thirty-five minutes worth of vivid testimony to investigators of the abuse that he grew up witnessing. “Mom and dad did not live together well, because dad always came home drunk and bothered mom,” he began. “There were times when dad beat mom, when he suffocated her and tried to stab her with a knife.” Sergei was not all that surprised that this father killed his mother because “dad threatened mom with murder sever times, told her that he would cut her up. Dad even said this in front of me several times, while he was drunk and while he was sober.”<sup>97</sup> Whether he knew it or not, Sergei, through his testimony, reclassified his father’s crime from voluntary manslaughter, a crime punishable by a maximum of five years in prison or two years in a corrective labor colony, to premeditated, aggravated murder, a death penalty eligible offense.

Men accused of killing or sexually abusing women other than their romantic partners were also subject to having their past behavior, and especially their behavior towards other women, scrutinized by women over the course of a criminal investigation. When Vladimir Zinkevich was arrested for allegedly murdering his mother, with whom he shared an apartment, investigators turned to his neighbor’s wife, Anna Timofeeva, for answers. She described to her interviewer how, “in August 1954, Zinkevich beat up his mother, causing her to lose consciousness.” Timofeeva remembered how “the injuries she sustained were so severe that she had to be taken to the hospital ,where she stayed for a month.”<sup>98</sup> It turned out that Zinkevich’s mother was not the only woman with whom Zinkevich had a troubled relationship. When it was his turn to provide his own testimony, Anna Timofeeva’s husband told the investigators something that Anna herself did not divulge. He recalled an incident that took place around the same time as the one with his mother. “I came home, and Zinkevich came over shortly afterwards, drunk. In the kitchen, I could hear my wife arguing with Zinkevich. Then, Zinkevich hit my wife.” Anna’s husband clarified that “when Zinkevich [is] sober, he [is] a good person,” but alcohol caused him to behave violently towards

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<sup>94</sup> TsGAMO, f. 7335, op. 1, d. 1355, ll. 32ob-33.

<sup>95</sup> TsGAMO, f. 7335, op. 1, d. 1355, l. 146.

<sup>96</sup> TsGAMO, f. 7335, op. 1, d. 1355, l. 38ob.

<sup>97</sup> TsGAMO, f. 7335, op. 1, d. 1355, ll. 37-37ob.

<sup>98</sup> TsGAMO, f. 7335, op. 1, d. 6935, l. 70.

women, an alarming pattern that both Timofeeva and her husband felt compelled to report to the authorities.<sup>99</sup>

Women reported abuse even when the man in question was not under suspicion of committing an act of violence against other women. When Anatolii Bykovskii was put under arrest for allegedly murdering a man, investigators summoned a former romantic partner of his, one Nadezhda Kuzmina, to serve as a witness in the case. In her testimony, Kuzmina recalled their brief but turbulent relationship. “I met Anatolii Bykovskii approximately two years ago,” she began. “I really did not spend any time with him. I simply did not like him, he drank a lot, which is why I did not want to go out with him or have a relationship with him. I told him this several times, but he refused to listen to me, and often came to my work to get my attention. He never came over to my home because he does not know where I live. I do not know where he lives, either, and have never been to his house.” Why she chose never to tell him where she lived could be explained by the following account. “There was one time in November, when he, in an intoxicated state, he hit me in the face. I alerted the police about this incident, but nothing came of it. Why he hit me I do not remember. After that incident, I decided not to see him again. But he continued to ask to see me, to visit me at work, even after I kept kicking him out, he kept telling me that he loved me, and that he could not live without me. I changed my address...on 16 June around 10 o'clock in the morning Bykovskii came to my work...when I saw him, I immediately told him to leave and not to bother me at work. I do not know whether he was drunk or not, and I did not see anything in his hands, including wine. All I told him was to leave.”<sup>100</sup> Kuzmina’s testimony of Bykovskii’s violence was corroborated by another woman, Vera Makarova. “I always found Bykovskii to be somewhat scary,” Makarova told the investigators, adding that “he was often intoxicated,” which only made her fear him more.<sup>101</sup> These cases show that Soviet women, far from atomized, felt compelled to tie their own personal stories to those of other women - even those they did not know personally - in order to seek justice against a man who had at one point posed a threat to their safety and seemed poised to do the same to other women.

Affective histories did not always lead to incriminations. To the contrary, they could also do the reverse, exculpating someone from criminal responsibility. At the same time as a romantic’s partner’s alcohol dependency, angry demeanor, and violent behavior were summoned as evidence of criminal potential, so, too, did their romantic gestures, kind demeanor, and chivalry become shorthand for virtue, innocence, and normalcy broadly defined. A capital murder trial from 1979 shows how positive evidence could affect the outcome of a trial. Investigators identified two men, Viacheslav Iakutin and Iurii Kupriianov, as primary suspects in the killing of three individuals, two men and a woman, in the city of Orekhovo-Zuevo. Yet they believed that only one of the suspects initiated and played the central role in committing the murder, while the other served as an accomplice.<sup>102</sup> Seeking more information, investigators called on Iakutin’s girlfriend, one Ziakie Zhaliialova, to provide them with any information that might be of use to them.

The testimony she gave more closely resembled a love story than a window into the mind of a criminal suspect. “I met [my boyfriend] in the summer or fall approximately two years ago, near the Orekhovo-Suevo train station,” she began. “He approached me and asked, ‘young girl, do you want company?’ I told him ‘no,’ but he started to follow me, and eventually walked me home.” Before they could part ways, he asked her if she wanted to go on a walk around the neighborhood. She agreed. “I began seeing him after that.” The two became inseparable. Zhaliialova began to spend

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<sup>99</sup> TsGAMO, f. 7335, op. 1, d. 6935, l. 68-68ob.

<sup>100</sup> TsGAMO, f. 7335, op. 1, d. XX, ll. 27-28ob.

<sup>101</sup> TsGAMO, f. 7335, op. 1, d. XX, l. 55ob.

<sup>102</sup> TsGAMO, f. 7335, op. 1, d. 4977, l. 154ob.

most nights at his home, which he shared with his mother. “Around February 1979 we started talking about getting married after he proposed that we move in together,” she remembered. She had no complaints about Iakutin’s behavior, and in general, had nothing but good things to say about him as a romantic partner. She spoke highly of his dedication to his job at a local paper factory, celebrated the fact that “he rarely ever drank,” and praised him for treating his mother well. “He never had any money,” Zhalialova remembered, “and when he did, he gave it all to his mother.”<sup>103</sup> Luckily for Zhalialova, their fairytale would not end. Prosecutors came to the conclusion that Iakutin did not instigate the triple-homicide, that his friend Iurii Kupriianov organized and executed the crime and should shoulder the majority of the criminal responsibility. In the summer of 1979, a judge sentenced Kupriianov to death, and Iakutin to twenty years in prison.

Despite what their participation in criminal investigations might suggest, women who collaborated with the authorities continued to face risks both large and small when divulging intimate details about their home and sexual lives. The cult of domesticity that pervaded postwar Soviet Russian culture witnessed a resurgence in conservative gender norms that first gained expression during the mid-1930s. Pressure from both the Soviet state and society more broadly encouraged women to embrace their traditional roles as wives, mothers, and caretakers, all while promoting an ethos of masculinity centered around work, athletics, and military service. Adhering to gender roles was said to create a peaceful, happy, and stable home. Conversely, when problems arose in the home, all eyes turned to the parents, to see whether one or both strayed from their assigned roles. More often than not, most suspicion fell on the woman, her deviance interpreted both as a threat to domestic stability and the cause of domestic, and even her husband’s, violence.

Viktor Frolov confessed to murdering and raping nineteen year old Vera Pikaeva in 1979.<sup>104</sup> News of his arrest shocked his wife, who never noticed anything unusual about her husband’s behavior and would never guess that her husband could be capable of committing such a crime. When she was called in to speak to investigators about her husband’s alleged rape-homicide, she was likely caught off guard when she found her own behavior at the center of the investigator’s line of question “Tell me, Kuz’mina, did you engage in sexual intercourse with your husband on 22 February after he returned from work?” asked Kuz’mina’s interrogator. Stunned, Kuz’mina replied in the negative. “No, the night of 22 February I did not engage in sexual intercourse with my husband, due to factors related to my husband’s physical state.” But the investigator pushed. “Tell me, when is the last time that you engaged in sexual intercourse with your husband?,” to which Kuz’mina replied, “I do not remember exactly, but probably the last time we had sexual intercourse took place approximately five days ago, on the 16<sup>th</sup> or 17<sup>th</sup> of February 1969.” Why the investigators deemed Kuz’mina’s sexual history relevant for trying a case against her husband’s alleged rape was unclear. There is reason to believe that the authorities suspected that her husband may have resorted to sexual coercing another woman because he was sexually unsatisfied at home. Women who came forth to serve as witnesses risked having the most intimate aspects of their lives scrutinized without warning and even, as in Kuz’mina’s case, implicating themselves in the crime in question.<sup>105</sup>

The investigator’s hostility was not lost on Kuz’mina, who, in the days leading up to her husband’s trial, submitted a request to the court asking to be excused from serving as a witness, in person, in court. Why, exactly, she decided not to participate she did not explicitly say. Perhaps she preferred not to be associated with her husband, out of fear of being accused of being complicit, directly or indirectly, in his crime, as the investigator’s questions seemed to suggest. But another

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<sup>103</sup> TsGAMO, f. 7335, op. 1, d. 4977, ll. 162-163.

<sup>104</sup> TsGAMO, f. 7335, op. 1, d. 1905, ll. 35-37ob.

<sup>105</sup> TsGAMO, f. 7335, op. 1, d. 1905, l. 6-7

letter submitted to the court by Kuz'mina's father offers some clues into her about-face. In the letter, Kuz'mina's father took a firm stance to defend his daughter:

On my part, I ask that you, Chairman of the Court, honor my daughter's request and recuse her from participating in the court case that pertains to her husband, Frolov, V.P. She is a young *Komsomolka*, a good student, and has been a good worker for the past three years...After [her husband] committed his crime, [my daughter] was forced to move, leave her job, and enroll in another school. Tat'iana's mother is currently seeking medical treatment as a result of her agony. Tatiana does not want to be involved with anything having to do with her murderer husband, and in general, she has nothing more to say than what has already been said. She has been called to serve as a witness when the case goes to trial, which means that she will have to miss work, and that may cause her trouble with her employer. This is unacceptable, so I must ask you to grant her her request, give him a fair trial according to all of the laws provided by Soviet legislation, and give him the death penalty."<sup>106</sup>

What Kuz'mina's father's letter demonstrates is that testifying in court - for his daughter and for women like her - had the potential to jeopardize a woman's own claims to innocence, impinge on her privacy, and bring shame both to her family and to her. Evidence suggests that the Soviet state was cognizant of the damage that serving as a witness in cases involving sexual violence could cause. Unlike other types of criminal cases, those involving extreme forms of sexual assault, like rape, rape of a minor, and rape-homicide were tried in closed, as opposed to open, courtrooms. Judges prohibited spectators and members of the Soviet media from attending these trials, and documents pertaining to the cases remain difficult to access to this day. Regulations like these were designed to protect the privacy of both the victims and their families, but they operated from the assumption that speaking about a woman's body and sexuality could be a source of embarrassment for the woman. Rules created to protect women from public shame ultimately contributed to and perpetuated stigmas about Soviet women's sexual agency (even when that sexual agency was not consensual or something that women, like Kuz'mina, felt uncomfortable sharing) and kept members of the general public in the dark about the ubiquity of domestic and sexual violence across Soviet society.

The cases above demonstrate how women's unique insights into both their own affective lives and the affective lives of others became important sources of knowledge for criminal investigator to tap into when compiling a criminal case file. Unlike their male counterparts, Soviet women occupied and developed authority of not one but two social spheres: the workplace and the home. As a result, Soviet women were uniquely capable of providing criminal investigators with information that not even the most talented forensic expert could produce. As friends and coworkers, they became receptacles of intimate knowledge about their girlfriends' abusive home lives. As wives, they could speak about their husband's abusive past. As former or current romantic partners, they could incriminate their partners by highlighting aggressive and violent behavior, or defend them by portraying them as kind, generous, ideal lovers. By offering insights into an individual's history of private behavior, women provided investigators with critical knowledge of a person's past, present, and future behavior. Oftentimes, and perhaps unbeknownst to them, women

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<sup>106</sup> TsGAMO, f. 7335, op. 1, d. 1905, ll. 172-1720b, emphasis original.

provided information that transformed a crime from manslaughter to first-degree murder. What motivated so many of the women mentioned above was a general sense that the delinquent men in their lives and those of their girlfriends, neighbors, and co-workers, brought them a life of misery, abuse, and general unhappiness.

In addition to speaking to the special place that Soviet women came to occupy within the investigator process, these cases speak to the depth of Soviet women's social, legal, and civic engagement in the post-Stalin period. Spread too thin between their many responsibilities as workers and masters of the home, Soviet women nevertheless found time to form relationships with fellow women at work, within their community, and through their extended families. These bonds imbued ordinary spaces like the workplace and the home with meaning, as they transformed into places where women created friendships, engaged in laughter, and commiserated, experiences that distinguished them from their male counterparts and gave them a certain level of advantage in terms of the knowledge they gained concerning the private lives of others. But perhaps the biggest takeaway from these stories lies in the critical stance that Soviet women took when observing and commenting on the gender norms that, by the Khrushchev and Brezhnev years, began to ossify in ways that disadvantaged, if not directly threatened, their wellbeing and that of other women. As these anecdotes reveal, violence towards women had become, if not a common experience within Soviet society, then one that women recognized and developed a vocabulary for processing and understanding it. The more exposed they became to that violence, the more they equated a person's tendency to act violence towards women as evidence of their capacity to cause harm - to women and men alike - on an even greater scale. Far from complacent, women - both those who witnessed or heard about domestic and man-on-woman violence taking place in their communities and victims themselves - turned to the state to seek redress for themselves and for others from male abuse.

#### *From Survivors to Witnesses*

Aleksandra Ishakova and her friend were heading home from work early in the evening of October 4, 1958 when they came across something strange: a young woman slumped over on a bench in front of the entrance to the Malino train station, slightly more than 100 kilometers outside of Moscow. When Ishakova walked over to see if the woman needed help, she discovered that her entire face was beaten up, and her clothing, especially around her chest, was torn up and covered in blood. Ishakova remembered asking the woman what had happened to her, and she told them that "an unknown criminal had raped her, stabbed her in the chest with a knife, and that she was now going to die." The two women helped her put on her clothes ("she was completely barefoot," Ishakova remembered), and escorted her to the station, where they all took the *elektrichka* to the nearest town, where an ambulance met them and drove them to a nearby hospital. On the *elektrichka*, the woman, whose name was Zinaida Tsar'kova, explained to the women exactly how the attack took place:

Tsar'kova told me that she was walking towards the station when a man came up. He said something to her, but what should could not remember. All she could remember doing was running away. He caught up to her and started to wrestle her to the ground, and once she started to resist him, he stabbed her three times and raped her. She was in a very bad state, and he himself said that he's worried that she might die, which is why he dragged her to the road and left her



[for someone to find]...The man was tall, looked 27-30 years old, wore a dark blue hat and a dark blue coat, with rubber boots.<sup>107</sup>

As investigators would later discover, the incident involving Tsar'kova was far from an isolated one. Indeed, news of a man conducting a rape spree had spread among local women in those early October days, a fact that investigators would learn in the weeks that followed Tsar'kova's attack. Another woman, Nadezhda Antropova, came forward a couple of days later to tell the investigators

about an incident that she had witnessed the same day that Tsark'ova was assaulted:

On October 4, 1958, around two o'clock in the afternoon, I, along with my friend Zoia, were walking home from the station Malino in the village of Savelka. About halfway to our house, we came across Ol'ga Kukuza, who was walking towards Malino. We said hi to one another and continued onward, in her path. In approximately 3-4 meters, we saw a man that we had never seen before, of a medium height, with broad shoulders, a full, round ace, wearing a dark blue hat, a dark blue coat and rubber boots. I have never seen this man before; he certainly did not live in our village, Savelka. I do not know where he was heading, and I didn't think much of it. But today I learned that this man stopped the woman who I met on my way from the train station and tried to rape her in the nearby forest. My sister Klava was the one who told me. I can't offer anymore information related to the case, except that, when we parted ways with Ol'ga Kukuza [that evening], and walked around 500 meters, we heard a scream, though to be honest it was quite muted and therefore I can't say for sure who it came from.<sup>108</sup>

Another woman endured a similar experience. She was riding her bike when she ran into an unfamiliar looking man on the street. "The next day, after talking with my neighbors, I learned that the unfamiliar man that I passed on my bicycle around 8 o'clock pm tried to rape a woman from our neighborhood, one Galina Barsukova, but Barsukova managed to free herself from him and run away."<sup>109</sup> Later that day, Barsukova alerted police of the incident in the following note:

At five o'clock at night this evening, an unknown person approached me on the street, stole my personal documents, and attempted to rape me. I ask you to take steps to find this criminal, to return the documents stolen from me, and to bring him to justice.<sup>110</sup>

Reports of a woman being murdered by an unknown man led police to arrest one Iurii Zakharkin who met the descriptions that the women rape survivors gave in their testimonies. During his trial, each of his former victims took to the stand to testify about their experiences. One by one, the

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<sup>107</sup> TsGAMO, f. 7335, op. 1, d. 9027, l. 5-6.

<sup>108</sup> TsGAMO, f. 7335, op. 1, d. 9027, l. 7-8.

<sup>109</sup> TsGAMO, f. 7335, op. 1, d. 9027, l. 24.

<sup>110</sup> TsGAMO, f. 7335, op. 1, d. 9027, l. 51.

women described their encounters with Zakharkin, explaining what happened when Zakharkin raped or tried to rape them and how they escaped him.

As the testimony above indicates, women who had endured abuse from men in the past came forward to occupy a special type of role: that of the survivor. Unlike ordinary witnesses, whose knowledge of a man's past crimes was limited to second-hand accounts, occasional anecdotes, and sometimes rumor alone, women survivors spoke on the basis of first-hand experience, bolstering the legitimacy of their testimonies. By weaving a victim narrative of their own, they perceived themselves and were perceived by others as possessing the authority to offer unrivaled insights about a perpetrator's character and behavior. Investigators, prosecutors, and judges reserved a special place in the investigation process and the witness stand for survivors, some of whom had no direct ties to the crime under investigation.

The case of Viacheslav Morozov, a man put on trial for allegedly murdering his young daughter-in-law, offers a window into the privileged role that survivor-witnesses occupied within the death penalty process. Morozov spent the morning of November 29, 1976 drinking at a local canteen before making his way to his estrange wife Tat'iana's house. When he arrived, he discovered that Tat'iana had left for work, and only Sveta, Tat'iana daughter and Morozov's step-daughter, was home. What happened next was captured in the testimony that Morozov himself gave to investigators in the days that followed:

I started to beg for her forgiveness. Sveta was lying on her bed. I do not know why but I started to suffocate her, gripping my arms around her neck. Somehow, she wrestled me and fell on the ground. I then grabbed a sharp file out of my pocket and began to stab Sveta - where I stabbed her and how many times I do not remember. I then got up, walked into the bathroom, and washed my hands, because they were covered in blood.<sup>111</sup>

After leaving his wife's home, Morozov proceeded to walk to his wife's place of work. When he arrived, he found his wife an, according to the prosecutor's account of the events, "Viacheslav started talking to her, asking for her forgiveness and to let him move back in with her. She refused, and then he told her that he killed her daughter Sveta. She started screaming, and then he began stabbing her with a file in an attempt to blind her."<sup>112</sup> Morozova eventually managed to fight off and escape her husband's grip. Police officers arrived shortly thereafter and escorted Morozov off the premise.

In the testimony that Morozova gave shortly after the incident took place, she explained to investigators that her husband's actions were not unexpected or out of character. "My husband began to drink and beat me in 1969," Morozova admitted during her court testimony.<sup>113</sup> She reminded her investigators of a complaint that she submitted to the police in June 1971 - a little more than a year before her daughter's murder - notifying them of her husband's behavior and requesting that they do something to stop it. "I ask you to take whatever measures you can to discipline my husband," she wrote in the letter. "Today he hit me in the face, threatened to kill me, and twisted my arm. I managed to run away from him to my neighbor's house, who bandaged my wounds before I went to the police."<sup>114</sup>

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<sup>111</sup> TsGAMO, f. 7335, op. 1, d. 1808, l. 20.

<sup>112</sup> TsGAMO, f. 7335, op. 1, d. 1808, l. 171.

<sup>113</sup> TsGAMO, f. 7335, op. 1, d. 1808, l. 227ob.

<sup>114</sup> TsGAMO, f. 7335, op. 1, d. 1808, l. 71.

The incident also left a significant impression on Morozova's co-workers, especially her female ones, who, in the weeks and months leading up to Morozov's criminal trial, came forth as witnesses in the case. One of Morozova's co-workers, a woman named Liubov' Emel'ianova who witnessed Morozov's abuse first hand, corroborated Morozova's account, telling the authorities that "I do not have anything good to say about Morozov, he drank a lot, and behaved like a hooligan at work."<sup>115</sup> A memorandum sent to the local prosecutor from the investigators assigned to case suggests that both women's testimonies, and especially Morozova's, were taken seriously by the authorities. "The victim, one T.Ia. Morozova, testified that her former husband Viacheslav treated Svetlana poorly, abused her, insulted both her and Svetlana...[She] testified that Viacheslev always treated his daughter Sveta poorly, and has told her in the past that he one day planned to kill her."<sup>116</sup> Morozov's behavior the day of Sveta's death was no isolated incident, but a premeditated plan that his wife's survivor testimony could confirm.

Not all survivors were treated equally. Indeed, some women who fashioned themselves as survivors discovered that not everybody would find their claims to victimhood convincing and legitimate, especially when they conflicted with another party's own claims to victimhood. Aleksandra Nesterova learned this lesson the hard way. In 1962, Nesterova was called to testify to a team of investigators assigned to a criminal case involving Nesterova's husband, Mikhail Nesterov. In December of that year, police arrested Nesterov for allegedly murdering his neighbor, a young woman named Zoia Smelova. He had been drinking the night of Smelova's murder. According to his wife, that sort of behavior was not unusual. "When he's drunk," Nesterova explained, "he...misbehaves and argues with [our neighbors]." But how Nesterov treated his neighbors paled in comparison to how he treated his own wife. "The whole time we have lived together, my husband has made a mess of our home life." She proceeded to tell investigators about Nesterov's heavy drinking, his hooligan-like behavior (*kebuliganstvoval*), and physical abuse. "When he gets drunk, he beats me. On several occasions, I had to spend the night at my mother's home because my husband threatened to kill me. One time, he even took out his hunting rifle and fired a shot at me. That was 4 or 5 years ago. My husband was drunk at the time. He had been arguing with me all day, and finally, out of nowhere decided to shoot me. He would often beat me without any reason, but I never reported his behavior, and in fact, when other people tried to report his behavior to the police. I would do everything I could so that he would not be taken into custody" out of fear that her husband might punish her for notifying the authorities.<sup>117</sup> —Nesterova thus faced a dilemma common among victims of domestic abuse: what do you do when doing something to put an end to a partner's violent behavior might result in more, not less, violence?

Nesterova faced this dilemma directly the night of Zoia Smelova's murder. In the witness testimony she gave the following day, Nesterova gave the investigators the following run-down of the events that transpired the night before:

"My husband came home, and I saw that he was very drunk. He started to bother me, insult me, curse at me. I got scared, so I walked over to [my neighbor Nina's] apartment...Before I left I locked my husband on our apartment. Around ten o'clock at night I asked Nina's husband if he could stop by my house and check to see what my husband was up to. I realized then that one of our neighbors had opened the door for him, and that he had gone out for another

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<sup>115</sup> TsGAMO, f. 7335, op. 1, d. 1808, ll. 31-31ob.

<sup>116</sup> TsGAMO, f. 7335, op. 1, d. 1808, l. 174-175.

<sup>117</sup> TsGAMO f. 7335, op. 1, d. 11531, ll. 7ob-8ob.

round of vodka drinking...I went over to my neighbor's home to discuss problems that we've been having with the electricity in our building. We were talking for a while...As we were talking I heard a shot fire...that seemed to come from our apartment...I bolted into our apartment...and saw that my husband was standing in the kitchen, holding in his hands a 16 caliber hunting rifle. I then heard a woman, Zoia Smelova, scream "Help!" ("I thought that my husband had shot her...I then ran into the street. I called for a girlfriend of mine from the street, and we both went to the police station to tell the police what happened."<sup>118</sup>

Too frightened to intervene in a situation that would have in all likelihood resulted in her own death, Nesterova chose to remove herself from it entirely. While some people might have sympathized with a woman fleeing from her armed, volatile, and abusive husband, others did not. In a letter submitted to the court where Nesterov was being tried, Zoia Smelova's parents drew the judge's attention to Nesterova's actions the day of their daughter's murder, actions that they framed as unheroic at best and criminal at worst. "We, the parents of the deceased citizen Smelova Z.M., ask YOU to arrest the wife of the criminal Nesterov," the letter began. "We believe that she is a direct accomplice in our daughter's murder. Right when the murder was taking place, Nesterova was with [her friend] in the same building...When Nesterova opened the door to her apartment and saw a loaded gun in the room ...she proceeded to run away, and at that moment, gunshots were fired. Nesterova then proceeded to yell 'he killed Zoia!' and made a mad dash down the stairs, all while continuing to scream 'He killed Zoia!' We, the parents of Zoia Smelova, believe that this account provides enough evidence to arrest Nesterova for Zoia's murder."

Although Nesterova had good reason to protect herself from her husband's wrath, even at her neighbor Smelova's expense, her claims to being a survivor - as much a victim of her husband's violent behavior as Smelova - her claims to victimhood were not compelling enough in the eyes of Smelova's parents, who interpreted Nesterova's victim narrative as a challenge to the one they weaved on their daughter's behalf.

One kind of testimony that nobody would ever think of challenging was that which came from young children who had suffered abuse or came close to suffering abuse in the hands of accused men. While some women like Aleksandra Nesterova had to present investigators and the court with evidence of their suffering, children, and especially young girls, shouldered no such burden. Nobody called a children's inherent innocence - and attempts to steal their innocence - into doubt, and few questioned their motives for testifying or challenged the veracity of their testimony. As a result, child survivors testified from a position of significant power, oftentimes altering the course of an investigation towards a more punitive outcome.

Ivan Zamiatin might have not been sentenced to death had investigators neglected to interview a group of young girls who knew the victim of a grisly murder that shook the small city of Volokolamsk in 1970. That fall, police discovered the bludgeoned body of a young girl named Valentina Kozlova in Zamiatin's basement. Police immediately identified Zamiatin as a primary suspect and sent him to their headquarters for criminal processing. Over the next few weeks, investigators interviewed many witnesses, including Valentina's parents, Zamiatin's relatives, and people in the community who knew Zamiatin and the Kozlovs. But not until they stumbled upon a

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<sup>118</sup> TsGAMO f. 7335, op. 1, d. 11531, ll. 7ob-8ob.

trio of witnesses, three ten-year old girls from the same second-grade class, did investigators piece together Ivan's relevant backstory.<sup>119</sup>

"I know Ivan Zamiatin, and I can say that he often approached us girls," Ekaterina Ivanova, one of the girls interview, told investigators. "This past summer, around the end of August, Zamiatin was riding a bicycle. I was walking in the street with my [three of my friends]. Zamiatin was drunk. He followed us and yelled at [Valentina], 'Valentina, come here. I want to treat you to some tomatoes.' Valentina responded by saying, 'I do not want any tomatoes, Mr. Vaniiia.'" She described other instances of Zamiatin making unsolicited advances towards her friends and her, one involving him approaching them offering to treat them with apples, another of him joining them as they played under a tree.<sup>120</sup>

Another girl, Irina Makarova, corroborated Ivanova's testimony and added anecdotes of her own:

I knew Zamiatin. He lives in our village. I saw him often, he usually bikes to and from work. I have to say, that Valiia had a habit of calling Zamiatin an idiot (*durachok*). I personally think he heard her calling him that, but he never did anything about it, and never got mad." Of all the girls questioned, Irina was Valia's closest friend. "I knew Valia Kozlova very well. She and I were friends. She was a good friend, we never fought. We were in the same class together, and we walked to school together almost every day. We played together after school, and spent vacations together." The two were spending time together hours before Valia died. "The next time I heard about her was when I learned that her dead body was found in Zamiatin's basement."<sup>121</sup>

Mothers to children like Ivanova and Makarova, who came into close contact with perpetrators or suffered a severe or mild form of abuse themselves, cited their children's experiences in their own testimonies as reason for the court to seek the death penalty. The 1985 case of one Anatolii Proshliakov, saw a group of mothers volunteer their children as witnesses in order to persuade the court to sentence the accused to the highest form of punishment. Police arrested Proshliakov in the summer of 1985 for allegedly sexually abusing and murdering a young girl named Tat'iana Vasina. After news spread about Vasina's death, five separate girls, each one escorted by their mother, arrived the the police station to speak to investigators about their own experience with Proshliakov. Many of them had suffered abuse similar to what Vasina had endured. One girl testified that in July or August 1982, Proshliakov invited her over to his house to enjoy some food that he had prepared. When she finished eating, he proceeded to "commit disgusting acts" (*soverchat' razvratnye deistviia*). She told her parents what happened, but they chose not to notify the authorities.<sup>122</sup> Three more girls testified that they, too, had been lured into Proshliakov's home several times over the course of the preceding year. Upon arriving, Proshliakov would take off their clothes and proceed to rape them several times. The girls' mothers confirmed their daughters' accounts to the investigators, testifying that what their daughters said was, indeed, true. For good measure, the girls were sent to a local hospital to be examined for evidence of rape. According to the forensic report submitted after they were discharged, "the forensic-medical experts' conclusions objectively confirm the victims' testimonies."<sup>123</sup> When sentencing Proshliakov to death, the judge who presided over the case

<sup>119</sup> TsGAMO, f. 7335, op. 1, d. 685, ll. 20-20ob.

<sup>120</sup> TsGAMO, f. 7335, op. 1, d. 685, ll.??

<sup>121</sup> TsGAMO, f. 7335, op. 1, d. 685, ll. 120-120b.

<sup>122</sup> t. 5, l. 400-401.

<sup>123</sup> t. 5, l. 400-401.

explicitly cited the young girls who had survived Proshliakov's abuse and lived to tell the tale. "From July 1982 until May 23, 1985," the judge noted in the verdict, "the accused Proshliakov lured young girls between the ages of 7-12 years old to his room for the purpose of committing vulgar acts with them."<sup>124</sup>

As the judge's verdict suggests, people who survived physical or sexual abuse in the hands of a perpetrator commanded tremendous authority in the courtroom. Whether the witness was women who had been abused or raped, or a child who had engaged unwillingly and unknowingly in a non-consensual sexual or non-sexual relationship with a man standing trial, survivors offered authentic and, in most cases, compelling testimony that prosecutors and judges alike actively solicited. Given the conservative nature of postwar Soviet society, testimony from the witnesses in particular was bound to draw the public's ire and sway a judge's decision towards the punitive. First-hand accounts of women (married and single) being sexually violated in public and innocent children being lured into a stranger's home and raped no doubt jolted the needle of a court's moral compass in profound and consequential ways. To demonstrate their commitment to protecting the women in their communities, these judges often sought the most severe sentencing options. In the cases analyzed above, that option was the death penalty. The Khrushchev and Brezhnev years thus witnessed a period of intense collaboration between Soviet women and Soviet judicial officials, working hand in hand towards what appeared to be a shared goal: that of protecting Soviet women and girls, and punishing those who hurt them.

In order for the collaboration to work, Soviet women needed to exist as a cohesive group. That is, they needed to - and did - speak to Soviet judicial officials as *women*, first and foremost. After all, their authority stemmed from their special status as holders of affective knowledge, which itself stemmed from the diverse roles that women came to enjoy within the public sphere after 1953. Women often occupied two identities at once, whether they were mothers and breadwinners, caregivers and party members, consumers and workers. In other words, they occupied both traditionally female *and* traditionally male spaces: the home *and* the office, the child's bedroom *and* the party meeting, commercial spaces *and* industrial spaces. In the process, they formed intimate relationships with other women, which gave them access to the intimate and private lives of others. These relationships, in turn, bestowed upon them a specific knowledge set that lent their witness testimonies a degree of affective richness that few of their male counterparts possessed.

Over time, however, Soviet women ceased to exist as a cohesive unit, or at least they ceased to represent themselves as such in the discourse they employed when speaking to the Soviet state. Beginning in the late 1970s and continuing into the 1980s and 90s, their testimonies ceased to offer the same rich, in-depth, highly personal level of affective knowledge that they did during the 1950s and 60s. In many cases, women ceased to offer affective knowledge of any sort, developing a preference for the objective and forensic instead. What women spoke about changed, as well. They came to the defense of women less frequently, casting judgment on some and harboring distrust towards others. The authorities began to show signs of distrust as well, questioning the veracity of women's testimonies, and using those testimonies to incriminate other women. Women continued to volunteer information about other women and men, about episodes of violence both private and public. But when they did, they did so as witnesses whose authority rested not in their status as women, but in their status as citizens.

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Vera Burova had always been a sound sleeper. She lived alone, not far away from her elderly parents Ivan Burov and Varvara Burova. Ivan Burov was seventy-two years old. He served in the Great Patriotic War, and received several medals for his war service. Varvara Burova served in

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<sup>124</sup> AMOS, "Nariad prigovorov, 1986," l. 254.

the City Council. She, too, was the proud recipient of several medals celebrating her labor contributions to the war effort. Vera Burova visited her parents often, cooking meals for them and cleaning their house. They lived peacefully until April 8, 1989, a day that Vera Burova would remember as the day when her world - and including her sleep - would turn upside down. "I'm afraid to close my eyes," she would remember, because when I do, memories of the bloody horror that I experienced that day come back to me, and I worry that I those memories will make me go crazy."<sup>125</sup>

Burova's memories stemmed from a violent incident that took place in her parent's home. That summer day, M.Iu. Kozlov, a man none of the Burovs had ever heard of, broke into the Kozlovs' home and attempted to rob them of their valuables. When he entered, he found that the elderly couple and their caretaker daughter were all home. Violence quickly ensued. According to the statement that Burova gave to investigators in the days after the break-in, when Kozlov began to attack her parents, they began to scream. "When my parents began to scream for help, I ran into the room, and saw M.Iu. Kozlov standing there. He attacked me, began to beat me with a stick, tried to suffocate me, stabbed my parents and me with a knife, brutally stabbed me with a fork, and did everything he could to kill us." Kozlov eventually relented, but only after leaving the elderly couple dead. In all likelihood he assumed that he had killed Vera Burova, as well, as she lay on the floor unconscious, her body covered in wounds. She would eventually recover, but only after five days spent in a coma and twenty-two days under intensive care at a local hospital.<sup>126</sup>

From Burova's vantage point, the case against her parents' assailant was a simple one. Having seen Kozlov murder her parents and attempt to murder her, as well, she had no doubt in her mind that he was guilty and deserved the death sentence to which he was eventually sentenced. She was therefore surprised when she learned that the court, upon receiving appeals from both Kozlov and his lawyer, was considering commuting his sentence to a long-term prison sentence. In his appeal, the lawyer argued that his client's crime lacked the premeditation it needed in order to qualify for the death penalty. Kozlov, he wrote, only planned to commit theft, and had no intention of killing anyone. "The circumstances of the case are insufficient in establishing that the perpetrator's actions constituted 'special cruelty. According to the defendant, he did not enter the Burovs's home with the purpose of torturing them or to cause them suffering." According to the lawyer, the murders Kozlov committed were the product of fear and spontaneity, not a well thought-out plan plotted in advance. Though he acknowledged the extent of Burova's "many bodily injuries" (*mnogobestvennye telesnye povrezhdeniia*), he rejected the court's interpretation of those wounds as grounds for seeking the death penalty for his client.<sup>127</sup>

Within days of learning of this development, she submitted a letter of her own in which she channeled her status as a survivor into a direct appeal for keeping Kozlov's death sentence in tact. But instead of couching her appeal in gendered terms, Burova spoke using terminology that closely resembled the kind found in a forensic report, one that stressed her objective and medical suffering. "Kozlov M.Iu. murdered my parents in the most heinous way possible," she began. "Driven by greed, he did it in order to enrich himself with the belongings he stole from them." She then turned to the damage he inflicted on her own body. "He left me with many debilitating knife wounds that penetrated my heart, my lungs, my stomach, my intestines, my face, and many other areas. These injuries are evidence of premeditation, and show that he clearly plotted to murder me."<sup>128</sup> She ended

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<sup>125</sup> AMOS, d. 2-7/80, t. 5, ll. 296-297.

<sup>126</sup> AMOS, d. 2-7/80, t. 5, ll. 296-297.

<sup>127</sup> AMOS, d. 2-7/80, t. 5, ll. 294.

<sup>128</sup> AMOS, d. 2-7/80, t. 5, ll. 296-297.

her letter by appealing to the course to “keep the fair and just sentence as it is, in the name of humanity.”<sup>129</sup>

Such explicit imagery was designed to do more than inspire shock. It was supposed to draw her readers’ attention to the material and, by extension, the indisputable: the wounds and lacerations, the residual pain and scars that Kozlov intentionally left on her gender-neutral body. Rather than perform gender, Burova behaved like a forensic scientist would in front of a cadaver, surveying each and every blemish to determine what it said it about the cause of death. Rather than couch her appeal in gendered language - stressing, say, her parents’ kindness and her innocence - Burova spoke to the authorities not as a woman, but as would a forensic specialist whose conclusions rested only on her observational findings; in Burova’s case, the knife wounds inflicted on her face, lungs, stomach, intestines, and heart.

Witness encounters with the ravaged bodies of victims represent one example of how women began to abandon gendered posturing during the period that corresponds roughly with late socialism, Perestroika, and the eve of the Soviet Union’s collapse. To see with their own eyes what a man’s violent behavior did to a young woman’s body left an impression that, for many women, seemed more visceral, more worthy of legal standing than any knowledge that they may have had of the accused’s past infractions. For these women, it mattered little what a man might have done to his wife, his daughter, and random women on the street. What mattered most was the fatal damage inflicted on either their own body or the lifeless body that lied before them, evidence that, from these witnesses’ points of view, represented an indisputable truth.

Gender did continue to shape the testimony that a subset of women witnesses provided to authorities litigating death-penalty eligible crimes, but it did so subtly, and often supplemented other, more objective forms of evidence. The 1990 case of Aleksandr Filatov produced one example of this kind of testimony. On June 19, 1990, investigators interviewed Liudmila Borontova, the godmother (*krestnaia mat'*) of Natasha Prokhorova, one of Filatov’s slain victims. Over the course of her thirty-five minute testimony, Borontova did everything she could to impress upon the court the suffering that the young girl’s parents endured in the immediate aftermath of their young daughter’s death. She asked her interlocutor to imagine what it would be like “to drive to the morgue, only to see [your] dead daughter, lying in front of [you].” She recounted what Natasha’s mother had to go through when she first received word that the body of a girl who looked approximately the same age as her own daughter had arrived at the morgue. “Her mother could not garner the energy [to make the trip the morgue], and worried what seeing such a horror (*zrelishcha*) would do to her health,” Borontova explained. Borontova felt that she, as the girl’s godmother, had no choice but to go to the morgue on the parents’ behalf. “I knew Natasha well and could recognize her by her clothing,” Borontova recounted. Based on her appearance, along with her physique - really, I know her as well as I know my own child. That is why at the morgue, I was able to state with complete certainty that the body there belonged to Natasha Prokhorova.”<sup>130</sup>

Borontova’s used gender to shape her witness testimony in two ways. First, she framed herself not as an ordinary witness, but as a “godmother.” As a godmother, she, quite literally, enjoyed privileged access to the inner lives of the victim’s family: she witnessed their suffering firsthand, knew Natasha as well as she knew her own child, and performed the most sacred and intimate of duties, like identifying the victim’s body at the morgue. Second, Borontova depicted Filatov’s victim not as a faceless, everyday person, but as someone’s daughter, a narrative strategy designed to inspire images of a young schoolgirl, a bride, a mother; a life cut short. To omit these gendered details was to lose the opportunity to manipulate emotionally the investigation and, later, the courts,

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<sup>129</sup> AMOS, d. 2-7/80, t. 5, ll. 296-297.

<sup>130</sup> AMOS, d. 2-213/90, t. 1, ll. 163-164.



into choosing the severest possible sentence for her goddaughter's assailant. Like women who came before her, Borontova used her gender in order to produce the judicial outcome she saw fit. Yet what made her use of gender different was its narrowness. Whereas women in the past invoked gendered tropes in order to speak about abuses inflicted on victims broadly speaking, Borontova spoke of individual victims, specifically, her goddaughter, her goddaughter's parents, and herself. Eager to avenge the deaths of specific female victims rather than vulnerable women in general, witnesses like Borontova embodied the new, much more limited understanding of gender that Soviet women from late socialist and Perestroika era espoused.

Women with close personal ties to the victims of crimes continued to rely on gendered language and themes in order to persuade the authorities to punish perpetrators without mercy. In so doing, they identified themselves as individuals, rather than members of a larger group united by gender and the shared experiences, unspoken agreements, and solidarity that unity entailed. In fact, investigators discovered that women were only reluctantly divulging information about the affective lives of others, so much so that interrogators often had to ask explicitly for them to cooperate.

While investigating the 1989 murder of the Ratnikov family, a husband, wife, and son who lived in the city of Podol'sk, police called in Ekaterina Dmitrievna Savinkova, the mother of Vladimir Savinkov, the main suspect. Savinkov and his mother lived together in the same house, so the investigators had reason to believe that she would be able to share some insights into her son's character and personal life. What she offered them instead was a basic rundown of her son's actions the day of the family's murder: what time he left for work (eight o'clock in the morning) and came home (three o'clock in the afternoon), what he ate (pirogis), and where he slept (at his girlfriend Irina's house). Exasperated, interrogators interrupted Savinkova and asked the question they had been waiting to ask from the start. "Please tell us about Savinkov's relationship with the Ratnikov family," they interjected.<sup>131</sup> Only when provoked did Savinkova reach back into her memory to divulge information about her son's affective life. Offering such information up on her own apparently did not come intuitively to Ekaterina Savinkova.

Other women seemed to genuinely lack the affective knowledge that investigators sought. Whether feigned or genuine, their testimony was void of intimate details of and insights into interpersonal relationships, personal histories, and gendered dynamics that could have helped place a crime in a specific context. Gone, too, were references to the close friendships, neighborly relationships, and bonds with fellow women and men alike that would have generated the affective insights that they once had. Shorn of these qualities, the cases available indicate weakening social bonds, as some family members recorded scant knowledge of each other's lives, an admission that would have been unthinkable some few years earlier.

Spring came early in 1982, the year when police discovered the body of Valentina Volkova in a forest near the city of Egor'evsk, 114 kilometers outside of Moscow. The day was May 21, so her body was not hard to find as it rested conspicuously in a grassy field, the flowers surrounding her too small to hide her body.<sup>132</sup> One of the first people to be interviewed as a witness in the case was one of Volkova's two sisters, Maria. At the time, investigators had no leads, and hoped that the victim's sister might be able to tell them something about Volkova's relationship with her husband, who they identified as a preliminary suspect. Unfortunately for them, Maria said little. "My sister, Valentina Volkova, came over to my home very infrequently, and I rarely ever saw her husband," she told them. They saw each other so infrequently that, according to Maria, "the last time my sister came over my house, we had snow on the ground." Aside from describing her sister as being "very easy to get along with," she admitted that she "[did] not know much about her circle

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<sup>131</sup> AMOS, d. 2-100/89, t. 2, l.13ob

<sup>132</sup> AMOS, d. 2-308/82, t. 1, l. 125., ll. 219-219ob

of friends [and assumed] that most of her friends were people who lived nearby.” She suspected that her sister and her husband “did not live so well together” because “[her husband] likes to drink,” but she could not speak to her sister’s domestic life in any greater detail. “My sister never told me much about it,” Maria concluded.<sup>133</sup>

Stumped, investigators turned their attention to Volkova’s other sister, Olimpiada. To their disappointment, she too, offered few details about her sister’s social life. “We rarely saw each other because neither of us went to our mother’s house very often,” Olimpiada told investigators. “When we did get together, we talked about everyday things (*govorili tol’ko o zbitseiskikh delakh*) but my sister never alerted me to anything serious.” Despite spending most of their conversations discussing household matters, Ivanovna knew little about her sister’s interpersonal relations either inside or outside the home. “I do not know which of my sister’s friends she spent the most time with,” Ivanovna lamented. “In general, she was introverted and, most likely, did not have any friends. In the summer my sister enjoyed going mushroom and berry picking and normally did so alone.” In fact, Ivanovna had her own questions about her sister’s life, ones that she never got around to asking her. Despite receiving a pension, Volkova continued to work, splitting her time between a local factory and a nearby *sovkhos*. “Why, exactly, she continued to work at the factory after she retired and got her pension she never told me,” Ivanovna admitted to her interrogators, who, Ivanovna realized, knew more about her sister than she did. “I did not even know that she spent the month of May working on a *sovkhos*.”<sup>134</sup>

Volkova’s *sovkhos* colleagues knew as little about her life outside of work as did her sisters. Whereas in the past, interrogators could rely on a victim’s or accused’s women colleagues to offer rich insights into their personal life, this trend abated considerably from the late 1970s and onward. The workplace, so it seems, ceased to exist as a from which to draw information for use in a criminal investigation. When it came time to speak to investigators, Aleksandra Dorosheva, a colleague of Volkovna’s, had little to offer. “She never spoke much about her relationships,” she admitted, adding that “Volkova was modest, calm. She did not argue with anyone.” Instead, her knowledge of her fellow *sovkhos* worker was limited to the objective: her comings and going (“She usually walked home from work through the forest [where her body was found],” “she would often be seen rushing to catch the 6:30pm bus”) and her choice of clothing (“I recall her wearing dark blue boots”).<sup>135</sup> In fact, none of the twenty-one co-workers called to testify as witnesses in Volkova’s case could offer any information that could lead the investigators closer to finding a preliminary suspect in the case.<sup>136</sup> Only after an elderly woman, one Antonina Karaseva, came across a blue coat hanging on a fallen tree while taking her granddaughter mushroom picking in a local forest, did police stumble upon their first and only suspect. “Right away, the coat seemed familiar to me,” Karaseva remarked during her interview. “And when I took the time to examine it, I remembered, that Iurii Vedernikov often wore a coat that looked exactly like it.”<sup>137</sup> Seven months later, Vedernikov went on trial after being formally charged with raping and murdering Valentina Volkova, charges which he accepted, but contested on the grounds that he committed both acts without intent. The judge, however, was unconvinced. On January 27, 1983, Vedernikov was sentenced to death and executed thirteen months later. Volkova’s death would be avenged, not by her close family and friends, but as a result of coincidence and a stranger’s intervention.

Even informed witnesses, however, came to be seen as unreliable in the eyes of interrogators. During the late 80s and 90s, a trend emerged, where investigators fact-checked and

<sup>133</sup> AMOS, d. 2-308/82, t. 1, l. 125.

<sup>134</sup> AMOS, d. 2-308/82, t. 1, ll. 130-130ob

<sup>135</sup> AMOS, d. 2-308/82, t. ll. 69-70

<sup>136</sup> AMOS, d. 2-308/82, t. l.62.

<sup>137</sup> AMOS, d. 2-308/82, t. ll. 219-219ob.

challenged women's testimony, oftentimes in trivial ways. Take, for example, the case of one Nikolai Il'in, a man from the city of Shatura who had been arrested in 1991 and accused of sexually assaulting and killing a young boy.<sup>138</sup> Il'ina's wife, once called in for questioning, gave her interlocutors a limited glimpse into their life together: the private apartment these recently moved into, the dog they adopted, the parrot they purchased for their little girl, the scant furniture they owned. Asked to embellish a bit about their relationship, she recalled the following: I can add that Nikolai...treats me very well. Of course he has his moments, when he gets worked up, but he quickly calms down. He treats my daughter well. I think he has a good relationship with my mother. He gives us his entire paycheck and when he needs money, he asks me and I give it to him. The entire time we have lived together, he never brought any friends over, and he himself did not spend too much time away from home, only to take his mother out for a walk."<sup>139</sup> But she spent the vast majority of her testimony chronicling the events of December 20, 1990, the night when the crime was committed: what time she left work (two o'clock in the afternoon), where she went afterwards (to a local worker's club called "Ogonek"), what time she came home (nine o'clock in the evening), and where her husband was when she went to sleep (sitting at their kitchen table). Immediately, her interrogator noticed something alarming. "In your testimony from January 19, 1991 you told us something different about what you did on the evening of 29 December 1990. What explains this discrepancy? What did you do that evening?," the interrogator asked her. Apparently, she had failed to indicate in an earlier interrogation that she had gone to a worker's club with a group of friends the evening when her husband committed the crime. Alarmed by the hostile line of questioning, Nadezhda assured her interrogator that she had forgotten that she was at Ogonek when I was interrogated on January 19, 1991," that she realized her commission almost immediately, and "asked to add this part to my testimony, and even reached out to the investigator to tell him that I want to add and correct my testimony."<sup>140</sup> But the damage had already been done. The interrogation ended shortly thereafter, Il'ina's reliability as a witness now called into question.

Interrogators were not the only ones who harbored distrust towards women beginning in the late 1970s and 80s. Other women cast judgment over other women, citing details from their personal life like immoral behavior as reason to question their fitness as witnesses and even victims. Such was the case of one Zoia Zhdanova, a woman who was murdered by one Nikolai Tserulev in 1977. Zhdanova's husband had been formerly incarcerated, and had met Tserulev while serving time in a labor camp. The two remained friends after their release, and in June 1977, Tserulev decided to pay his old friend a visit at his home in the city of Noginsk, in Moscow oblast'.

On June 11, 1977, Tserulev arrived at the Zhdanov home, and was warmly greeted by Zhdanova. What transpired next was captured in testimony that two of Zoia's neighbors, M.I. Nueva and O.I. Grudkina, gave to the investigators several days later. On June 11, early in the afternoon, Nueva was taking care of household errands when she heard Zhdanova call her name across the fence that separated their homes. The two struck up a conversation, and it was then that Zueva learned "that a person who had served a prison sentence in the same prison as [Zhdanov's] husband was at her house." Zhdanova asked Nueva for some money to give to Tserulev, who wanted money to buy himself a bottle of wine at the local store. According to Zueva, she categorically denied the request, and advised Zhdanova not to give him any money herself and simply to "get him out" (*vyprovodit' ego*). Frightened by the prospect of an intoxicated former criminal lingering next door, Zueva rushed inside her house, only to be interrupted by a knock on the door at around five o'clock in the evening. When she opened it she saw Valerii Zhdanov,

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<sup>138</sup> AMOS, d. 2-187/91, t. 1, l. 87ob.

<sup>139</sup> AMOS, d. 2-187/91, t. 1, l. 47ob.

<sup>140</sup> AMOS, d. 2-187/91, t. 1, ll. 47ob.

Zhdanova's small son, and two other boys. "Zhdanov was crying and said that they killed his mother," Zueva remembered. "Police arrived to the scene shortly thereafter."<sup>141</sup> Another, one O.I. Grudkina, told investigators that Zhdanova had asked her to loan her some money to buy a bottle of wine the day she was killed. Despite refusing her the loan, she saw Zhdanova later that day "standing the the entryway with a man she [Grudkina] had never seen before." "Zhdanova was very intoxicated," Gurdkina told investigators. The unspoken message both Zueva and Grudkina wanted to convey to the authorities was that Zhdanova, despite being a victim of a terrible crime, had endangered her own life and that of her son by willfully and openly engaging in morally questionable behavior.

Women like Zueva were not alone in showing little sympathy and harboring distrust towards women victims. Interrogators themselves began to comb women's testimony for evidence of their own complicity in crimes that had taken place in their own homes. During the 50s, 60s, and 70s, women who served as witnesses risked tarnishing their reputations or being blamed for doing too little to stop a crime for taking place. By the 1980s, their testimony - due in no small part to its forensic nature - came to be used as grounds for being charged with their own involvement in the crime being investigated. For these women, witnessing became a dangerous and loaded act, one that many women would ultimately do their best to avoid.

Take, for example the case against one Sabirzian Mukhametzianov, a man from the city of Mytishchi who was arrested and put on trial for the murder of a couple in 1980. Mukhametzianov had recently separated from his wife, one Vasia Mukhametzianova, but they continued to live in the same house. According to the testimony that his wife gave to the investigators in June 1980, his wife gave investigators some clues into her estranged husband's and her relationship. "In June I went [on vacation] with my son, and my husband promised not to drink when he took us to the station," she recalled. When she returned home early the morning of June 15, she rang door to her house, to no answer. Speaking to interrogators, she explained the following:

I decided to try to crawl through the window, but when I approached the window, I saw bottles of beer lying our sofa-bed. I then saw a dead man lying on the floor. The man was wearing a blue shirt and black underwear. I got scared and ran to call someone. I was afraid that someone killed my ex-husband...I walked inside and put my suitcase and purse on the floor...I then left the room and took my suitcase and purse...I went to go sleep at my daughter-in-law's house....After I slept there that night the next day I learned that my husband killed two people.<sup>142</sup>

Like other women of this era who preferred not to disclose any personal details about themselves or the people at the center of the case, Mukhametzianova held her cards close to her chest. She did not alert the investigators to the fact that her estranged husband "initiated fights at home on several occasions, beat [her], and as a result, forced [her] and young child to leave the house and notify police of his disorderly conduct."<sup>143</sup> Only after speaking to other witnesses and combing through old police reports did these details emerge. Mukhametzianova, apparently, did not feel comfortable admitting to this reality herself.

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<sup>141</sup> TsGAMO, f. 7335, op. 1, d. 5147, ll. 54-55.

<sup>142</sup> TsGAMO, f. 7335, op. 1, d. 5488, t. 1, l. 27.

<sup>143</sup> TsGAMO, f. 7335, op. 1, d. 5488, t. 3, l. 100.

And for good reason, as it turned out. Mukhametzianova's interrogators passed along her witness testimony to the prosecutor assigned to her husband's case. They were alarmed in particular by the fact that she failed to notify the police when she first saw the dead body in her apartment. The prosecutor acted quickly to seek charges against Mukhametzianova, and he succeeded. On February 27, 1981, the judge who presided over the case issued a "Private Decision" (*chastnoe opredilenie*) in which it found Mukhametzianov's wife guilty of indirectly collaborating with her husband in the murder. "The accused Mukhametzianova, after learning on 15 June 1980 that her husband committed a crime, did not notify the police about the occurrence."<sup>144</sup> Suddenly, Mukhametzianova transformed not only into an unreliable witness, but an accomplice to murder. By 1981, testifying as a woman had become a risky act, one that could subject a woman not only to public shame and vituperation, but to criminal prosecution.

To defend loved ones accused of committing crimes so severe that they qualified for the death penalty, women blamed other women for the accused's own actions. In 1990, when her son Aleksandr was arrested under charges of murdering and sexually assaulting two young girls from the city of Kolomna, fifty-three year old Nina Filatova spent a total of fifty-five minutes explaining to investigators what might have led her son to commit such a grisly crime. She acknowledged that he had drinking problem, but attributed it not to his own poor behavior, but to his wife's alleged extramarital affairs and the stress it put on their family life. "I do not know who to blame for the fact that things did not work out for them," Filatova told interrogators. "But I must say, that Nina saw other men (*Nina guliala s drugimi parniami*) when my son was in the army...After my son returned from the army, life at home for him did not turn out well. That is probably what explains the fact that he began to drink more, whereas before he conscripted in the army, he did not drink." According to Filatova, her son never showed signs of any "strange behavior or psychiatric problems" before his wife began seeing other men. "He was an outgoing and happy person," she remembered. "He had a lot of friends. He enjoyed technical pursuits. In school he did well."<sup>145</sup> Filatov's sister Nataliia Kuzeneva, who offered witness testimony as well, remembered her brother in a similar capacity. She described her brother "Sasha" as "a cheerful and friendly person. He always had a lot of friends and grew up to be a decent person." Like her mother, Nataliia "never noticed any strange behavior or mental health issues," and blamed her brother's wife for his alcohol abuse. "As far as I know, Sasha's wife is to blame for his alcohol consumption, not Sasha," she told investigators.<sup>146</sup>

The cases of Nikolai Tserulev and Aleksandr Filatov demonstrate how Soviet women began to turn on other women in order to articulate their own vision of justice. In the past, women - even those, like close relatives and friends who had good reason to defend a loved one from the death penalty - took steps to protect both literally and symbolically other women - and women victims in particular - from dangerous men and an inquisitive court. They understood justice in collective terms. A man who posed a danger to one woman posed a danger to all women, and it was the job of the court system to protect them. Women and children, according to this view, were innocent by default, and could not be blamed for men's criminal behavior. Yet these assumptions ultimately deteriorated. During the 1980s and 90s, women witnesses began to entertain the possibility that not all women could be trusted, and not all women were innocent. Women, like Zoia Zhdanova and Aleksandr Filatov's wife Nina Filatova, had choices that directly impacted how men in their lives treated them and others. By keeping the company of former criminals like Tserulev, Zhdanova, from the point of view of her neighbors, put herself at risk of danger. By choosing to

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<sup>144</sup> TsGAMO, f. 7335, op. 1, d. 5488, t. 3, l. 100.

<sup>145</sup> AMOS, d. 2-213/90, t. 1, ll. 103-104.

<sup>146</sup> AMOS, d. 2-213/90, t. 1, ll. 115-115ob.

have extramarital affairs, Nina Filatova drove her husband first to abuse alcohol and next to commit the crime for which he would ultimately be sentenced to death. Women, in other words, had agency. But that agency came at a price: they ceased to be innocent, untouchable, universally acknowledged and celebrated victims they once were.

### *Conclusion*

Witnessing is a dynamic act. When someone bears witness, they summon a range of faculties - sight, memory, self-expression, self-censorship. According to one Soviet legal theorist writing in 1964, witnesses and their testimony bring the following advantages to the criminal investigation process: "The objective facts (the subject of proof) are reflected in the minds of people, as well as in the form of traces, the state of objects. The actual data are the result of the interaction of objects, actions and other circumstances of the crime on the senses of future witnesses, accused, victims, etc."<sup>147</sup> Unlike Andrei Vyshinskii, who privileged the confession as the most objective form of criminal evidence, authors like this one had faith in the idea that that mind of the witness could furnish the objective data that a criminal investigation needed in order to arrive at the truth. Yet what this theorist failed to anticipate was that witnessing the truth is very different from *conveying* what one witnessed to be true. How someone conveys a personally documented truth varies depending on who is doing the speaking, whom they are speaking to, when they are doing the speaking, and the costs and benefits that speaking bestows upon them. Witnessing, when performed by a person, remains a subjective affair.

This is why the stories highlighted above, of Soviet women testifying in front of the authorities during capital murder investigations and trials, offer such rich insights into issues far removed from the cases about which they testified. Whether the issue was domestic violence, violence towards other women, or child abuse, Soviet women wove their own personal narratives into the stories they told to criminal interrogators, creating a composite of objective and subjective reality for the official court record. Through the legal process, Soviet women found an outlet for airing grievances, reporting violence, and taking steps to prevent future violence. At the same time, and perhaps more importantly, the post-Stalinist court created a space for women to protect, defend, honor, and seek revenge on behalf of their loved ones, neighbors, and co-workers. Despite post-Stalin reformers' attempts to create an objective forensic process, ordinary people - and women especially - continued to view the court system as a place where they could put their affective knowledge to use in the name of justice. And when Soviet women spoke as women, with what was considered women's authority in the emotional, private, and domestic realms, the state listened. At least for a time.

*How* Soviet women testified mattered as much as *what* they testified about. The discourses they used when speaking give us a glimpse into their attitudes towards other women, themselves, and the Soviet state at different moments in time. For several decades following Stalin's death, women conveyed their authority based on their status as *women*. They spoke to the court as mothers, girlfriends, sisters, and guardians broadly defined. Aware of their unique status as holders of affective knowledge, they put their identities as women to use for the purpose of indicting men who committed death penalty eligible crimes at the expense of another woman's or other women's lives. Whether it involved testifying as part of witness and survivor interrogations at a local police precinct or inside the courtroom, Soviet women demonstrated a tacit understanding of their obligation to speak out against injustices taking place in their homes, workplaces, and communities. They

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<sup>147</sup> V. Ia. Dorokhov, "Poniatie dokazatelstv v sovetskom ugolovnom protsesse," *Soviet State and Law*, 1964, No. 9, 108-117.

understood that bearing witness alone would not bring the change and judicial outcomes they wanted to see and help realize. Only by mobilizing the knowledge they gained as women witnesses would they be able to ensure that the Soviet state would make their version of justice become reality.

The shift away from gender as the primary discourse by which women identified themselves and reached out to the Soviet state during the Soviet Union's final decade is striking. Beginning in the late 1970s, Soviet women who testified in court demonstrated a reluctance to serve as representatives of women more broadly. When they spoke to investigators or courtroom audiences, they limited their comments to an increasingly narrow set of people and issues. They perceived the problem that violent men posed to society on an individual rather than a community level, and hesitated to draw conclusions about the impact that violent men had on women other than themselves. Some women explicitly turned their backs on other women who fell victim to male violence, lambasting them for their poor choices and immoral lifestyles. More common were instances where women seemed genuinely ill equipped to comment on other women's personal affairs. The close ties so visible in the testimonies women gave from the Khrushchev period onwards figured less prominently in the statements they provided beginning in the late 1970s and moving into the 1980s, an indication not so much of weaker woman-to-woman bonds, but of a reluctance to meddle in the affairs of others, or to inject intimate details into a judicial process that was becoming increasingly less personal and morally charged.

It may be tempting to lament the passing of an era when women advocated for one another, worked together, and spoke out not just as witnesses, but *women* witnesses. Women, after all, were more often the predominant victims of male violence. The fact that they found a way to have their day in court, either as survivors or deceased victims represented by their kith and kin, speaks to the agency that Soviet women enjoyed in the post-Stalin period, a period often associated with diminishing investment in the original revolutionary goal of gender equality and empowerment. It also speaks to the post-Stalin judiciary's successful push to create mechanisms that could incorporate Soviet women's voices and bring those who inflicted violence against them to justice.

Yet as the cases highlighted above illustrate, the privileges that women witnesses came to enjoy came at a cost. To be heard, women had to lay claims to and then maintain an identity as victims. Only through their suffering could they access the benefits that due process and rule of law promised to provide. In other words, only by tapping into that which defined them as women – their affective knowledge, the multiple roles they played in society, and their intimate proximity to male violence – could women feel certain that they would receive the legal protections to which they felt and, on paper, *were* entitled.

The discourse that emerged in the late socialist period suggests the emergence of a new kind of identity. Women who spoke using the language of forensics, individual justice, and victim-blaming did so because the justice system to which they appealed ceased to be a space that prioritized and trusted women's voices and the suffering of which those voices spoke. Soviet women no longer had to serve as witnesses to violence, to carry the burden of representing the plight of all women, in order to be heard. For male violence – towards women and children alike – to be taken seriously and to be punished with the highest form of punishment that Soviet law could offer, Soviet women no longer had to lean on narratives that depicted them as victims, as people who, by virtue of their victimhood and lower social standing vis-à-vis their male counterparts, had earned the right to be heard. For by 1990, the year when Liudmila Borontova wrote to the court pleading for her goddaughter's assailant to be permanently excised from society, Soviet women no longer need to perform *gender* when addressing the state; instead, they could simply perform *citizenship*.

### Chapter Three: Defense

1955 was a busy year for the Moscow *Oblast'* Bar Association. During a meeting of the Association's Presidium on March 12, 1955, the Chairman of the Presidium spoke at length about the need to heed the government's recent call to "strengthen socialist legality, public law and order, take care to improve of the activities of the courts and prosecutors, whose job it was to defend socialist laws and the protection of citizens' rights."<sup>148</sup> The question that the Association's Presidium and members had to wrestle with was where the country's defense attorneys fit into this system. "Lawyers are obligated to widely promote (*shiroko propagandirovat'*) Soviet laws," the Presidium chair announced during the meeting.<sup>149</sup> But what did that mean in practice? Were defense attorneys supposed to stand on the side of the prosecutors, whose jobs it was to represent the Soviet people and enforce the country's laws? Or did their loyalties lie with their defendant clients, those who broke the law and now found themselves to be the prosecutors' targets?

At the same time as the Bar Association's Presidium struggled to figure out its place within the post-Stalin legal system, its members had to manage their usual caseloads. This was the position in which A.P. Chekunova found herself in November 1955, just weeks after the Bar Association Presidium meeting, as she toiled over the case of Dmitrii Efremov, a thirty-two year man from the city of Podol'sk who had been found guilty and sentenced to death for the murder of his friend, Aleksei Gavrikov. Nearly a year had passed since the Presidium of the Supreme Soviet issued a decree on April 30, 1954 declaring aggravated, premeditated homicide a death penalty eligible crime, and judges union-wide found themselves signing off on death sentences for murder at rates never before seen in the Soviet Union. In 1955 alone, judges sentenced 1,206 people to death,<sup>150</sup> leaving lawyers like Chekunova scrambling to get a hold of their clients' criminal case files prepare for trial, and submit supplementary appeals that could, given the right approach and maybe some good fortune, spare their clients from the executioner's chamber.

At least that was Chekunova's intention the day she sat down to write Efremov's appeal letter on November 20, 1955. Chekunova had gotten to know her client over the course of several weeks, and developed an attachment, however distant, to him. She learned that he had served in the Red Army during the war, and returned from the front wounded and shell-shocked. He returned to his hometown after the war, only to find an unwelcoming reception. His brother Mikhail had gotten married during the war, and upon Efremov's return, Mikhail had become jealous of his brother's

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<sup>148</sup> TsGAMO, f. 7581, op. 1, d. 72, l. 12.

<sup>149</sup> TsGAMO, f. 7581, op. 1, d. 72, l. 13.

<sup>150</sup> GARF, R-9492, op. 6, d. 259, l. 80.



relationship to his wife. Life for Efremov got difficult in short order. In the appeal letter (*kassatsionaiia zhaloba*) that she wrote on her client's behalf after the verdict, Chekunova explained to the judge that her client endured "frequent quarrels, arguments, and even [physical] fights" as a result of his brother's jealousy.<sup>151</sup>



*Dmitri Efremov's identification card. (TsGAMO, f. 7581, op. 1, d. 72, l. 3)*

To make matters worse, Efremov's medical condition began to deteriorate in the weeks leading up to the night when he committed murder. His shell-shock began to manifest itself in more acute ways, forcing him to seek in-patient treatment in a psychoneurological hospital. His wartime service, Chekunova noted, "certainly (*bezuslovno*) had an impact on his psychiatric and mental condition" and, by extension, contributed to his actions the night of the murder:

On November 7, 1954, Mikhail, after one particularly aggressive bender, initiated yet another fight [with Dmitrii], and his wife and other members of the family got involved. Witnesses testified to the fact that Dmitrii Efremov got very beat up, and that he was covered in blood. While in a severely drunken and agitated state and not being fully aware of his actions, Dmitrii ran into the house, grabbed a bayonet and ran out for his brother, who hid at that moment. While standing outside the house, [Dmitrii's friend] Gavrikov made a remark to Efremov, calling him 'hardheaded' (*deliagoi*), which was the straw that broke the camel's back. Efremov, in an agitated state, struck Gavrikov with a bayonet, inflicting a mortal wound.<sup>152</sup>

Because of Efremov's preexisting conditions - his wartime injuries, unhappy living situation, and agitated mental state - Chekunova believed that he, by law and by virtue of her training in Marxist-Leninist theory, was legally eligible for a commuted sentence. "The sentence issued by the Moscow Oblast Court," Chekunova began, "which found Efremov guilty of violating Article 136 of the Criminal Code, and sentenced to death in accordance with the decree of the Presidium of the Supreme Soviet of the USSR from 30 April, 1954, 'On strengthening of criminal liability for

<sup>151</sup> TsGAMO, f. 7581, op. 1, d. 72, l. 13.

<sup>152</sup> TsGAMO, f. 7335, op. 1, d. 6918, ll. 121-122.

intentional homicide,' is incorrect and subject to change." She continued, "Based on these circumstances, it is impossible to recognize (*nel'z'ia priznat'*) that Efremov killed Gavrikov on the basis of hooligan motives. Based on the above, I request that the court change Efremov's sentence, and save his life."

### *The Legal Bar in Russian History*

Like many other legal judicial institutions, the Soviet Bar Association claimed roots in Imperial Russia. The first Russian Bar came into being in 1875 as one part of a two-tiered system of legal professionals which consisted of bar-certified lawyers (*prisiaz'hnyi poverennyi*) and private (*chastnye*) lawyers, who paid an annual fee and registered with their local circuit court to have their credentials reviewed every three years. As Louise McReynolds has shown, Russian lawyers during this early post-reform period did maintain their own professional code of ethics, but their legal culture lacked the traditions that custom and common law had contributed to the development of code-based conduct in England and France. Bar Associations strove to honor and protect the principles of both rule of law and civil rights and disciplined members who violated its professional code of ethics. But as McReynolds had argued, it often fell short of its original goal and "betrayed a hesitancy about both rule of law and civil rights when seeking to enhance its collective reputation, all in the name of an unnamable morality."<sup>153</sup>

1917 witnessed the abolition of the Imperial Bar Association as an institution, but most of its personnel survived and thrived under the new Bolshevik regime. The first revolutionary decree on judicial administration acknowledged the continuing need for legal representation of persons charged with committing crimes, and provided that any citizen of either sex of good character and with full civil rights could act as defense counsel. In 1918, recognition was given to the need for an organized bar (*advokatura*), and the Soviet Union's first federal Bar Association was born.

In 1922, during the period of the NEP, the federal Bar reorganized into "colleges of defenders" (*kollegii advokator*, or the *Advokatura*), which functioned much like private law firms, accepting clients and charging rates on their own volition. During the years of the First Five Year Plan, the Bar reorganized once again in 1939, this time in a more centralized fashion, when the Statute on the *Advokatura* of the U.S.S.R. was passed following the adoption of a new all-union Constitution in 1936. From then on, the *Advokatura* would enjoy a considerable degree of self-government (though many of its activities and decisions could be monitored and vetoed by the Ministry of Justice), but the Soviet government kept its members on permanent retainer, called to action whenever the need arose.

And arise it did. Civil plaintiffs and criminal defendants benefitted enormously from the Soviet state's investment in maintaining a trained and available pool of defense attorneys. The right to counsel in the Soviet Union first appeared on paper in 1920, when the All-Russian Central Executive Committee decreed that if a state or civilian accuser participated in a trial, the accused had an obligatory right to counsel. If the accused lacked the means to find and pay for counsel, the law obligated the court to appoint and subsidize the cost of a lawyer on the accused's behalf. The idea of a right to counsel received a boost with the release of the Criminal Procedural Code of the U.S.S.R. in 1958, which made the right to counsel a statutory, rather than simply a constitutional, guarantee. Articles 19 and 21 of the Code placed the accused's right to defense counsel on par with the right to access their case file and the right to appeal their sentence.

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<sup>153</sup> Louise McReynolds, *Murder Most Russian: True Crime and Punishment in Late Imperial Russia* (Ithaca: Cornell University Press, 2015), 42 and footnote 176.

The post-Stalin landscape represented a new era for Soviet lawyers. They became more elite, professional, and corporatist in nature. Beginning in 1962, the Ministry of Justice tightened the qualifications necessary for becoming a member of the Bar, admitting only Soviet citizens who had a higher education in law and not less than two year's experience in legal work. By 1968, over eighty percent of lawyers working in Russia held degrees from institutions of higher legal learning.

The college of advocates did not merely play an educational role in assisting counsel as they fulfilled their professional responsibility to their client. It has also sought to protect them against interference by the state in the performance of their duties. In their daily work, lawyers confronted "the state" in the persons of the judge and the procurators who, like lawyers, were charged with the "general supervision of socialist legality". Professionally and institutionally, lawyers existed independently of the court and procuracy by virtue of their membership in their local bar association. Nevertheless, in many instances, judges and procurators were known to interfere in their work. For example, in one typical instance, a procurator's office sent a letter to a local bar association accusing three defense attorneys of protecting "known criminals." On another occasion, a court directed a special ruling to the college of advocates criticizing a lawyer who had requested the acquittal of a man ultimately convicted by the court.<sup>154</sup>

Scholars who have studied Soviet defense counsel as a professional group have acknowledged that Bar Associations, despite their claims to self-governance, remained subject to considerable state regulation and, on some accounts, interference. The Soviet state regulated the Bar Association's salaries, reviewed its members' fitness for duty, and monitored its leadership's activities for signs of ideological unorthodoxy. Yet scholars have also recognized the presence of internal cohesion, initiative, and creativity among Bar Association members, noting a commitment to upholding and policing "a model of strict and unswerving observance of Soviet law, of moral purity, and of unimpeachable conduct, under constant obligation to perfect [their knowledge, [and] to increase [their] ideological-political level and professional qualifications" through education, collegiality, and self-scrutiny.

When lawyers faced scrutiny, the bar served as a buffer between the advocate and the state. It conducted an investigation to determine whether the lawyer had indeed used illegal methods (like witness tampering, for example) to defend a client. If the charges lacked justification, the Bar Association cleared the lawyer's name. If the Bar found the lawyer in violation of the Association's internal regulations, exhibited signs of "negligent or bad faith toward the fulfillment of his duties," or committed "other acts which bring discredit on the calling of an advocate," the Bar subjected them to disciplinary proceedings before the presidium of the college. Penalties normally range from reproof, reprimand, or severe reprimand to expulsion. The disciplinary decision had to be reached in the presence of the lawyer in question, and had to be appealed to the administrative authorities supervising the college's activities.

The trend toward an increased professionalization of the bar shaped lawyers' understanding of where their responsibilities lay: to their client or to the Soviet state. The 1962 Statute on the Advokatura of the R.S.F.S.R., for example, described the lawyer's job as serving the state by strengthening socialist legality and propagandizing Soviet law. But it also stipulated that lawyers were to "make use of all ways and means recognized by law in defense of the rights and legal interests of citizens who seek his legal assistance."

This chapter explores changes in defense attorneys' legal and professional consciousness during the post-Stalin period. Based on defense counsel court testimonies, court documents, and

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<sup>154</sup> A.T. Ivanova, "Smiagchaiushchie obstoiatel'stva v sovetskom ugovnom prave," (Moscow: All-Union Scientific Research Institution of Soviet Law, 1972

letters that defense attorneys wrote to appeal their clients' death sentences, it examines how these legal experts understood, used, and circumvented the principles that informed Soviet law to defend their clients from the fate that the country's death penalty had chosen for them. Specifically, it tracks how defense attorneys applied the theory of mitigating circumstances towards constructing a proper defense on their clients' behalf. Close analysis reveals that, in the immediate post-Stalin period, defense attorneys relied heavily on mitigating circumstances and the Soviet moral and ethical tropes in articulating their positions both in court and during the pre- and post-trial phases. When they defended their clients, they highlighted the latter's state service, humble background, contributions to their individual families and society more generally. Lawyers upheld the belief that their client's selfhood was shaped first and foremost by the circumstances into which they were born into and within which they had been raised. But as time went on, defense attorneys discovered a different strategy for litigating cases. Rather than draw the court's attention to the environmental factors that shaped their client's criminal behavior, they crafted arguments rooted in the language of the Code of Criminal Procedure. In these appeals, they alerted the courts to procedural violations incurred over the course of their client's investigations, pre- and post-trial phases and asked for acquittals, commutations, and retrials under the logic that the court, and not just their defendant client, had broken the law. This chapter argues that this shift away from a strategy based on mitigating circumstances towards one based on law and proceduralism suggests two related phenomena: a fundamental change in lawyer's relationship with the official ideology regarding the relationship between social factors and crime, and a process of professionalization that transformed lawyers into a civic institution befitting of a civil society.

#### *From Retribution to Reform*

Perhaps one of the most pronounced structural changes to take place under the leadership of Stalin's successors was a newfound commitment to re-educate, reform, and reintegrate women and men convicted of crimes. As Jeffrey Hardy has argued, the criminal justice and attendant penal systems that emerged in the decade following Stalin's death distinguished themselves from their Stalinist predecessors precisely by prioritizing the goals of prisoner reform and re-education.<sup>155</sup> On the one hand, this could be attributed to a general trend within the fields of penology and sociology beginning in the post-war period that embraced rehabilitation as incarceration's primary goal. On the other hand, it could be read as the Soviet Union's attempt to return to well-worn Marxist belief that to understand a person's involvement in crime, one must look at the concrete social circumstances in which they found themselves.<sup>156</sup> No matter its origin, the criminal justice system that materialized over the first decade after Stalin's death adhered to the belief that crime was a product not of an individual's personal failures, but of structural, material problems which plagued the society from which that individual came. In the same way that flawed society could be changed, so could flawed people. Much as, in the eyes of the Soviet leadership, there were no uncorrectable societies, "there are no uncorrectable people," as Nikita Khrushchev himself asserted.<sup>157</sup>

According to this logic, discerning the best method to correct individuals required understanding the social circumstances from which they came. Punishment, in other words, was to be "individualized," tailored to account for the presence of what Soviet and non-Soviet law alike

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<sup>155</sup> Jeffrey S. Hardy, *The Gulag after Stalin: Redefining Punishment in Khrushchev's Soviet Union, 1953-1964* (Ithaca: Cornell University Press, 2016).

<sup>156</sup> For more on Marx and the Marxist tradition in criminology and sociology, see David Greenberg, *Crime and Capitalism* (Philadelphia: Temple University Press, 1993), especially Chapter 1, "Marx and Engels on Crime and Punishment."

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referred to as “mitigating factors” and “aggravating” factors” that gave the criminal and their crime their unique character. “Individualization of punishment...is connected with the principles of socialist humanism and [socialist] legality,” wrote one Soviet legal scholar in 1972. “Courts depend on mitigating and aggravating circumstances in order to determine the type and amount of punishment, along with the type of imprisonment [the defendant should receive], whether that is prison or a corrective labor camp.”<sup>158</sup> Indeed, Article 14 of the the Code of Criminal Procedure “demanded a comprehensive, complete and objective investigation of the circumstances of the case and the need to identify mitigating circumstances.” And records show that this demand was often met. A study from 1972 indicated that 96% of written court verdicts made reference to aggravating and mitigating circumstances when explaining why a particular verdict and sentencing option had been reached.<sup>159</sup>

To help courts properly “individualize” court rulings, Article 38 of the Code of Criminal Procedure listed examples of mitigating circumstances that prosecutors and judges alike should consider when proposing and issuing penal sanctions. These circumstances fit into two groups: factors that mitigated criminal responsibility, and factors that mitigated guilt. Factors mitigating criminal responsibility related primarily to the *offender*. For example, an offender who committed a crime at a young age or for the first time would likely be treated leniently by the court, as would a pregnant woman. Factors which mitigated criminal responsibility related primarily to the *offender*. For example, an offender who committed a crime at a young age or for the first time would likely be treated gently by the court, as would a pregnant woman. Factors which mitigated criminal guilt related primarily to the nature of the *crime*. An offender who committed a crime in order to defend someone or multiple people from an attack or threat would likely be found guilty of a less serious variant of the crime they committed. So, too, would someone who committed a crime after being provoked by the victim or under the influence of strong emotional or mental unrest, or as a result of a “confluence of serious personal or familial circumstances.” Yet there were still other circumstances that mitigated both criminal responsibility *and* criminal guilt. Factors which fit into this third category related to what the offender did *after* the crime was committed and what their actions said about them as an offender *and* the crime they committed. For example, someone who repented, surrendered voluntarily to the authorities, actively and positively contributed to the criminal investigation that followed, or who took steps “to blunt the harmful consequences of the crime they committed or to voluntarily compensate the victim for damages caused” could make a case for a more lenient sentence under the logic of both mitigated criminal responsibility and criminal guilt. Taken together, these categories of mitigating factors were designed to guarantee that punishments reflected the circumstances not just of the crime itself but of the person and the environment that produced it.

At the same time as the prosecutor and the judge were tasked with taking mitigating (and, for that matter, aggravating) circumstances into consideration when assessing how best to “individualize” penal sanction, defense attorneys were tasked with securing either a verdict of not-guilty, or, barring that, the least onerous sentencing option. To achieve either one of these results, defense attorneys relied heavily on the theory of mitigating circumstances as a legal device to convince a judge that their client and the crime they committed deserved deserved special consideration. As I will show below, the defendant’s personality, or character came to play a large role in sentencing, and some lawyers would even attempt to elicit sympathy and pity in the court, pleading for a second chance on behalf of their clients.

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<sup>158</sup> Ibid, 5.

<sup>159</sup> Ibid, 6.

Court testimonies, appeal letters, and supplementary briefs submitted by defense attorneys in the decades following Stalin's death were filled with countless references to mitigating circumstances designed to achieve favorable outcomes on their clients' behalf. Lawyers went to great lengths to cite a client's age, criminal record, the extent of their cooperation with the authorities, whether or not they confessed to their crime, to whom, how early into the investigation and how sincerely. They also went above and beyond to piece together the events and behaviors - long term and short term - that might have led their client to commit their crime, whether they did so as a result of an interpersonal conflict, a domestic quarrel, or a psychotic break. In a majority of cases, the allowance that Soviet law gave for mitigating circumstances to shape the outcome of a criminal case was what stood between a prison and a death sentence, between life and death.

Lawyers, like prosecutors and judges, assigned to defend criminal defendants were obligated to do whatever they could to defend their clients by bringing to the court's attention as many mitigating circumstances as they could possibly uncover. These obligations ranged from following procedure in uncovering the circumstances of the crime prior to sentencing to elaborating the strongest possible plea at the time of sentencing, including consideration of the perpetrator's character. When they failed to do so, many lawyers received a disciplinary hearing in front of the Bar Association to which they belonged. Take, for example, a disciplinary hearing from 1961, in which the Moscow *Oblast'* Bar Association (the Association to which all of the lawyers surveyed in this chapter belonged) heard the case of a defense attorney who had, according to the Board which reviewed his case, "failed to do all that was required of him to protect the interests of the defendant."<sup>160</sup> The attorney's client was a professional driver who had been charged with violating Article 211 of the Criminal Code of the USSR, or "causing significant material damage, light or less serious bodily harm, and death by violating safety rules while operating a vehicle": he had hit two women with his car, leaving one in a critical condition. The Bar's Presidium found that the defendant's attorney had litigated the case carelessly and "superficially": he neglected to order an auto technician to examine the circumstances of the collision and to ask the court to delay the trial in order to interrogate the victims. By failing to collect basic testimonies from witnesses, experts, and other bystanders who could speak to the context from which the crime arose, the lawyer in question stood ill-equipped to provide the court with the full array of mitigating details and thus fell short of providing his client with the level of support expected of him.<sup>161</sup>

*"Every Fact, Every Single Detail"*

The detail-oriented ethos of Soviet lawyers was illustrated by A. A. Krylova, who defended Viktor Oglodin after his arrest in January 1958 in the village of Vasilievo, situated approximately 100 kilometers southeast of Moscow. Oglodin had allegedly killed a man during an alcohol-fueled brawl which resulted in Oglodin striking his close friend on the head twice with a wooden stake.<sup>162</sup> Several months later, a judge sentenced him to death for aggravated, premeditated murder. Though she acknowledged that her client had committed a violent, lethal crime, Krylova was surprised by the harsh sentence. In her appeal letter, she announced her intention to assist her client by any means possible, for "The severity of Oglodin's punishment, I believe, obliges me, as his defender, to pay attention to every fact, every single detail which, combined with all the other pieces of evidence in

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<sup>160</sup> TsGAMO, f. 7581, op. 1, d. 136, l. 51.

<sup>161</sup> Ibid, ll. 51-52.

<sup>162</sup> TsGAMO, f. 7335, op. 1, d. 7081, l. 225.

the case, could help establish the objective truth in the case, the legality and validity of the sentence.”<sup>163</sup>

Krylova wanted the court to see circumstances that Oglodin’s case file might have obscured. The details of the murder - the blunt wooden stake he used to kill his victim, the two blows he issued that cracked his victim’s skull, his state of extreme inebriation<sup>164</sup> - were well known. Less obvious were the factors which, according to Krylova and the Criminal Code, mitigated Oglodin’s criminal responsibility and guilt. “Oglodin committed a heinous crime,” and conceded that “if Oglodin was legally sane at the exact moment when he committed the crime then of course he must be severely punished. But the question of guilt cannot be decided without considering someone’s personality, their character, and their motivations for committing a crime,” (“*bez ucheta individual’nykh osobennostei lichnosti ne mozhet byt’ reshen vopros o nakazanii*”) she continued. “And without taking into account the individual characteristics of the person, the issue of punishment cannot be resolved.”<sup>165</sup>

In the years following the passage of the Decree of April 30, 1954, lawyers like Krylova scrambled to figure out how best to save their clients’ lives by commuting their death sentences. They faced a common problem. The moment when a judge determined that a crime met the qualifications for premeditated, aggravated murder, the death penalty presented itself as a sentencing option, and one that many judges would ultimately embrace, if only to demonstrate their commitment to upholding the letter of the new law. The challenge that lawyers faced once a judge sent their clients to death row was to pinpoint the factors, details, or omissions that might undermine the prosecution’s case and find error in the judge’s verdict. More broadly, they were tasked with unraveling the logic that rendered their client redeemable, unreformable, and better off dead than alive.

The strategy that many lawyers settled on during the decade immediately following the passage of the 1954 Decree was to secure for their clients a commuted sentence by humanizing their clients in the eyes of those who controlled their fate. To inspire members of their republic’s Supreme Court to view the people before them as individuals defined by life experiences rooted in Soviet history, tradition, and values, and not just criminals defined by their illicit actions.

This was the path that Krylova took to spare her client, Viktor Oglodin, from the executioner’s chamber. In the appeal she submitted to the Supreme Court of the RSFSR, Krylova put her client’s character front and center, relying on witness testimonies that may have been ignored by the prosecution or the judge to bolster her argument. In particular, she included excerpts from a character statement (*kharakteristika*) submitted by the Akat’ev village council, where Oglodin was born, to convey her client’s capacity for redemption to the court. “The Akat’ev village Council, which has known Oglodin and his family since the day he was born, certified in front of the court that Oglodin has worked honestly and faithfully since a young age, that he behaved well in the village, and that he committed his crime only as a result of his state of severe intoxication.” Another character statement came from the Director of Personnel from the plant where Oglodin worked. The statement described how “During the time when he worked in the factory, Comrade V.A. Oglodin performed his work well, overfilled his quotas by 200%” - a detail that the court representative who read the document underlined emphatically. He was only reprimanded once during the time when he worked there. Finally, Krylova drew her reader’s attention to the fact that “the stream of witnesses” interrogated during the trial had all testified to the effect that they knew Oglodin to be a “good person,” that is when he did not drink. “If Oglodin really was some kind of out-of-control hooligan,” Krylova asked her reader, “then why would he beg his victim’s family for

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<sup>163</sup> TsGAMO, f. 7335, op. 1, d. 7081, l. 7.

<sup>164</sup> TsGAMO, f. 7335, op. 1, d. 7081, l. 59

<sup>165</sup> TsGAMO, f. 7335, op. 1, d. 7081.

their forgiveness as sincerely as he did, and acknowledge that he himself was shocked by his own actions?”<sup>166</sup>

Character testimony again figured prominently in the appeal constructed by A. D. Voronikov, lawyer to Nikolai Kalabushkin, who had been sentenced to death on May 31, 1956. Kalabushkin, a thirty year old man who had been found guilty of premeditated, aggravated homicide and theft of private property, a dangerous pairing in a society that viewed crimes against the person committed for material gain as especially heinous and a fundamental betrayal of Soviet values. Those who committed such crimes saw their chances of currying an appellate court’s favor dramatically decrease.<sup>167</sup> So when Vorotnikov sat down to pen his appeal letter, he strategically deemphasized the details of his client’s crime and went out of his way to show his client’s kinder side, a side which aligned much more closely with recognizable Soviet moral values and the mitigating factors that stemmed from them. He celebrated the three years his client spent in the Soviet Army during the Korean War, the excellent work record he earned as a police officer upon demobilizing (an irony he did not elaborate on), and the lack of any prior criminal record. Most importantly, though, Vorotnikov sought to reorient his reader’s image of his client not as a cold-blooded murderer, but as a family man, with a wife and a nine year-old son at home.<sup>168</sup>

Vorotnikov’s strategy proved successful. On June 27, 1956, twenty-three days after he submitted his appeal on Kalabushkin’s behalf, the Supreme Court of the RSFSR issued a decision (*opredeleniie*) regarding Kalabushkin’s appeal case. In most cases, appellate courts announced decisions without stating explicitly (or even hinting) why they chose the decision they did. But in Kalabushkin’s case, they made an exception. “Considering...that Kalabushkin has no prior convictions, occupied himself with socially useful work before he committed his crime, and is the father of a nine year-old son,” the decision began, “the Judicial Board believes that, pursuant of Article 437 of the Code of Criminal Procedure of the RSFSR, it is possible to change Kalabushkin’s sentence from the death penalty to deprivation of freedom for a period of ten years, of which the first three years will be served in prison.”<sup>169</sup> Apparently, Vorotnikov, like Krylova before him, had discovered how to address the country’s highest legal authorities using language and imagery that tapped into their internalized beliefs about who deserved (and did not deserve) to live or receive a second chance at life in the Soviet Union. Notably, however, this personalization of sentencing created unpredictability, which might be seen as a form of cruelty: a strategy that succeeded for Vorotnikov’s client failed for Krylova’s client. Defense attorneys were thus left with no choice but to do as Krylova said she intended to do in her letter: “to pay attention to every fact, every single detail,” in the hope that their efforts, too, would secure for their clients a commuted sentence, a second chance at life.

In some cases, lawyers would resort to repeating their arguments based on the defendant’s character, over and over. Valerii Lebedev’s lawyer, K.I. Tikhonov, took this similar approach in the appeal letters he wrote for his client after a judge sentenced him to death on February 3, 1961 for aggravated, premeditated homicide. On September 11, 1960, nineteen-year-old Lebedev spent the afternoon drinking with a group of friends. The group had tentative plans to go hunting later in the day, so Lebedev carried a two-caliber hunting rifle with him. Hours passed, and after indulging in more alcohol than they originally planned to consume, Lebedev went on a stroll through town. He arrived near a bus stop outside the Klinskii State Brick Factory, where most of the city’s residents worked. As a bus neared the stop, Lebedev walked on board and ordered the bus driver to forfeit

<sup>166</sup> TsGAMO, f. 7335, op. 1, d. 7081.

<sup>167</sup> Jeffrey Hardy and Yana Skorobogatov, “‘We Can’t Shoot Everyone’: Legality and Morality in Supreme Soviet Discussions of Death Row Pardons, 1953-64,” *Cahiers du Monde Russe* (forthcoming).

<sup>168</sup> TsGAMO, f. 7335, op. 1, d. 7481, l. 216

<sup>169</sup> TsGAMO, f. 7335, op. 1, d. 7481, ll. 227-228



his seat to him, staging what amounted to a hijacking. A brawl ensued, and within several minutes, Lebedev began to fire indiscriminately at the passengers sitting inside the bus. One of those shots, which hit a passenger in the chest, turned out to be fatal. Police arrived at the scene minutes later, and took Lebedev into custody.<sup>170</sup>

During Lebedev's trial, Tikhonov, asked whether he had any final words to leave with the court, told the judge to consider the following when issuing his verdict and sentence: "the character assessments [submitted on Lebedev's behalf]" (*ego kharakteristiki*), the fact that "this was Lebedev's first time on the accused's bench ("na skam'e podsudimykh vperyye"), that he confessed to committing the crime, and his youth." He ended his court appearance by asking the court to consider "not ending Lebedev's life" ("ne lishat' ego zhizni").<sup>171</sup>

Tikhonov repeated these pleas in the letter he submitted to the Supreme Court of the RSFSR asking for his client to receive a commuted sentence. "Prior to his arrest," Tikhonov began, "Lebedev engaged in socially useful labor by working on the October Railway. His work record includes only positive assessments. He has no prior convictions, save for a single administrative violation about which he has demonstrate sincere regret (*chistoserdechno raskaiatsia*)." To prove that his client had what it took to rehabilitate himself into a model Soviet citizen, Tikhonov emphasized that his client came from good Soviet stock. "The accused's father died at the front during the Great Patriotic War, and at the present time, the brother of the accused is serving in the Soviet Army." Like Vorotnikov writing in defense of Kalabushkin, Tikhonov believed that the court would realize that deep down, Lebedev upheld - and indeed *lived* - the same values as they did, the same morals that socialist legality celebrated and championed. And like Vorotnikov, Tikhonov would eventually claim victory, but only after taking Lebedev's case all the way to the Presidium of the Supreme Soviet of the RSFSR as a pardon case. On March 26, 1961, the Presidium - without offering an explanation - decided to commute Lebedev's sentence to a fifteen-year term in a corrective labor camp.<sup>172</sup>

Sometimes, a factor that mitigated a defendant's guilt had the effect (inadvertent and not) of enhancing and aggravating the victim's guilt in the very crime that had been committed against her or him. This was what happened in the case of Viacheslav Syrtsov, a man sentenced to death for murdering his wife, Mariia Syrtsova, on March 21, 1960. As he prepared his appeal, Syrtsov's lawyer, P.A. Gusev, leafed through his client's case file, taking notes on multiple errors in the trial transcript and adding requests for supplementary materials to be included in his client's dossier. Gusev met with his client on several occasions, and learned details about him that he found alarming: a troubled home life, a history of mental illness, and suicidal tendencies. He worried that his client's case files failed to capture the extent of his troubles, and made a point to highlight them when he cross-examined his client in court. He asked Syrtsov to elaborate on an episode that took place while he was receiving an in-patient forensic-psychiatric evaluation at Moscow's Serbskii Institute:

One night, despite being in a sober state, I began to feel lost (*zablindilsia*) in my own room at the Serbskii Institute. I felt an urge to suffocate myself, and decided to tie my bedsheets around my neck. I made this decision seemingly unconsciously. I even wrote a note.<sup>173</sup>

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<sup>170</sup> TsGAMO, f. 7335, op. 1, d. 10211, ll. 160-162.

<sup>171</sup> TsGAMO, f. 7335, op. 1, d. 10211, ll. 155ob-156.

<sup>172</sup> TsGAMO, f. 7335, op. 1, d. 10211, l. 177.

<sup>173</sup> TsGAMO, f. 7335, op. 1, d. 9891, l. 175.

A security guard intervened before Syrtsov could follow through on his plan, but the episode left a deep impression on his lawyer. He began to see his client in a drastically different and more sympathetic light, and used his appeal letter to convey his discovery to the court. When asked to say any final words at the end of his client's trial, Gusev asked the court to "consider Syrtsov's character" reminding his audience that his client "turned himself in to the police" and cooperated with the investigation like a good, law-abiding citizen.<sup>174</sup>

He pursued this theme in the letter he submitted to the Supreme Court of the RSFSR asking for his client's life to be saved. He indirectly asked his reader to empathize with his client and the hardship that he endured as a result of his psychiatric troubles, and the ordeal of living as a troubled man trapped in an unhappy marriage. "It seems that a difficult situation that has developed in the relationship between the convicted Syrtsov and the murdered Syrtsova," the lawyer explained. "The verdict states that Syrtsov harbored jealousy towards his wife," he continued, "but how is it possible that nobody asked whether Syrtsov had a reason to be jealous of his wife? Only one person is capable of answering this question, and that person is Syrtsov."<sup>175</sup>

Both in court and during their private meetings, Syrtsov had revealed a great deal about his relationship with his wife. In his appeal letter, Gusev cited testimony that witnesses gave in court and during the pretrial investigation, which spoke of Syrtsova's shortcomings as a mother and a wife. "My sister had a son [from a previous marriage], but I do not know where his father lives," the victim's sister told police, with not a little hint of judgment. "[Her son] suffered from poor health," referring to the limp that he developed as an infant. Another witness, a neighbor, offered her own recollection, reflecting on how "at first the Syrtsovs lived well together, and then the alcohol binges (*p'iianki*) began. Syrtsov was jealous of his wife, and his wife was jealous of him. Syrtsov complained that his wife would not give him a child," and that "men came over to her house often." "Because of that, he would often say that he 'had had enough' (*zbiżn' nadoela!*)," the witness added.<sup>176</sup> Gusev noticed that the court transcript failed to include these testimonies and felt that the omission rendered it impossible for the court to "gain some insight into why Syrtsov reacted the way he did" - meaning, why he killed his wife:

Two of the witness were neighbors of the family, and knew better than anyone what kind of relationship the Syrtsovs had, attested in court that Mariia Ivanovna Syrtsova, now deceased, was not distinguished by purity of morals. This is how [one of the witnesses] characterized Syrtsova's behavior in her testimony: 'Syrtsova behaved poorly (*plokho sebia vela*). Syrtsov would go away on work trips, and Syrtsova would invite men over to her home.' The witness explained in court that the Syrtsovs engaged in fights and arguments during the last months of Syrtsova's life. It has been confirmed that, when Syrtsova was in the hospital, Syrtsov began to have an intimate relationship (*vstupil v bliżkie otnosheniia*) with his neighbor. For this reason, one must assume that his relationship with Syrtsova could not have been good.<sup>177</sup>

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<sup>174</sup> TsGAMO, f. 7335, op. 1, d. 9891, l. 198.

<sup>175</sup> TsGAMO, f. 7335, op. 1, d. 9891, l. 222ob.

<sup>176</sup> TsGAMO, f. 7335, op. 1, d. 9891, l. 214.

<sup>177</sup> TsGAMO, f. 7335, op. 1, d. 9891, l. 222ob.

To sum up Gusev's argument, Syrtsov could not assume all of the blame for the events that took place on March 21, 1960, for the subjective, emotional, mitigating circumstances in which he lived had led him to murder his wife, circumstances over which he had no control. Not only did he suffer from mental health complications, but his wife's behavior negatively affected his home life, ultimately driving him to have an affair and aggravating an already difficult situation. What Syrtsov's lawyer hoped to convey, in so many words, was the fact that his client's wife and victim, Mariia Syrtsova, was partially to blame for her husband's behavior and, by extension, her own murder. In the process of humanizing his client, Gusev effectively asked members of the appellate court to place themselves in his client's shoes, to recognize that his client had little control over the circumstances that gave his life its shape, thus undermining his client's victim's character.

As this episode suggests, domestic disputes, or "family quarrels," added a new layer to the challenges that lawyers faced after the passage of the Decree of April 30, 1954.

As Syrtsov's suggests, domestic disputes, or "family quarrels," added a distinctive layer to the challenges that lawyers faced after the passage of the Decree of April 30, 1954. Many such cases came before the district court and must have troubled lawyers such as HP. Koshina called upon to defend Aleksei Nikolaevich Sokov. On the night of December 13, 1972, Sokov killed his wife, A.K. Sokova, in the kitchen of their apartment in the city of Podolsk, forty-five kilometers south of Moscow. Their eight-year-old son Iurii happened to be in the adjacent room, and watched through a small hole in the wall as his father stabbed his mother's back with a blunt kitchen knife.<sup>178</sup> On March 23, 1973, a judge sentenced Sokov to death, stating that "the nature and motives of his crime indicate that Sokov poses an exceptionally high degree of danger to society."

To spare Sokov's life, Koshina would need to reframe Sokov's actions as both lacking in premeditation *and* aggravation. Witness testimony collected in the weeks after the murder showed that Sokov had a history of abusing his wife, a fact that rendered his actions the night of December 13 intentional and deliberate, rather than accidental.<sup>179</sup> Additionally, both the prosecutor and the judge argued that Sokov's crime showed signs of aggravation due to the fact that Sokov committed the crime in front of his young son, a detail that spoke to Sokov's cruel nature and the threat he continued to pose to society.<sup>180</sup> Koshina therefore needed to undermine one or both of these conclusions, to show that her client was neither an abusive husband nor a sadist who found pleasure in making his son witness his own mother's murder, but an average man caught up in an unhappy marriage.

"I consider the verdict to be wrong," Koshina began her appeal letter, "because the murder that Sokov committed was the result of an ongoing conflict that the couple has been engaging in for some time. The altercation that resulted from their ongoing fight could not be prevented." Her assessment hinged on testimony that two of Sokov's neighbors provided during the trial in which they described the couple's relationship as being "unpleasant for many years," one that "frequently resulted in verbal and physical altercations." Yet their marriage had its happy moments, too, when reconciliations prompted both Sokov and his wife to take steps to improve their relationship. Koshina cited one example of her client's commitment to self-improvement after a particularly serious quarrel, which resulted in both spouses receiving a summons to a Comrade Court. During that trial, Koshina wrote, "Sokov came with discharge papers from a local psychiatric hospital" where he had been seeking treatment for whatever disturbances might have been contributing to his poor conduct within his marriage. As to the question of whether her client purposefully stabbed his wife in front of their child, Koshina responded that nobody could have seen whether or not the

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<sup>178</sup> TsGAMO, f. 7335, op. 1, d. 1808, ll. 9-10.

<sup>179</sup> TsGAMO, f. 7335, op. 1, d. 1808, l. 174.

<sup>180</sup> TsGAMO, f. 7335, op. 1, d. 1808, l. 174.

child had seen Sokov murder his mother because “the child was hiding behind a door.”<sup>181</sup> By reframing her client’s case as a result of a “confluence of serious personal or familial circumstances,” a mitigating circumstance recognized by the Criminal Code, Koshina hoped to compel the court to imagine her client as an ordinary, but fallible husband. Koshina’s strategy ultimately proved successful. On March 26, 1973, the Supreme Court of the RSFSR, agreeing with Koshina’s interpretation that “the court’s original conclusion that Sokov acted with the intention to inflict unnecessary suffering on his son lacks justification,” ultimately ruled in favor of commuting Sokov’s sentence to a fifteen-year prison term<sup>182</sup>.

Years would pass and defense attorneys would continue to rely on character statements and proof of their clients upholding Soviet values and morals in order to persuade appellate courts to vote in favor of a commuted sentence or pardon. During the 1960s, however, their appeals become more antagonistic, more accusatory, highlighting what lawyers perceived to be the court’s failure to recognize mitigating factors that should have rendered their clients’ death penalty ineligible in the first place.

Take, for example, the case of Viktor Serov, a thirty-five year-old man who, on November 17, 1962, shot and killed his wife and a bystander in the village of Arinino, approximately seventy-three kilometers east of Moscow. Even before his client’s case went to trial, Serov’s lawyer, N.F. Kazmadanov, started to question his client’s guilt. Specifically, he became convinced that his client suffered from a mental illness that rendered him criminally insane when he committed his crime. Serov had been subjected to a brief out-patient forensic-psychiatric screening which found him to be mentally well and legally sane at the scene of the crime. According to Kazmadanov, “the experts [who examined Serov] came to a very strange conclusion that Serov committed the crime in a sane state because his actions were targeted in nature and that he quickly, easily, and intentionally oriented himself within his surroundings.”<sup>183</sup> Criticizing out-patient forensic-psychiatric examinations for “failing to provide enough information” and ignoring “indisputable case documents that speak to Serov’s abnormal psychological state,” Kazmadanov admonished the experts for a diagnosis that was “superficial, inconclusive,” and even biased,” of exhibiting “an accusatory tendency that raises doubts about the experts’ objectivity.”<sup>184</sup> “The experts did not place any value on Serov’s behavior long before committing the crime,” Kazmadanov claimed. Indeed, over the course of many conversations that he had with his client, Kazmadanov learned of “serious hardships” (*tiazhelye perezhivaniia*) that his client endured during the course of his life. Most of it Serov spent suffering from “anxiety and multiple-personality syndrome, and post-traumatic paranoia,” coupled with a pattern of “unreasonably harassing and never-ending complaints.”<sup>185</sup> Kazmadanov submitted several pre-trial complaints to the Moscow *Oblast’* Court, where Serov eventually stood trial, requesting that his client be sent for in-patient forensic-psychiatric treatment. “[Serov’s] behavior in the days leading up to when he committed a seemingly motiveless (*besmyslennoi*) crime,” Kazmadanov began, “suggests that he is a psychologically ill person and that he committed the crime in a state of legal insanity.”<sup>186</sup>

Without stating so explicitly, Kazmadanov was urging the court to interpret his client’s lifetime of suffering as a mitigating circumstance, as something that rendered Serov a person to pity, sympathize with, and ultimately treat. By doing so, Kazmadanov hoped that the court would reclassify his crime as involuntary manslaughter, a crime that, according to the Criminal Code of the

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<sup>181</sup> TsGAMO, f. 7335, op. 1, d. 1808, l. 183.

<sup>182</sup> TsGAMO, f. 7335, op. 1, d. 1808, ll. 208-209.

<sup>183</sup> See TsGAMO, f. 7335, op. 1, d. 11584, t. 4, l. 312 and TsGAMO, f. 7335, op. 1, d. 11584, t. 4, l. 271.

<sup>184</sup> TsGAMO, f. 7335, op. 1, d. 11584, t. 4, l. 271

<sup>185</sup> TsGAMO, f. 7335, op. 1, d. 11584, t. 4, l. 271

<sup>186</sup> TsGAMO, f. 7335, op. 1, d. 11584, t. 4, l. 271

RSFSR, lacked aggravation and was therefore death penalty ineligible. As the previous chapter demonstrated, lawyers would often cite their client's troubled mental state as a reason for the court to commute its sentence.

But while many lawyers drew on forensic-psychiatric review in order to prove that their client lacked intent - that is, that their mental illness made it impossible for them to control their actions consciously and deliberately - Kazmadanov tried to do something very different. Rather than try to show that his client's mental illness rendered him not in control of his actions, Kazmadanov tried to convey that Serov's troubled life and poor mental health were proof that Serov fared far worse in life than his other Soviet peers, that he did not benefit from the promises that Soviet socialism made to its citizens in the same way as others. To sentence such a person to death would, according to this logic, constitute a betrayal of the basic belief that socialism's benefits were universal and that punishment under socialism should be directed only at those individuals who consciously rejected its benefits and prevented others from doing the same. The appellate judges who reviewed Serov's case, however, were apparently unconcerned with such an incongruity. On August 24, 1963, the Supreme Court of the RSFSR rejected Serov's appeal for a commuted sentence.<sup>187</sup> He was executed on September 19, 1973.<sup>188</sup>

#### *From Mitigating Circumstance to Procedure*

The 1970s and 1980s, commonly referred to as the period of "mature society," saw a discernible shift in how defense attorneys litigated cases on their clients' behalf, emphasizing legal doctrine, adherence to legal-rational procedure, and proximity to the objective truth. Lawyers now relied more heavily on the language inscribed in their republics' Code of Criminal Procedure and the Criminal Code<sup>189</sup>, legal texts born from the period of legal reform of the mid-to-late 1950s. Though these laws had been in effect for nearly two decades, few attorneys felt compelled or sufficiently comfortable to rely on them alone when crafting a defense on their clients' behalf. Instead, as the cases described above show, they preferred to emphasize their clients' character, good deeds, and service to both state and society, factors which proved their fitness for citizenship and ability to conform to the image of good Soviet women and men. Showcasing their clients' positive character traits remained an important part of lawyers' legal strategies, and defense attorneys relied on them almost exclusively as grounds for reclassifying their client's crimes in favor of a less serious offense. Yet, lawyers were less inclined to repackage their client's character, personal conduct, and life experiences as mitigating factors or mitigating circumstances. To secure their client's freedom from death row, attorneys turned instead to the less ambiguous and less subjective realm of statutory law.

A. V. Kucherovskaia was one lawyer who used testimony of her client's good behavior as evidence, while concentrating her plea on the court's adherence to procedure. During the winter of 1983, she had been assigned by the Moscow *Oblast'* Bar Association to defend Iurii Vedernikov, a man sentenced to death after a court found him guilty of murdering and raping a pension-age woman from the city of Egorev'sk. Kucherovskaia likely recognized immediately that she had a tough battle ahead of her. Vedernikov had many factors working against him: a prior criminal record, the fact that he committed rape *and* murder, and the fact that his victim was an elderly woman. The prosecutor who litigated the case against Vedernikov had recommended that the court

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<sup>187</sup> TsGAMO, f. 7335, op. 1, d. 11584, t. 5, l. 176.

<sup>188</sup> TsGAMO, f. 7335, op. 1, d. 11584, t. 5, l. 172.

<sup>189</sup> Because the court cases covered in this chapter took place in Soviet Russia, the lawyers discussed relied on the Code of Criminal Procedure and the Criminal Code of the RSFSR.

seek the death penalty, and the judge agreed. The challenge that Kucherovskaia, like defense lawyers who tried capital cases before her, faced was how to convince an appellate court to commute her client's sentence.<sup>190</sup>

To meet the challenge, however, Kucherovskaia crafted a defense strategy rooted explicitly and exclusively in written law. She began first by undermining the court's assessment of Vedernikov's personal character. "In the court's opinion," Kucherovskaia began her cassation appeal to the Supreme Court of the RSFSR, "Iu. F. Vedernikov received the sentence that he did, the death penalty, due to the fact that the court deemed him an exceptional danger to society." Yet according to Kucherovskaia, "This conclusion of the court is incorrect for the following reasons."<sup>191</sup> According to her, the court relied on invalid evidence in order to arrive at their negative assessment of her client's character and, as a result, his capacity for reform. In particular, the court cited Vedernikov's past criminal record, and an episode of theft and hooliganism from 1979 in particular, as proof of poor character.<sup>192</sup>

Kucherovskaia assailed this logic, arguing that the defendant's past convictions - especially convictions for which he served time in prison - could not be used to shape verdicts and sentencing outcomes for present convictions. "[My client's] past convictions cannot play a role in the court," she argued, adding that, even if it could, Vedernikov's prison records spoke to his potential for reform. She explained to the judge that Vedernikov committed his first criminal act as a minor, "which, according to Article 38 of the RSFSR Criminal Code, counts as a mitigating circumstance," and served the full prison sentence that he received for his second crime. "Vedernikov firmly embarked on the path of correction, as evidenced by the character statements submitted by the correctional labor camp where he served." Indeed, Vedernikov's behavior in prison was so exemplary, that he was released early on parole.<sup>193</sup>

Sensing that the court would not accept her optimistic interpretation of her client's criminal record, Kucherovskaia further assailed the court's logic that Vedernikov's crimes indicated that he posed such a danger to society that only the death penalty could protect his community from future acts of violence. In her letter, she brought in excerpts from witness testimonies that portrayed Vedernikov as a family man, who, according to his second wife, treated his adopted children well and who "had a good relationship with the rest of her family." But again, Kucherovskaia would not rest her case on character statements alone. Instead, she relied on the Code of Criminal Procedure to substantiate them. For example, she cited the fact that Vedernikov "voluntarily surrendered" himself to the police after committing the crime, "truthfully and consistently divulged the details of his crime" throughout the investigation, "repented for the act he committed," and demonstrated regret for what he did. According to Kucherovskaia, the court had the obligation to interpret these gestures as mitigating circumstances that would render Vedernikov death penalty ineligible. Yet "the judicial board did not take into account mitigating circumstances when deciding the sentence, which constitutes a violation of Articles 20 and 68 of the Code of Criminal Procedure of the RSFSR." Had the court done its job properly, it would have "chosen for Vedernikov a punishment other than the death penalty."<sup>194</sup>

Kucherovskaia was not the only defense attorney who would turn to written law in order to navigate the death penalty process in the 1980s. Nor was she the first. In the decades following the revisions of the Code of Criminal Procedure and the Criminal Code, defense attorneys had embraced statutory law - that is, written law. Fundamentally, each and every action that lawyers took

<sup>190</sup> Arkhiv Moskovskogo oblastnogo suda (AMOS hereafter), d. 2-308/82, t. 1, ll. 219-219ob and t. 2, ll. 162, 219-219ob.

<sup>191</sup> AMOS, d. 2-308/82, t. 4, l. 250.

<sup>192</sup> AMOS, d. 2-308/82, t. 4, l. 221.

<sup>193</sup> AMOS, d. 2-308/82, t. 4, l. 250.

<sup>194</sup> AMOS, d. 2-308/82, t. 4, ll. 250-255

could be interpreted as a form of accepting and embracing the practical and conceptual logic that statutory law bestowed upon Soviet society. Yet statutory law was not the only lens through which defense attorneys viewed the legal landscape, shaping their understanding of what was possible. As shown in the cases summarized above, appeals to mitigating circumstances rooted in recognized and lauded Soviet morals and values remained the central discursive tactic for defense attorneys to secure for their clients the legal protection that Soviet criminal justice purported to offer, leaving statutory law to play a secondary role in their appeals for justice.

The shift toward new modes of defense can be seen, for example, in the case of Iurii Galkin, a man sentenced to death in 1968 for the premeditated, aggravated murder of his wife in the small village of Sverdlova. Galkin had two prior convictions in his criminal record, for which he served time in a correctional labor camp and later paroled. “In deciding which penalty to impose against Galkin,” the judge’s written verdict proclaimed, “the Judicial the Board has taken into account the special social danger of what he did, the severity of the consequences of his actions, and his character (*lichnost*).” By failing to “take the road of reform” (“*ne vstal na put’ ispravleniia*”) and “continuing to create problems for his family and beat his wife, and committing another serious, final crime - the murder of his wife,” Galkin had earned for himself socialism’s highest form of punishment.

From the start of the appeals process, Galkin’s lawyer, A.S. Noskova, had no intention of questioning the court’s guilty verdict and the danger her client’s actions and overall character posed to society. In the opening to her appeal letter to the court, she criticized the judge presiding over her client’s case for failing to appreciate the many procedural violations that had occurred since her client’s arrest. “During the course of the criminal investigation,” Noskova began, “several violations of the criminal-procedural code were committed, which resulted in the imposition of an extremely harsh sentence.” In particular, Noskova identified the prosecutor’s “failure to secure Galkin’s signature for the his formal indictment,” a violation of Article 148 of the Code of Criminal Procedure of the RSFSR.<sup>195</sup> Instead, the prosecutor claimed that Galkin “had refused to sign the document,” a claim which the judge was obligated to question, during the trial, with the secretary present at the time when the prosecutor failed to serve Galkin with the indictment, “yet no confirmation was made.” Earlier in the investigation, Noskova submitted a request to the judge asking for a supplementary investigation into the matter, but according to Noskova, her request “was rejected for no reason whatsoever.”<sup>196</sup> The appellate courts that reviewed Noskova’s letter, however, were not swayed by Noskova’s argument, and indeed, refused to comment on the points that Noskova brought up in her appeal.<sup>197</sup> On February 6, 1969, the Presidium of the Supreme Soviet rejected Galkin’s final pardon appeal. He was executed in Moscow seven weeks later, on March 26, 1969.<sup>198</sup>

From the late 1970s on, a different strategy became common among lawyers seeking to commute their clients’ sentence, namely by reclassifying their clients’ crimes from a death penalty eligible offense to a felony punishable only by incarceration. To do so, they filled their court testimonies and appeals with anecdotal and forensic evidence that depicted their client in more favorable terms, whether it meant diminishing the the severity of the crime they committed or the danger they posed to society.

In the case of premeditated, aggravated murder (and variations of it), that evidence typically demonstrated lack of intent or excess cruelty, as it did in the case of Sergei Kastrov, sentenced to

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<sup>195</sup> [http://www.democracy.ru/library/laws/federal/up\\_kodex/page11.html](http://www.democracy.ru/library/laws/federal/up_kodex/page11.html)

<sup>196</sup> TsGAMO, f. 7335, op. 1, d. 1107, ll. 295-298.

<sup>197</sup> TsGAMO, f. 7335, op. 1, d. 1107, ll. 307-310.

<sup>198</sup> TsGAMO, f. 7335, op. 1, d. 1107, l. 318.

death on April 20, 1976 for murdering a police officer, a violation of Articles 145 and 193 of the Criminal Code of the RSFSR. In the complaint he wrote on behalf of his client, the lawyer, Iu.I. Mikhailovskii, emphasized that his client - who fired the shot at the police officer during a failed robbery attempt in a neighbor's garden - had no intent of killing the police officer, and therefore could not be charged with the offense at hand. "I consider the sentence to be wrong and subject to change for the following reasons," Mikhailovskii began his complaint, arguing that the crime "should be reclassified as a violation of Article 206.2, as a gross violation of public order in a dense residential area." To bolster his argument, Mikhailovskii cited the same forensic evidence that prosecutors used to convict Kastrov; namely, data gathered from ballistic reports and crime reenactments. "One can see from the case files that the accused shot the victim below the waist, aiming at his feet and not at his vital organs." Kastrov, according to this version of events, "had no intention of killing the police officer," and "did not expect the victim to die when he did."<sup>199</sup> Mikhailovskii recast his client's actions as deliberately non-lethal. The appellate judge presiding over Kastrov's case, however, could not look past the fact that, because of Kastrov's actions - however they might have unfolded - a police officer - was dead. Writing his opinion on June 21, 1976, he declared "the arguments in the complaints stating that [the accused], by aiming at the lower part of [the police officer's] body, did not have intent to kill, are untenable."<sup>200</sup> Kastrov was executed several months later.

Reclassification attempts like these remained a part of defense attorney's argumentation from the late 1970s onwards. It was a strategy that prioritized facts over feelings, data over anecdotes, the narrow parameters of an individual criminal case over the amorphous constellation of a person's life circumstances. Sabirzian Mukhametdzianov's attorney, T.S. Beliakova, discovered so for herself upon writing an appeal on her client's behalf in August 1981. Mukhametdzianov had been sentenced to death for murdering a friend during a heated conflict the year prior. In her complaint, Beliakova cited data from the victim's autopsy report which indicated that her client's victim "did not experience any suffering, that he lost consciousness immediately" in order to prove that Mukhametdzianov's crime lacked aggravation and should therefore be reclassified as intentional homicide committed without aggravating circumstances, a violation of Article 103 of the Criminal Code punishable by a prison term of three to ten years.<sup>201</sup> She hoped that doing so would disqualify him from a penalty reserved for only the most cruel and sadistic of crimes. But Beliakova, like Mikhailovskii before her, failed to persuade the judge, who sent Mukhametdzianov back to death row, where he remained for a year until his execution on October 20, 1982.<sup>202</sup>

A particularly radical reclassification attempt reached an appellate court's desk in 1984. The case involved a defendant, Andrei Kharitonov, had been sentenced to death for the rape and murder of a young girl and the murder of her parents. He had been found guilty of the intentional homicide of two people, a violation of Article 102, Part "Z" of the Criminal Code. In her appeal, Kharitonov's lawyer, E.Iu. Lavrova, took issue with the judge's decision to classify her client's crime as a violation of Part Z - premeditated murder *of more than two people* - which rendered her client all the more likely to receive the death penalty. In the opening to her letter to the appellate court, Lavrova reminded her reader that "the Plenum of the Supreme Court of the USSR offers the following guidelines for prosecuting cases involving premeditated murder: In the case of a murder of two or more people, the crime can be classified as a violation of Article 102 if and only if the perpetrator demonstrated an intent to kill all of the people involved." According to Lavrova, the

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<sup>199</sup> TsGAMO, f. 7335, op. 1, d. 3157, l. 321

<sup>200</sup> TsGAMO, f. 7335, op. 1, d. 3157, L. unnumbered

<sup>201</sup> TsGAMO, f. 7335, op. 1, d. 5490, t. 4, l. 285.

<sup>202</sup> TsGAMO, f. 7335, op. 1, d. 5490, t. 4, l. 309.



court fell short of adhering to the Supreme Court's guidelines when it sentenced her client to death because the court failed to prove that Kharitonov intended to murder each and every one of his victims. In his verdict, the judge went to great lengths to stress that nothing in the case files suggested that he had a single intent (*edinoi umysle*) to kill the entire family," Lavrova explained. "The case file clearly shows that Kharitonov intended to kill [the girl's mother], and only killed [the girl's father] after he began to panic once he saw his murdered wife," presumably to eliminate any witnesses. Kharitonov, based on Lavrova's rendition, only committed one murder with intent; the other two he committed impulsively in panic.

The most challenging appeals cases to argue on procedural grounds were those that involved defendants who suffered from mental illness. Mental illness, as discussed above and in an earlier chapter, disqualified an individual from the death penalty by rendering the murder as lacking in intent.<sup>203</sup> In order to prove that someone suffered from mental illness and therefore could not be found guilty of committing premeditated murder, lawyers advocating on their behalf needed to prove that they exhibited abnormal behavior, trauma-inducing instances, and psychotic episodes; essentially, signs of a disturbed subject. Even when they failed to establish that the accused qualified as legally insane, advocates, including defense attorneys, could reframe the accused's poor mental state as a mitigating circumstance, as evidence that they lived a difficult life and deserved the state's mercy. But lawyers working during the 1970s and 1980s nevertheless found a way to bypass the subjective experiences inherently associated with mental illness and argue for their clients to receive a diagnosis of legally insane and therefore death penalty ineligible. By replacing arguments based on mitigating circumstances with arguments which highlighted the court's tolerance of procedural violations and inconsistencies, defense attorneys discovered a strategy that prioritized rules over pathos.

T.E. Zaretskaia noticed that her client Viktor Murav'ev might be suffering from a form of mental illness early into their working relationship, which began in the spring of 1979. The first sign came during one of their first meetings, when she asked him to recall what happened the night of July 15, 1978 when, according to a formal criminal indictment submitted on Murav'ev's behalf, Murav'ev, intoxicated after a day spent consuming alcohol, struck an eight-year-old girl on the head with an axe before killing her father. Murav'ev could not offer any reflections regarding his behavior that day, insisting instead that he "knows nothing about the crime he committed and anything related to it." He did not remember holding the axe in his hands, his clothing soaked in blood. All he could remember was taking a bus in the morning and being taken into police custody in the evening, where he, to the police's surprise, fell asleep. Murav'ev's amnesia was not the only thing that gave Zaretskaia cause for alarm. "At the present time, he shows total indifference towards his fate" (*V nastoiashchee vremia proianliaet bezrazlichie k svoei sud'by*) Zaretskaia informed the appellate court in the letter she submitted demanding a commuted sentence for Murav'ev. Several weeks earlier, Murav'ev's behavior failed to convince a team of forensic-psychiatrists that he suffered from a psychotic disorder, but Zaretskaia remained intent on proving otherwise to the court.

To do so, Zaretskaia took the court to task for what she identified as its deliberately faulty interpretation of the case's evidence. She accused the court of ignoring witness statements which spoke to her client's mentally abnormal state the night when he committed the crime. She cited testimony offered by one man who saw Murav'ev after he assaulted his two victims, "running around the village of Orlov covered in blood and waving his hands around like an insane person" (*vid u nego byl bezumnogo cheloveka*). The police officer who arrested Murav'ev had a similar recollection, noting how Murav'ev had "the look of an insane person" and was "pale in the face" (*bleden*), his clothing covered in dry blood. Even the forensic-psychiatric diagnosis submitted by

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<sup>203</sup> For more on the concept of "legal insanity" and its role in Soviet criminal justice, see Chapter 2 of this dissertation.

the doctor who examined Murav'ev noted that the patient, at the time when he committed the crime, "could not orient himself properly," a mental state which led Murav'ev to escape the scene of the crime by jumping out of a second-floor balcony instead of exiting through the front door. Zaretskaia asked the court why it assigned so little weight to these statements, despite the fact that "the statements refute [the forensic-psychiatric conclusions] in the case materials."<sup>204</sup> To rectify their error, Zaretskaia demanded that the court annul the verdict and grant her client a retrial, which would reveal that at the time when he committed his crime, "Murav'ev suffered from a short-term mental disorder in the form of a twilight state," a condition characterized by an interruption of consciousness.<sup>205</sup> But the judge who reviewed Murav'ev's case was left unconvinced, and disagreed with Zaretskaia's assessment that the court overlooked witness statements. Writing in his decision, the judge wrote off as "untenable" Zaretskaia's "reference to the witness who showed that Murav'ev had the appearance of a mad person," and denied Zaretskaia's client the retrial she requested. Murav'ev was executed on January 29, 1980.<sup>206</sup>

Sometimes, however, this strategy produced more outcomes more favorable to the defendant. On March 27, 1987, the lawyer E.N. Pyzh'ianova wrote a letter to the Supreme Court of the RSFSR on behalf of her client, Anatoliĭ Galygin. In February that year, Galygin had been sentenced to death after a judge found him guilty of murdering a young woman as a result of a botched car robbery. The verdict, according to Pyzh'ianova, was not only "unfounded" (*neobosnovannyĭ*) but also "unlawful" (*nezakonnnyĭ*) and therefore worthy of being annulled, because it "violated the requirements of Article 20 of the Code of Criminal Procedure of the RSFSR, which resulted in incorrect legal qualification of the accused's crime and personal data." According to Pyzh'ianova, "the court did not address the issue of the accused's mental state."<sup>207</sup> This was not the first time that Pyzh'ianova wrote to the court demanding that her client's sentence be overturned on procedural grounds. She had alerted the court of this oversight in the first appeal she submitted two days after Galygin's trial ended, and received no response. In that appeal, she requested that her client receive a retrial so she could call as a witness a doctor who could assess her client's mental state in front of the court. In particular, Pyzh'ianova took the court to task for accepting the forensic-psychiatric conclusion that her client's behavior both during the preliminary investigation and in court was of "a simulative nature." The forensic psychiatrist's conclusions, Pyzh'ianova, "raises serious doubts, as the expert did not attend the hearing, and therefore could not directly observe Galygin's behavior," rendering it "impossible for the expert to make a conclusion about the objectivity or subjectivity of Galygin's mental health."<sup>208</sup> She reminded the court that "the application of the exceptional punishment has such irreversible consequences that any doubt of the guilt of the convicted person must be excluded (*"Primenenie iskluchitel'noi meru nakažaniia vlechet za soboi stol' neobratimye posledstviia chto liubye somnenniia v vinovnosti osužhdennogo dolžny byt' isklucheny"*).<sup>209</sup> Ultimately, Pyzh'ianova's strategy worked. On April 30, 1987, the Supreme Court of the RSFSR announced its findings that, "based on the details of the case and descriptions of Galygin's character, one must conclude that he is not a person who poses an exceptional danger to society." It commuted Galygin's death sentence to a prison term of fifteen years.<sup>210</sup>

Defense attorneys discovered that the Code of Criminal Procedure could do more than serve their clients. It could also serve themselves. Beginning in the 1980s, lawyers began to use the

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<sup>204</sup> TsGAMO, f. 7335, op. 1, d. 4717, l. 234.

<sup>205</sup> TsGAMO, f. 7335, op. 1, d. 4717, ll. 254-254ob.

<sup>206</sup> TsGAMO, f. 7335, op. 1, d. 4717, l. 272.

<sup>207</sup> AMOS, d. 2-58/87, t. 1, l. 247.

<sup>208</sup> AMOS, d. 2-58/87, t. 1, ll. 168-169.

<sup>209</sup> AMOS, d. 2-58/87, t. 1, ll. 249-250.

<sup>210</sup> AMOS, d. 2-58/87, t. 1, l. 270.

code in order to secure payment for their time and effort. In addition to filing appeals and submitting motions for other kinds of procedural interventions to the courts which tried their clients' cases, lawyers began to submit notices (*zaiavleniia*) explicitly demanding that the court secure payment on their behalf.

On November 11, 1983, for example, a defense attorney, M.M. Buren', submitted a concise request asking that "the court issue a ruling in favor of the Presidium of the Moscow Regional Bar Association in accordance with Article 49 of the Code of Criminal Procedure in the sum of 176 rubles for providing defense to Igor' Nizhetorodov."<sup>211</sup> The previous day, Buren' defended the twenty year old Nizhetorodov during his trial, where Buren' asked the court to reclassify his client's crime to a less severe grade of premeditated homicide and sentence him to fifteen years in prison.<sup>212</sup> Another case tried in 1976 required not one but two lawyers to split the job of defending Sergei Kastrov in court. Kastrov had been sentenced to death. His two attorneys, Iu.I. Mikhailovskii and N.F. Vialova, each submitted letters to court reminding it of their need for compensation. "Pursuant of Article 322 of the Code of Criminal Procedure," Mikhailovskii began his letter, "I write to request that 60 (sixty) rubles be submitted to the Bar Association of Moscow *Oblast'* in exchange for the legal advice and time spent preparing two defenses for the defendant Sergei Viktorovich Kostrov in the present case."<sup>213</sup> After she failed to receive a response from the court, her partner submitted a second letter, asking that "60 rubles be sent to the Presidium of the Moscow *Oblast'* Bar Association in exchange for the assistance provided to Kostrov and for conducting business, guarantees enshrined in Article 49 of the Code of Criminal Procedure."<sup>214</sup>

Why these notices began to appear at this time is unclear. Ever since 1958, Articles 105 and 107 of the Code of Criminal Procedure had explicitly determined that courts were responsible for compensating lawyers for the work they performed on a criminal defendant's behalf. It did so in two ways. If a defendant was found guilty, it was their responsibility to pay for his own legal costs; the court covered the bill only in cases where the defendant lacked the means to do so themselves. If a defendant was found to be innocent, or if a court prematurely terminated their case, compensation for legal costs came from the court account.<sup>215</sup> No matter the verdict, the court historically played an important role as a financial arbiter between criminal defendant and defense attorney. Why, then, did defense attorneys feel the need to intervene now, thirty years later? While it is difficult to be certain, letters like those submitted by Buren', Mikhailovskii, and Vialova suggest that defense attorneys had begun to lose trust in the court's ability to secure their payments. They suggest that courts had developed a reputation for failing to make good on its legally enshrined promise to compensate attorneys for their work, depending on attorneys themselves to remind them of their obligation.

As one may expect, lawyers who defended their clients on procedural grounds drew the ire of the friends and relatives of murder victims. Parents, friends, and colleagues frequently attended murder trials, many of which took place in open courtrooms,<sup>216</sup> in the hopes that their loved ones' assailants would receive the highest penalty. Many came to court expecting to see the memory of their loved ones honored and the character of the person who took away their lives vilified. During the 1970s and 1980s, as less attention was paid to character, relatives and friends of victims faulted precisely this lack of interest in questions of character, morality, and values, as well as the growing insistence on legal and procedural details. Many wrote to the courts after sentencing, singling out the

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<sup>211</sup> AMOS, d. XX, t. 1, l. 314.

<sup>212</sup> AMOS, d. XX, t. 1, ll. 286ob.

<sup>213</sup> TsGAMO, f. 7335, op. 1, d. 3157, l. 307

<sup>214</sup> TsGAMO, f. 7335, op. 1, d. 3157, l. 308

<sup>215</sup> UPK, Articles 105 and 107.

<sup>216</sup> For more on popular engagement with open courtrooms, see Chapter 4.

defense attorney for their vitriol, accusing him or her of bending the truth, taking advantage of bureaucratic loopholes, and showing little to no sympathy for their clients' victims, all to defend a murderer, no less. Many were left disappointed, both in what they understood to be the lawyer's cynical, insensitive conduct, as well as the court's tolerance of such behavior.

Leonid Tolpekin had just turned thirty-seven years old when a judge sentenced him to death on October 21, 1983 for murdering an elderly married couple in the village of Nakhabino. In the months leading up to the crime, Tolpekin had been having a difficult time keeping a job due to his heavy alcohol consumption which, according to his formal indictment, resulted in him losing one job after another for discipline infractions and "drinking away his paychecks" whenever they came in. Eventually Tolpekin overheard a colleague boast to another co-worker about the many valuable objects he stored in his house and decided to plan a break-in. Some days later, on October 21, Tolpekin packed a hammer in his coat pocket and arrived at the latter's home, where the wife recognized him as her husband's work colleague and let him in.<sup>217</sup> The indictment described what happened next without sparing any of the grisly details. "Tolpekin attacked her from behind, wrapped his hands around her neck, struck her on the head with a hammer a total of nine times, and moved her to the bathroom, where he submerged her body under water and drowned her."<sup>218</sup> The indictment then reported how Tolpekin reenacted the same murder when his colleague arrived, striking him with his hammer before suffocating him to death. Before he left the scene of the crime, Tolpekin scoured his victims' pocket and apartment for anything that may have been of value, finding only a total of 290 rubles, a woman's watch worth 15 rubles, and a woman's umbrella valued at 5 rubles.<sup>219</sup>

Murdering two elderly people for 310 rubles was reason enough to sentence Tolpekin to death, but the way in which he committed his crime - with premeditation, precision, and no remorse - sealed his sentence. "Tolpekin has been sentenced to a punishment that is in accordance with the severity of the crime he committed, as well as his poor character," a judge noted explicitly in his verdict.<sup>220</sup> For the judge and so many others in the courtroom, the case against Tolpekin was clear cut.

So it was to Aleksandra Soboleva, who penned a letter to the Moscow *Oblast* Court on December 20, 1983, just X days after Tolpekin's trial ended. If an undisciplined worker who took the lives of two people for a fistful of rubles did not deserve the death penalty, then who did, she asked? During the trial, Soboleva had watched in horror as Tolpekin's lawyer argued for Tolpekin to receive a commuted sentence on the basis that his client's sentence contravened the promises and logic of the country's Criminal Code. The lawyer reminded the court that according to the Criminal Code of the RSFSR, "the death penalty is considered to be an exceptional form of punishment (*iskliuchitel'naiia mera nakazaniia*), an option to embrace only when other types of criminal and administrative sanctions have failed to produce the desired results, when the subject of those sanctions has been found to be on an irrevocable path of criminality" ("*kogda sub'ekt bespovorotno stay na put' soversheniia pravonarushenii*"). From his lawyer's vantage point, "Despite the fact that two people died as a result of Tolpekin's action, the sentence he received should not serve the purpose of exacting revenge for what he did, but instead, should be directed towards reforming and correcting the accused." According to Tolpekin's lawyer, his client was an ideal candidate of more lenient measures, for "in [Tolpekin's case], one does not observe any signs of deep depravity in his character or personality, and given his age, his prospects for correction and re-education are

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<sup>217</sup> AMOS, d. 2-353/83, t. 2, ll. 69-80.

<sup>218</sup> AMOS, d. 2-353/83, t. 2, ll. 69-70.

<sup>219</sup> AMOS, d. 2-353/83, t. 2, l. 70.

<sup>220</sup> AMOS, d. 2-353/83, t. 2, l. 158.

favorable indeed.” Along with citing his client’s young age as evidence of his potential for reform, Tolpekin’s lawyer brought up the fact that Tolpekin “loved children” and enjoying spending his time helping his own two children with their studies.

This was news to Soboleva, the daughter of Tolpekin’s victims, who could not look past Tolpekin’s violent behavior, and what she considered to be the excessive cruelty with which he murdered her father. “I find the complaints filed by the lawyer groundless,” Soboleva explained. “The heinousness of his actions, the forethought he had before he committed the crime, the fact that he confessed to his crime in full,” she continued, “all of these things indicate that the sentence he received was a proper reckoning (*dostoinaia rasplata*) with the crime he committed.” Ultimately, Soboleva’s wish was satisfied. On July 5, 1984, the Presidium of the Supreme Soviet of the RSFSR, after reviewing Tolpekin’s last-ditch request for pardon, ruled that his death sentence should remain in effect “for the reason that he murdered two citizens with excessive cruelty (*c osoboi zhestokost’iu*).”<sup>221</sup> He was executed sixteen months later.<sup>222</sup>

### Conclusion: Soviet Civil Society

Historians of the Soviet Union have largely resisted engaging directly with the question of whether the Soviet Union contained within it any semblance of a civil society. Notably, they have not replicated the once lively debate among Imperial Russian historians, as to whether journals, professional associations, and scientific authorities constituted a “public sphere” or “civil society”.<sup>223</sup> Likely, most assume that the Communist Party’s reach into all aspects of life - through the press, medicine, education and beyond - disqualified Soviet institutions from acting autonomously and rendered them incapable of representing any interests other those of the state. This was especially true of the Stalin years, yet the years that followed Stalin’s death did witness the (re-)emergence of a what some historians have called a “private sphere”. This private sphere manifested itself in various movements (student, environmental, social) that seemed to reflect a degree of autonomous agency and drew succor from something other than the dictates of the party-state.<sup>224</sup> Such studies have dealt primarily with the dissident or human rights movement that arose in the aftermath of the Siniavkii-Daniel Trial of 1966. Made up almost exclusively of members of the Soviet intelligentsia, this elite cohort of dissidents, almost by definition, conceived of itself as a major oppositional force within Soviet society. From the point of view of members of the intelligentsia (and, indeed, of contemporary scholars who study them), Soviet citizens who embedded themselves within party-run institutions effectively disqualified themselves from claims to intellectual and professional autonomy. In reality, they constituted a very small sliver of the larger population, the majority of which held industrial jobs, received only a technical training, and lived outside the city centers where

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<sup>221</sup> AMOS, d. 2-353/83, t. 2, l.

<sup>222</sup> AMOS, d. 2-353/83, t. 2, l. 161.

<sup>223</sup> No detailed case study has replicated what Laura Engelstein did for late Imperial period, when she argued that post-reform civil institutions - journals, professional associations, scientific authorities - the came to populate late Imperial Russian society could not constitute a true civil society for the reason that they depended on the Imperial state’s permission, if not patronage, in order to exist. See Laura Engelstein, *The Keys to Happiness*.

<sup>224</sup> Andy Bruno, *The nature of Soviet Power: An Arctic Environmental History* (Cambridge: Cambridge University Press, 2016).; Benjamin Nathans, “Talking Fish: On Soviet Dissident Memoirs, *The Journal of Modern History* 87 (September 2015): 579-614; Benjamin Tromly, *Making the Soviet Intelligentsia: Universities and Intellectual Life under Stalin and Khrushchev* (New Studies in European History) (New York: Cambridge University Press, 2014); “Barbara Walker, “On Reading Soviet Memoirs: A History of the ‘Contemporaries’ Genre as an Institution of Russian Intelligentsia Culture from the 1790s to the 1970s,” *Russian Review* 59 (200): 327-53; Douglas R. Weiner, *A Little Corner of Freedom: Russian Nature Protection from Stalin to Gorbachev* (Berkeley: University of California Press, 1999).

so much dissident activity took place. The vast majority of Russian citizens could not access such groups, nor could they afford – professionally or economically - to tie their fates to institutions and spaces untouched by party hands.

Contrary to the existing literature, a study of courts in the late Soviet period—especially of its lawyers and advocates—does suggest the existence of a small civil society, mediating between state and populace. Lawyers were the explicit beneficiaries of the Soviet state in sectors beholden to party control, nevertheless they committed themselves to a profession whose attendant principles and ethical values contravened or differed significantly from those embodied and promoted by the Soviet state. They serve the interests of their profession, their and the Soviet state at once, and the differential nature of these operations did not cancel one another out

Soviet lawyers who defended citizens charged with death penalty-eligible crimes offer a fascinating lens through which to explore the question of the relationship of state and society. This chapter has shown how Soviet lawyers occupied a special role as middlemen. Institutionally, they were affiliated with their regional bar association which, despite maintaining party ties, enjoyed a significant level of professional autonomy. Though the law, as defined by the state, set the parameters of their activities, they litigated cases individually, applying independent knowledge of the legal, institutional, and cultural norms that governed the courts and their own professional community.

As an institution, the legal profession did not experience profound change over the course of the post-Stalin period. What this chapter reveals is that the legal practitioners within it changed their relationship to the principles on which their profession was based. After 1954, the Soviet Union witnessed the emergence of a large, young, and well-educated cohort of legal practitioners with a training in Marxist-Leninist criminology. Those who possessed this training were taught to view crime and explain criminal behavior through the lens of environmental factors. Lawyers who defended criminal defendants in court were obligated to apply Marxist-Leninist principles in their defenses using the theory of mitigating circumstances. And they did, at least for a time. But beginning in the late 1980s, lawyers began to look beyond environmental factors when advocating on their clients' behalf. Rather than focus on the origins of their client's crime, they looked instead to the “crimes” committed by court official and state authorities in the form of procedural violations, the sloppy use of evidence, and failure to follow their own legal codes. By abandoning a Marxist-Leninist explanation for the origin of crime in favor of one rooted in law and procedure, lawyers effectively created a new code of ethics and professional vocabulary. They depended on the content and logic of the law, but, importantly, they acted on their own initiative to serve their clients. On the eve of the Soviet collapse, lawyers developed features typical of a civic institution operating in a civil society. There was only one problem: no sooner did they develop a professional, civic consciousness than both the state and the society they served collapsed.

## Chapter 4: The Crowd

### *Many Faces of Victimhood*

On the morning of February 7, 1990, Liudmila Shtrykova left her house in the Russian city of Kolomna and boarded an *elektrichka* destined for Moscow. A year earlier, on August 15, 1989, police discovered the dead bodies of two young girls in an area south of Kolomna's city center. One of the girls turned out to be Shtrykova's daughter Mariia. The purpose of Shtrykova's train journey on that cold February morning was to testify at the trial of one Aleksandr Filatov, the man arrested and charged with her daughter's murder.

Shtrykova occupied two roles as part of Filatov's murder trial: witness and victim. As witness, Shtrykova recounted the events leading up to the moment when she learned about her daughter's death. In vivid detail, Shtrykova described to the audience that had gathered inside the courtroom that day the moment she decided to call the police, alerting them to her daughter's disappearance and suspicion that she may be hurt. The police, after calming her down, asked

Shtrykova to drive over to the local morgue to identify a body found along the banks of the city's main waterway, the River Oka. Once she arrived at the morgue, an employee led her to the examination room where they were storing the unidentified corpse. "I instantly recognized my Masha," Shtrykova told her captive audience.

But perhaps more important was Shtrykova's role as "victim," now that young Masha would have occupied had she been alive. Unlike a vast majority of countries that considered testimony offered by a deceased victim's relative's to be inadmissible, the post-Stalin Soviet Union adhered to a broader definition of legal victimhood, one that recognized family members as legitimate heirs to a deceased loved one's victim status and the legal standing that accompanied it.<sup>225</sup> The victim's kin were seen as being uniquely capable of conveying information about the deceased that the forensic experts, detectives, police, and prosecutors could not: their personality, hobbies, eccentric habits, and the like. "She was an excellent student," the mother recalled of her daughter, Masha. She was obedient, too, so much so that when she failed to come home after playing with friends one day, her mother immediately started to worry. Details from the deceased's affective life were crucial factors in the construction of their victim identities, and only those who knew them best could lay claims to and provide such intimate knowledge.

Some may be surprised to learn that Soviet courts, like courts everywhere, valued citizen testimony like Shtrykova's during criminal trials. Closed revolutionary tribunals, politically compromised judges, and extrajudicial *troiki* cement the early Soviet judiciary's reputation as an opaque, corrupt, ideological arm of the country's executive branch, divorced entirely from the general public. While this picture holds mostly true for the revolutionary and Stalin periods, it fails to resonate for the nearly forty-year period that followed Stalin's death. Reforms of the country's judicial branch turned it into a more or less independent branch of government, replete with younger cohorts of legal professionals whose legal training that taught them to prioritize the letter of the law over the directives of the party elite.

One of the biggest factors to distinguish the post-Stalin period from that which came before it was the degree of citizen knowledge of and engagement with the workings of the country's judiciary. Citizen participation in the criminal justice system became not only extremely common but extremely enthusiastic during the Khrushchev period, a trend that held true until 1991. Courtrooms transformed into vibrant extensions of the country's half-formed public sphere, a product of state-led institutional reforms and genuine grassroots activism. The Soviet government viewed its citizens as both agents and gatekeepers of the new "socialist legality" regime that party leaders, judicial elites, and legal researchers promoted in the post-Stalin period, and for this reason, explicitly encouraged popular participation in criminal justice proceedings. But the benefits also went the other way: courtrooms became the sites where people could bear witness to how the state responded to illicit behavior, defended society from threats to public safety, righted wrongs, and defended good from evil.

Citizens had other options for participating in and influencing the outcome of criminal cases beyond attending the trial itself. One of the simplest and most widely embraced method for having one's judicial opinions heard was through letter and petition writing. Individual or groups of citizens could submit a complaint (*zhaloba*), a petition (*khodataistvo*), and statements (*zaiavlenie*) offering input on a range of topics related to the case: their relationship to the plaintiff and/or defendant; their understanding of the defendant's guilt or innocence; thoughts on the most appropriate form of punishment, etc. The fact that these letters were preserved as part of an individual criminal file

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<sup>225</sup> The 1958 Criminal Code formally expanded the roles that a deceased victim's family representative could play. In this regard, the Soviet Union was ahead of the "victim's rights" trend that would emerge in the United States during the 1980s and 1990s.



reflects the significance that the authorities attached to them. In many cases, regular and appellate judges would cite the contents of these letters in their written verdicts (*prigovory*).<sup>226</sup> Short of providing witness testimony and attending a court hearing, no other method provided Soviet citizens with more direct access to unfolding criminal cases in which they felt a direct and indirect investment.

More than any other type of cases, those involving the death provoked the greatest level of popular involvement. People on both the defendant and plaintiff sides of the cases demonstrated a heightened interest in its outcome. Simply put, death penalty cases dealt directly with issues of life and death: the taking of a life of a victim (the plaintiff) and the death of the victim's assailant (the defendant). Defendants sentenced to death committed crimes that both the state and members of the general public identified as being especially heinous — aggravated murder, rape, killing or sexually assaulting a minor. These crimes tended to jolt the needle on people's moral and ethical compasses in total and uncompromising ways. On the other hand, people with ties to the person who committed a death-penalty eligible crime had equally strong investments in seeing that their loved one, friend, colleague did not die in the hands of the state, no matter how contemptible their actions might have been. In other words, the high stakes environment that death penalty cases engendered guaranteed a strong and loud response from people directly and indirectly affected by the crime itself.

Returning to the case of Aleksandr Filatov, Liudmila Shtrykova was far from the only person to provide input into the case's litigation. Indeed, Shtrykova was joined by a diverse group of self-elected spokespeople whose real or imagined legal standing compelled them to act as community representatives worthy of being heard. Members of a local worker collective, for example, submitted a petition to the local prosecutor alerting their reader to the fact that "this case has stoked the anger and indignation of the city's entire population." Like the entire city of Kolomna, "our collective (all 120 members) are very disturbed by the murderer's crime, and are disturbed by the fact that that Supreme Court may let this scum live. All of us have children and we are invested in their safety. If this animal had it in him to hurt these defenseless beings, then he does not deserve to live." They signed the missive with a final declaration: "DEATH TO THE MURDERER AND RAPIST FOR THE MURDER OF TWO YOUNG CHILDREN."<sup>227</sup>

Other citizens offered no less forgiving suggestions for how the court should respond to the young girls' murders. A letter submitted by another group of local factory workers arrived at a similar conclusion that despicable crimes like Filatov's must receive commensurate punishment, and only death met that criteria. Members of their factory got to see the defendant in the flesh when they attended his trial. In their letter, they expressed their outrage over the ways in which Filatov and his attorney tried to dupe the judge (and everyone who gathered in the courtroom that day) into believing that Filatov's poor mental health should be treated as a mitigating circumstance that rendered his crime death penalty ineligible. "Filatov tried to claim insanity on two occasions," they reported, "he tried to 'play crazy,' when in reality he is sane, and must be held responsible for committing the crime of the century (*prestupleniia veka*)."<sup>228</sup> As these anecdotes suggest, Soviet citizens remained tireless and vocal gatekeepers of legality even on the eve of their country's collapse.

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This is a story about community, and two communities in particular: a physical community and a moral community.

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<sup>226</sup> cite cases.

<sup>227</sup> AMOS, d. 2-213/90, t. 3, l. 89. Emphasis original.

<sup>228</sup> AMOS, d. 2-213/90, t. 3, l. 89, l. 369.

The physical community I explore consisted of real people, living in close proximity to one another and connected directly or indirectly by a diverse web of kinship networks. Together and individually, they confronted one of two tasks: of trying to end or save the life of a person awaiting execution on death row. On April 30, 1954, the Presidium of the Supreme Soviet passed a decree that made premeditated, aggravated murder a death penalty eligible crime across the Soviet Union. For the next forty-odd years, 38,340 citizens received death sentences union wide.<sup>229</sup> 33229, or nearly 87% of them, would be for murder.<sup>230</sup> At the same time, countless parents, spouses, children, coworkers, and community members everywhere became willing and unwilling participants in the trials that generated these death sentences.

Second, this paper is about a moral community, a group of individuals joined together by a common faith and the rites and practices that adherence to that faith demand.<sup>231</sup> For much of its existence, the Soviet Union was the world's largest moral community, its people bound by a faith in Marxist-Leninism that compelled them to speak a language and perform (genuinely and not) the rites and rituals that marked them as religious insiders. These performances manifested themselves in many ways: serving in the war, meeting and exceeding production quotas at work, performing well at school, joining the *komsomol*, showing kindness to one's brothers, sisters, parents, and grandparents, and so on. Talking about and making reference to these acts served many functions, perhaps the most vital of which was to secure state benefits for oneself and one's kin. In post-Stalinist Russia, no government benefit was more coveted than state vengeance or mercy.

This chapter uses the figures of the victim and the condemned and how they were depicted by community members who rallied to their defense to examine this discursive shift. The sources on which this paper are based come from approximately 109 criminal case files from the Moscow Regional Court and span the years of 1954 to 1991. They consist of letters written by family, friends, colleagues, and co-workers of women and men sentenced to death either for premeditated aggravated murder, rape, or both. They submitted these letters to a wide range of individuals and institutions: to their local newspaper and state prosecutor, to the court that issues the original death sentence, to their republic's Supreme Court or Presidium of the Supreme Soviet, all the way up to the Supreme Court of the USSR, the Presidium of the Supreme Soviet of the USSR, to cultural icons, and to Khrushchev, Brezhnev, and Gorbachev themselves.

For the first few decades following the passage of the 1954 decree, arguments put forth to save a loved one, a member of one's kin, or a colleague from the executioner's chamber relied on anecdotes that highlighted the condemned's moral and personal virtue. What counts as virtue depends on time and place, and in Khrushchev and Brezhnev's Soviet Union, to act virtuously was to behave in a way that directly and indirectly advanced the communist cause on a local, national, and union-wide level. Serving in the war, meeting and exceeding production quotas at work, performing well at school, treating one's brothers, sisters, and parents well: concrete acts that provided evidence of a person's commitment to traditional Soviet ideals of patriotism, diligence, activism, modesty, and respect.<sup>232</sup> Rather than describe the condemned as victims (of circumstance, personal failures, state oppression, a frame-up, etc.), defenders portrayed them as noble and upright Model Subjects whose deeds and character traits earned them state mercy and a second chance at life in Soviet society.

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<sup>229</sup> Source: GARF, R-9492, op. 6, d. 259, l. 80; GARF, f. R-9492, op. 6, d. 210, l. 47; GARF, f. R9492, op. 6, d. 626, l. 7.

<sup>230</sup> GARF, R. 9492, op. 6, d. 122, l. 84; GARF, f. R9492, op. 6, d. 210, l. 48; GARF, f. R9492, op. 6, d. 259; GARF, f. R9492, op. 6, d. 113, l. 25; GARF, f. R9492, op. 6, d. 626.

<sup>231</sup> On moral community see Emile Durkheim in *The Elementary Forms of Religious Life* (Oxford: Oxford University Press, 2001).

<sup>232</sup> As articulated in the 'Moral Code of the Builder of Communism.' For more on communist morality, see Deborah A. Field, *Private Life and Communist Morality in Khrushchev's Russia* (New York: Peter Lang, 2007).

Beginning in the 1980s, the condemned emerged from the letters first as legal Subjects and then as Model Citizens. Theirs was a peculiar kind of subjecthood, one based on notions of bureaucratic error, prosecutorial malfeasance, justice's miscarriage, and procedural misconduct. While they still possessed some of the moral claims and ideological representations once seen as indelible components of their identities, the victim, the condemned, and the people who wrote on their behalfs traded in appeals to the sanctity of procedure, law abidance, objectivity, and legality. Through pen and paper, both the authors of these letters and the individuals whose lives they tried to save came to resemble Thomas Hobbes's ideal citizen: individuals both wary of the state's capacity for error and abuse but cognizant of the benefits that it granted them in the form of legally protected rights. Thus, long before perestroika and the collapse, we can see the emergence of a legal subjectivity among ordinary Soviet citizens that prioritized objective justice over subjective mercy, the legal over the moral, rights over privileges.

*A People's Revolution: Popular Involvement in the Russian legal System, 1864-1961*

In Russia, the story of popular engagement with the justice system began much later. In 1864, Tsar Alexander II's declaration of independence for the judiciary promised to make justice "swift, righteous, and benevolent." According to this institutional reconfiguration, courts were to be open to the public, proceedings were to be adversarial as opposed to inquisitive, and verdicts were to be arrived at by jurors, and penal sentences were to be determined by a newly professionalized class of judges who were to answer to nobody but the law itself.<sup>233</sup> The 1864 reforms aimed to address long-standing and well known problems in the country's legal system: corruption, opacity, and a fundamental lack of independence that rendered the justice system and the people who paraded through it particularly vulnerable to abuses of power.<sup>234</sup> To combat the judiciary's thorough abasement, late 19<sup>th</sup> century reformers advocated for decentralization and democratization, of creating a circuit court system consisting of nine circuits with jurisdiction over 106 districts that would give people across the Russian empire direct access to, and de facto control of, the workings of the country's legal and judicial apparatus.

Like all well-intentioned reform projects, the judicial reforms of 1864 produced unintended consequences that gave their original architects reason to question whether the reforms were really in the state's best interest. As Louise McReynolds, Richard Wortman, and Laura Engelstein have shown, judges, lawyers, and jurors continued to harbor suspicions over the newly established Russian bar and the regime's continued willingness to bypass the independent judiciary in pursuit of desired legal outcomes. Ordinary Russians began to develop their own sense of distrust in the system, one that, as McReynolds has shown, grew manifest in high rates acquittals in criminal cases

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<sup>233</sup> On the origins of the first class of judges and legal elites, see Richard Wortman, *The Development of a Russian Legal Consciousness* (Chicago: University of Chicago Press, 1976).

<sup>234</sup> On the Judicial Reforms, see, among others: Sergei Kazantsev, "The Judicial Reform of 1864 and the Procuracy in Russia," in *Reforming Justice in Russia, 1864-1996: Power, Culture, and the Limits of Legal Order*, ed. Peter Solomon (New York: M.E. Sharpe, 1997); Samuel Kucherov, *Courts, Lawyers, and Trials under the Last Three Tsars* (New York: Praeger, 1953); Richard Wortman, "Russian Monarchy and the Rule of Law: New Considerations of the Court Reform of 1864," *Kritika: Explorations in Russian and Eurasian History* 6, no. 1 (2005). On the system the Judicial Reforms sought to replace, see, among others: Laura Engelstein, "Combined Underdevelopment: Discipline and the Law in Imperial and Soviet Russia," *American Historical Review* 98, no. 2 (1993); Daniel H. Kaiser, *The Growth of the Law in Medieval Russia* (Princeton: Princeton University Press, 1980); William E. Pomeranz, "Justice from Underground: The History of the Underground *Advokatura*," *Russian Review* 52, no. 3 (1993);

which reflected the public's antipathy toward the state and empathy for its victims. "The autocracy," McReynolds tells us, "often made a better villain than the accused."<sup>235</sup>

It should come as no surprise, therefore, that the Bolsheviks, upon coming to power in 1917, would do away with a judicial system that could render them vulnerable to public challenges to their legitimacy and authority. They abolished the old system of Imperial courts by the Council of People's Commissars' Decree Number One on Courts on November 24, 1917. Aside from eliminating all civil and criminal Tsarist courts, all Imperial judges, prosecutors, investigating magistrates, attorneys, and jurors were removed. The Decree established two types of judicial institutions: local courts and revolutionary tribunals. Initially, local courts only dealt with criminal offenses punishable by no more than two years imprisonment. Revolutionary tribunals dealt with more serious offenses punishable by a minimum of two years imprisonment, and became crucial devices for prosecuting "enemies of revolution" during the civil war years.

After the civil war and the announcement of the NEP, the Bolsheviks ushered in a new series of reforms. To address the problem of a lack of uniformity in applying the law, the government took to creating a single, streamlined system of courts overseen by a new criminal code. Despite their longstanding criticism of legal proceduralism, the Bolsheviks enacted a new Code of Criminal Procedure on May 25, 1922, and a new Criminal Code on June 1, 1922. The new codes were accompanied by the elimination of the tribunal system for civilian cases and its replacement with a single judicial system of courts, whose hierarchy was defined geographically. The new system of courts initially had three levels; the lowest courts were the people's courts (*narsudy*), above which were the provincial courts (*gubsudy*), and at the highest level were the Republican courts. This move towards decentralization was not accompanied by a concomitant move towards "democratization" in the form of a revival of the adversarial trial system. At trial in people's and provincial courts alike a panel of three persons - a judge and two "lay assessors - decided the verdict and the sentence - and prosecutors rarely had to content with the challenges leveled by defense attorneys. Indeed only in the post-Stalin period did lawyers begin to occupy the same prominent place in the courtroom as they did in the late Imperial period.<sup>236</sup>

The institutional reorganization of the Soviet legal and judicial system during the Stalin period is a well-known story that needs little rehashing here. Suffice it to say that most of the gestures towards

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<sup>235</sup> Louise McReynolds, *Murder Most Russian: True Crime and Punishment in Late Imperial Russia* (Ithaca: Cornell University Press), 7.

<sup>236</sup> On revolutionary legal and judicial change, see, among others: Peter H. Solomon, *Soviet Criminal Justice Under Stalin* (New York: Cambridge University Press, 1996); Christy Story, "In a Court of Law: the Revolutionary Tribunals in the Russian Civil War, 1917–21" (PhD diss., University of California, Santa Cruz, 1998), and Matthew Rendle, "Revolutionary Tribunals and the Origins of Terror in Early Soviet Russia," *Historical Research* 84, no. 226 (2011): 693–721. Judah Zelitch, *Soviet Administration of Criminal Law* (Philadelphia: University of Pennsylvania Press, 1931), John N. Hazard, *Settling Disputes in Soviet Society: The Formative Years of Legal Institutions* (New York: Columbia University Press, 1960), Peter H. Solomon Jr., *Soviet Criminal Justice under Stalin* (Cambridge, U.K.: Cambridge University Press, 1996), Samuel Kucherov, *The Organs of Soviet Administration of Justice: Their History and Operation* (Leiden, Netherlands: E.J. Brill, 1970), Tracy McDonald, *Face to the Village: The Riazan Countryside under Soviet Rule, 1921–1930* (Toronto: University of Toronto Press, 2011), and Aaron B. Retish, "Controlling Revolution: Understandings of Violence through the Rural Soviet Courts, 1917–1923," *Europe-Asia Studies* 65, no. 9 (2013): 1789–1806. Of the above, only McDonald and Retish, both of whom focus on rural courts, make extensive use of archival case records. Studies published by Russian scholars include Iu. Titov, *Sozdanie sistemy sovetskikh revoliutsionnykh tribunalo* (Moscow: rio VIuZI, 1983); idem., *Razvitiie sistemy sovetskikh revoliutsionnykh tribunalo* (Moscow: rio VIuZI, 1987); idem., *Sovetskie revoliutsionnye tribunaly v mirnye gody stroitel'stva sotsializma*, (Moscow: rio VIuZI, 1988), M.V. Kozhevnikov, *Istoriia sovetskogo suda, 1917–1956* (Moscow: Moskovskii gosudarstvennyi universitet imeni M.V. Lomonosova, 1957), A.V. Makutchev, "Prigovor okonchatel'nyi obzhalovaniuu ne podlezhit...": *revoliutsionnye tribunaly v Sovetskom Rossii v gody Grazhdanskoi voiny* (Moscow: airo-XXI, 2012), and V. Portnov and M. Slavin, *Stanovlenie pravosudiia Sovetskoi Rossii (1917–22 gg.)* (Moscow: Nauka, 1990).

transparency, legality, decentralization and de-politicization put forth during the NEP came undone with the announcement and implementation of the First Five Year Plan. Laws perceived as hindering the progress of collectivization, industrialization, and the simultaneous purging of the party of its left opposition, bourgeois specialists, and anyone who threatened socialism's construction were to be amended or ignored. Trials themselves transformed into closed door Inquisitions, open to the public only for the purposes of didacticism and for individuals to recite previously vetted denunciations. These conditions enabled and exacerbated the results of the Great Terror, when Stalin and the Party moved to eliminate any possible fifth column activity in the country against the backdrop of an impending war. NKVD troikas (an innovation from the period of collectivization) composed of a member of the state police, a local communist party secretary, and a state procurator, had the authority to issue rapid and severe verdicts (death or exile) without the right to appeal. In effect they served as judges, juries, and executioners. For better or for worse, the general public played little to no role in the million of death and gulag sentences passed during the Terror.

The judiciary would not remain a closed, opaque institution for long after Stalin's death. One of the major judicial reforms ushered in by Stalin's successors was the decentralization and, for lack of a better word, democratization of the country's criminal justice system.<sup>237</sup> In an effort to increase legitimacy and encourage transparency, party leaders, bureaucrats, and leading experts created institutional mechanisms that allowed ordinary citizens not just to enter but become active participants in criminal court cases. The most widely documented and exaggerated examples of this gesture was the creation of "comrade courts," panels of lay members delegated by housing and work collectives to exert measures of social pressures on individuals who breached social norms.<sup>238</sup> In the vast majority of cases, however, the state facilitated public participation through less direct but no less effective means: by encouraging prosecutors to work closely with witnesses during a criminal investigation; opening courtrooms to local audiences and the press; soliciting citizens to offer testimony on the witness stand.<sup>239</sup> Combined, these tactics promised to dispel the image of the judiciary as a closed, secretive, arbitrarily run branch of the Soviet government.

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<sup>237</sup> See, among others, Harold J. Berman, *Justice in the U.S.S.R.: An Interpretation of Soviet Law*, rev. ed. (New York: Vintage Books, 1963); Berman, "The Dilemma of Soviet Law Reform," *Harvard Law Review* 76, no. 5 (March 1963): 929-51; Berman, *Soviet Criminal Law and Procedure: The RSFSR Codes* (Cambridge, MA: Harvard University Press, 1966); George Ginsburgs, "Structural and Functional Evolution of the Soviet Judiciary since Stalin's Death: 1953-1956," *Soviet Studies* 13, no. 3 (January 1962): 281-302; John N. Hazard and Isaac Shapiro, *The Soviet Legal System: Post-Stalin Documentation and Historical Commentary* (Dobbs Ferry, NY: Oceana, 1962); Leon Lipson, "Socialist Legality: The Road Uphill," in *Russia under Khrushchev*, ed. Abraham Brumberg (New York: Praeger, 1962), 444-69; F. J. Feldbrugge, "Soviet Criminal Law: The Last Six Years," *Journal of Criminal Law, Criminology, and Police Science* 54, no. 3 (September 1963): 249-66; Robert Conquest, *Justice and the Legal System in the U.S.S.R.* (New York: Praeger, 1968); Walter D. Connor, *Deviance in Soviet Society: Crime, Delinquency, and Alcoholism* (New York: Columbia University Press, 1969); and Peter H. Solomon, Jr., *Soviet Criminologists and Criminal Policy: Specialists in Policy-Making* (New York: Columbia University Press, 1978).

<sup>238</sup> Yoram Gorlizki, "Delegalization in Russia: Soviet Comrades' Courts in Retrospect," *The American Journal of Comparative Law* 46, no. 3 (Summer 1998): 403-25

<sup>239</sup> On post-Stalin judicial reform, see, among others, Yoram Gorlizki, "Anti-Ministerialism and the USSR Ministry of Justice, 1953-1956: A Study in Organizational Decline," *Europe-Asia Studies* 48, no. 8 (December 1996): 1279-1318; Gorlizki, "Policing Post-Stalin Society: The *militiia* and Public Order under Khrushchev," *Cahiers du Monde russe* 44, no. 2-3 (April-September 2003): 465-80; Miriam Dobson, *Khrushchev's Cold Summer: Gulag Returnees, Crime, and the Fate of Reform after Stalin* (Ithaca, NY: Cornell University Press, 2009); Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, Policing and Producing Deviance During the Thaw* (Madison: University of Wisconsin Press, 2012); Robert Hornsby, *Protest, Reform and Repression in Khrushchev's Soviet Union* (Cambridge: Cambridge University Press, 2013); Marc Elie and Jeffrey S. Hardy, "'Letting the Beasts out of the Cage': Parole in the Post-Stalin Gulag, 1953-1973," *Europe-Asia Studies* 67, no. 4 (June 2015): 579-605; and Jeffrey S. Hardy, *The Gulag After Stalin: Redefining Punishment in Khrushchev's Soviet Union, 1953-1964* (Ithaca, NY: Cornell University Press, 2016).

As tempting as it may be to view all of these reforms through the lens of destalinization, they should also be read as products of a separate, epistemological shift in the field of criminology, and crime prevention in particular. Beginning in the late 1950s, jurists, legal scholars, and criminologists started to view the public and public opinion as soft weapons in the fight of a perceived spike in criminality. Members of local communities — elders, parents, local party chairs, managers, workers, employees, teachers, schoolchildren, etc. — were to conduct the surveillance once reserved for the MVD. Proponents of this theory reasoned that pressure from one’s peers, rather than coercion from the state, would deter someone from committing crime; those who do anyway risked being ostracized, stigmatized, and - crucially - punished not by the anonymous state, but by members of their own communities.<sup>240</sup>

One of the most dramatic yet overlooked innovations to come out of the post-Stalin reforms and this new penal philosophy were the figures of the “public prosecutor” (*obshchestvennaia obvenitel'*) and the “public defender” (*obshchestvennyi zashchitnik*).<sup>241</sup> Public prosecutors and public defenders were individuals nominated by an officially recognized collective (a factory, a *komsomol* branch, a school or university, a professional workplace, etc.) to offer an official denunciation (in the case of public prosecutors) or an official defense (in the case of public defenders) in the name of their social collective. Denunciations and defenses were first submitted in writing to the local prosecutor and reiterated in person during the trial itself. No matter how close or distant their relationship to the defendant or plaintiff might have been, these collectives enjoyed ample legal authority and its concomitant legal standing. Reformers viewed these representatives as important agents in the fight against crime, and prosecutors, investigators, and judges were told to listen and take their demands seriously.<sup>242</sup>

Aside from the defendant, the plaintiff, their kin, and witnesses, public prosecutors and public defenders were the only individuals whose testimony was admissible in a Soviet criminal court. In practice, however, the range of individuals who testified (either in person or in writing) over the course of a case’s litigation was much wider and more diverse. Former employers, parents, spouses, neighbors, classmates, colleagues, and other members of actual and imaginary communities (professional, political, regional) regularly wrote to judicial authorities on the eve of, during, and after criminal hearings. Oftentimes, prosecutors specifically solicited their input. For example, both the defendant and the plaintiff’s employers were asked to submit character statements [*kharakteristika*] that spoke to their behavior in the workplace). Others, however, needed no prodding to speak on behalf of the defendant and the plaintiff. Mothers, fathers, siblings, husbands, wives, grandparents, longtime co-workers did not need to be told to submit statements that attested to their loved one’s guilt or innocence, vice or virtue. Those who wrote on the plaintiff’s, or victim’s, behalf typically asked for the defendant, or the perpetrator, to be executed as an act of revenge for the taking of the victim’s life. Alternately, those who wrote on the perpetrator’s behalf asked for the state to make an “exception”: to commute the perpetrator’s death sentence in exchange for a prison term. Though they might have found themselves on opposing sides of an adversarial relationship, these people were united by a shared belief that they possessed legal standing. Their legal standing

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Peter H. Solomon, Jr., *Soviet Criminal Justice under Stalin* (Cambridge: Cambridge University Press, 1996), 451-53. On this see also Yoram Goralzki, “Rules, Incentives and Soviet Campaign Justice after World War II,” *Europe-Asia Studies* 51, no. 7 (November 1999): 1245-65.

<sup>240</sup> Stuff on Привлечение общественности к борьбе с преступностью

<sup>241</sup> Not to be confused with the figures who share their titles in the United States. Public prosecutors in the United States defend state interests in court, whereas public defenders in the United States are state-employed lawyers who (typically) represent individual defendants who lack the resources necessary to hire a privately employed attorney.

<sup>242</sup> Gal’perin and F.A. Polozkov, *Uchastie obshchestvennosti v sovetskom ugolovnom protsesse* (Moskva: Gosizdat, 1961), 80-102.

stemmed as much from the authority that their kinship ties conferred upon them as it did from the post-Stalin promise of an open and “democratic” judiciary. They felt entitled to be heard, and in a vast majority of cases, the state listened.

*“Have mercy on him!”: The Model Subject*

For the first few decades following the passage of the 1954 decree, arguments put forth to save a loved one, a member of one’s kin, or a colleague from the executioner’s chamber relied on anecdotes that highlighted the condemned’s moral and personal virtue and were delivered through a heavy dose of authoritative discourse. What counts as virtue depends on time and place, and in Khrushchev and Brezhnev’s Soviet Union, to act virtuously was to behave in a way that directly and indirectly advanced the communist cause on a local, national, and union-wide level. A discursive strategy that prioritized the victim’s or condemned’s past – of good behavior, brave service, hard work – over their present – their recent criminal activity, their court testimony, and anything related to the unfolding criminal investigation – became the predominant means for demanding or protesting someone’s death sentence. Serving in the war, meeting and exceeding production quotas at work, performing well at school, treating one’s brothers, sisters, and parents well: concrete acts that provided evidence of a person’s commitment to traditional Soviet ideals of patriotism, diligence, activism, modesty, and respect.<sup>243</sup> Rather than describe the victims and the condemned as victims in the traditional sense (of violence, circumstance, personal failures, state oppression, a frame-up, etc.), defenders portrayed them as noble and upright Model Subjects whose deeds and character traits earned them state mercy and a second chance at life in Soviet society.

Of the long list of ways to demonstrate one’s commitment to the Soviet state, no category was more celebrated, valued, and categorical than military service. Fighting in the Great Patriotic War, enthusiastically enlisting in the Soviet Army, and demonstrating a commitment to defending the country from enemies who wanted to undermine communism’s construction virtually automatically justified an individual’s claims to Model Subjecthood. In other words, individuals with a proven military service record took as granted that they shouldered a significantly lighter burden of proof when they put forth arguments emphasizing that their past deeds earned – indeed, guaranteed – them state benefits.<sup>244</sup>

It is no surprise then that relatives and friends of slain individuals went to great lengths to emphasize each and every detail of a loved ones’ military record if one existed. This proved especially true in the decade or so after the end of World War II, when memories of combat, combined with an escalating cold war, created a strong and permanent military cult in Soviet political, social, and cultural life. Defenders of the Motherland both past and present enjoyed privileged and protected roles in Soviet society. Anyone who disrupted that role, let alone inflicted damage on the Model Subject who occupied it, risked stoking the ire of members of Soviet society who subscribed to and policed the military cult.

On October 27, 1957, one IP. Medvedev submitted a letter to the Presidium of the Supreme Soviet of the USSR with a specific request. Two weeks earlier, his son, Anatolii Medvedev, was murdered outside a dance club in the Kraskogo-Ukhtomskogo district in the far outskirts of Moscow. The man charged with committing the crime, one Aleksandr Shevtsov, had a criminal record history and a reputation for arriving to work and social gatherings in an intoxicated state.

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<sup>243</sup> As articulated in the ‘Moral Code of the Builder of Communism.’ For more on communist morality, see Deborah A. Field, *Private Life and Communist Morality in Khrushchev’s Russia* (New York: Peter Lang, 2007).

<sup>244</sup> For more on the relationship between military service and expectations for state benefits, see Elena Zubkova, *Russia after the War: Hopes, Illusions, and Disappointments* (Montgomery: University of Alabama, 2015).

Witnesses who watched the brawl between Medvedev and Shevtsov unfold reported seeing Shevtsov stab Medvedev in the chest with a knife, a blow that proved fatal. Anatolii Medvedev's death outraged residents of the town, many of who knew Medvedev's father well. IP. Medvedev was an active member of the local party branch, and his son enjoyed an esteemed reputation around the neighborhood, so much so that, even before the Medvedevs went to court. Letters from Kraskogo-Ukhtomskogo began to inundate the local prosecutor and the court shortly before Shevtsov went to trial, demanding that Shevtsov be sentenced to death. For his part, IP. Medvedev submitted his own letter outlining his reasons for why his son had earned the privilege of being avenged by the state.

"I write to you as the father of Medvedev Anatolii Ivanovich, born in 1938, a member of the VLKSM, graduated from high school in 1953 and a machine operator at Moscow's factory 2449 since the age of fifteen," he began. He explained how his son had plans to enlist in the Soviet Army "to defend the Motherland" on October 21, 1957 - a week to the day after his life came to a premature end in Shevtsov's hands. "He was looking forward to joining the army on his own initiative, of contributing his fair share to the nation's defense, after which he planned to return to his former factory job. That is, until Shevtsov deprived my young boy of this future." "Now I, a Father, must escort my son not to the army, where he would have gone on to defend the motherland, but to bury him in the cold ground." He took note of the irony that Shevtsov possessed none of the qualities as did his Model Subject: Shevtsov was serving a prison term at the same time as Anatolii Medvedev was planning his military and worker career. "Shevtsov had just got out of prison, and in short order, managed to commit the worst crime of all," he explained. For IP. Medvedev, the calculus was clear: his son, by virtue of his work and military record, had earned the privilege of having the state sentence his killer to the "exceptional form of punishment." "Our fathers spilled their own blood just so we could live happy lives, not so that some of us could shirk work, become drunken thieves, and murder our precious children," Medvedev reminded his reader, evoking the military cult once more for good measure. "Are You really going to let these killers and thugs live, vandalize our streets, terrorize good and honest people with impunity?"<sup>245</sup>

This kind of logic proved tricky because killers and thugs served in the military and could lay claims to Model Subjecthood, too. Those who rallied to defend men and women who had been sentenced to death anchored their arguments for state mercy in similar appeals to the condemned's military record.

Anatolii Kabanov was 37 years old when the Moscow Regional Court sentenced him to death in November 1957 for murdering his friend B.M. Tochinin during an alcohol-fueled brawl.<sup>246</sup> Prior to his arrest, Kabanov had served in the Red Army during the war, where he met Tochinin. When news of his sentence reached the residents of Lazarevskii pereulok 2/11, the building in central Moscow where Anatolii's mother was living at the time of Anatolii's arrest and where Anatolii himself had grown up, a group of citizens mobilized into action. Just days after the judge issued his verdict, a letter signed by eight building residents arrived at the office of the Supreme Court of the USSR with the following message:

"We have known A.I. Kabanov to be a good person since he was a child. Comrade Kabanov always behaved himself in his own home and throughout our building. He was a good comrade to all of those in his circle of friends. He has no prior criminal record and has had no run-ins with the police. At the age of 18, before he enlisted in the Great Patriotic War, comrade Kabanov received training to become a chauffeur, but left his job to go to the front to defend the Fatherland in 1942. For his efforts, he was awarded a medal 'For the Victory Over Germany in the Great Patriotic War, 1941-1945' and 'For Battle Merit.' He was wounded and hospitalized. In 1946, comrade Kabanov

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<sup>245</sup> TsGAMO, f. 7335, op. 1, d. 8304, l. 170-171ob. Emphasis original.

<sup>246</sup> TsGAMO, f. 9335, op. 1, d. 8015, ll. 141-142.



demobilized and went to work as a bus driver. We have known Kabanov since he was young, and only have good things to say about him.”<sup>247</sup>

A discursive strategy like this one that prioritized a Model Subject’s past service – military service, as in the two cases above – over their present – the crime they allegedly committed, their court testimony, and anything related to the unfolding criminal investigation – proved extremely malleable. It could be adapted to condemn or exonerate women and men, the young and the old, people of different social and ethnic backgrounds. In a self-proclaimed socialist society, “state service” could assume an endless number of shapes and sizes: from serving in the war to performing well in school. The ways in which one could lay claims to Model Subjecthood were as abundant as the opportunities (political, economic, social, cultural) that the Soviet state claimed ownership of.

Professional service offered one such avenue. Whether it entailed working in the manufacturing or white-collar sector, demonstrating someone’s commitment to communism’s economic construction and well-being enhanced their bids for state vengeance or clemency.

In 1961, the case of a murdered young doctor from Moscow, one Esfir’ Markova Nazarova, shook the Soviet medical community to its core. In July of that year, Mikhail Shchipkov, a doctor who worked at a sanatorium where Nazarova worked as a resident pediatrician, went on an evening killing spree that left Nazarova, who was working overtime that evening, dead after suffering head wounds from Schipkov’s axe. Testimony provided by doctors and staff who knew and worked with both Nazarova and Schipkov told investigators that Shchipkov was likely seeking revenge on the institute for a scolding he received after several patients complained that he had sexually abused their young children. Shchipkov’s deviant past, coupled with the grisliness of his crime, were not the only things that led doctors, nurses, medical technicians and students across Russia and the Soviet Union to write to the courts demanding for the judge to sentence Shchipkov to death. Rather, what they wanted to emphasize was the damage that Schipkov caused by depriving society of a Model Subject with like Nazarova, someone whose contributions to the fields of medicine and science earned her the privilege of having the state avenge her murder by taking the life of her assailant.

A combination of Nazarova’s gender and the high-esteem in which doctors were held in the Soviet Union all but guaranteed that the people who demanded that her killer be murdered would see their version of justice prevail. “We cannot come to terms with the fact that the murderer has still not be sentenced to the most serious form of punishment,” wrote a husband and wife couple from the town of Khar’kov. “We have known Doctor Markovna personally since 1956, when she treated our daughter. In the years since, no matter how busy she was with her work and studies, [Nazarova] always found time to gently, patiently, and carefully tended to our sick daughter and answer all of her parents’ questions.” Nazarova’s virtue stemmed not just for the care that she extended to the couple’s daughter, but to the effort she dedicated to “saving the lives of all of our children.” A group of doctors from the Tambov Regional Children’s Hospital seconded this statement with their own letter to the prosecutor handing Shchipkov’s case. “She never turned us down whenever we requested her to consult for us when we came across a particularly complex or serious case,” the fifteen doctors who signed off on the letter wrote. “Thanks to her consultations, we were able to save the lives of many sick children.” A group of pediatricians from Kursk, in a letter sent to the newspaper *Izvestia*, reflected on “all the work that she did for children’s health” and lamented “all the help she could have provided to sick children” had she not have “perished in the hands of the murderer Shchipkov.” “It is ironic,” wrote one group of doctors from an unnamed town, “that Nazarova, who dedicated her entire life to helping sick children with neural diseases, would herself die as a result of having her own head — the center of the body’s nervous system— bludgeoned by a vicious criminal.” Similar letters from Omsk, Penzensk, Odessa, Irkutsk, Saratov,

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<sup>247</sup> Ibid, ll. 127-128.

Kuibyshev, Penzy, each one pressuring the authorities to avenge Nazarova's murder - and, crucially, the damage it caused to the entire Soviet public - the only way that the murder of a dutiful, caring, and gentle Soviet woman could be avenged: through the taking of her assailant's wife. "We are all unnerved by the fact that, in the capital of our Motherland, You are allowing low-life criminal types [like Shchipkov] to roam free," a former patient of Nazarova's wrote in. "There is no room for people like him."<sup>248</sup>

Those on death row who lacked the military and professional histories that lent themselves to these kinds of appeals for mercy were not necessarily out of luck. They could always inherit those of their Model Subject parents. In 1957, the Moscow Regional Court sentenced Viacheslav Leskov to death for murdering a man during a barroom brawl. After hearing the verdict, a group of thirty-four workers and employees from the factory Red Hero submitted an appeal to the Chairman of the Supreme Court of the USSR protesting the court's decision. The women and men who signed the letter did not know Leskov personally, but they knew his mother, who had been an employee of the Red Hero factory for six years. In their letter, the workers highlighted Leskov's mother's "superior work ethic, willingness to take initiative and take on many responsibilities" as examples of her - and, by extension, her son's - strong Soviet values. "She always strives to fill quotas, plays an active role in the factory community, and often takes on the role of factory line agitator," they added. "Once a year, Comrade Leskova leaves to go for local collective and state farms for a few months at a time." Based on these noble traits, the workers argued, "her son, who has been sentenced to the highest form of punishment, should be pardoned."<sup>249</sup> Model Subjects like Leskova and her son, in other words, had earned the state's mercy by performing rituals and upholding values that, in theory, guaranteed them a permanent and irrevocable place within Soviet society.

But performing well professionally and committing heinous crimes were not mutually exclusive: productive and disciplined factory workers murdered, too. When they did so, worker colleagues and members of various collectives did their part to emphasize their comrade's professional service record in their appeals for state mercy.

In 1960, Aleksei Agafonov was sentenced to death for murdering a neighbor who had been rumored to have denounced his father as a wartime collaborator. The crime unsettled the small town where the crime took place. Many wrote to the authorities to condemn Agafonov's actions and voice their approval of the court ruling. One group of students, however, felt differently. "We young *komsomoltsy* would like to express our thoughts about Agafonov Aleksei, with whom we work and who is a close friend and associate." The twelve *komsomoltsy* who affixed their names to the submitted letter wrote to the court hoping that the judge would interpret Agafonov's superior work ethic as evidence of his good character, capacity for reform, and deserving of a second chance at life. "In the factory, we always follow his lead, since he is so experienced with working on the combine," they continued. "He always showed enthusiasm about learning how to work with various factory equipment. We have never seen him behave rudely. We are very grateful to him, and hope that you will not deprive us from learning from him in the future." The young factory workers wrote with the expectation that their readers would look beyond Agafonov's crime and see him as the Model Subject he truly was: a dedicated worker, a toaster, a master of various forms of production equipment, and a model for the next generation of young communists to emulate.

These rhetorical strategies persisted well into the 1960s and 1970s with only small modifications. As time passed and fewer and fewer individuals could claim a loved one's connection to universally recognizable achievements like service in the "Great Patriotic War," one's individual virtue (their kindness, generosity, strong family values, heroism, fairness, etc.) replaced the public service-based

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<sup>248</sup> II. 252, 261-262, 264-267.

<sup>249</sup> TsGAMO, f. 7335, op. 1, d. 8068, l. 10.

virtues that dominated letters of the past. Related, more and more people began to rely on virtue that they inherited from past and present family members in their bid for state mercy on their loved one's behalf.

An elaborate example of this kind of plea in the context of a request for mercy emerged during the trial of one Vasili Saniushkin, a man sentenced to death for a double homicide near the city of Riazan in January 1976. In short order after the verdict came in, Saniushkin's sister and mother (who, as women, were uniquely qualified to pass judgement on someone's affective life) submitted complaints to the Presidium of the Supreme Soviet of the RSFSR which contained impassioned pleas for their brother's and son's release from death row. "I ask You, as a parent, to pardon him and have pity on us," wrote Vasili's sister Valentina Saniushkina. In her letter, she attempted to depict her family - and, by extension, her convicted brother - as a family of Model Subjects. To that end, she offered her reader elaborately detailed biographies for each of her four brothers: Vladimir, Viktor, Aleksandr, and Vasili. Each served in the Soviet Army and earned medals and early releases from duty on account of their hard work. Each found jobs upon demobilizing: Vladimir as a chauffeur, Viktor and Aleksandr as workers at machine manufactories. Vasili Saniushkin, however, was "the unlucky one" (*postiglo neschast'e*). His poor health deprived him of the opportunity to enlist in the army, and as a result, he spent most of his late teens and early twenties under the poor influence of other arm rejects like himself. "Out of all of my brothers, my brother Vasiia is the best. He is everyone's favorite brother. He is a very shy, respectful, dutiful person. He never turns the other cheek when he sees someone else suffering. He always offers to help. He has saved peoples' lives on several occasions. One time, when my brother was ice skating with his friends and several of them fell into the ice, Vasiia went in to save them...He was the most disciplined student in his class."<sup>250</sup>

Vasili's mother, Anastasiia Saniushkina, submitted a letter that corroborated his sister's accounts. She, too, paired records of their family's larger achievements and anecdotes that showcased Vasili's exemplary personal traits to argue that he deserved state mercy. Like her daughter, Anastasia Saniushkina emphasized her son's benevolent, even heroic, character, describing the time when he saved a total of twenty-seven students and teachers from a blizzard. "Please do not think that he is a danger to society!" Saniushkina wrote. "Do not take him away from his loved ones, he is still so young!" And like Anatolii's sister before her, Anatolii's mother understood the benefit that a commendable family biography might confer onto her son's chances of getting off death row and currying the state's favor. "Have mercy on him!" (*Poshchadite ego!*) his mother pleaded:

For the sake of his father, who fought for the country from the first to the last day of the Great Patriotic War, from 22 June 1941 to 28 November 1945, who worked his whole life for the sake of his children and society as a whole, who is currently retired but still working to this day. Have mercy on him! For the sake of his brothers, who full fulfilled his sacred duty to the Motherland in the Soviet Army, who are dedicating their lives and energy to work on behalf of our people. Have mercy on him! For the sake of his blind sister, he loved her and was the best brother he could be to her, and now she is in a state of misery and grief.

Because Vasili had so little to show for himself on paper, his mother carried the double burden of appealing his sentence on his behalf and transforming him into the kind of Model Subject that the

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<sup>250</sup> GARF, f. A-385, op. 22, d. 6076, ll. 73-74

Soviet state would recognize and bestow its mercy upon. That she chose her family's service record - for the army, at work, in the home — as the most important attributes to highlight for that purpose suggests that, even in 1976 - the height of what has been retroactively called “the period of stagnation” - the oldest tenets of communist morality and a community organized around those tenets remained virtually intact. Or, at the very least, ordinary people understood them as carrying moral weight in the eyes of the state. Unfortunately for Anastasiia and Valentina Saniushkina, that weight turned out not to be large enough. On August 1, 1976, the Presidium of the Supreme Soviet rejected Vasili's request to do what his mother had so passionately asked them to do: to show her son their mercy. He was executed shortly thereafter.<sup>251</sup>

*“How is that Legal?”: The Legal Subject*

Over time, however, defenders appeared to lose faith in the state's ability to make good on its promise of mercy in exchange for their demonstrated commitments to serving the Soviet state and society. Or, at the very least, they no longer believed that framing their loved ones as Model Subjects would offer them the best chances of securing a commuted sentence on their behalf. Beginning in the late seventies and culminating during the eighties and nineties, defenders traded in the figure of the Model Subject for a legalistic discourse that enabled them to depict their loved ones as one of two things: Legal Subjects and Model Citizens.

Legal subjects were ordinary men and women whose legally protected right to due process were being violated by an incompetent state deaf to its citizens' best interests. By replacing the ritualized, moral, ideologically charged vocabulary for one that emphasized bureaucratic error, prosecutorial malfeasance, justice's miscarriage, and procedural misconduct, defenders revealed an emerging sense of legal consciousness and a concomitant form of liberal subjecthood long before the advent of Perestroika and the collapse. Model Citizens, like their Legal Subject counterparts, possessed legally protected rights *as well as* traits that both the state and members of Soviet society recognized as having special legal and social standing. But with one crucial difference. Model Citizenship was no longer based on one's service to the state and to one's professional community, but rather as one's position inside their nuclear family. Children, mothers, fathers, sisters, and brothers became universally recognized symbols of virtue whose family ties and legally protected rights guaranteed them access to the most exceptional of state benefits: vengeance and mercy.

The path to Legal Subjecthood was less about legal conscious formation and more about discovery: discovering that state officials had misread evidence, misinterpreted the Criminal Code, delayed the trial on account of their own “red tape,” and the like. Individuals who began to speak in the language of legal proceduralism revealed both a heightened concern for the objective truth and a loss of faith in bureaucratic and institutional elites to deliver it on their behalf. They also showcased an emerging degree of confidence in their own ability to navigate the legal system either on their own or with the help of their communities (in many ways fulfilling judicial reformers' goals of creating a legally educated and involved citizenry). No longer could the delicate tasks of avenging a loved one's death and saving a love one from execution be left in the hands of anonymous state actors whose self-proclaimed expertise in matters of law and order turned out to be flawed. To combat official incompetence, and secure the interests of their deceased or soon-to-be executed kin, defenders began to behave and view themselves as experts in their own right.

One way of the most common ways in which community member began to demonstrate their own sense of expertise was through evidence manipulation. Forensic experts had enjoyed a

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<sup>251</sup> GARF, f. A-385, op. 22, d. 6076, ll. 80-81

monopoly on crime scene investigations for much of the post-Stalin period.<sup>252</sup> Along with witness testimony, reports submitted by forensic examiners played pivotal roles in determining criminal culpability. Prosecutors catalogued evidence that went into a criminal cause in a single case dossier that was made available to the defendant and the defense attorney. The only way for anyone besides the defendant and their attorney to familiarize themselves with the collected evidence was by attending court hearings, where forensic experts and witnesses presented their findings and testimonies to the judge. Records from the 1950s, 60s, and much of the 70s show little active engagement on the part of onlookers with the evidence that they learned about in court. People rarely contested forensic interpretations, and they cited evidence even less frequently in the letters they submitted to court officials. But beginning in the late 70s, one begins to see a greater willingness to engage with the seemingly “objective” scientific findings put forth by the prosecution and its team of experts. Ordinary citizens began to develop their own interpretation of the evidence presented in court, in many cases challenging the prosecution’s findings and offering their own original assessments of “whodunnit.” They were no longer willing to be passive recipients of knowledge. What they wanted instead was to know the Truth. To do so, they started to listen.

In a 1986 case involving Anatoliĭ Proshliakov, a man sentenced to death for murdering and raping a young named Tania Vasina, the victim’s mother offered the Supreme Court of the RSFSR a summary of the evidence that pointed to Proshliakov’s guilt. “I attended the trial every day it was held, and was shocked: how can you deny the facts? He [Proshliakov’s] lawyer writes that the case lacks evidence to indict his client. In fact, there is plenty of evidence.” She then proceeded to summarize some of the most damning pieces of evidences, including Proshliakov’s confession to her daughter’s rape; matching strands of hair found on both Proshliakov’s and her daughter’s clothing; Proshliakov’s accurate description of Tania’s dress attire the day she was killed, from the color of her boots (yellow) to the color of her underwear (white). “How could he know all of this if he did not see her that day?” her mother asked her reader. Likewise, Proshliakov’s knowledge of her daughter’s body’s whereabouts left her unconvinced of his innocence. “In court, we all watched the video where Proshliakov led the policemen to the place where he left her body.” In that same video, Proshliakov offered the police an in-depth summary of his assault on Tania Vasina. “In court, he claimed that he took a guess at where her body could be found. But how can someone guess that there would a dead body in the heart of the city if he did not put it there himself?” It was one thing for Proshliakov to fool the court, and quite another to fool a mother whose daughter had just been killed. “How is it possible that, with all this evidence, his guilt remains in question?” she retorted. “Once again, I am asking you to keep the sentence intact. It is important not just for me - it will not do anything to quell my suffering - but for all of the residents of our city. My relatives and I await your just decision. Let the murderer and rapist answer to the law and justice.”<sup>253</sup>

Individuals also manipulated evidence to indict accomplices who they felt deserved to be punished in equal measure. In the aforementioned case of Gennadiĭ Karasev, the father of the slain girl Sveta Dedosha felt that Karasev’s sister, Nadezhda Karaseva, who turned a blind eye when she saw her brother assault Sveta, deserved to be punished as severely as her brother. “This tragedy would not have happened if Nadezhda Karaseva, the criminal’s sister, had stopped the murdered in the first place.” According to Sveta and those who came to the scene of the crime after it unfolded, Karaseva “was right near by, and she could have, at the very least, screamed ‘Run!’ or called for people to come and help my daughter. She did neither of those things, and only took action after the

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<sup>252</sup> Reformers aimed to create professionalized and independent forensics departments as part of the post-Stalin goal of making the criminal justice system more “objective,” scientifically-based, and less vulnerable to political and ideological manipulation.

<sup>253</sup> AMOS, d. 2-92/86, t. 5, l. 380-381.

criminal finished with my daughter. The girl was still conscious as she lay on the snow, asking for help. But Karaseva refused to help her, and chose to go into her house instead.” Dedosh expressed shock at the court’s unwillingness to take these testimonies into account, and interpreted it as a threat to his community’s very wellbeing. “How can you expect us to live among people like her?” he asked his reader. “Comrade Judges, this horrible woman claims to be a communist, but there is no room for her in our party. The only place where she deserves to be is on death row.”<sup>254</sup>

But death row had its own fair share of people whose indictments were, according to their defenders, victims of shoddy evidence and procedural violations. Such was the case of Valerii Vital’evich Pronin who, in June 1982, was sentenced to death for murdering and raping the daughter of a former army general in the Chekhov district south of Moscow. Shortly after the judge passed his sentence, Pronin’s childhood friend, one V.S. Zakharov, submitted a letter to the local prosecutor with an urgent request. “I am writing to ask you not to lessen his sentence, but to cancel the verdict in its entirety,” he proclaimed, for Pronin had an alibi. “Pronin was no where near the scene of the crime [when it was committed,” Zakharov wrote, but rather at home with his new wife cooking dinner and watching television. Both Pronin’s wife and “close to sixty people” confirmed Pronin’s alibi to the investigators and in court, but according to Zakharov, “[the court] refused to trust them” (emphasis original). He described how difficult it was to communicate to the judge and prosecutor that “there was only one version of the truth” (“*chto eto odna pravda*”), that the singular goal of “convincing someone, no matter who” effectively silenced the witnesses and made it so that “nobody would listen to [us].” Pronin, for his part, outlined his alibi in the oral and written testimony he gave to his interrogators, but that testimony, according to Zakharov, “disappeared from [Pronin’s] criminal file.” “Why is that?” asked Zakharov in his letter. “How is that legal?” (“*Chto eto zakonno?*”). Equal in measure to his concern for his innocent friend’s fate was his desire “to find the real murderer” and end “an innocent man’s suffering.” “Punishments,” he declared, “need to be reasonable.” Zakharov’s allegations and not so tacit criticism of the court’s conduct would not save his friend’s life. Several months later, Pronin, a man that his old friend Zakharov “could only describe in a flattering way,” was executed.<sup>255</sup>

Given the stakes, people with loved ones on death row did not trust the authorities to resolve their own various procedural and interpretive errors unguided. They began to offer their own conclusions on how the crime unfolded, who was to blame, and how best to punish the culprits. Those who did so based their interpretations not on personal judgment alone, but on the very evidence that the investigators, prosecutors, and witnesses presented to the judge in court. Doing so required their active participation at all stages of the case’s litigation: close reading of their loved one’s case files, active listening during their trial, careful consideration of the evidence uncovered by the investigation, and a thoughtful analysis of the judge’s conclusions, which they articulated in the letters protesting their loved one’s death sentences.

One of the more extreme maneuvers that people used to make the law work in their favor involved manipulating the language of the Russian Criminal Code. Although on paper certain crimes aside from homicide (rape, threatening the life of a police officer, bribery) remained death penalty eligible until the collapse of the Soviet state itself, on paper, only aggravated, premeditated murders received the death penalty.<sup>256</sup> Those who wished to see someone sent to the executioner’s chamber had to prove that their crime was especially heinous, involved intent, and, most importantly, qualified as homicide. In most cases, classifying sometime as a homicide was easy enough; proving aggravated intent was the hardest part. Sometimes, however, people went above and beyond to

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<sup>254</sup> TsGAMO, f. 7335, op. 1, d. 5430, ll. unnumbered.

<sup>255</sup> AMOS, d. 2/156-82, t. 6, ll. 241-243ob.

<sup>256</sup> See Introduction for capital crimes trends.

prove that a crime that did not result in death should be classified as murder. More than any, these cases showcase how ordinary people interpreted the Criminal Code in innovative and creative ways in order to produce the judicial outcomes that best fit their own visions of justice and legality.

On October 21, 1981, Nikolai Dedosh attended the trial of Gennadii Karasev, a man arrested and charged with the attempted murder of Dedosh's thirteen year old daughter Svetlana, or Sveta. On March 3, 1981, Dedosh and his wife Nina began to worry when Sveta failed to come home from a trip to their local library. They went out to look for her, only to find her lying on the road unconscious in a pool of her own blood. They rushed her to the hospital, where doctors stabilized her before determining that she had suffered four knife wounds to her back. The wounds left her permanently handicapped. The knife went through her spinal cord, which resulted in permanent damage to her pelvic organs, handicapped from the waist down, and afflicted with "Phantom pain," a chronic sensation reported to emanate from a body part that no longer exists or functions. Sveta identified Karasev as her assailant soon after regaining consciousness. Grief stricken and tormented by the prospect that his teenage daughter might have to spend the rest of his life bedridden and under his wife's and his care, Dedosh decided to do everything in his power to see Karasev executed.<sup>257</sup>

Dedosh and the many other people who wanted Karasev dead faced a formidable challenge in seeing their vision of justice enacted. That's because attempted murder (a violation of Article 15 of the Criminal Code of the RSFSR) was not a death penalty eligible crime. Premeditated, aggravated murder (a violation of Article 102 of the Criminal Code of the RSFSR) was the only death penalty eligible crime that came close to resembling Karasev's actions. To convince a judge to sentence Karasev to death, Nikolai Dedosh had to argue that Karasev's actions best fit the characteristics of an Article 102 violation: that is, that Karasev had killed Sveta, and that Sveta was, for all intents and purposes, dead.

To prove that Karasev had ended Sveta's life, Nikolai Dedosh, his wife Nina Dedosha, and members of their community exploited the extent to which the girl's injuries had rendered her effectively lifeless. A group of seventeen doctors who treated Sveta after her attack submitted a public denunciation where they lent their medical authority to confirm that "for the rest of her life, the girl will remain seriously handicapped." "Here this monster had the nerve to savagely attack this child, this future woman, this future mother," they continued. "Does our justice system really allow social degenerates to live and continue committing crimes like this?" Another group of concerned citizens, this one consisting exclusively of mothers, women, and girls, wrote to the court to voice their shock over Karasev's actions. "He robbed her of a happy childhood, left her handicapped and chained to her bed for the rest of her life. WHO GAVE HIM THE RIGHT TO DO THIS? There is no room for violence of this sort in our socialist country!"<sup>258</sup>

In a public announcement delivered during the trial, one of Sveta's close friends took to the witness stand to deliver a speech on behalf of all of Sveta's classmates. She described Sveta as an active member of their collective, whose beautiful voice won her many awards, along with the affection of her fellow classmates. "Everybody loved hearing her sing," the friend told the courtroom, "but now nobody will get to see her on stage." She contrasted the talented and energetic girl to the traumatized and bedridden person that she encountered the first day she visited her in the hospital. "I did not recognize the girl I knew so well," she began. "There was intense pain and fear in her eyes, and she kept asking me why someone innocent like her should have to suffer this way." To emphasize the extent to which Sveta's daily life was permanently affected by her attacker's actions, her friend visited her on a daily basis, to relieve her mother of her caretaker duties." He

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<sup>257</sup> TsGAMO, f. 7335, op. 1, d. 5430, ll. 379-380.

<sup>258</sup> TsGAMO, f. 7335, op. 1, d. 5430, ll. 213-220ob. Emphasis original.

recalled how the wounds on her back caused serious discomfort, so much so that she had to be adjusted every thirty minutes, including in the middle of the night. Her trauma in “She screams in her sleep, and is afraid of men,” her friend added. “Everyday she asks, ‘why did he not just kill me?’” The friend concluded her testimony with a final recommendation: “Let Karasev’s sentence be harsh, bitter, but instructive,” she told the court, “so that the rest of us children can live, learn, play, and walk on the streets safely.”<sup>259</sup>

But it was Nina Dedosha’s court testimony that really stole the show. Asked to describe the state of Sveta’s health, Dedosha nearly broke down into tears. “I was right there with her after her operation,” Dedosha began, “and now, eight months later, I am still looking after her as she goes from one operation to the next. She is still in the hospital in a very bad state... She needs assistance to eat. At night she experiences extreme pain in her legs. We are all living one day at a time. My little girl tells me, ‘Mommy, I do not want to live anymore, I want everything to end.’ Why does my little girl need to suffer like this? Who can tolerate this outrage? My little girl asks me, ‘Mommy, why did he not just kill me? I am basically dead.’”<sup>260</sup> Several days after the trial ended, the local prosecutor overseeing Karasev’s case, citing the damage that he inflicted to Svetlana’s vital organs and the “helpless state” in which she now lived, passed a motion to reclassify Karasev’s crime as a violation of Article 102.

People began to criticize not just how the courts ruled on a certain case, but the process by which they arrived at and implemented that ruling. As the decades wore on, death penalty cases took longer and longer to litigate, and death sentences themselves took longer to carry out.<sup>261</sup> Delays of this sort produced a feeling of restlessness among ordinary citizens who invested themselves in the outcomes of certain trials and expressed impatience about seeing their visions of justice enacted in real life. They could not understand why something as serious and urgent as finding and punishing people who posed a danger to society would be put off for long periods of time, and made sure to communicate their disapproval to the relevant authorities.

The 1989 case of Aleksandr Filatov, the man arrested and put on trial for the murder and rape of two young girls in the city of Kolomna, introduced at the start of this chapter, offers a case in point. Filatov’s trial resulted in a death sentence, which both Filatov and his lawyer appealed on grounds that the investigation was so procedurally flawed that the case merited a reexamination. The judge agreed to honor Filatov’s appeal and ordered a retrial. The gesture infuriated residents of Kolomna, especially the mothers of the two slain girls, who had struck up a friendship over their shared grief in the years since their daughter’s deaths. One of the mothers, the aforementioned Lyudmila Shrytkova, submitted a series of letters to the judge who issued the original, ultimately overturned, verdict. “Viacheslav Mikhailovich!” she began. “I implore you, help put an end to all of this red tape.”<sup>262</sup> This terror, these bandits, the alerts we receive from the MVD — an arrested person here, a held up man there — but we never learn about how a case is investigated, and whether someone is found guilty or sentenced. “We have been mired in judicial red tape for nearly two years,” she continued, “which is the reason why people like Filatov steal, rape, and kill in our country. It has become frightening just to live (*strashno stall zhit*). All of us are locking our doors and do not leave our homes when it gets dark outside.” In other words, the slow pace by which justice was being meted in Kolomna and elsewhere was not only making it harder for the community to move on, emotionally, from the crime that was afflicting the city, but was actually contributing to a

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<sup>259</sup> TsGAMO, f. 7335, op. 1, d. 5430, ll. 274-275ob.

<sup>260</sup> TsGAMO, f. 7335, op. 1, d. 5430, ll. 256-258ob.

<sup>261</sup> I am not sure why this happened, especially because death sentence rates reached an all-time post-Stalin low during the 1980s (see the graph on page 6). If the American case offers any clues, a strengthening of appellate procedure (i.e. the number of stages that appealing a death sentence can go through) is a likely factor.

<sup>262</sup> AMOS, d. 2-213/90, t. 3. л. 370об.



rise in crime rates. The mothers also read into the profusion of “red tape” that the lengthy appeals process generated as evidence of something much more sinister. “It seems like people like Filatov are being defended and helped. They raise their voices and ask for pardon, even though he destroyed two lives.”<sup>263</sup> That the state might extend more sympathy towards a violent criminal’s suffering than that of two grieving mothers jolted people’s moral universe. “The investigation proceeded for nearly a year, and he was transferred for psychiatric evaluation twice. He was determined to be mentally healthy, and the Moscow Regional Court was right to sentence him to the highest form of punishment. But both his lawyer and he submitted complaints that led You to overturn the original verdict and order the case to be reviewed.” Rather than show concern for the “nearly 200,000 residents of the city of Kolomna [who] were shaken by [Filatov’s] heinousness and brutality,” the mother wrote, the court consumed itself with impersonal procedure that seemed at best heartless and at worst extrajudicial. “How can anyone pardon or commute someone who took the life of two defenseless babies (*maliutok*), who robbed their parents of joy and hope, and killed all that is good on earth (*ubil use sviatoe*).

Similar anxieties about the effects that procedural delays and bureaucratic tape were having both on individual victims and whole communities could be seen in the case of Vladimir Savinkov. In July 1987, Antonina Ratnikova, the mother of one Gennadii Ratnikov, submitted a complaint (*zhaloba*) to the Office of the Prosecutor of the RSFSR. The previous year, in December 1986, Gennadii, his wife Liudmila, and their five year old son Andrei were murdered in the apartment that they shared with Antoninina Ratnikova. Police arrested the principal suspect, Vladimir Savinkov, shortly thereafter, but for reasons that were never explained to Ratnikova, the authorities were slow to make progress when it came to bringing her son’s alleged murder to justice.

“Recently, I have been hearing about strange developments in my son’s case,” Ratnikova began her complaint. “The investigation has been going on for nearly half a year, but it has yet to conduct witness interviews. Not even the neighbor who heard my son’s and his family’s cries has been consulted.” According to her letter, over the past several months, Ratnikova joined her slain daughter-in-law’s parents on regular visits to the Moscow Regional Court to demand that the judge tell them when they planned to hold Savinkov’s trial. Not only did the clerks refuse to give them a straight answer, but they greeted them with a level of disrespect that no mother (let alone one grieving the loss of a child) should be subjected to. “They treat us more and more rudely with each visit,” she altered her reader. “Once, they even yelled at us, as if we, the mothers of slain children, committed the crime in the first place.” Despite the mistreatment, Ratnikova and her peers were indefatigable in their quest for information about Savinkov’s trial. In her letter to the Office of the Prosecutor, she read off each of the offices that she wrote to over the past several months: The Prosecutor of the Moscow Region (“no answer”), the Deputy of the Supreme Court of the USSR (“no answer”), the General Prosecutor of the USSR (“no answer”), the Central Committee of the Communist Party of the USSR (“received an answer from the General Prosecutor of the USSR”); the editor of *Literaturnaia Gazeta* (“received an answer from the General Prosecutor of the USSR”). The list carried an implicit threat: “if you do not write back to me, I will continue to write.”

Identifying herself as a victim (*poterpevschaia*) herself, Ratnikova had many things to let off her chest. “How come a trial has not taken place?” she retorted. “How come we have not been assigned an attorney? For the past three years, we have been knocking on the door of the Moscow Regional Court. For the past three years, we, as mothers, have not received an acceptable response.” Shorn of any pretense to supplication, Ratnikova’s demanding tone revealed her disappointment with and impatience for the court’s sloppy handling of her son’s case. For example, the court had promised to compensate her for the cost of her son’s burial, but at the time of writing, she had received

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<sup>263</sup> AMOS, d. 2-213/90, t. 3, л. 313

nothing of the sort. “I was promised 300 rubles,” she explained, “and wrote to You directly so that you can compensate me. You wrote me back to confirm that you received my letter. But who is going to provide me with my compensation?” The burial fee and speedy trial were not debts to be repaid for services rendered. Instead, they were privileges to which Ratnikova was entitled to simply by virtue of her citizenship and the injury she, as a victim, suffered.

Ratnykova was disturbed by more than just the court’s cold shoulder and the funeral fee she was left to pay. What bothered her more was the deference that, according to her, the court was affording to the man who allegedly murdered her son and his young family. “How come the [lay assessors] seem to be more inclined to side with the murderer, while at the same time we cannot get more than ten minutes of their time?” The slow pace. How long are we expected to tolerate this? Please pay attention to our complaints and expedite the trial.” How much longer do you expect us to wait for the court verdict?” she asked the prosecutor. “Nearly four years have passed<sup>264</sup> [since my son’s murder], and the criminal has not been sentenced and has not been held responsible for what he did.”

Ratnykova made one final gesture before sending her letter out to the Office of the Prosecutor. In the envelope that she used to mail her letter, she added a photograph of her son and his family, snapped during a much happier time while they were on vacation in Uzbekistan.



Source: AMOS, d. 2-100/89, t. 1, l. 26.

*“There is more to a person than the law they broke”: The Model Citizen*

The gesture anticipated and reflected a larger trend that would rise to prominence among letter writers during the late 1980s. Photographed portraits of slain individuals began to appear in criminal

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<sup>264</sup> In fact, only two-and-a-half years had passed since her son’s murder, but her distorted sense of time underscores her impatience.

case files with greater frequency. They presented the victims in their very best: smiling in family portraits, dressed in pristine uniforms, playing in the sunshine. These photographs and the letters that supplemented them fused the “Model Subject” and “Legal Subject” rhetoric to form a single, cohesive logic that emphasized both the individual’s virtuous character and the legal and procedural basis for issuing or commuting a death sentence. Combined, these two rhetorics combined into a single discourse of the Model Citizen: a figure whose good deeds and legally protected rights guaranteed them state protection or state mercy by virtue of their citizenship.

Perhaps the most prominent Model Citizen to emerge out of the letters was the child victim. Innocent, vulnerable, and virtuous by definition, children became the face of community campaigns to lobby the state to seek revenge for a murdered person’s death. And in case their readers had trouble conjuring images of the child victim, writers submitted photographs of the young girls and boys whose assailants they wanted to see dead. In May 1986, the parents of Tania Vasina, a nine-year-old girl from the city of Prozhivaia, submitted a portrait of their daughter to their city’s local prosecutor. Tania’s parents hoped that the prosecutor would include the photograph in the criminal file that the authorities had compiled for Anatolii Proshliakov, the man charged with raping and murdering their daughter before disposing of her body into a nearby river the previous year, on May 14, 1985. In the photograph they submitted, Tania appears younger than her nine years. She wears a crisp school uniform, her short dark hair freshly cut and pulled together with a large bow resting on top of her forehead. Gazing directly and obediently into the camera and, by extension, the reader’s eyes, Tania becomes a living and breathing person, a real victim that no state official, no matter how inept, could turn away from.



Source: AMOS, d. 2-92/86, t. 5, l. 1.

Defenders paid close attention to how the state dealt with those who killed or injured child victims. Perhaps no other category of crime evoked more communal grief and more anger than cases of murdered or sexually assaulted children. Those who found themselves legally and emotionally invested in these cases developed heightened expectations of the state to see their versions of justice carried out. Failing that, they often expressed an intent to take matters into their own hands. In the aforementioned case of Gennadii Karasev, accused of murdering and raping the young Sveta Dedosha, Sveta’s father included the following threat in one of the three letters that he submitted to the Supreme Court of the RSFSR. “I do not know what the verdict and sentence the court will issue,” he began, “but I do know one thing. No matter what form of punishment the judges issue, the criminal Karasev’s days are numbered.” Curiously, not even the highest form of punishment would have satisfied Dedosh’s desire to see his daughter’s murderer punished. “The

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<sup>265</sup> AMOS, d. 2-92/86, t. 5, l. 1.

death penalty by way of shooting is far too lenient of a punishment given all the pain and dreadful suffering that our child has been forced to endure,” he warned.<sup>266</sup> In Dedosh’s articulation, the swift and painless death that an executioner’s bullet would confer upon Karasev was not commensurate with the crime he committed. Only a painful, tortured retributive killing, committed not by an impersonal state but by the hands of the people whose lives Karasev directly affected, could right the wrongs that the criminal afflicted upon them. The solution, in other words, was not legal rational procedure, but vigilante justice.

Theories of vigilante justice attribute its existence to diverse and contradictory phenomenon. For most of human history, all justice could be classified as “vigilante”: tribal chiefs, charismatic leaders, and their analogues exacted their own vision of justice for centuries before the advent of the nation state. Vigilante justice only became a problem to be solved once the nation-state became the dominant means for meting legitimate violator. Some have interpreted the vigilante impulse as a product of a weak state. Strong states, according to Thomas Hobbes, successfully own a monopoly on all forms of violence, including the right to punish. Conversely, if non-state actors (i.e. ordinary citizens) lay claims to the right to punish, one must assume the presence of a weak or illegitimate state.(Unattached Footnote)<sup>267</sup> Others argue that vigilante justice exposes credibility gaps within laws themselves, especially because they often reveal divergent views about a punishment’s proportionality to a given crime. Emmanuel Kant, for example, wrote that if people do not insist on the execution of certain violent criminals, “blood guilt” would “cling” to them “as collaborators in this public violation of justice,” which would motivate them to take matters into their own hands in order to restore justice, not for the victim, but for themselves and for the integrity of the law.<sup>268</sup>

A synthesis of these two observations is useful for interpreting the vigilante impulse revealed in Dedosh’s actions and those like him. Through the mere act of writing to the state to ask for it to administer its laws properly and according to his own vision of justice, Dedosh revealed a lingering faith in the state’s ability to act with propriety and in the interests of society and individual citizens. In other words, Dedosh’s remained optimistic about the state’s ability to right the wrongs inflicted upon his family and his community. At the same time, his comments reveal a growing sense of confidence in his individual ability (and that of others like him) to punish better than the state itself. This newfound confidence suggests the existences of a widening credibility gap between what the Soviet state, through its criminal policies, promised, and what it actually did. By unilaterally passing laws that promised to represent the interests of all of its citizens, while at the same time granting ordinary citizens legal standing to voice support or protest those same laws, the Soviet state made itself inadvertently vulnerable to criticism and claims of illegitimacy. In an unlikely turn of events, the legal standing that the Soviet state conferred upon Dedosh and ordinary citizens like him ultimately backfired.

Similar anxieties about the effects that procedural delays and bureaucratic tape were having both on individual victims and whole communities emerged in the aforementioned case of Aleksandr Filatov, the Kolomna man accused of raping and murdering two young girls. “We have been mired in judicial red tape for nearly two years,” one of the victim’s mothers wrote in a letter to the judicial authorities, “which is the reason why people like Filatov steal, rape, and kill in our country. It has become frightening just to live (*strashno stalo zhit*). All of us are locking our doors and do not leave our homes when it gets dark outside.” In other words, the slow pace by which justice was being meted in Kolomna and elsewhere was not only making it harder for the community to

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<sup>266</sup> TsGAMO, f. 7335, op. 1, d. 5430, ll. 325-325ob.

<sup>267</sup> Thomas Hobbes, *Leviathan*, chs. 14 and 18.

<sup>268</sup> Emmanuel Kant, *The Metaphysics of Morals*, 142.

move on, emotionally, from the crime that was afflicting the city, but was actually creating an unsafe living environment.

Crucially, the mothers interpreted the excess “red tape” as evidence of something much more sinister. “It seems like people like Filatov are being defended and helped. They raise their voices and ask for pardon, even though he destroyed two lives.”<sup>269</sup> That the state might extend more sympathy towards a violent criminal’s suffering than that of two grieving mothers jolted people’s moral universe. How could the state defend someone as morally bankrupt as Filatov, while turning its back on his innocent child victims and the mothers who raised them? “The investigation proceeded for nearly a year, and he was transferred for psychiatric evaluation twice. He was determined to be mentally healthy, and the Moscow Regional Court was right to sentence him to the highest form of punishment. But both his lawyer and he submitted complaints that led You to overturn the original verdict and order the case to be reviewed.” Rather than show concern for the “nearly 200,000 residents of the city of Kolomna [who] were shaken by [Filatov’s] heinousness and brutality,” the mother wrote, the court consumed itself with impersonal procedure that seemed at best heartless and at worst extrajudicial. “How can anyone pardon or commute someone who took the life of two defenseless babies (*maliutok*), who robbed their parents of joy and hope, and killed all that is good on earth (*ubil use sviatoe*)?”

What these mothers did not realize, and probably could not know, was that people who killed children could lay claims to Model Citizenship, too. They could, and did, possess celebrated Soviet qualities (family values, strong work ethic, etc.), characteristics that their defenders went out of their way to emphasize along with the legal rights in their appeals.

When Nataliia Kuprianova submitted letters requesting that her husband, sentenced to death for murder, rape, and arson, be pardoned in May 1980, she did not question her husband’s guilt. Writing to the Presidium of the Supreme Soviet of the RSFSR, Brezhnev, and Valentina Nikolaevna Tereshkova, the first woman in space and Chairwoman of the Committee on Soviet Women, Kuprianova admitted that “my husband, Kurprianov Iurii Aleksandrovich, committed a heinous crime in February 1979.” However, she continued, “I nevertheless decided to turn to You to request that you pardon him and change his sentence to a prison sentence of a length of your choosing.” She explained to the court that her husband was a young man (twenty six years old). He worked hard his whole life as an assistant mechanic. After years of trying and failing to get pregnant, the two gave birth to their first daughter a month after Iurii’s arrest. “He has only seen his daughter in photographs,” Kuprianova pleaded with the court, “[if you commute his sentence], at least she will be able to say that she has a father, that he is thinking of her, and that they will eventually reunite.”

But<sup>270</sup> according to Kuprianova, her husband Iurii deserved a commuted sentence not just because of his service record and that he had a daughter at home who ached for her missing father. “There are,” she wrote, “other reasons” for why his case deserved further attention. Specifically, she argued that a sloppy investigation may have led the prosecutor in charge of the case to find her husband guilty of a more serious crime than the one he actually committed. “The investigation, I believe, was conducted not entirely accurately and not completely,” she began. “They failed to establish the exact actions that my husband committed which warrant this kind of punishment. This became clear to everyone in the courtroom. Much of the testimony that witnesses gave was inconsistent and improbable. Many of these inconsistencies were documented in the court transcript.” In a separate letter submitted to the Presidium of the Supreme Soviet of the USSR, Iurii’s mother, Anna Kuprianova, lent support to her daughter-in-law’s claim that the witnesses who testified against her son seemed at best inconsistent and at worse biased against him. “They accused

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<sup>269</sup> AMOS, d. 2-213/90, t. 3, л. 313

<sup>270</sup> GARF, f. A-385, op. 39, d. 808, ll. 100-101, 107-109, 123-124.

him of everything they possibly could, and naturally, they accused him of crimes that he most certainly did not commit. It is as if they are intentionally trying to frame him. If the suspect had been described as being ‘tall and black,’ they would still say my son did it, even though he is ‘tall and white.’<sup>271</sup>

Next, she reminded the court of the testimony that one of the key, witnesses - the rape survivor - gave in which she explicitly identified her son’s accomplice, one Nikolai Iakutin, as her assailant. None of the witnesses who were called to testify during her son’s trial identified him as the sole perpetrator — it was the judge who “attributed everything” to Kuprianov, rendering him vulnerable to receive the death penalty. In the letter that she wrote to the Chairman of the Presidium of the Supreme Soviet of the RSFSR in May 1980, she asked the court to amend both of the mens’ sentences so that they would accurately reflect their level of culpability. “There were two people involved in the crime: my son and Iakutin,” she began. “The prosecutor, the investigators, and other people who testified during the trial, to say nothing of the witnesses and [my son’s] lawyer’s conclusions...found that Iakutin was more guilty than my son, but they gave him fifteen years in jail, and what did they give my son? — the death penalty.” She admonished the court for being deceived by Iakutin’s alibi, a “fabrication” of his own making (“or perhaps someone fabricated it for him”). At the same time as Iakutin lied to the authorities, her son Iurii confessed to the crime, a gesture that the court misread as evidence “that he is more guilty [than Iakutin].”<sup>272</sup>

Crucially, in both of their letters, the women took care to note that the court was right to bring their son and husband to trial. As Iurii’s mother noted explicitly, “my son committed a serious crime.” They did not, in other words, want to encourage the court to bend or violate the law. “Please, do not think that I am trying to embellish or justify his actions, or claim that he is less guilty than he is, like the ‘concerned people’ during the trial claimed I am” his wife wrote, alluding to the crowd of people who gathered in the courthouse that day to see her husband receive the death sentence. What they did want was for both the authorities to follow their own laws and for the laws to work in the name of justice. “Our laws are supposed to be humane (*ved’ nashi zakony gumanny*),” wrote Kuprianov’s mother. “My husband is absolutely guilty, but we must speak truthfully and fairly,” Kuprianov’s wife added. “He should be punished for what he did do, not for what he did not do.”<sup>273</sup> For Iurii’s Kuprianov’s wife and mother, Soviet laws in and of themselves were “humane” and capable of producing just outcomes, but they were all too vulnerable to abuse committed by a state that did not share their own sense of legal propriety.

It is tempting to write off Kuprianov’s mother as blind to her son’s mistakes and his capacity for committing such heinous acts like murder, rape, and arson. And surely a considerable portion of her protest stems from the grief that she admitted to feeling as a mother of a son on death row. Who wouldn’t try to save their child’s life by offering their own interpretation (genuine or not) of the evidence at hand? Yet I would argue that underneath Anna Kuprianova’s words was not just a shocked, in denial parent, but someone who had lost faith in her government’s ability to act with propriety and in the interests of its citizens and the law. “I have already written to the regional prosecutor and to the Supreme Court of the RSFSR,” she wrote, “but they refused to listen to my request. They took one look at the verdict and one look at the criminal statute that he violated, and said: ‘He’s guilty, and that’s the end of it.’ Unprofessional, dismissive, and lacking empathy, the legal system left her with no choice but to take ownership of her son’s case and his awaited fate. “If only all of these agencies dedicated a fragment of their time to looking into [my son’s] criminal file, they

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<sup>271</sup> GARF, f. A-385, op. 39, d. 808, ll. 100-101, 107-109, 123-124.

<sup>272</sup> Ibid.

<sup>273</sup> Ibid.

would see him not as a criminal, but as a human being. There is more to a person than the law they broke (“Ved’ za tsiframi statei cheloveka ne vidno”).<sup>274</sup>

### *Conclusion: The Limits of Morality*

I have tracked a shift in the strategies that ordinary people used to convince the state either to avenge their loved ones’ deaths or to take their loved ones off death row: a shift from a morally based discourse to a predominantly impersonal, bureaucratic, legal discourse. State vengeance or mercy, once viewed as privileges that Model Subjects earned, transformed into rights to which Legal Subjects and Model Citizens were entitled. This transformation began to take place during the late 1970s, but took off during the eighties and under Perestroika, and persisted until the country’s collapse in 1991.

The natural question to ask is how to account for this striking transformation. What was happening in the late 1970s that might have compelled defenders to change their strategies? Did legal professionals provide them counsel? Did courtrooms and judicial practices become more transparent? Did more people pursue an advanced legal education and pass that knowledge down to their kin? The simple answer is that I don’t know. As tempting and reasonable as these explanations seem, it is difficult for me to imagine that such a diverse group of people, nearly all of whom lived far away from the city and were not well-to-do, could have received outside legal and procedural training.

The explanation that seems more plausible but also difficult to quantify is that the turn to legalism and proceduralism was less a conscious choice than a necessity. When people choose to speak a certain way, they do so because they assume that others will understand them. Conversely, if they suspect that their speech may not be understood, they stop doing so and find a different way to speak. As I demonstrate in Part I, the language of morality seemed almost too capacious and poorly defined to be meaningful: the same qualities that made somebody a prime candidate for the death penalty made somebody a prime candidate to have avenged by the state. The language of legal procedurals, on the other hand, even when paired with remnants of the moral discourse of the past could be tailored to fit each individual person and the court cases in which they were implicated. Communist morality, in its attempt to mean something for everyone, ended up meaning nothing at all.

I’ll conclude by reflecting on what these letters tell us about the moral community that I alluded to in the introduction. I suspect that under late socialism, ordinary citizens no longer believed that people around them – the state included – understood them when they spoke the language of communist morality, achievements, character, and socially recognized values. The moral community that celebrated these tropes, in other words, had ceased to exist. They looked around and saw that few people imparted meaning onto these once venerated categories, and decided, given the context, to find a different, more compelling strategy to secure their loved one’s release. Their embrace of legalism and proceduralism, therefore, must be read not so much as a triumph, but as a Greek tragedy, because it was ushered in by the collapse of a moral community that had distinguished the Soviet Union and its people from their liberal counterparts abroad. That people had already found an alternative to this faltering moral community years before Gorbachev’s arrival on the national stage suggests that the moral invigoration program that he would eventually pursue was doomed from the very start. It is a cruel irony of the story that the strategies that people used to save the lives of Soviet citizens might have very well contributed to cutting short the life of the Soviet project.

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<sup>274</sup> Ibid.

## Chapter 5: Mercy

“We now follow the practice, that when the issue of pardoning a convict arises, the accused must personally write a statement [to that effect]. This [statement] is very important. A pardon request is no formality, it is a document that serves a special educational role for the accused. As the accused writes his pardon request, he once again contemplates the crimes he committed, and the fact that he is being punished for that crime.”

- Transcript from a meeting of the Heads of the Legal Departments of the Presidia of the Supreme Soviets of the Union Republics, “On Questions Related to Pardon,” 16 May 1964<sup>275</sup>

In July of 1974, a judge found Valerii Stepanovich Lobanov guilty of first degree murder. It was his second murder conviction in less than five years. In 1970, Lobanov pleaded guilty to homicide, a charge that earned him a 15-year sentence in panel colony in the Siberian city of Tiumen, where the second homicide took place. During Lobanov’s second murder trial, the local prosecutor charged with litigating the case cited the defendant’s criminal past, along with an institutional record of juvenile delinquency and a poor work ethic, as reasons for the court to sentence him to the “highest form of punishment”: death by shooting. On 6 June, 1974, two months shy of Lobanov’s twenty-first birthday, the presiding judge accepted the prosecutor’s recommendation.<sup>276</sup>

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<sup>275</sup> Gosudarstvennyi arkhiv rossiiskoi federatsii (hereinafter GARF), f. R-7523, op. 109, d. 293, l. 7.

<sup>276</sup> GARF, f. A385, op. 22, d. 5484, ll. 22-26.



It was not the end of the road for Lobanov. He still had the chance to appeal the decision, first to the Russian Supreme Court in the form of a cassation complaint (*kassatsionnaia zhaloba*) and, if it failed, to the Presidium of the Supreme Soviet of the Russian Soviet Federative Socialist Republic (hereinafter RSFSR), as a pardon request (*proschenie o pomilovanii*). Lobanov took advantage of both options, despite the fact that doing so did not come easily. “How difficult it is to write such a letter,” he admitted. “Having had already admitted my guilt [to the court], I initially did not want to write this present request,” he continued, “But I know that that is no way out.”<sup>277</sup>

Indeed, the only way out, for Lobanov and for death row inmates across the Soviet Union, was to suppress their pain, confront the situation in front of them, and atone:

I now realize the indecency of my actions and the absurdity and illegality of how I behaved in society in ways that I - either as a result of my young age or lack of education - never could before. But now, after a considerable period of time, I cannot deny it. The court, I believe, has fairly and sensibly considered and passed judgments on my deeds and actions. It had every reason to sentence me to the highest form of punishment.<sup>278</sup>

Ready though he may have been to accept his fate, Lobanov wanted to issue one final plea to the Supreme Court to show how empathy, pity, and mercy. In vivid detail, he recounted in writing the abuse he suffered as a child raised by an alcoholic father who “adhered to a single disciplinary technique - the belt.” The closest he ever came to having a true family was the local street gang which consisted of de facto orphans like himself. One too many run-ins with the police resulted in his deportation to a children’s colony, an experience that made him “rude, tough with those younger than myself, and insolent towards my elders” and “cultivated within me a sense of impunity” - and, in a nod to Dostoevskii – “of the belief that everything is permitted.”<sup>279</sup>

Stacked though the cards might have been against him, Lobanov nevertheless labored to make a case for his capacity for reform. “Despite the weight of my guilt, I am young, and believe that I can become a socially useful person.” He described how, in the camps, he was an active member of an artist collective, and went to great lengths to stay away from the camp’s many gangs. He was, in other words, more than the sum of the crimes he committed, but a person forged by a history that only he knew. “I am nothing but tears and sorrow,” he professed, but deep down, “I do not believe that I am unreformable.”<sup>280</sup>

### *The Origins of Soviet Appellate Procedure*

What we now refer to as the appeals process entered the modern criminal justice system after the French Revolution by the name of “cassation review.” In 1789, the new French government created a special court, called the French Tribunal of Cassation, which became responsible for monitoring how courts interpreted and applied the law.<sup>281</sup> Russia adopted and innovated on the French cassation model in 1864 as part of Alexander II’s Judicial Reforms. Russian

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<sup>277</sup> Ibid, l. 53

<sup>278</sup> Ibid.

<sup>279</sup> “If there is no God, everything is permitted.” See Fedor Dostoevskii, *The Brothers Karamazov* (New York: Random House, 2003), 88.

<sup>280</sup> Ibid, d. 5484, ll. 54-55, 57, 59.

<sup>281</sup> John Merryman, *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America* (Stanford: Stanford University Press, 1961), 40–41.

cassational courts reviewed both lower courts' proper adherence to existing laws, as well as their compliance with procedural guidelines outlined by the country's code of legal procedure. Unlike their French counterparts, Russian cassational courts did not initiate appeals proceedings on an appellant's behalf. The appellant him or herself had to issue a motion – either verbally, at the end of a trial, or in writing, several days after a trial's conclusion – for their appeal to be reviewed in cassation. A court of first instance (meaning, the court that issued the original verdict) submitted the appeal to the Chamber of Justice, which relayed the appeal to the Criminal Cassation Department of the Ruling Senate (also known as the Criminal Court of Cassation). At that point, a Chief Justice personally leafed through the appellant's criminal file in order to arrive at a final decision. If the Chief Justice found the appeal to have merit, he would send the case back to the lower courts with specific instructions for how to change the punishment or conduct a retrial. If he declared the appeal to be groundless, the Chief Justice would reject the appeal and issue an order for the original verdict and penal sentence to go into effect.<sup>282</sup>

When the Bolsheviks came to power in 1917, they committed themselves to abolishing the previous “bourgeois” legal order and building a legal system that “suited the exploited classes, not the exploiters.”<sup>283</sup> But they quickly realized that they could not do away with all of the institutional designs of the previous system. Some things were worth saving. Designed as it was to protect ordinary citizens - the Bolsheviks' “proletariats” -from systemic abuse, cassation, perhaps more than many other tsarist-era legal instrument, seemed to honor the spirit of the revolution, and survived the events of 1917.<sup>284</sup> Decree Number One on Courts, issued by the Council of People's Commissars on November 24, 1917, called for the creation of two judicial branches: local courts and revolutionary tribunals, the latter of which would manage cassation reviews, which would become, according to the Decree, the primary and obligatory method of appeal.

Before 1922, two central administrative bodies administered cassation review: the revolutionary tribunals, from 1917-1919, and the Cassational Tribunal, housed within the All-Russian Central Executive Committee (VTsIK). But after the first Code of Criminal Procedure and Criminal Code were passed in May and June 1922 (respectively), the appeals process returned to the local courts. The Codes created a three-tiered judicial system organized geographically: the lowest courts were the local people's courts (*narsudy*), above which stood the provincial (later regional) courts (*gubsudy*, later *obsudy*). Republican courts occupied the highest level. In this new system, cassation review took place one level higher than the court that passed the original sentence. For example, death penalty eligible-cases, which could be tried only at the provincial or regional level, were appealed to a Republican Supreme Court. This chapter covers death penalty cases that originated in the Moscow Regional Court (*Mosobsud*) and were appealed in cassation review to the Supreme Court of the RSFSR.

Cassation held onto its place within the Criminal Procedural Code throughout the NEP and Stalin periods, dodging several amendments put in place during the 1930s to make it easier for judicial organs to administer political repressions and terror. During the era of collectivization, for example, it was not uncommon for procurators to implement a court decision before a cassation hearing could be arranged.<sup>285</sup> After Kirov's assassination, Joseph Stalin and his trusted ally and legal

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<sup>282</sup> Daniel Newman, “Cassation of Criminal Cases from Moscow Province Courts and Tribunals, 1921-1928,” *The Soviet and Post-Soviet Review* 41, (2014), 149-151. For more on cassation and the Great Reforms, see Brian Lee Levin-Stankevich, “Cassation, Judicial Interpretation and the Development of Civil and Criminal Law in Russia, 1864–1917: The Institutional Consequences of the 1864 Court Reform in Russia” (PhD diss., State University of New York at Buffalo, 1984).

<sup>283</sup> Jane Burbank, “Lenin and Law in Revolutionary Russia,” *Slavic Review* 54, no. 1, (Spring 1995):

<sup>284</sup> For this interpretation, see Newman, 155, 157.

<sup>285</sup> Peter Solomon, *Soviet Criminal Justice Under Stalin* (Cambridge: Cambridge University Press, 1996), 100.

adviser Andrei Vyshinskii signed off on a law that drastically simplified the police protocol for punishing citizens accused of committing terrorism that banned cassation appeals.<sup>286</sup> Yet cassation remained on the books, a reminder, however distant, of attempts put forth during the NEP to create a multilateral and decentralized judicial system for the new country.

After the war, Soviet officials and legal policymakers began to take steps to rebuild the country's weak and politically compromised legal and judicial institutions, and cassation review was no exception. Reforms were put in place to formalize, routinize, and safeguard through clearly articulated laws the process by which courts union-wide would receive, process, and rule on cassation complaints submitted by criminal defendants (including those on death row). On December 1, 1950, the Plenum of the Supreme Court passed a resolution titled "On the elimination of deficiencies in the work of courts to hear criminal cases on appeal" which contained a plan for strengthening cassation review. Acknowledging that "not all courts have correctly understood the task of considering cases on appeal" and "that there are still serious deficiencies that harm the cause of socialist legality," the resolution offered an eight-point guide for cassation courts to follow when reviewing cases on appeal. These included broad, common sense recommendations like giving each cassation complaint "careful and thoughtful consideration," to more concrete measures, like providing a summary of the original verdict and the arguments in favor of it in each written appeal decision.<sup>287</sup> Fundamentally, the resolution signaled a commitment to upholding the belief, newly resurgent among legal thinkers in the immediate post-Stalin years, that "the protection of the socialist rule of law" demanded "strengthening procedural rules that protect the right to appeal and prohibit attempts to limit that right."<sup>288</sup>

#### *Soviet Appellate Procedure in Practice*

Cassational courts based their decisions predominantly on four documents filed by parties involved in the original trial. The court that tried the case submitted a written verdict (*prigovor*) which offered a summary of the crime, the investigation's findings, and the court proceedings. The verdict also listed the laws that the defendant was found guilty of violating, and the punishment that the defendant faced for each violation. The prosecutor who litigated the original case submitted a report (*spravka*) that covered much of the same ground as the written verdict, but included a section where the prosecutor argued against or (in most cases) in favor of the judge's verdict. Additionally, the defendant's lawyer drafted a supplementary cassation complaint (*dopolnitel'naiia kassatsionnaia zhaloba*) that focused mainly on legal and procedural violations incurred during the course of the criminal investigation and trial.

A final set of documents came from the defendants themselves.<sup>289</sup> Appellants were allowed to submit one or more handwritten cassation complaints (*kassatsionnaia zhaloba*), or appeal letters, for the cassational court's consideration. The defendant's letter did not need to follow a specific template or guideline aside from identifying themselves, the court where they were tried, the laws they were found guilty of violating, and the name of the cassational court to which their letter was

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<sup>286</sup> Ibid, 236.

<sup>287</sup> "Postanovlenie Plenuma Verkhovnogo Suda SSSR ot 01.12.1950, N 17/15, 'Ob ustraneniі nedostatkov v rabote sudo po rassmotreniiu ugovolnykh del v kassatsionnom poriadke,'" Sbornik dokumentov po istorii sovetskoi voennoi iustitsii, 1954.

<sup>288</sup> E.F. Kutzova, "Sovetskaia kassatsiia kak garantiia zakonnosti i pravosudiia," (Moscow: Gasiurizdat, 1957), 71. For more on reforming cassation review after Stalin, see M.M. Grodzinskii, "Vaprosy kassatsionnogo peresmotra prigovorov v sviazi s proektom UPK SSSR," Sotsialisticheskaia zakonnost', No. 10, 1954, 8.

<sup>289</sup> I concur with Daniel Newman's assessment, based on examining criminal cassation appeals during the NEP, that appellant letters were decisive in swaying cassational panel decisions in their favor. See Daniel Newman, "Cassation of Criminal Cases from Moscow Province Courts and Tribunals, 1921-1928," *The Soviet and Post-Soviet Review* 41, (2014), 157-168.

addressed. Without a uniform standard for writing a cassation appeal, defendants were free to fill their letters with any information that they believed would compel cassational courts to amend the original verdict. The letters produced were oftentimes colorful, verbose, and intensely personal.

These four items were then compiled into a single dossier and sent out to for review by a cassational panel that consisted of three judges. The Code of Criminal Procedure granted defendants and their defense attorneys the right to attend the review in person, but they did so extremely rarely.<sup>290</sup> Local state prosecutors, however, were almost always present, and worked closely with the cassational panel as it reviewed the dossier. Once the panel arrived at and published a written decision (*opredeleniia*), a court secretary typed it up and sent it back to the lower court where the original case originated.

Comprehensive statistics for death sentence appeals for the revolutionary and Stalin periods remain elusive, but what data exists suggests that early Soviet cassational courts were much more liberal in overturning and commuting court sentences when a citizen's life was on the line. During the first collectivization campaigns, for example, courts in Tiumen County (where Valerii Lobanov, who opened this chapter, was serving his prison term) issued 76 death sentences. Upon reviewing the cases in cassation, the Supreme Court of the RSFSR signed off only on 9, an overturn rate of 88.2%.<sup>291</sup> But the numbers normalized in the post-war period, when they began to decline gradually and consistently. Two years later, in 1956, cassational courts throughout the Soviet Union received 2040 death penalty files for review. They changed 891, or 43.6%.<sup>292</sup> Six years later, that number would be halved, to 21.4%. By the late eighties and nineties, the number would hover in the 10-20% range, nearly equivalent to the overturn rate in the United States today.<sup>293</sup> The decline in the overturn rate suggests that, in the post-Stalin period, higher courts expressed sufficient trust in the lower courts to yield fair and legal judicial outcomes in matters of life and death.

Revealing as these numbers are about what was happening “from above,” they tell us very little about the lived experience of cassation review, or the appeals process, that unfolded “from below.” Specifically, they offer little insights into how the condemned themselves - ordinary citizens, most lacking any knowledge in appellate procedure or the law in general - understood, treated, and participated in cassation review. Beginning in the mid-1950s, death row inmates started to challenge lower court rulings by embracing the appeals process with greater frequency and in new, bold ways. They started to submit appeals letters in large numbers, a vast majority of which they chose to write themselves rather than having their lawyers do so for them. They gave their letters the appearance of an urgent bureaucratic missive, each one addressed to their republic's Supreme Court and stamped with a return address listing their name and the contact information for the jail where they could be reached once a decision of their case was passed. Taken together, these practices showcase how the condemned took ownership of the appeals process in the post-Stalin period and turned it into a mechanism for securing their own personal interests: namely, that of saving their own lives.

This kind of procedural literacy did not emerge out of a vacuum. Rising literacy rates, combined with a state-sponsored Soviet tradition of autobiographical reflection, made the appeal writing process more accessible and intelligible than ever before. Moreover, recent state investment in legal education helped train a new corps of jurists and attorneys, the latter of whom presumably passed their knowledge of the law and legal procedure down to their defendant clients. Like their lawyers, the condemned began to think of the verdict not as the end of the road, but as the

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<sup>290</sup> Newman, 154, 154n27.

<sup>291</sup> Solomon, 110.

<sup>292</sup> GARF, f. R9492, op. 6, d. 15, l. 22.

<sup>293</sup> In 2010, appellate courts in the United States reversed, remanded, or modified 12% of all appealed verdicts. See Nicole L. Waters et al., *Criminal Appeals in State Courts*, Bulletin of the Bureau of Justice Statistics, September 2016. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5368>.

beginning of a period of negotiations that their appeal letter would help them navigate. And like the Soviet state itself, the condemned developed an appreciation for the appeal letter and the cassation process as a check on judicial power and overreach.

But an appeal letter was only as good as what was written inside. Once they realized that they could use the appeal letter to convince a cassational judge that they deserved a commuted sentence, the condemned had to figure out the most effective and accessible discursive technique to increase the chances of securing that outcome. Should they confess and beg for mercy? Maintain their innocence and claim judicial error? Write from a position of strength or weakness? With confidence or modesty? Blame themselves or others? These are the types of questions that the accused had to answer - quickly and almost always on their own - once a prison official handed them the pen and paper they needed to write their appeal.

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How the condemned answered these questions is the subject of this chapter. Specifically, this chapter tracks changes in how the condemned wrote about themselves in appeal letters submitted for cassation review in the years between the passage of the Decree of 30 April 1954, when homicide became death penalty eligible, and the collapse of the Soviet judicial system in 1991. During the first two and a half decades following Stalin's death, a period that roughly coincided with the Khrushchev and Brezhnev administrations, the condemned developed and employed a highly personal strategy for appealing for state mercy. In these letters, inmates argued that they deserved a second chance at life because they had served their country through war service, labor, corrective rehabilitation, and good deeds writ large. Through lengthy autobiographical narratives and intimate personal stories that emphasized their state service, public work, and good deeds, they portrayed themselves as loyal, morally upright, virtuous subjects prepared to dedicate the rest of their lives to repenting in the name of the Soviet state and their communities. On the whole, these letters resembled what Sheila Fitzpatrick has termed "suppliant" letters: private complaints, requests, petitions and confessions to an authority figure imagined as a benevolent father or a patron, distinguished by the author's sense of powerlessness.<sup>294</sup> The rhetoric that underpinned these strategies implied that these citizens saw state mercy not as an inalienable right that everyone possessed by virtue of their humanity or citizenship, but something that individuals had to earn through universally valued and legible service and good works.

Beginning in the late 1970s and culminating under Perestroika, an entirely new strategy began to appear in the condemned's appeal letters. The personal strategy, once the preferred and most pervasive means of requesting state mercy, gave way to a new strategy for challenging lower court verdicts. I call this the "legalistic" strategy for writing an appeal. Instead of looking inwards, letters written in the legalistic vein looked outwards. They emphasized law and legal procedure, not personal traits and deeds, as the main justification for a commuted sentence. Suplicants these writers were not. Death row inmates who wrote in this genre privileged objective truths over subjective values, arguing that their lives deserved to be saved because the authorities charged with arbitrating their cases violated laws and procedural guidelines in ways that rendered their findings

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<sup>294</sup> Sheila Fitzpatrick, "Suplicants and Citizens: Public Letter Writing in Soviet Russia in the 1930s," *Slavic Review*, Vol. 55, No. 1 (Spring, 1996), 78-105, especially 81, 103-105. Fitzpatrick argues that letter writers during the Stalin period conformed to two types: "suplicants" and "citizens." Suplicants wrote as subjects, humbly and meekly, to benevolent authority figures, while citizens wrote confidently and with authority, to a state whose attention they felt entitled to. My research suggests that the distinction was not so rigid and the tropes not so absolute for the post-Stalin period. The condemned always understood the performance of appeal letter writing as an act of citizenship. They did not, however, always conceive of state mercy as a right to which they were entitled by virtue of their status as citizens.

incredible and the judge's final verdict illegitimate. They blew the whistle on systemic injustice, administrative incompetence, and procedural violations, identifying the specific statutes of the Code of Criminal Procedure that were broken over the course of their case's litigation. Most remarkably, they spoke in the language of defendant rights enshrined in the Code of Criminal Procedure. These included the right to access the contents of their criminal files, to speak to their lawyers, to a fair trial more broadly. When those demands were not met, they kept writing, a persistence that underscored an underlying faith in the existing legal system to acknowledge its flaws, right past wrongs, and work in a defendant's best interests. It was a legal system suddenly devoid of the moral values - Soviet, communist, traditions, universal - that it once possessed and claimed to uphold.

Throughout this chapter, I make no attempts to determine whether the person submitting an appeal was innocent or guilty of the crime of which they were convicted, or whether the statements they made in their appeal letters were true or false. To attempt either task would require a degree of psychoanalytic and retroactive detective work that no historian is equipped to perform. Neither do I try to calculate which discursive strategy proved most effective for securing a commuted sentence. Countless variables - ranging from the judge's personal mood to external pressure to manipulate the overturned verdict rate - could have conspired to influence a cassational court's decision on any given day. Plus, an ideal candidate for a commuted sentence for one court might not be an ideal candidate in another. Without the ability to control for time and space, cracking the code of Soviet cassation review amounts to a fool's errand.

Instead, this chapter seeks to answer questions that only the condemned's appeals letters can answer. As they stared death in the face, what did the condemned write about in their letters? How did the condemned write about their past, present, and future selves? What did they expect from the Soviet state, and how did they communicate their expectations? How did the contents of their letters change over time? To answer these questions, I draw on 109 appeals letters submitted between 1954 and 1991 by Soviet Russian citizens as they awaited execution. Nearly all of these citizens were tried and sentenced to death by the Moscow Regional Court (*Moskovskii oblastnoi sud*) and had their cases reviewed in cassation by the Supreme Court of the Russian Soviet Federative Socialist Republic (RSFSR). For added breadth, I include excerpts from pardon requests (*proshenie o pomilovanii*) submitted by citizens tried in courts from across the nine Soviet republic.<sup>295</sup> Each letter contains a portrait of a unique life lived by an ordinary person: children, parents, veterans, workers. What unites them is their extraordinary pursuit of evading a predetermined but still uncertain death. I cannot pretend to know how the condemned felt, what they thought, and who they were writing for. But I can let them speak.

### *Inferno: Confession, Acceptance, and Self Reflection*

Under Stalin, autobiographical writing became a common, state-sanctioned practice where individuals' crafted personal stories that were then woven into rather idealized national narrative. As Jochen Hellbeck has argued, an illiberal Soviet subject made no distinction between private (personal milestones, family life, career developments) and public (military victories, scientific achievements, economic success). According to Hellbeck, to be a Soviet citizen during the Stalin era was to measure one's self worth against and to map the self onto the revolutionary transformations taking place around them.

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<sup>295</sup> Convicts submitted pardon requests to their republic's Presidium of the Supreme Soviet only after their original appeal letter was rejected by their republic's Supreme Court. On the whole, pardon requests were qualitative different than appeals submitted in cassation, owing to the fact that they were written for a non-jurist audience. Because this chapter deals predominantly with letters submitted in cassation, I use pardon letters sparingly and only as supplementary evidence.

But as years passed, and fewer and fewer citizens could claim a personal connection to the war, military combat, and spectacular public work projects, one had not choice but to rely on their record as private citizens as a ticket off death row. Death row inmates were no exception. The accused went to great lengths to prove that they were honest men and women, obedient sons and daughters, loyal husbands and wives, loving and responsible parents. They took care of their elderly grandparents, looked after their siblings when their parents passed away or fell ill, and bought apartments where their spouses and current and future children could live happy lives. By recounting these small but meaningful acts, appeal writers tried to show that, despite what their criminal acts might suggest, they were good, honest, well-intentioned people who deserved a second chance at life.

Perhaps the most common way to demonstrate superior character was through confession. To confess was to do much more than simply admit guilt. From the point of view of state officials, a confession revealed that someone possessed three of the most important personal traits that each good Soviet citizen possessed: respect for the authorities, a willingness to take responsibility for their actions, and a commitment to upholding the state's version of the truth. To confess, especially in writing, was to perform loyalty, obedience, and transparency.

The sheer ubiquity of confessions among appeal letters suggests that the condemned internalized this rule. At the very least, they understood that their appeal had a better chance of being accepted if they depicted themselves as obedient and regretful, not recalcitrant and unrepentant. "I admit in full to being guilty of committing this crime" Aleksei Anoprienko wrote in his appeal letter from January 1958.<sup>296</sup> The previous year, a court sentenced him to death for murdering his mother-in-law, but he hoped that his confession would serve as proof that "I understand that I committed a serious crime. I repent and ask You [to assign me] any type of punishment, but only [that you] save my life."<sup>297</sup> Many viewed the confession as a means of demonstrating their trustworthiness as citizens, that they spoke the truth and hid no secrets from the public and the state. "In court I spoke only the truth about what I remembered." Boris Gridin wrote. "I knew that I would be punished severely for it, but I still wanted to honestly confess."<sup>298</sup>

Many did not wait until the appeals phase to confess. Often, defendants admitting to giving themselves into the police voluntarily, and boasted about confessing to the crime without pressure or coercion. Aleksandr Zakharkin, for example, confessed at every stage of his case's litigation: "Both during the investigation and during the trial, I completely confess to my criminal deeds."<sup>299</sup> Anatolii Kasatov, a man accused of murdering a man outside a nightclub in march 1958, reminded his reader of how "I wholeheartedly confessed to my crime, but they sent me to jail anyway."<sup>300</sup> It was not uncommon for the condemned to admit their guilt to the police at the time of their arrest. Vladimir Zenkevich did just that, but that did not preclude him from reiterating his confession in his appeal letter. "Like I said during the initial investigation, I plead guilty to committing my crime," he wrote. "I never had any intention of concealing my role in the crime. I have told the Court everything with all of the sincerity of a Soviet citizen."<sup>301</sup>

Those who admitted their guilt only after their death sentence had been passed used the appeal letter to prove that their path to the truth demonstrated their capacity for reform. In 1957, Viktor Sazonov was sentenced to death after a court found him guilty of raping and murdering a young woman. He had a long history of sexual abuse, which, like the murder he was found guilty of

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<sup>296</sup> TsGAMO, f. 7335, op. 1, d. 7912, l. 179.

<sup>297</sup> Ibid, l. 183.

<sup>298</sup> TsGAMO, f. 7335, op. 1, d. 8961, l. 118.

<sup>299</sup> TsGAMO, f. 7335, op. 1, d. 9028, l. 296.

<sup>300</sup> TsGAMO, f. 7335, op. 1, d. 8511, l. 185.

<sup>301</sup> TsGAMO, f. 7335, op. 1, d. 6935, l. 86.

committing, he denied in full. That is, until after it came time to write his appeal letter. He explained how while he awaited his trial in Moscow's Butyrkaia prison, he "thought deeply about and recognized my guilt before the Soviet Government and people."<sup>302</sup> Specifically, he attributed his change of heart to a radio show that he listened to while in prison. The show featured lectures designed to keep inmates informed about the latest national developments: agricultural drives, infrastructure improvement projects, and "grandiose construction on the territory of our socialist homeland" more broadly." Additionally, the program featured a segment where the host read letters submitted by former convicts that highlighted "the [convict's] crimes and the consequences he faced as a result."<sup>303</sup> In his letter, Sazonov remembered the content of the letters. "They urged the prisoners to forget the criminal world, the thieves' codes, to dispel the fog that obscured the minds of young people, to shake all the filth from their minds that obstruct them from following the right path in life." Hearing these letters read aloud ushered in a kind of epiphany for Sazonov. "And here listening to these letters, I thought deeply about [the fact that] people who had spent nearly half a century in prison are [now] repenting for their crimes [because] for the remainder of their small lives they want to live honestly, in a way befitting of a Soviet man." Anecdotes like these compelled Sazonov to take his own first step towards an honest life. "Citizen judges," he wrote, "For all the crimes I committed, I wholeheartedly repent and will personally describe everything to the investigators at the Prosecutor's office of Moscow region, to the court, and will describe everything to you now." But Sazonov would not have the chance to perform his honesty to a court. Seven months later, the Presidium of the Supreme Court of the RSFSR submitted an order rejecting Sazonov's appeal. He was executed on June 5, 1958.<sup>304</sup>

In addition to performing honesty, the condemned took steps to depict themselves as ordinary, well-intentioned family men and women who inherited all of the crucial Soviet values from their model parents. After twenty-one year old Iurii Bogdanov was found guilty of killing two women in February of 1974, he was left speechless. "I killed them," he began his appeal letter, "but for what purpose I myself do not know." What he did know was that "for all of my adult life...I have engaged in socially useful work." But Bogdanov had his own understanding of what counted as "socially useful work." He defined it not so much by traditional labor or service, but by his adherence to a moral code rooted in what he described as his model Soviet home life. He remembered being raised by an "honest Soviet worker family": a war veteran father, a mother with a twenty-five year old career as a *kolkhoz* worker, a crane-operator brother whose work ethic earned him the title of "Shock Worker of Communist Labor." Proximity to and admiration for their personal qualities was what Bogdanov hoped would convince the court that he had what it took to be a decent and productive citizen. "I always tried to be like my relatives, to behave the way they behaved," he professed. "I never had any run-ins with the police, never behaved liked a hooligan, never fought and in general always obeyed Soviet laws." Too young to have a record of contributing to communism's construction in any tangible way, Bogdanov expected the court to have faith in his ability to internalize and apply the values that he inherited from his esteemed family members. "Citizen judges! Give me the most severe form of punishment, but just save my life, I will regain your trust." But Bogdanov attempt at negotiation ultimately failed. Seven months later, on August 19, 1974, his death sentence was fulfilled.<sup>305</sup>

Others went out of their way to describe themselves as caring and supportive spouses. Nikolai Lapshin was twenty-four years old when he was sentenced to death for the murder and rape

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<sup>302</sup> TsGAMO, f. 7335, op. 1, d. 8197, l. 245.

<sup>303</sup> Ibid.

<sup>304</sup> Ibid, l. 254.

<sup>305</sup> TsGAMO, f. 7335, op. 1, d 1935, l. 244.



of a young girl in the city of Elektrogorsk 1975. He confessed to committing both crimes in court and in his appeal letter, but dedicated the majority of the former to describing his relationship with his wife, Tamara. Tamara and he met in 1972 after they joined a labor brigade organized exclusively for disabled workers. Lapshin had sustained a debilitating leg injury from a previous job working at a factory that produced heavy machine parts. His wife, on the other hand, suffered from a more serious handicap than did he, and after they moved in together, she withdrew from the brigade, forcing the two of them to live off of Lapshin's salary. But they managed to get by despite their limited means. "We lived together happily," Lapshin remembered in his appeal letter. "After work, we went on walks together. I helped her do all the things that she could not do herself. We went to the store and did the laundry." The two were expecting a child at the time of Lapshin's arrest, and Tamara gave birth to a daughter shortly before he was sentenced. "I am punishing myself for committing this heinous crime," he professed in his letter. "After all, I really loved children and always wanted to have a child of my own." Harmless, charitable, and good, the man in Lapshin's letter stood in stark contrast to the man who, after raping and suffocating his neighbor's five-year-old daughter, packed her body into a purse before disposing of her in a nearby river. Despite his actions and the fate that awaited him, Lapshin could only think of his young family. "I know how hard it is for her right now because of her illness," he admitted, "And I ask the Supreme Court to commute my sentence, so that I could help my family somehow."

Condemned women went to great lengths to come across as warm, maternal, and mild mannered, even when the crime for which they were convicted told a very different story. When men committed capital crimes, the authorities typically reacted with outrage and revulsion; when women committed capital crimes, they responded with shock and awe. Many assumed that only a truly deranged, evil, and therefore unreformable woman could kill in cold blood, and passed judgments on appeals boards accordingly. To chip away at this unforgiving portrait, women capital offenders went to great lengths to play up the traditional gender roles - as daughters, wives, and mothers - that they occupied in their lives outside of death row.

Maria Zakharova was twenty-two years old when a court found her guilty of murdering a young woman on a train near the city of Riazan on November 6, 1955. The court alleged that Zakharov, after learning that the woman's suitcase contained 2000 rubles, got the woman intentionally drunk before strangling and suffocating her with a rope. Yet the letter Zakharov wrote appealing her sentence contained no signs of having been written by someone who, according to the prosecution, "killed the [victim] and then proceeded to gouge the corpse's eyes before taking the money."<sup>306</sup> Instead, the person who emerges in the letter is a caring, selfless daughter who was born on a kolkhoz to a family of destitute but hardworking peasants. She details how she watched her father leave for the war in 1941, where he died "while honestly defending the Motherland."<sup>307</sup> His death forced Zakharova to care for her four siblings, as her mother had fallen ill and was eventually declared handicapped shortly after her father's death. "Since the age of seven, I have been raised without a father," she wrote, adding that at the age of sixteen, she left home to attend a vocational school "in order to clothe myself, to help my family, and to become an equipment specialist."<sup>308</sup> She asked the Supreme Court to commute her sentence so that she could have the chance to "do many good things for the Soviet Motherland," to "atone for my guilt honestly and conscientiously through labor in the service of the Soviet Motherland and to work for the coming of communism."<sup>309</sup>

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<sup>306</sup> GARF, f. A-385, op. 14, d. 619, l. 5.

<sup>307</sup> Ibid, l. 3.

<sup>308</sup> Ibid.

<sup>309</sup> Ibid.

Women found guilty of murdering their abusive husbands went to great lengths to portray themselves as victims, rather than perpetrators, of domestic violence. They framed their criminal acts both as a form of self-defense against a husband with a history of physical, substance, and emotional abuse, and a protective gesture for their children, to spare them from enduring a similar fate. This was the case of Maria Lebashova who, in 1959, was sentenced to death after confessing to murdering her husband. On October 2, 1957, Lebashova waited until her husband fell asleep before striking his neck and ribcage with an axe, slicing his body in half, wrapping it in a garbage bag, and disposing of it in a well.<sup>310</sup> Her appeal letter, however, depicted herself as nothing short of a loving wife and devoted mother. “When I met him, I thought that...I finally found the man that I had been searching for all my life,” she wrote, emphasized how much “I really loved him” that she yearned to build for herself proved short lived as a result of her husband’s temper. “He frequently came home angry, yelled at me, attacked me, and never loved my son,” she recalled. “While we sat at the dinner table, [he] hit my son by the arms, knocked his spoon out of his hands, never allowed my son to sit at the table and provoked him to leave the table in tears in hungry.” Over time, and despite many attempts to resolve their troubles, Lebashova’s husband’s anger only worsened and turned towards her. “Everything ended with fights. He would come home drunk, create a scene, break the dishes, stools, scare my son and my elderly mother. He drove me to the point where I would go several days without eating.” In spite of this, she worked hard to make life for her young son as pleasant and normal as possible, to love and shield him from their dangerous home life, including moving to a new city. “I was sick of being abused by [my husband] and him hitting my child, and him living his drunk and deprave way of life. I loved my husband,” she explained, “but I pitied my child, who my husband offended in vain without cause?” It was this pity that drove her to remove him from her child’s and her life once and for all. The image that she hoped to leave her reader with was that of a committed and loving mother. “I ask you to save my life for the sake of my child,” she wrote, “I love him. I am not a murderer to him.” She left her reader with a final plea, a final morsel of proof that she was “not a lost person, that I can live once again in society,” that the person whose execution papers they were ready to sign off on was no murderer, but a kind, warm mother: “A mother does not want anything bad for her child,” she continued, appealing directly to universally shared maternal values. “Give a child a chance to smile, give a child a chance to have that, even though it will not be soon, he will meet and see his mother again.”<sup>311</sup>

*Purgatory: Workers, Veterans, and Gulag Internees*

Many of the condemned felt entitled to the court’s mercy on account of their worker status. When nineteen-year-old Boris Gridin was sentenced to death, he fell back on his stellar worker credentials to compile the court to attenuate his sentence. Having been born to “a family of workers,”<sup>312</sup> Gridin found work in a factory at the age of ten after his father returned from the war an invalid. Despite his young age, he proved to be extremely productive. “When I worked in the factory,” he recalled, I consistently exceeded the production quotas by 115-120%. Never did I violate work discipline.”<sup>313</sup> If the court would accept his appeal, Gridin promised to apply his work ethic to his duties as a prisoner. “Citizens of the court,” he wrote, “I plead with you to save me life, I

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<sup>310</sup> GARF, f. A-385, op. 14, d. 4374, l. 49.

<sup>311</sup> GARF, Ibid, ll. 8-9, 14.

<sup>312</sup> TsGAMO, f. 7335, op. 1, d. 8961, l. 117.

<sup>313</sup> Ibid, l. 117ob.

will atone for my guilt through my work and behavior.”<sup>314</sup> “I agree to everything, to work on the most difficult tasks, the only thing I ask is that you save my life.”<sup>315</sup>

Others were more direct in pointing out what, for them, struck them as a major irony: that the world’s first socialist state would take the life of one of its own dedicated workers. That question was certainly on Georgii Kondrashkin’s mind when he sat down to write his appeal letter in 1967. Kondrashkin had been sentenced to death for a murder that he claimed he did not commit. He began his appeal letter by asking the following question: “Why do I, a worker, have to die an innocent man?”<sup>316</sup> Offering what he called “a worker’s point of view,”<sup>317</sup> he explained that “our socialist laws do not allow this,” adding in a separate letter that he believed that the court had “bended Lenin’s laws however they saw fit.”<sup>318</sup> Kondrashkin was a decorated war veteran who, despite being injured, went right back to work upon demobilizing. For two and a half decades after the war, he worked as a mechanic at a string of factories outside the city of Smolensk.<sup>319</sup> Having been sentenced to death for a crime that he insisted he did not commit, Kondrashkin could not help but feel betrayed. “I have a higher degree, I earn money,” he wrote, exasperated. “I, along with my children, are starting to feel ashamed, that, after shouldering twenty four years of work experience, I am being slandered. I have worked as a foreman, taught and trained people, and suddenly I have become a murderer.”<sup>320</sup> The episode destroyed the narrative that he had created about his life and his sense of self, unleashing what can only be described as an identity crisis. “What is a worker?” Apparently, he continued, “he is a man who is helpless, who cannot be trusted, who can be destroyed even if he is innocent.”<sup>321</sup> Kondrashkin, like many workers on death row, expected more from a government and a legal system that claimed to celebrate, represent, and protect honest toilers like him. After all, he wrote, “this is not 1937.”<sup>322</sup>

1937 it was not. But some of the practices that defined the Stalin judiciary remained in place long after Stalin’s death. Courts regularly solicited work histories and character statements from a defendant’s employers to determine a verdict or the outcome of an appeal. When Aleksei Gridnev’s appeal came up for review in January 1964, the court submitted a request to his boss to send a character profile (*kharakteristika*) describing his performance as a leader within their local village council. The report described Gridnev’s poor work ethic: his “careless attitude towards his office, kolkhoz, and club duties.” The statement also described an episode when Gridnev, while serving as a supervisor in the grain warehouse, left his post unannounced and failed to prevent the warehouse cleaning staff from disposing of grain marked for shipping.<sup>323</sup> In other words, the tactics that condemned men like Gridin and Kondrashkin adopted and put to use, ones which stressed their superior worker credentials, were sensible and rooted in the lived reality of Soviet justice. But their testimonies could not anticipate or rival the testimonies that expert witnesses like their bosses and co-workers submitted to the courts, whose authority always would and always did trump that of the defendants.

Inmates with a prior criminal record often reframed the time they spent in prison or in the gulag both as a form of state service and as evidence of their capacity for reform. They frequently

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<sup>314</sup> Ibid, l. 119.

<sup>315</sup> Ibid.

<sup>316</sup> GARF, f. A-385, op. 22, d. 2615, l. 18.

<sup>317</sup> Ibid, l. 18.

<sup>318</sup> Ibid, l. 19.

<sup>319</sup> Ibid, l. 69.

<sup>320</sup> Ibid, l. 20.

<sup>321</sup> Ibid, l. 18.

<sup>322</sup> Ibid, l. 19.

<sup>323</sup> GARF, f. A-385, op. 22, d. 1033, l. 17.

wrote about their good behavior in the camps, their successful transitions back into society, and their willingness to return to prison and repeat the cycle over again if their sentence were commuted. Vladimir Lagutkin, a former gulag internee who was amnestied in 1953, described himself as “an honest worker, both in the camps and outside of it” in his appeal letter.<sup>324</sup> In 1957, a court found him guilty of murdering a man he met in the gulag who, like Lagutkin, had been amnestied in 1953. The man and Lagutkin had a turbulent history that went back to an altercation they had in 1949. Upon being released, the man had taken to stalking and threatening Lagutkin around his neighborhood, even attacking Lagutkin one time outside his home. Fearing for his wife and child’s safety, Lagutkin decided to kill the man. On the night of June 25, 1957. Lagutkin, accompanied by two friends, broke into the man’s apartment and attacked him, lethally, with a knife.

Though he confessed to the crime, Lagutkin reasoned that a previous record of obedience and cooperation in the labor camps would earn him his readers’ mercy. “I served my time honestly” he wrote, citing the role he played in building the Volga-Don Canal and the stellar work ethic that earned him a promotion to captain of the canal construction team’s loading-unloading brigade. If the judge were to change his sentence to a twenty-five year term in a labor camp, Lagutkin promised “on my own initiative, I will make take on the most severe and difficult tasks, and will send all the money I earn to my wife and kids. Through this hard work I will honestly atone for my guilt in the service of the Motherland.”<sup>325</sup>

Viacheslav Leskov used a similar rhetoric when he appealed his own capital verdict during the fall of 1957. Two years earlier, when he was sixteen years old, a court found him guilty of murder and sentenced him to serve six years in a labor camp. It was there the he, in his own words, asked himself for the first time, “And what will come next?”<sup>326</sup> After “contemplating his future”<sup>327</sup> for some time, Leskov decided that in order not to fall behind in life, he would have to assume “a new working life.”<sup>328</sup> To that end, he began to take advantage of the technical courses offered in the camp and acquired a specialty in carpentry. Within a year and ten months, he earned enough workday credits to be released on parole,<sup>329</sup> and moved to Moscow, certain that he would find work.<sup>330</sup>

But the transition back into society was not so easy. Several potential employers turned Leskov down on account of his criminal record, and he had trouble securing a permit that would allow him to work in Moscow. He eventually decided to return home, where his mother had recently joined the administration of a *kollehoz*. “I first worked as a carpenter, building bridges,” he explained, “and once the bridge had been constructed, I took on various other jobs until the day of my arrest.” On July 7, 1957, while out at a local club, Leskov got in a physical fight that provoked him to fatally stab a fellow club goer.<sup>331</sup> He was sentenced to death several months later.

Former gulag internees like Lagutkin and Leskov hoped to convey two things to their readers. First, they wanted to show that they were not hardened criminals doomed to a life of violent recidivism; yes they made mistakes in the past, but those mistakes did not define them. They were defined instead by the previous prison sentence they faithfully served, their hard work inside the camps, and their dedication to reforming and improving themselves, life experiences that mirrored the state’s ideology of transformation through labor. Second, they expressed a yearning to become a

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<sup>324</sup> TsGAMO, f. 7335, op. 1, d. 8062, l. 175-180ob.

<sup>325</sup> Ibid, l. 180ob.

<sup>326</sup> TsGAMO, f. 7335, op. 1, d. 8068, l. 110.

<sup>327</sup> Ibid.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

<sup>331</sup> Ibid.

full-fledged member of Soviet society, and went to great lengths to prove that they had what it took to reintegrate themselves within it. Both men emphasized their worker credentials as a way of showing that they possessed the capacity to become a model Soviet citizen. Whether it involved participating in national prestige projects like the construction of the Volga-Don Canal, or something much smaller, like taking courses in prison and applying for work outside of it, these deeds were supposed to compel a court to think of them as competent, productive, and ordinary Soviet workers, not the heinous and irredeemable person that their crime and their punishment suggested them to be.

*Paradise: Finding the “I”, Legal Procedure, and the Promise of Law*

By the late seventies and early eighties, the contents of the letters that death row inmates submitted witnessed a qualitative shift. Gradually, and definitively, they became less autobiographical, contemplative, and remorseful. No longer did the condemned offer detailed accounts of their personal falls from grace, reflect on their troubled childhoods, go in minute detail about their good deeds and personal relationships, or offer heartfelt pleas to their reader to take pity on them. They stopped expressing a belief that entitlement to state mercy stemmed from the personal and subjective. Rather than look inward, the condemned began to look outward: to the justice system, its flaws, and the state that sanctioned them. Through acts big and small, the condemned began to deny the state its monopoly on knowledge. They started to fill their appeals letters with demands that reflected newfound concerns for administrative transparency, procedural accurateness, and professional accountability. These demands conveyed both a growing distrust in the justice system’s ability to manage their cases legally and fairly without their personal input and signaled their authors’ expanding, and in some cases fully-developed, confidence in their ability to defend themselves through law and law alone.

In November 1977, Aleksandr Tsiflev was sentenced to death for murdering two men in the city of Vidnoe, 30km directly south of central Moscow. “I hereby consider it necessary to state that I consider the resolution to be biased and prejudiced,” he began his appeal letter. Specifically, he suspected that the investigators in charge of litigating his case intentionally overlooked his long and documented history of mental illness when preparing the documents for the prosecution’s review. A decade earlier, Tsiflev spent several months in a military hospital after being diagnosed with chronic anxiety, a result of trauma that stemmed from his three year tour of duty in the Soviet Army. He believed that his history of mental trauma should count as a mitigating circumstance, and therefore render his crime death penalty ineligible. “I consider it necessary to ask You to submit a query to the hospital to receive my medical records,” he protested, confident that the documents would secure him a commuted sentence. In a separate notice (*zaiavlenie*) submitted that same day, he asked the court to “urgently provide me with a lawyer” who could “explain the charges that the court made against me.”<sup>332</sup>

The emergence of a “legal consciousness” among the condemned would be gradual and by no means comprehensive. Testimonies of personal and service-based virtue would remain a part of the appeal letter’s rhetorical fabric until the very end. But they would no longer be the only and central component of the condemned’s mercy strategy. Many began to use the appeal to lay claims to rights guaranteed to them as defendants. Others used it to highlight procedural shortcomings that they witnessed over the course of their case’s litigation. Most used it as a forum for expressing a competing, more authentic version of the “truth”: about the law, their case, and the nature of the crime they committed. Combined, these gestures constituted a dramatic break that went beyond the

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<sup>332</sup> TsGAMO, f. 7335, op. 1, d. 3976, ll. 238-239.

discursive. Through their reluctance to use the pardon letter as a means of self-reflection, the condemned effectively undercut state claims to superior knowledge in the process. By upending the appeal letter's logic, the condemned shed their identities as subjects and became that which the state disqualified them of being: legal citizens.

First, the condemned began to speak up. They took to the appeal letter to voice their disapproval of and thoughts about the court's verdict and the death sentence they had received. The reasons they expressed varied from person to person. Some stated that the sentence was unnecessarily harsh. Others argued that the judge arrived at the verdict through one error or another: they apprehended the accomplice instead of the mastermind, they misinterpreted one piece of evidence or placed too great an emphasis on another. Both the self-professed guilty and the allegedly innocent contested the decision on the basis that it violated some preexisting sense of propriety. To be sure, this feature was not unique to letters written during the late Soviet period. The condemned routinely disagreed, if not directly then indirectly, with verdicts during the fifties and sixties. Otherwise they would have abstained from writing an appeal letter altogether.

But what is most strikingly different about the letters written during the seventies and eighties is the proliferation of the use of "I." Court decisions were wrong not because of the judge's mischaracterization of their work history, their service record, or their character, but simply because *they* said it was. A tone that comes across as risky and brash in theory evinced confidence and competence in practice, allowing the condemned to speak to the court not as supplicants, but as equals.

"I ask You to reconsider my criminal case," wrote Vladimir Bogomolov in November 1989. "I do not agree with the judge's verdict."<sup>333</sup> These two sentences made up the entirety of the first of four complaints (*zhaloby*) that Vladimir would eventually submit as part of his appeal file. Earlier that month, a court found him guilty of a double homicide, which he confessed to committing early in the investigation and during his trial.<sup>334</sup> Recanting after the verdict had been passed was not an option. Instead, Bogomolov hoped to use his appeal to express his disapproval of the judge's verdict and penal sentence. Two weeks after sending his first complain, he wrote and submitted another nearly identical letter, this time along with his official appeal letter. "I write to ask You to review my criminal file once more, because I do not agree with the judge's verdict."<sup>335</sup> Simple, terse, direct, Bogomolov's message sought to convey nothing more and nothing less than his own personal interpretation of the court's decision, and reasoned that his case merited a second review solely on the basis of his disapproval.

Like Bogomolov, many of the condemned began to submit more than one appeal letter to contest their death sentences. Iurii Kamyshov, for example, submitted three separate letters to the Supreme Court of the RSFSR that communicated his disapproval of the verdict that had been reached in his case. The first letter, dated January 22, 1988, contained the following message: "I do not agree with the verdict issued by the Court of the Moscow Region," he began. "I will provide a comprehensive appeal letter once I familiarize myself with my court transcript."<sup>336</sup> Kamyshov did not allow the silence at the other end to dampen his resolve. After not receiving a response for several weeks, he submitted a second appeal letter, this one reminding the court that he "did not agree with the verdict" and that he continued to wait for the opportunity to read over his case files so that he could "write a comprehensive appeal letter."<sup>337</sup> Like many of his contemporaries, Kamyshov recognized rhetoric value of the first person, repetition, and tireless persistence when it

<sup>333</sup> AMOS, d. 2-143/89, t. 3, l. 214.

<sup>334</sup> AMOS, Nariad prigovorov - 1989, 166-184.

<sup>335</sup> AMOS, d. 2-143/89, t. 3, l. 237.

<sup>336</sup> AMOS, 2-183/87, t. 15, l. 56.

<sup>337</sup> Ibid.

came to communicating with the court, and took full advantage of the appeal letter as a vehicle to do so.

Others began to use the appeal letter to lay claims to their rights as defendants for the first time. The 1960 Criminal Procedural Code provided defendants with a host of rights, ranging from the right to be informed of charges brought against them to the right to provide a “final word” at the end of a trial.<sup>338</sup> But the right that a majority of the condemned insisted on in their appeal letters was the right to counsel. The right to counsel was enshrined in Articles 19 and 47 of the 1960 Criminal Procedural Code, and was normally honored without debate. Criminal records from the 50s and 60s contain ample evidence of direct lawyer involvement at each stage of case’s litigation. These documents offer no indication that the authorities deliberately tried to obstruct the defendant’s right to a defender. But that does not mean that obstructions did not occur. Defendants carried most of the onus of blowing a whistle on misconduct, so unless they spoke out against it, it went unreported.

This remained the predominant pattern during the Khrushchev and Brezhnev years, but beginning in the 1980s, attorney-related grievances began to surface in appeal letters for the first time. One of the most common complaints that started to appear had to do with limited or lack of access to their attorneys after the trial phase of their case had come to a close. Defendants had just thirty-six hours to appeal their death sentences in writing, which left little to no time for them to seek their attorneys’ advice. They identified a cruel irony in the fact that their counsel left their side precisely when they needed them the most. Those condemned to death began to feel increasingly uncomfortable with the idea of writing their appeal letters free form without their lawyer’s consultation, and took steps to make that discomfort known to the court.

In early 1986, Vladimir Savinkov was found guilty of a triple-homicide and sentenced to death by the Moscow Regional Court. He had confessed to the murders early in the criminal investigation, and when it came time to write his appeal letter three years later, in 1989, he reaffirmed his guilt once again. Rather than contest the guilty verdict, Savinkov spent the majority of his appeal letter leveling a complaint about his absentee attorney. “I have written to you twice before asking for a meeting with a lawyer, but to this day, no lawyer has paid me a visit.”<sup>339</sup> Whereas in the past, the condemned spent no more than several months waiting for a court to respond to their appeal, starting in the 1980s, death penalty cases began to take a longer amount of time to be litigated on appeal. This is precisely what happened to Savinkov, who spent nearly two years on death row. He had a vague memory of a faulty investigation, but because so much time had passed since his trial, had trouble remembering specifics, and hoped his attorney would be able to fill the gaps his memory.

Vitalii Kosolapov aired a similar grievance in the first of two letters he submitted to the Moscow Regional Court in 1986. In December of that year, he submitted a request asking the court “to invite the lawyer...who defended me during the trial to provide me with legal advice before I write my appeal letter. I beg you not to deny this request.”<sup>340</sup> It was a request that Kosolapov would repeat a year later. Still on death row and waiting for the Supreme Court’s response to his original appeal, he wrote to the court several weeks later, on January 15, 1987 asking for his original lawyer

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<sup>338</sup> See Article 36 of the Criminal Procedural Code. The complete list of defendant rights reads as follows: The convicted had a right to know the charges against him, and to give explanations on the charges against him; represent evidence; submit petitions; acquainted at the end preliminary investigation or inquiry with all materials the case; have a defense counsel from the time provided for in Article 47 of this Code; participate in the proceedings in court the first instance; declare challenges; to lodge complaints against the actions and decisions of the person conducting the inquiry, investigator, prosecutor and court.

<sup>339</sup> AMOS, d. 2-100/89 , t. 4, l. 166.

<sup>340</sup> AMOS, d. 2-256/86, t. 6, l. 327.

to pay him a visit in prison in order to “answer questions that he had regarding his cassation review.”<sup>341</sup> After nearly a month had passed without any word from his attorney, Kosolapov wrote to the court a third time, on February 10.<sup>342</sup> On February 23, after not hearing back, he wrote a final letter, this time in a much more demanding tone: “I write, yet again, to urge you to immediately send my lawyer...to provide me with legal assistance.”<sup>343</sup> Within five days, Kosolapov’s request was met.<sup>344</sup>

To make the most of the appeal letter, the condemned began to rely on concrete facts rather than memory and perception alone. One of the demands that began to pop up in defendants’ appeal letters beginning were requests to access and familiarize themselves (*oznakomitsia*) with the contents of their criminal files. The 1960 Code of Criminal Procedural granted all criminal defendants the right to access the documents produced over the course of their case’s investigation and trial. But it was a right that only a few defendants, including those on death row, exercised. That is, until the early eighties, when it became common practice for recently sentenced defendants to submit requests (*zaiavlenie*) along with, or in lieu of, appeal letters, asking for the court that tried their case to grant them access to their criminal file. Prior to submitting his appeal letter, Anatolii Bogomolov took a similar approach. In October 1989, he wrote to the Moscow Regional Court with the following message: “Pursuant to Article 236 of the Code of Criminal Procedure, I ask that the court provide me with access to my criminal file, as well as the distributed trial transcripts.”<sup>345</sup> Fully cognizant of the weight that transcripts carried, Bogomolov wanted to confirm their accuracy first before they were passed on for the cassational court’s review

To the delight of the condemned, these requests were nearly always met. Beginning in the eighties, courts started to arrange for the condemned to be escorted from their place of incarceration to the court where criminal files were stored. Visitor logs (*grafiki*) managed by the court archive’s reading room staff testified to how enthusiastically the condemned embraced this arrangement. It was not uncommon for them to spend several hours, spread out over the course of multiple trips, poring over the contents of their files in search of data - missing evidence, inaccurate reports, signs of tampering - that they could include in their appeals letters to justify a commuted sentence. They took advantage of any detail, loophole, or procedure error that could discredit the prosecution and result in a commuted sentence or retrial. They then proceeded to fill their appeal letters with as much of their findings as possible, a gesture that revealed a level of professionalism and know-how altogether absent from appeals letters submitted during the fifties and sixties.

In 1984, Iurii Kamyshov, along with his friend Pavel Babichev, were arrested and charged with raping and murdering a young woman near a railroad station thirty-two kilometers outside of Moscow. The investigation concluded that Iurii played an outsized role in the crime’s commission - he had attacked the woman, rendered her unconscious, initiated the sexual assault, and killed her afterwards - and relegated Babichev to the role of accomplice. To account for the difference in their culpability, the prosecution recommended that the court sentence Babichev to ten years in prison, and Kamyshov to death. The verdict stunned Kamyshov. He took issue with the investigation’s findings and argued both in his pre-trial testimony and in court that his own role in the woman’s rape and murder had been exaggerated, that Babichev was the crime’s true mastermind. Most importantly, he felt that Babichev had done a sufficient job of incriminating himself by offering incoherent and conflicting statements in court, which the judge seemed to have overlooked or deliberately ignored when the time came to decide on their respective punishments. Suspicious that

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<sup>341</sup> Ibid, 407.

<sup>342</sup> Ibid, 572.

<sup>343</sup> Ibid, 569.

<sup>344</sup> Ibid.

<sup>345</sup> AMOS, d. 2-142/89, t. 2, l. 304.



the judge and prosecutor were engaging in some sort of back-door dealings to convict him, Kamyshov took to the appeal letter as a means of alerting the Supreme Court to the miscarriage of justice that he believed to have taken place. But before he sat down to write his letter, Kamyshov submitted a total of three requests to access the fifteen volumes of material that the prosecution had compiled over the course of his case's litigation. Between February 11 and April 5, 1988. Kamyshov spent a total of 58 hours and 40 minutes, spread across twenty-eight supervised visits to the courthouse where his trial took place, meticulously studying the contents of his criminal file and the court transcript in particular.<sup>346</sup>

Once he had completed his investigation, he sat down to pen what would turn out to be a forty-three page letter to the Supreme Court of the RSFSR. Inside his letter, Kamyshov reconstructed the events leading up to the crime, how the crime unfolded, and key moments from the trial that proceeded it. But unlike his predecessors, he did so by drawing not from his own memory of what transpired, but from the court transcriptions stored in his own criminal file. He pulled particularly damning quotes from Babichev's court testimony, ones that depicted him as unreliable at best and guilty at worst. And, in the chance that the cassational judge would question the quotes' authenticity, Kamyshov provided citations for the volume and page number where the quotes could be found in the original criminal files: "I do not remember my exact actions or the circumstances of the crime, Volume 12, page 238"; "I was glad that they gave me only a ten year sentence, when in fact I played a much greater role [in what happened] but managed to get away with it, Volume 12, page 256 (reverse)"; "I lied to the investigations for the simple reason that I did not want to be held responsible [for what happened]. I lied but told them that it was the 'truth,' Volume 12, page 248"; "I could not remember everything, Volume 12, page 250 reverse,;" "I do not know why I said what I said despite not having seen it happen, Volume 12, page 242 (reverse)"; "I did not kill [her], but I never said that [Iurii] Kamyshov killed her, either. That much I do not know, Volume 12, page 260."<sup>347</sup> The act amounted to a clever kind of sabotage, whereby a court's findings were discredited by the very data that the court had used to reach its conclusions in the first place.

Vitali Kosolapov, sentenced to death for murder, submitted his first access request on December 16, 1986. After not receiving a response from the court within a week's time, he wrote again, this time in a more commanding tone. "I believe that the sentence issued against me is excessively harsh, and I do not agree with it," he began. He explained how he took issue with the parts of the ruling that declared him to be a "danger to society," with the judge's classification of his crime as "exceptionally heinous"; with the prosecutor identifying him as the crime's main organizer; and with the forensic biologist's findings that he committed the crime in an intoxicated state. Aware that these assertions would not stand in an appeals court without concrete supporting evidence, Kosolapov kept his letter short, ending it with a promise to send "an additional, more detailed complaint once I familiarize myself with the court proceedings."<sup>348</sup>

After he received permission to access his files five days after sending his second request, Kosolapov paid the Court of the Moscow Region a total of six visits over thirty-nine day period to familiarize himself with his criminal file. The six hours and thirty-two minutes that he spent reading through each of the 310 pages of his court file produced a long list of procedural "shortcomings" which he summarized in a note attached to his visitor log on his final visit. The court transcript, he discovered, was "incomplete." He chided the court transcriber's "unprofessionalism" for producing a court transcript filled with many erasures, corrections, and spelling mistakes, all of which "speak to

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<sup>346</sup> As reflected in the archive's visitor log. AMOS, 2-183/87, t. 15, ll. 30-31.

<sup>347</sup> AMOS, 2-183/87, t. 15, l. 69.

<sup>348</sup> AMOS, d. 2-256/86, t. 6, l. 321, 323-324.

the court secretary's lack of basic literacy.." Crucially, he accused the transcriber of failing to capture the full contents of the witness, victim, and defendant testimonies verbatim, and the testimony that remained was "taken out of context" or substituted with a different variation of the original, "left open the possibility of misinterpretation." Crucially, Kosolapov alerted the court to missing data in the transcripts regarding the psychiatrist's testimony, an omission that "deprived me of the opportunity for my actions to be properly evaluated.". Taken together, the holes that Kosolapov uncovered in the trial transcript led him to conclude that "it is impossible to give a correct evaluation of the condemned's actions and make an objective decision based on this case's specific circumstances."<sup>349</sup>

Aleksandr Filatov identified similar shortcomings after reading over his criminal case files. Filatov was sentenced to death in 1989 after being found guilty of the murder and rape of two young girls in the city of Kolomna. He confessed to the murder charge immediately after his arrest, and even helped police investigators locate one of the girls' bodies. But he denied the rape charge, which the presiding judge identified as an aggravating factor that made Filatov's crime death penalty eligible. The team of forensic criminologists and biologists assigned to the case provided a long list of evidence – ranging from the girls' broken hymen, injured perineum, and traces of blood found around their vaginas – that pointed to rape.<sup>350</sup> Filatov maintained his innocence throughout both the pre-trial investigation and in court, but only after the court granted him access to his case file was he able to offer his first, fully-informed defense of his actions. While reading over his case file, he stumbled upon a report that a forensic analyst submitted to the local prosecutor as part of the case discovery, the contents of which he summarized in the first of four appeal letters that he submitted to the Supreme Court in the winter of 1991. "The expert testified that [the girl's] hymen could have ripped sometime before the incident," he explained. "[The report] does not say when it happened, but it could have happened weeks or months prior to her death."<sup>351</sup> The fact that the court silenced a witness whose testimony partially exonerated Filatov was a source of major frustration for Filatov. "I have admitted to the murder," he wrote in his third appeal letter, in which he denied his rape charge once again, "but I will not take responsibility for a crime that I did not commit."<sup>352</sup>

Access to their files allowed the condemned to do more than find and identify flaws in the prosecution's assessments. It allowed them to manipulate the evidence that had been compiled over the course of the investigation to prove that the crime they committed did not meet the qualifications to be considered death-penalty eligible. Early one summer morning, in June 1975, Sergei Kastrov and his brother Konstantin trespassed into a farm cooperative near their home in Bukovo, about eighty kilometers east of Moscow. They had been drinking the entire night, and came up with a plan to steal from the farm's strawberry plot and sell the berries at the market the following day. A resident spotted them soon after they broke in and threatened to call the police. The brothers quickly retreated, but the neighbor phoned the authorities regardless. When police arrived at the Kastrovs's home around five AM, Kastrov and his brother had finished what was left of their liquor stash and taken their father's hunting rifle out of storage. When the police entered their home, Kastrov grabbed the gun and began to shoot. Within minutes, one police officer was dead, two were injured, and Kastrov and his brother were lying wounded on their living room floor. A judge found both brothers guilty of violating Articles 145, 191, and 193 of the Criminal Code. His brother received an eight-year sentence in a reform labor colony. For his role as the main shooter, Kastrov received the death penalty.

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<sup>349</sup> AMOS, d. 2-256/86, t. 6, l. 329, 376.

<sup>350</sup> AMOS, Nariad prigovorov - 1990, 278.

<sup>351</sup> AMOS, d. 2-213/90, t. 5, l.2.

<sup>352</sup> Ibid, l.340.

In the appeal letter he wrote three weeks after the court passed its verdict, Kastrov, like so many of the condemned who came before him, reiterated the confession that he gave upon his arrest and during the trial. "I am not going to deny my crime," he began his letter. "Of course, citizen Judges, I regret my crime, not only now, but since the day when I found out what happened [to the police officer]." Kastrov had no intention of using his appeal letter to rescind his guilty plea. What he wanted to do instead was to use his appeal letter to convince the cassation court to requalify, or reclassify, his crime; that is, to charge himself with a different crime that could not, by law, receive the death penalty. He explained that his crime better resembled negligent homicide - a violation of Article 106 - rather than Article 191, or assault on the life of a police or correctional officer. He explained that he had no intention of killing the policeman, but shot him in self defense after he began to shoot at his brother and him. Kastrov stressed that he specifically aimed his rifle at the lower half of the policeman's body, so as not to inflict any permanent or lethal injuries. "Based on everything laid out here, I ask that the sentence be changed, and for my actions to be reclassified from [a violation of] Article 191.2 of the Criminal Code of the RSFSR to [a violation of] Article 191.2 of the Criminal Code of the RSFSR. To change the death penalty sentence to deprivation of freedom."

The question of whether or not Kastrov did, indeed, shoot the officer in self-defense is both impossible to know and irrelevant. What is notable is the virtual absence of the autobiographical: no mention of the sturdiness of his character, his service to the state, and the so-called "socially productive" deeds performed in the name of a higher good. More significant is the rhetorical strategy that Sergei adopted in its stead. By manipulating the language of the Criminal Code, Sergei entrusted his faith in the law as a legitimate form of protection and a means of getting him off of death row.

In March 1979, a court sentenced Anatolii Bykovskii to death after finding him guilty of homicide and assault. One year earlier, in June 1978, Bykovskii went on a late-night stabbing spree in his hometown of Serpukhov that claimed eight victims, one of whom died as a result. In his verdict, the judge labeled Bykovskii's actions as stemming from "hooligan motives," a reflection of the prosecution's failure to identify any clear motive for Bykovskii's violent behavior besides the drunken state in which he committed it. During the trial, Bykovskii did not deny committing the stabbing, but refused to confess because he had no memory of committing the crime as a result of his severe intoxication.<sup>353</sup> He stayed true to his version of events when he appealed his case, but paired it with an argument to reclassify his crime. "I believe that over the course of the trial several mistakes were made and wrong conclusions reached, and I would like to clarify the following," he opened his appeal letter.<sup>354</sup> He proceeded to explain how the judge's verdict explicitly stated that he lacked intent to kill, so "where did they get Article 102, part B and I?"<sup>355</sup> For that reason, I believe that it would be best to qualify the serious bodily harm that I inflicted [as a violation of] Article 108 of the Criminal Code of the RSFSR."<sup>356</sup> For emphasis, he added that "over the course of the preliminary investigation, the investigator from the Prosecutor's office...acted rudely, insulted me and tried to provoke me during my interrogation."<sup>357</sup> Legal misinterpretation, combined with the prosecution's own intimidation, gave Bykovskii cause to challenge his sentence.

The records suggest that Bykovskii's experience with official and procedural misconduct was no isolated incident. Reports of verbal, physical, and psychological abuse - whether it came from police interrogators, local prosecutors, psychiatrists, or sitting judges - began to make their way into

<sup>353</sup> AMOS, d. 2-116/79, t. 2, ll. 92-104.

<sup>354</sup> Ibid, l. 128.

<sup>355</sup> Ibid, l. 128ob.

<sup>356</sup> Ibid.

<sup>357</sup> Ibid, l. 129.



urged Mikhail to repeat during future interrogations if he wanted “things to be much better for me.” They also forced him to confess to another murder that was committed not far from where the Burovs were killed. The more cases Kozlov could close for the police, the better.

The trial itself was conducted as incompetently as the investigation. Kozlov had to be rushed to the hospital the day before his trial was scheduled to begin, owing to the injury he received from his interrogators. The judge, suspecting that Kozlov might be exaggerating the extent of his poor health, refused to postpone the trial and held it without Mikhail’s presence, which Kozlov singled out as a violation of Articles 245 and 246 of the Criminal Procedural Code. To add insult to injury, the judge released Kozlov’s original lawyer from his duties and replaced him with another lawyer that Kozlov neither knew nor approved. The court hearing that Kozlov did manage to attend failed to bolster his faith in justice being served. In his letter, he described how the judge encouraged the court transcriber to doctor the original court transcript, yelling at the typist to “write what I tell you to write, and I will check it afterwards.” All hope for a fair trial was lost when the judge, during one court recess, announced to the room that “when I’m sitting on the bench, no verdict gets changed, and no appeal gets granted.”

Many others spoke out about police verbal and physical intimidation. Anatolii Proshlianov used his appeal letter to alert the Supreme Court of the abuse he suffered in the hands of his investigators. In May 1986, he had been sentenced to death for the rape and murder of a young girl in the city of Elektrogorsk. The judge who issued the verdict based his decision on a confession that Proshlianov gave to police earlier in the trial. But as Proshlianov’s appeal letter made clear, the confession he gave was far from genuine. “While I was in custody under suspicion for committing the crime,” he began, “the investigative workers beat me and forced me to confess to the crimes. They locked me in a room filled with other prisoners, and told the prisoners to attack me, also to get me to confess.” His attackers applied so much force that he went deaf in one ear, a handicap that made it so difficult for him to hear what was going on during his trial that he had to submit a request for a hearing aid. “During the entire investigation and trial, law and legal procedure were repeatedly broken,” he lamented, but he insisted on his innocence nevertheless. “I had no connection to the murder, rape, and other debauchery of which I have been accused,” he signed off. “I completely and fully deny my guilt.”<sup>360</sup>

Finally, the condemned used the letter to alert the courts about the downright inept job that the team of criminal investigators performed under their watch. Reports of shoddy crime scene surveys, careless autopsy inspections, and hasty evidence collection began to appear regularly in appeal letters, challenging the investigation’s fundamental claims to unparalleled precision and expertise. Aleksandr Filatov, the man charged with the rape and murder of two young girls in the town of Kolomna in 1989, offered one such critique. In the last of the three letters that he submitted as part of his appeal file, Filatov provided his reader with an account of the flawed inspection that he witnessed the criminological lab conduct as he worked to determine the two girls’ cause of death. Referring to the criminologist tasked with surveying one of the bodies, Filatov alerted the court to his conviction that “Expert Vitnov inspected the corpse carelessly, and could have very well damaged it [in the process].” In addition, he explained that Vitnov’s findings that attributed the marks on the body to Filatov failed to take into account the fact that the body may have been damaged during the time it spent in the river where it had been found:

The dead body was dumped in the water near the [river’s] right bank, and discovered on the left bank, approximately 1 km downstream. [The river] bends strongly between where the dead body was thrown and where it was discovered...Unaided,

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<sup>360</sup> AMOS, d. 2/92-86, t. 5, l. 386.

the body could not [have moved to] the left bank of the river. From this one can conclude that the corpse was hooked to something that pulled it the left [river] bank, where it was discovered. As the dead body dragged in the water, it could have caught on to a floating object. This might have caused the injuries.<sup>361</sup>

Whether or not the criminologist did, indeed, overlook environmental factors like the ones Filatov identified when he ruled on the cause of death is unclear and irrelevant. What is relevant is that Filatov considered himself to be as or more qualified to assess the evidence that had been marshaled against him by the discredited criminal investigator. His knowledge of how rivers blend, flow, and drag heavy objects overrode the technical expertise that the criminologist brought to bear while conducting the autopsy, and gave Filatov reason to state confidently that “the expert that conducted the investigation ...failed to offer any evidence,” that “the court did not pay attention to this, but instead tried to accuse me and affirm the verdict that had been passed.”<sup>362</sup> Yet no matter how confident Filatov was about the origins of the injuries on the young girl’s body, the criminologist’s careless investigation, and the court’s poorly considered conclusions, it could not persuade the cassation judges who, in early 1992, met to review the merits of his appeal case. On July 2, 1992, the office of the President of the Russian Federation passed a decree (*ukaz*) that ordered the Moscow Regional Court to deny Filatov’s appeal request. It was signed by Boris Yeltsin.<sup>363</sup>

### *Conclusion*

In 1939, a year after the end of the “Great Terror,” the Academy of Science’s All-Union Institute of Law in 1939 published an essay about the role of cassation review, or the appeals process, in the Soviet criminal legal system. The author of the piece heralded the Soviet cassation review process as “a completely new kind of sentence review, unique to the Soviet criminal process, and qualitatively different from the bourgeois system of criminal sentence review.”<sup>364</sup> He mocked the bourgeois cassation process’ focus on supposedly “objective” factors like legal technicalities, which made it “absolutely impossible”(Unattached Footnote)<sup>365</sup> for the average citizen to submit a successful appeal without a qualified lawyer. “In practice, this deprives the poor, which constitute a vast majority of the defendants in a bourgeois court, of the opportunity to exercise his right to appeal, rendering the the rights formally granted to them devoid of any real meaning.”<sup>366</sup> Soviet cassational courts, on the other hand, behaved as a kind of lawyer writ large, conducting “a comprehensive and exhaustive check on all aspects of the original sentence, as well as actions undertaken by the prosecutor's office, the investigation, and the trial.”<sup>367</sup> They also considered subjective factors like human error that could result in flawed investigations. “The Soviet government has simplified the trial device,” the author of the study wrote, “making it completely accessible to the population and eliminating all the red tape in the conduct of affairs.”<sup>368</sup>

Reassessing the merits of this claim from the vantage point of 1991 yields several conclusions. No one could deny that the Soviet state upheld its promise to make the appeals process

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<sup>361</sup> AMOS, d. 2-213/90, t. 5, 339.

<sup>362</sup> AMOS, d. 2-213/90, t. 3, 339-340.

<sup>363</sup> *Ibid.*, l. 391.

<sup>364</sup> M.M. Grodzinskii, *Kassatsionnoe i nadzornoe proizvodstvo v Sovetskom ugolovnom protsesse* (Moskva: Vsesoiuznoi institut iuridicheskikh nauk, 1949), 16.

<sup>365</sup> *Ibid.*, 11.

<sup>366</sup> *Ibid.*

<sup>367</sup> *Ibid.*, 16.

<sup>368</sup> *Ibid.*, 13.

“completely accessible to the population.” Criminal case files from the entire post-Stalin period document how defendants regularly submitted appeal letters, their attorneys routinely submitted supplements to their appeals, and courts reliably read and passed informed decisions on them. Equally valid is the author’s claim that Soviet appellate courts prioritized, and Soviet citizens emphasized, “subjective” factors — “mitigating circumstances” like one’s character and deeds — over “objective” factors — like legal technicalities, procedural violations, and flawed interpretation of the country’s criminal code — at least during the first two decades following Stalin’s death. But an entirely different story emerged during the last two decades of Soviet rule. Despite the courts’ best intentions, the condemned chose to opt for a legalistic, rather than personal, strategy both for challenging lower court rulings and laying claim to their right to state mercy. An approach that the author of the 1939 article described as being to out of touch and cumbersome for the average citizen to comprehend became, by the late seventies, eighties, and early nineties, the preferred, dominant, and most readily available means of conveying a death sentence’s excessiveness, wrongheadedness, and illegitimacy. Impersonal law prevailed over individual virtue; the procedurally concrete defeated the morally abstract.

Or did it? Perhaps the better question to ask is whether a contest between the two still existed under so-called “late socialism”? What is so striking about the proliferation of the legalistic discourse is that it seemed to emerge out of a total vacuum. People began to speak of rights that the Code of Criminal Procedure had guaranteed them since at least 1960, if not 1924. Language that defense attorneys used in supplementary appeals for decades began to appear in the condemned’s own appeal letters all of a sudden and all at once. A critical, demanding, even irreverent tone that matched the urgent, high stakes problem it hoped to resolve assumed the discursive role that pleas for mercy - supplications uttered by powerless subjects — once played. Neither the condemned nor the cassation courts that received their letters seem surprised, conflicted, or confused about the emergence of this inexplicable but undeniably prevalent trend beginning in the late seventies. The question that remains is why?

In the absence of any clear and acute moments of rupture on the surface, one must consider what was happening quietly and invisibly down below. The sudden disappearance of the personal, ethic and ideal-based rhetoric that had underpinned appeal letters for decades suggests a concomitant disappearance of the larger moral community that had once endorsed, propagated, and protected these once dominant values. Emile Durkheim, in *The Elementary Forms of Religious Life*, outlines the components of perhaps the most widely known and concrete symbol of a moral community: a church:

Religious beliefs proper are always shared by a definite group that professes them and that practices the corresponding rites. Not only are they individually accepted by all members of that group, but they also belong to the group and unify it. The individuals who comprise the group feel joined to one another by the fact of common faith. A society whose members are united because they imagine the sacred world and its relations with the profane world in the same way, and because they translate this common representation into identical practices.<sup>369</sup>

By the seventies and eighties, a conjoining Soviet value system, one that consisted of all the things that its citizens held in moral regard - proximity to the revolution, war service, capacity for reform, collectivism, family values, good and honest character no longer stood as a self-evident expression of what it meant to belong in Soviet society. It thus made no

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<sup>369</sup> Emile Durkheim, *The Elementary Forms of Religious Life* (Oxford: Oxford University Press, 2001), 41.

sense for the condemned to continue to rely on these — now apparently meaningless — tropes in order to prove that they belonged in — or at least did not deserve to be excised from — mainstream Soviet life. Flexing their worker military and wartime credentials might have seemed like the sensible thing to do during the fifties and sixties, but by the late seventies and the eighties in particular, virtue-based claims unmoored from a larger moral project were both difficult to conjure and perhaps even non-existent. What remained in its place was law - abstract, yes, but no less meaningful and productive than the values it replaced.

## Conclusion

In September 1988, Andrei Sakharov prepared a speech that he planned to give at a meeting of Amnesty International, the preeminent human rights organization, at the end of the month. Two years earlier, in December 1986, Sakharov ended his six-year internal exile term in the city of Gorky, where he was sent in 1980 after engaging in public protests against the Soviet invasion of Afghanistan. Mikhail Gorbachev had recently become General Secretary of the Communist Party of the Soviet Union, and unrolled a program of reforms that were designed to constitute nothing short of a moral awakening among Soviet people. By the time he sat down to pen his speech, Sakharov, had been agitating as a non-political actor for nearly two decades on behalf of international and domestic issues ranging from nuclear disarmament to intellectual freedom and the plight of Soviet Jews. For his first address to his longstanding supporters from Amnesty International, Sakharov decided to elaborate on a topic that had been on his mind since his youth:

Since I was a child, since the beginning of my adult life, I have considered myself to be a firm opponent of the death penalty. My childhood happened to coincide with a time when mass executions were taking place throughout my country, yet we are only just now learning the scope of the monstrous phenomenon and the forms it sometimes took. But nevertheless, everyone - both adults and children - would eventually read in the newspapers the long list of people who were sentenced to death. We knew about the process, they published the numbers and details in newspapers, where the accused confessed to some of the most unthinkable crimes for which they ultimately received the death penalty. Many adults who lived



during that period, participated in meetings where thousands of people called for enemies of the people to receive the death penalty.<sup>370</sup>

As Sakharov's remarks show, the Stalinist legacy left him and, presumably, other Soviet citizens like him acutely sensitive to state violence both judicial and extrajudicial; indeed, Stalinism rendered the line between the two extremely thin. But Sakharov had another reason to oppose the death penalty, a reason that hit much closer to home:

It was during these childhood years that I read a book edited by my own grandfather. The book was called *Against the Death Penalty* (*Protiv smertnoi kazni*) and it contained all of the arguments, which it seems to me, remain relevant to this day.<sup>371</sup>

He continued by listing several timeless arguments that people had put forth for more than a century to undermine the death penalty's retention: its failure as a deterrent against crime, the psychological damage it inflicts on its victims (a variation of the "cruel and unusual punishment" argument that had become prevalent in the west), and its permanent, irreversible nature. But the argument against the death penalty that seemed to carry the most weight for Sakharov and his grandfather went as follows:

Finally, it is the demoralizing impact of the death penalty on society. If there is a death penalty, there should be executioners in society; and people get used to taking another's life, that it is possible, permissible, to punish even in retaliation.<sup>372</sup>

For Andrei Sakharov, the death penalty existed as an abstract policy, its legitimacy fragile not for lack of popular support, but for its morally repugnant qualities, the moral damage it inflicted on whatever society - Soviet and non-Soviet - it claimed to police.

Some may assume that the arguments Sakharov put forth in favor of its abolition during one final, short-lived campaign to reform the Soviet legal system stemmed from popular and widely shared ideas whose time had finally come. The data, however, tells a very different story.

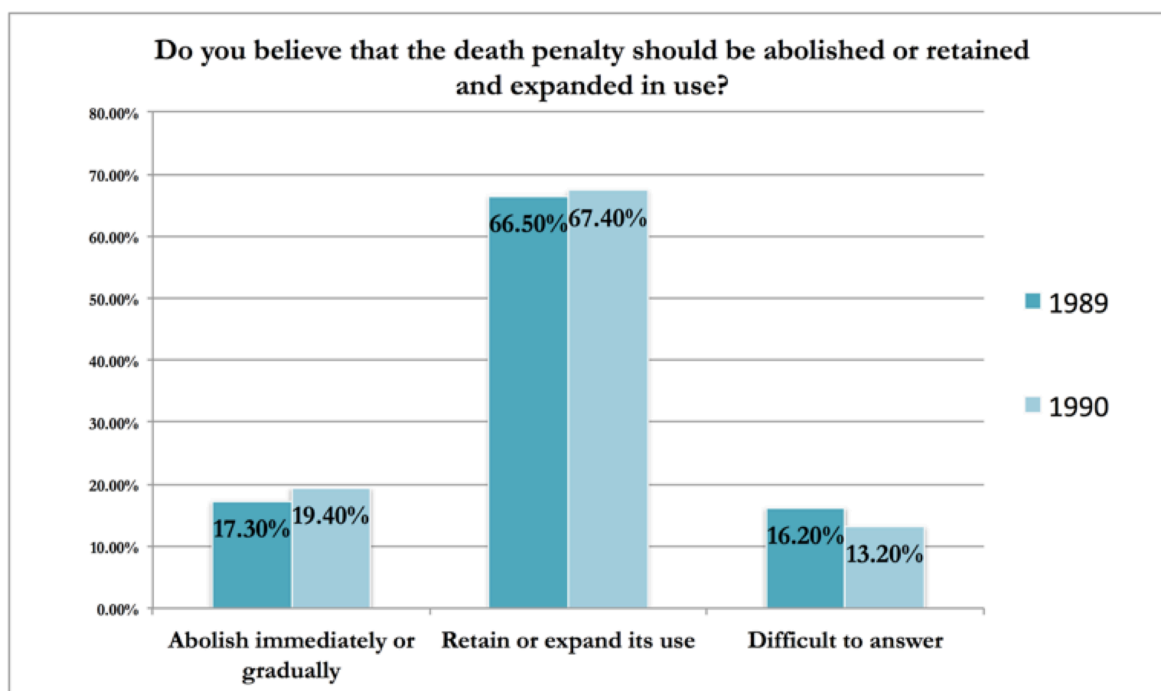
In 1989, the Soviet Union's first polling organization, the All-Union Public Opinion Research Center, opened its doors on Moscow's Nikolskaia Street, mere steps away from the Kremlin. In short order, it began surveying Soviet attitudes towards various social, economic, and political issues. Naturally, the death penalty came up. Asked in 1989 to answer the question of whether they believed the death penalty should be abolished or retained, 66.5% responded in support of retaining and expanding the death penalty's use. 17.3% spoke out in favor of its abolition, while 16.2% found the question difficult to answer. The results of a poll conducted the following year, in 1990, a year before the collapse of the Soviet Union, conveyed even more popular support for the death penalty - 67.4% of respondents - than the year prior.

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<sup>370</sup> Arkhiv Sakharova (AS hereafter), f. 1, op. 3, khr. 209, dok. 1058, l. 62.

<sup>371</sup> Ibid.

<sup>372</sup> Ibid, 63.



Source: The All-Union Public Opinion Research Center (VTsIOM) (currently the Levada Center)

What do these poll results tell us about popular attitudes towards the death penalty? On the one hand, they show that the death penalty, as an abstract criminal policy, enjoyed considerable support in Soviet Russia. Not only did respondents approve of the death penalty, but they wanted to see more death sentences passed. Unlike Sakharov, they saw nothing problematic in the Soviet Criminal Law as it related to the death penalty, nothing inherently socially demoralizing about the death penalty in and of itself. Far more alarming, problematic, and demoralizing for most was *how* judicial organs, state-appointed experts, and legal elites adjudicated cases where the death penalty presented itself as a sentencing option. The law, in other words, was fine - what needed to change was how the Soviet state employed it.

On May 16, 1996, Boris Yeltsin, Mikhail Gorbachev's successor and the first president of Russia, issued a decree which called for "a reduction in [the] application of the death penalty in conjunction with Russia's entry into the Council of Europe." The Decree fell short of formally abolishing the death penalty, but it ushered in a *de facto* moratorium on executions, as well as a concomitant reduction in the number of capital crimes and a call for authorities to treat those on the death row - who would now be sentenced to life imprisonment, a sentencing option available to Russian convicts for the first time - in a humane manner. Like the Soviet decrees that came before it, the 1996 decree held out the promise of formal abolition. Yet abolition has, so far, been the decree's practical effect. The last person to be executed in Russia was a man named Sergey Golovkin, who was found guilty of premeditated, aggravated homicide in 1994 and executed on August 2, 1996.

It is important to remember that Yeltsin's decision to abolish the death penalty stemmed less from a desire to adhere to changing domestic norms than an attempt to import international norms. Death penalty abolition was the price Yeltsin paid in order to gain for the Russian Federation entry into the Council of Europe and confer upon his country economic, security, and diplomatic benefits

from which the former socialist country had been barred. Support for death penalty abolition has remained low ever since. In 1997, a year after the moratorium was passed, the All-Union Public Opinion Research Center, now renamed the Levada Center, conducted another public opinion poll to gauge popular attitudes towards the death penalty. Only 7.4% of respondents called for its immediate abolition, while a combined 63.1% called for its reinstatement and expansion. The situation changed only slightly by 2015, when 8.8% respondents claimed to support abolition, while those who wanted to see it retained and expanded decreased slightly to 57.5%.<sup>374</sup> At the time of writing, public opinion remains more or less split on the question, though recent terrorist attacks both in Russia and abroad have increased public support for reinstating the death penalty for state crimes like terrorism. Yet the Russian government has demonstrated its commitment to protecting Yeltsin's decree by voting down bills which have called for its annulment.<sup>375</sup> In other words, the Russian state - like the Soviet state that preceded it and the European Union of today - has refrained from allowing the democratic process to resolve the question of death penalty abolition. Only the state could arbitrate matters of life and death.

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Returning now to the Soviet Union. What the polling data obscures, and what this dissertation reveals, is that the popular support that the death penalty enjoyed in 1989 did not imply support for the Soviet state that implemented it. Something else, something adjacent to the death penalty but not the death penalty itself, had become the source of moral decay, and transformed a system of uniquely Soviet moral values into something more universal, more transactional, less personal and moral.

Beginning in the late 1970s and culminating during Perestroika, people became disillusioned with a state and a system that either made no sense or looked the other way when laws were broken and procedures violated. The moral authority that the Soviet legal system claimed to command no longer seemed convincing. What these people sought instead, and what the Soviet justice system could not seem to provide, was a system that offered less discretion, less uncertainty, and more rule-governed behavior. What held the Soviet people together during the Union's final decade were not the communist ideals promoted by the state, but a belief in law (or a desire to believe in law) and order than came very much from the grassroots.

Many of the people polled by the All-Union Public Opinion Research Center were children of the post-Stalin era. They witnessed, and indeed benefitted from, reforms passed during Khrushchev's tenure that promised to fortify the country's legal and judicial system with a dose of legality, to make legal and especially criminal investigations more scientific and less capricious. They tasked criminal investigators and women with collecting criminal data. They promoted the use of forensic science and forensic psychiatry. They promoted the ideas of mandatory counsel for criminal defendants who would assist the court in individualizing punishment. They encouraged laypersons to attend trials, submit letters, witness justice being done right in front of their eyes. And finally, they allowed the accused to voice their thoughts, desires, and demands through the appeals process, effectively making them a central player in their own trial and, in many cases, their own execution. Combined, what these innovations were designed to do for members of the Soviet public - for people like those questioned by The All-Union Public Opinion Research Center in 1989 - was agency of a sort that they never had before Stalin's death and for many decades after it.

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<sup>374</sup> Levada Center Poll results.

<sup>375</sup> The most recent vote of this sort took place on July 25, 2018.

Like many of the people I have discussed, those surveyed by the All-Union Public Opinion Research Center came to approach the Soviet death penalty, and Soviet criminal justice in general, not just as a series of process to endure, but also as an important part of the Soviet public sphere that warranted their commitment and attention. The death penalty after Stalin may have represented a moment of great crisis, but also of great opportunity for creative inquiry and personal expression. On some level, the people who found themselves battling against this penal tool understood that they were outsiders inside a system that privileged elites who knew how to beat the system, to harness the power of their own expertise to make it work Soviet law work on behalf of their own interests. Yet, they did not give up. Instead, they searched for and ultimately put to use whatever knowledge they had most easily available to them in order to adapt to, cope with, and find meaning in the death penalty as it affected their lives and the lives of those they loved, lost, or were on the verge of losing. In the process, they critically engaged with Soviet understandings of mental health, gender relations, the origins of crime, the role of the public sphere, and the perfectibility of man. The language, ideas, and types of demands these people put forth as they probed these topics and took ownership of the death penalty process itself reflected a deep and dynamic engagement with not just the criminal justice system, but the very fabric of Soviet life.

This dissertation has shown how the fabric of Soviet life that Stalin's successors hoped to preserve and improve upon wore thin over time, and in a relatively short time, at that. The post-Stalin period lacked the rites of passage that gave Soviet society its unique shape and its people the unique values to strive towards and to claim as their own. Gone were the awe-inspiring Five Year Plans and collectivization drives, the rapid promotions into stable jobs, the cultural feats, the totalizing wars and the benefits conferred on those who served in and survived them. Violent and costly as these events were, they nevertheless became a source of pride for many people who lived through them, endured them, or claimed ties to loved ones who perished as a result of them. The nearly four decades that passed after Stalin's death, though a period of relative comfort, stability, and peace, failed to produce the kind of spectacular, life-altering events that brought people together (both voluntarily and involuntarily) and imparted on them a sense that they were living socialism, and in one country, at that. What the post-Stalin people offered instead to those who lived within its borders was a universal kind of modernity: of consumerism and urbanization, peace at home and a cold war "fought" indirectly abroad, a stagnant economy and an even more stagnant political system. As this dissertation has demonstrated, those who lived within this system did not all resort to apathy, become hopelessly disillusioned or withdraw from mainstream life, though some certainly did. To the contrary, they found innovative ways to built public and private lives for themselves within this system and developed a new way of speaking to each other? and the Soviet state in the process. For the vast majority of people the language they spoke was not one of support or opposition to the Soviet death penalty, the Soviet legal system, or the Soviet state. The black-and-white discourse that outspoken elites like Andrei Sakharov employed in their critiques of the Soviet state was Simply put, dissidents like Sakharov did not represent the discourse that the average Soviet citizen employed.

The irony - or, perhaps, the tragedy - that this dissertation reveals is that by the time Mikhail Gorbachev came to office in 1985 and unleashed a program of moral uplift designed to reinvigorate socialism, to return to a version of socialism that had not been adulterated by violence, bureaucratization, and ideological compromise, the moral community he planned to resuscitate had all but disappeared. His arrival, in some ways, came too late. For the society he inherited was no longer interested in the kind of moral project he imagined for them. Instead, it was a society filled with people who preferred rules over privileges, laws over theories, procedures over arbitrariness. A vast majority of the population that lived in the society that Gorbachev inherited either did not or could not remember an era when proximity to the revolution's hallmark achievements mattered in

any material or meaningful way. Instead, they searched for meaning elsewhere, both within their own private lives and also in the public sphere, a space they identified as being void of rule-governed, evidence-based behavior they wanted to see. Most importantly, they wanted that rule-governed behavior to work in their best interests in the same way that the morals and values did in an earlier period. Reflecting in May 1990 on the changes that *perestroika* and *glasnost* had ushered in in Soviet Russia (or what was left of it) and beyond, he offered the following diagnosis: “I believe, as Lenin said, that this revolutionary chaos may yet crystallize into new forms of life.”<sup>376</sup> What he did not, and perhaps could not, realize was that a new form of life, a new Soviet Man and Woman, had already been born.

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<sup>376</sup> *The Times of London*, 18 May 1990.

## Bibliography

### Primary Sources -

*Arkhiv Moskovskogo oblastnogo suda (AMOS)*

*Arkhiv Sakharova (AS)*

*Gosudarstvennyi arkhiv Rossiiskoi Federatsii (GARF)*

*Rossiiskaia gosudarstvennaia biblioteka (RGB)*

*Tsentral'nyi gosudarstvennyi arkhiv Moskovskoi oblasti (TsGAMO)*

### Secondary Sources -

Adams, Jr., William Walter. *Capital Punishment and the Russian Revolution*. PhD Dissertation, Columbia University, 1968.

Adams, William. "The Death Penalty in Imperial and Soviet Criminal Law," *American Journal of Contemporary Law* 18 (1970): 575-594.

- Bryner, Cyril. "The Issue of Capital Punishment in the Reign of Elizabeth Petrovna," *Russian Review* 49 (1990): 389-416.
- Burbank, Jane. "Discipline and Punish in the Moscow Bar Association." *Russian Review* 54, no. 1 (January 1995): 44–64.
- Burbank, Jane. *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905-1917*. Bloomington: Indiana University Press, 215-220.
- Burbank, Jane, "Mercy, Punishment, and Law": The Qualities of Justice at Township Courts," in: *Kritika: Explorations in Russian and Eurasian History* 7,1 (Winter 2006), 23–60.
- Clements, Barbara Evans. "The Birth of the New Soviet Woman." In *Bolshevik Culture: Experiment and Order in the Russian Revolution*, ed. Abbott Gleason, Peter Kenez, and Richard Stites, 220–37. Bloomington, Ind., 1985.
- Daly, Jonathan W. "Criminal Punishment and Europeanization in Late Imperial Russia," *Jahrbücher für Geschichte Osteuropas* 48:3 (2000): 341-362.
- Derrida, Jacques. *The Death Penalty, Vol. I*. Chicago: University of Chicago Press, 2014.
- Dobson, Miriam. *Khrushchev's Cold Summer: Gulag Returnees, Crime, and the Fate of Reform After Stalin*. Ithaca: Cornell University Press, 2009.
- Evans, Richard J. *Rituals of Retribution: Capital Punishment in Germany, 1600-1987*. New York: Oxford University Press, 1996.
- Fitzpatrick, Sheila. "Supplicants and Citizens: Public Letter Writing in Soviet Russia in the 1930s." *Slavic Review*, Vol. 55, No. 1 (Spring, 1996), 78-105.
- Fitzpatrick, Sheila. "Signals from Below: Soviet Letters of Denunciation of the 1930s," *The Journal of Modern History*, 68:4 (Dec. 1996), 831-866.
- Foucault, Michel. *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979*. New York: Palgrave MacMillan, 2008.
- Foucault, Michel. *Discipline and Punishment: The Birth of the Prison*. Paris: Gallimard, 1975
- Friedland, Paul. *Seeing Justice Done: The Age of Spectacular Capital Punishment in France*. Oxford: Oxford University Press, 2012.
- Gatrell, V.A.C. *The Hanging Tree: Execution and the English People*. Oxford: Oxford University Press, 1994.
- Gorlizki, Yoram and Khlevniuk, Oleg. *Cold Peace: Stalin and the Soviet Ruling Circle, 1945-1953*. Cambridge: Oxford University Press, 2005.

- Hardy, Jeffrey S. *The Gulag After Stalin: Redefining Punishment in Khrushchev's Soviet Union* (Ithaca: Cornell University Press, 2016).
- Klimchik, E.A. *Problema smertnoi kazni v obychnoi i v ugovnom prave rossii: sravnitel'nyi istoricheskii analiz*. Moscow: REPRO, 2000.
- Kollmann, Nancy. *Crime and Punishment in Early Modern Russia*. New York: Cambridge University Press, 2012.
- Kollmann, Nancy Shields. "The Quality of Mercy in Early Modern Legal Practice." *Kritika: Explorations in Russian and Eurasian History* 7.1 (Winter 2006): 5-20.
- Kotkin, Stephen. *Magnetic Mountain: Stalinism as Civilization*. Berkeley: University of California Press, 1999.
- Kozlov, Denis. *The Readers of Novy Mir: Coming to Terms with the Soviet Past*. Cambridge: Harvard University Press, 2013.
- LaPierre, Brian. *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance During the Thaw*. Madison: University of Wisconsin Press, 2012.
- Luneev, V.V. *Prestupnost' XX veka: Mirovye, regional'nye i rossiiskie tendentsii*. Moscow, Wolters Kluwer, 2005.
- McReynolds, Louise. *Murder Most Russian: True Crime and Punishment in Late Imperial Russia*. Ithaca: Cornell University Press, 2012.
- Mikhilin, A.S., *Vyshaia mera nakazaniia: istoriia, sovremennost', budushee* (Moskva: Izdatel'stvo 'DELO', 2000).
- Nathans, Benjamin. "The Dictatorship of Reason: Aleksandr Vol'pin and the Idea of Rights under 'Developed Socialism,'" *Slavic Review*, 66, no. 4 (2007): 630–66
- Nathans, Benjamin. "Soviet Rights Talk in the Post-Stalin Era." In *Human Rights in the Twentieth Century*. Ed. Stefan-Ludwig Hoffman. New York: Cambridge University Press, 2011). 166-190.
- Nethercott, Frances. *Russian Legal Culture Before and After Communism: Criminal Justice, Politics, and the Public Sphere*. New York: Routledge, 2007.
- Nigmatullin, Rishat Vakhidovich. *Institut smertnoi kazni v ugovnom prave Rossii XIX veka*. Ufa: 1997.
- Novak, Andrew. *The Global Decline of the Mandatory Death Penalty: Constitutional Jurisprudence and Legislative Reform in Africa, Asia and the Caribbean*. New York: Routledge, 2016.
- Quillin, Wm. Cary. "The Death Penalty in the Soviet Union." *American Journal of Criminal Law*. 7 (1977): 225-246.



- Riordan, Jim and Bridger, Sue eds., *Dear Comrade Editor: Readers' Letters to the Soviet Press Under Perestroika*. Bloomington: Indiana University Press, 1992.
- Schabas, William A. *The Abolition of the Death Penalty in International Law*. Cambridge: Cambridge University Press, 2002.
- Schrader, Abby M. *Languages of the Lash: Corporal Punishment and Identity in Imperial Russia*. Dekalb: Northern Illinois University Press, 2002.
- Scott, James C. *Seeing Like a State*. New Haven: Yale University Press, 1998.
- Shelkoplouas, N.A. *Smertnaia kazn' v Rossii: istoriia stanovleniia i razvitiia*. Minsk: AMALFEIA, 2000.
- Shelley, Louise. "Criminal Law and Justice Since Brezhnev." In *Law and the Gorbachev Era: Essays in Honor of Dietrich André Loeber*. Ed. Donald D. Barry. Dordrecht: Martinus Nijhoff Publishers, 1988.
- Simis, Konstantin. "Death Penalty in the Soviet Union." *A Quarterly Review of Contemporary Soviet Issues* (1) Vol. 1, 1981.
- Solomon, Peter H., Jr., ed. (1997) *Reforming Justice in Russia: 1864-1994: Power, Culture and the Limits of Legal Order*. Armonk, NY: M. E. Sharpe., 1997.
- Solomon, Peter H. Jr. *Soviet Criminal Justice Under Stalin*. New York: Cambridge University Press, 1996.
- Solomon, Peter H. Jr. *Soviet Criminologists and Criminal Policy: Specialists in Policymaking*. New York: MacMillan Press, 1978.
- Spierenburg, Pieter. *The Spectacle of Suffering: Executions and the Evolution of Repression, from a Preindustrial Metropolis to the European Experience*. New York: Cambridge University Press, 1984.
- Van der Berg, Ger P. "The Soviet Union and the Death Penalty," *Soviet Studies*: 35:2 (1983): 154-174.
- Wortman, Richard. *The Development of a Russian Legal Consciousness*. Ithaca: Cornell University Press, 1976.
- Yurchak, Alexei. *Everything Was Forever, Until it Was No More: The Last Soviet Generation* (Princeton: Princeton University Press, 2006).
- Zhiltsov, S.V. "Smertnaia kazn' v istorii Rossii. Moscow: Zerkalo, 2001.