

Quantifying Counter-Revolution: Legal Statistics and Revolutionary Justice during Russia's Civil War, 1917-22

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Abstract

This article uses the numerous statistics produced by revolutionary tribunals to explore the nature of counter-revolution after the October Revolution, how it changed and developed across the civil war, and the importance of revolutionary justice, as represented by tribunals, in facilitating the Bolsheviks' victory. Statistics are unreliable sources and the state faced plenty of problems in gathering data, but these figures permit us to explore key areas and trends, and demonstrate the ability of revolutionary justice to react in more nuanced ways to the counter-revolutionary threat than repressive organs such as the Cheka.

The reasons why the Bolsheviks emerged victorious from Russia's brutal civil war by 1921-22, despite the overwhelming odds against them, have frequently occupied historians. The Bolsheviks were located in Russia's industrial heartland with good transport infrastructure, whilst their opponents were scattered around the periphery, lacking key materials, unable to link up effectively or move forces around quickly. The Bolsheviks' ability to rebuild an effective military force from the wreckage of the tsarist army was crucial, as were concessions in March 1921 – the New Economic Policy (NEP) – that slowly alleviated the material hardship fostering social unrest. Recent studies have also reiterated the importance of rebuilding central state authority over recalcitrant localities, transforming war-time practices (including grain procurement, population displacement and violence) into regular tools of the state, and forging a clearer ideological vision for Russia than their opponents (see Badcock, Novikova, and Retish 2015; Holquist 2002; Mawdsley 2000; Raleigh 2002; Read 1996; Swain 2000).

Indeed, as the complexity, range and sheer longevity of Russia's 'civil wars' becomes more apparent, as it does in the most recent and most comprehensive study of the civil war in English (Smele 2015), the importance of non-military factors, from the state's political and economic practices to violence and ideology, is ever clearer. Yet these studies are united in their disregard for the role of law and justice, passing over the subject in a few paragraphs or at most a few pages (only legal scholars are interested in this period as seeing the

foundation of Soviet law, but they say little about the role of law in facilitating Bolshevik victory: see Hazard 1960; Solomon 1996). For most historians, the idea of revolutionary justice during Russia's civil war is an oxymoron; there was little justice in the violent revolutionary practices of the Bolsheviks. To be sure, on 24 November 1917, the Bolsheviks published a decree establishing a new legal system. It abolished existing courts, establishing people's courts to judge 'ordinary' crimes (thefts, murders and civil disputes) and revolutionary tribunals to combat 'counter-revolutionary' crimes (revolts, plots, sabotage and the abuses of class enemies). But these courts were filled with elected judges who did not necessarily have any legal knowledge and after tsarist-era laws were abolished in 1918, there were no new law codes until mid-1922, leaving judges to make decisions on the basis of new decrees and their own 'revolutionary consciousness'. One historian described this new system as 'legalised lawlessness' (Pipes 1986), whilst most tend to see the courts – particularly tribunals – as simply another branch of the state's repressive machinery; indeed, most brief mentions of tribunals come in the same breath as the Cheka, the state's notorious and violent secret police (for exceptions, see Rendle 2011; Rendle 2013; Retish 2013. There are also institutional histories in Russian: Titov 1983, 1987, 1988; Gor'ev 2011; Makutchev 2012).

This neglect, however, is misguided. On the one hand, tribunals quickly spread. After initial, unchecked expansion into provinces, districts and even parishes, tribunals were restricted to provincial towns and significant district centres after May 1918, although many soon formed 'travelling sessions' to reach into remoter rural areas (Rendle 2017). By the end of 1918, though, tribunals were permitted in the military, with some established to focus exclusively on railways as crucial components of the war effort. These tribunals became more independent in 1919, transforming into transport tribunals in 1920-1 as they expanded to cover water transport. At the height of the civil war, there were over 200 tribunals investigating 200,000 cases a year. Initially retaining a degree of independence from each other, these three types of tribunals moved closer together in 1920-1, culminating in their unification in June 1921. As the court established to fight counter-revolution, the authorities must have felt that tribunals played an important role to justify any resources in a time of scarcity. On the other hand, a closer examination questions whether their role was entirely about violence. Tribunals operated within established legal procedures and only a minority of their sentences pronounced the death penalty, and this was often rescinded under appeal or through an amnesty. Instead, tribunals issued a range of sentences from prison to public censure suggesting the role of justice was more complex and multifaceted than traditionally assumed. Lenin, for instance, constantly urged tribunals to be rapid and merciless revolutionary courts, denouncing some sentences as too mild and demanding that sentences were sufficiently impressive. But he also desired trials to be more 'educational'

and called for ‘model’ (*obraztsovyi*) trials that made the significance of cases clear to the public. The educational role of trials, he noted, was ‘huge’ and revolutionary justice had to send an audible message (through trials) worth listening to (the sentence).¹

This article uses the numerous statistics produced by all tribunals – civilian, military and transport – to explore their activities during this period and their importance in facilitating Bolshevik success. Statistics, of course, are unreliable sources at the best of times and the state faced plenty of problems in gathering data, but they permit us to explore the general trends surrounding how the state quantified the counter-revolutionary threat, how this threat changed and developed over time, and how tribunals responded. Taken together, statistics reveal the ability of revolutionary justice to react in more nuanced ways to the counter-revolutionary threat than repressive organs such as the Cheka, thereby helping historians to understand how law worked alongside violence to facilitate Bolshevik victory in the civil war.

The Production of Statistics

The Commissariat of Justice (Narkomiust) had a ‘department of statistics’ by at least June 1918, when the department requested information from local soviets and justice officials,² and it was assiduously collecting statistics on crimes by the end of the year. These formed a central part of Narkomiust’s published reports to the annual congresses of soviets, they were utilised in unpublished internal reports, and individual officials used them in articles written for legal publications. Narkomiust was under pressure from those who doubted the benefits of law during a brutal civil war and statistics were seen as a means of proving the extent and importance of its activities. They also provided greater knowledge of the activities of local courts, enabling Narkomiust to identify problems and inefficiencies, and justify frequent interventions, which in turn facilitated the imposition of greater central control. More broadly, categorizing diverse human actions into a series of pre-defined crimes

¹ V. Lenin, *Collected Works* (47 volumes, Moscow, 1960-70), XXVII, 33 (22 February 1918), 219 (30 March 1918), 322 (4 May 1918); XXXIII, 358 (17 May 1922); XXXVI, 576-7 (31 March 1922); XLV, 348 (20 October 1921), 369 (4 November 1921); V. Lenin, *Polnoe sobranie sochinenii* (5th edition, 55 volumes, Moscow, 1971-5), XLIV, 396 (20 February 1922).

² Gosudarstvennyi arkhiv Rossiiskoi Federatsii (hereafter GARF), fond A-353, opis 1, delo 1, listy 14-15 (correspondence to local departments and soviets, 21 and 26 June 1918).

reinforced the justice system's role as an arm of the state, helping the state to penetrate and control the activities and beliefs of the population.

Some legal theorists in Narkomiust were also interested in statistics for what they implied about broader trends in criminality, thereby continuing pre-revolutionary practices. Several of these individuals, such as M. N. Gernet, E. N. Tarnovskii and A. N. Trainin, had been active participants in the so-called 'left wing' of the sociological school of pre-1917 criminologists, seeing the causes of crime as a product of contemporary social conditions (much like Marxists) and employing a psychiatric approach to understand how criminals reacted to this environment. Some took the next natural step of considering socioeconomic factors and some, such as Gernet, participated in revolutionary circles. For them, statistics enabled an objective, scientific discussion of crime and criminals (Shelley 1979; Kowalsky 2009, pp. 37-40).

Tarnovskii was one of the most prominent figures, using his position in charge of compiling official crime statistics in the Ministry of Justice before 1917 to write numerous articles exploring how economic factors (such as prices and harvests) affected levels of crime. His belief that the exploitation of the working classes was responsible for much existing crime and the solution lay in social reform made it easy for him to transfer to Narkomiust after the October Revolution. He published frequently during the civil war, producing general surveys of crime levels before and after 1917, alongside specialist studies, such as on the impact of hunger on crime (Tarnovskii 1921, 1922a, 1922b, 1922c, 1923). His articles, unsurprisingly, avoid the political implications of his work and are framed around 'objective' statistics. There is no evidence, moreover, that he influenced policy or represented Narkomiust's official views, but his work did provoke the occasional controversy, such as when he argued that less educated judges in tribunals dispensed harsher penalties, thereby implicitly criticizing the nature and legitimacy of these courts (Tarnovskii 1922d; Roginskii 1922).

The statistics were more problematic, of course, than Tarnovskii and others admitted. Most obviously, they were rarely complete. The first attempt to gather systematic information on tribunals was in November 1918 with a request for statistics for the year after October 1917 sent to the forty-one tribunals known to exist, but some local tribunals were operating illegally or without Narkomiust's knowledge and not all tribunals responded. Information from thirty-two was eventually received, but not all of these provided complete information. Some tribunals had been established by December 1917, others not until summer 1918, resulting in statistics covering various periods (Berman 1919, p. 47). These problems persisted. Narkomiust sent another request for information in September 1919. Tribunals took months to respond, recorded information in various

ways and sometimes provided conflicting figures. The number of tribunals continued to fluctuate as the civil war progressed, with existing ones closed and new ones established as territory was lost and gained.

There were also differences over how individual tribunals interpreted the terminology; categories such as counter-revolution were elastic and open to multiple interpretations, and the same was true of the social background of criminals. Social identities were fluid during this period as workers moved to the countryside in search of food, peasants were conscripted into the Red Army, and former privileged groups undertook manual work to survive. Some statistics distinguished between occupations pre- and post-October, but not all. Some officials categorised people in simplistic Marxist terms, ascribing backgrounds, such as rich, middle and poor peasants, to fit in with their own expectations of class divides.

It is possible that tribunals falsified information, but there was little reason to do so; there were no quotas to fulfil or specified targets, although many tribunals wanted to convey to Narkomiust the scale of the challenges facing them. Some tribunals were criticised heavily for having large numbers of unresolved cases and for excessively mild sentences, yet tribunals continued to provide clear evidence of delays and report a wide range of punishments, which suggests the deliberate manipulation of statistics was rare at this stage.

A bigger problem was the inaccurate record-keeping of local tribunals, regularly condemned by inspectors. The Second All-Russian Congress of Justice Officials in April 1920 declared that tribunals should submit an account of their activities, along with statistics on crimes and criminals, every three months.³ But whilst most provinces were submitting statistics from 1919, it took longer for regular and diligent reporting to become the norm. Many of the reports in the archives have figures revised or crossed out, sometimes entire categories. With the massive scale of crimes such as desertion or banditry from 1919, and the increasing tendency to hold trials in various local towns, it must have been very difficult for understaffed and underfunded tribunals to keep an accurate track of their activities. Sometimes, though, the numbers simply do not add up. Voronezh's tribunal blamed their inconsistent statistics in 1920 on their inability to hire a statistician until December (others experienced similar problems), remarking optimistically that their statistics were now precise and accurate.⁴ But even some published statistics do not add up, whilst different reports and authors use statistics from different numbers of tribunals over different timescales, making comparisons difficult. Greater accuracy was sometimes claimed in later versions of reports as some tribunals provided updated figures and others finally responded to questionnaires.

³ GARF, f. A-353, op. 4, d. 23, l. 21 (26-8 April 1920).

⁴ GARF, f. A-353, op. 4, d. 58, l. 59ob (report, January 1921).

Furthermore, tribunals were only part of the justice system. Narkomiust gathered and produced statistics on people's courts in the same way, but the problems with these were magnified as thousands of courts existed. These courts are not the focus here, but statistics and reports make it clear that many people's courts judged crimes that should have gone to tribunals, even cases categorised as counter-revolution. Similarly, various organs beyond the justice system held sentencing powers at times during the civil war. The most obvious was the Cheka, but also others, such as commissions for desertion, banditry and food supply. These organs made less effort to record their activities or, in the case of the Cheka, may have never recorded many victims. Tribunal statistics, therefore, only provide part of the picture of revolutionary justice and the struggle against counter-revolution.

Nevertheless, the statistics produced are not valueless; all statistics are problematic and most only ever provide a guide to the real picture. This article utilises published and unpublished statistics, including the numerous forms completed by local tribunals and sent to Narkomiust.⁵ Better central control and working practices, and a steadily improving working environment, mean these statistics are likely to be more reliable as the civil war progressed; they are certainly sent to Narkomiust more regularly and provide more information. More broadly, there is no reason to doubt that the general trends displayed in the statistics reflect real trends even if the unreliability of precise numbers must be stressed repeatedly.

The Growth in Crime

The first statistics on tribunals were published in early 1919. Thirty-two tribunals responded, investigating 12,223 cases between them in the year prior to October 1918 – an average of 381 each.⁶ This figure varied from the forty-nine cases covered by tribunals in Tula and Northern Dvinsk to the 1,697 investigated in Elets and 1,132 in Rybinsk, neither a provincial capital. This diversity was blamed on the lack of people's courts in these areas, confusion over jurisdiction and the slow dissolution of district tribunals, which had been abolished on 4 May 1918 (Berman 1919, pp. 48-9). This figure must be lower than the true figure as not all tribunals responded and the cases dealt with by tribunals disbanded prior to the survey were ignored. Confusion was endemic. Orel's department of justice reported on four tribunals in its territory; the provincial tribunal had investigated 61 cases,

⁵ I have not discussed the statistics used subsequently by Russian historians (see n.5). Their precise numbers differ, especially if drawn from provincial archives, but none appear to challenge the trends discussed here.

⁶ The following discussion examines all cases *investigated* by tribunals, not those eventually brought to trial.

whilst district tribunals in Livny and Briansk had dealt with 267 and 659 respectively, although the former had now closed. Another district tribunal in Elets had closed and the department had no statistics from it.⁷ Yet the published results, as noted, did have statistics from Elets, higher figures from Briansk and Orel, but nothing on Livny. Even in the centre – Moscow – the published figure for the city’s tribunal was 404, yet other sources cited over 2,000 cases for a comparable period.⁸

[Figure 1]

The statistics for subsequent years are outlined in Figure 1. The numbers for 1919 are also problematic. Archival records reveal that over half of the thirty-six tribunals who responded only provided statistics for half of the year and many others were missing periods due to the pressures of the civil war, whilst published statistics do not cite statistics for tribunals alone in 1919, instead combining all courts (Tarnovskii 1921). Numbers become more comprehensive and convincing for 1920-1, but there remains a disparity between the archival and published records as only tribunals with complete statistics were utilised for published reports.⁹ There is also difficulty distinguishing military tribunals from transport tribunals initially.

These annual statistics suggest, unsurprisingly, an increase in the activity of tribunals as the conflict escalated. The average number of cases in each civilian tribunal in 1920 was 858 (using archival figures) compared to 381 in 1918, although sizeable differences remained, with a tribunal at the heart of the fighting in the Kuban recording 2,779 cases compared to 208 for Olonets in the north. The increase in overall cases was probably more gradual than portrayed between 1918 and 1920 given the problem with statistics from 1918-19, but a reduction in the vast range of mundane crimes dealt with by district tribunals when they were disbanded by late 1918 was offset by the rise in crime prompted by increased fighting, broader conceptions of what constituted a crime (see below) and the fact that less tribunals were now dealing with the workload. One article argued that crime fell by 15% (based on all courts in twenty-five provinces) after the end of the civil war in 1921 and convictions fell by 18% (Brandenburgskii 1923), but Figure 1 suggests a more complex picture, with consistent

⁷ GARF, f. R-1005, op. 2, d. 13, ll. 3-3ob (correspondence to cassation department, 8 November 1918).

⁸ *Proletarskoe revoliutsiia i pravo*, 5-6, 1-15 October 1918, 78; Kurskii 1918, p. 73. *Izvestiia* (16 July 1918, 6) cites 1,708 cases in Moscow for only 21 December 1917 to 1 June 1918.

⁹ The report on military tribunals for 1921 admitted excluding about 10% of returns from tribunals as they were illegally completed or delayed, but claimed this only involved 1.5% of cases.

numbers of cases in civilian tribunals, falling numbers in military tribunals and rising numbers in transport tribunals, whilst other evidence suggests that the ‘mass’ nature of many of crimes by this stage meant that more people were investigated as part of each case (see below). These numbers are consistent with the new emphasis on violations of the NEP, eradicating corruption and rebuilding transport infrastructure.

To put these statistics into context, a Narkomiust survey of major courts in 1920 recorded 1,377,778 crimes investigated; 86% by people’s courts, 12% by military tribunals and 2% by civilian tribunals (Tarnovskii 1921, pp. 3,12).¹⁰ Similarly, the 2,022 cases recorded in Moscow’s tribunal in the first half of 1918 were dwarfed by 44,924 cases in the city’s people courts as were the 6,543 cases in Samara’s tribunal from February 1919 to April 1921 compared to 107,180 in people’s courts in 1919-20 (Kurskii 1919, pp 244-5; Gizatulin 2012, pp. 108, 115). Statistics on the Cheka are harder to come by, but tribunals seem to have dealt with far fewer cases than the Cheka. Recent figures suggest the security police investigated 200,271 new cases in 1921 and 119,329 in 1922 (Mozokhin 2006, pp. 246-52), whilst in Perm’, the tribunal’s 420 cases in the second half of 1919 was dwarfed by 2,616 in local Cheka branches.¹¹ Tribunals, therefore, were not a court dealing with everyday crimes like people’s courts, but neither were they a repressive organ unfettered by the constraints of legal procedure like the Cheka.

The statistics emphasise the huge role played by military tribunals at the height of the civil war. They were far busier than civilian tribunals, boasting an average of 6,283 cases in 1920, with the tribunal on the western front recording 29,058 cases. It is clear, though, that the caseload of military tribunals was closely linked to the fighting; in 1920, military and railway tribunals investigated 167,162 cases, but this fell to 91,830 in 1921 (with a sharp fall across 1921 from 74,246 cases in the first half to 17,584 in the second half as fighting ceased on several fronts). The emergence of railway tribunals contributed to this fall as they took on a growing caseload. In the three and half months from their official creation on 18 March 1920 to 1 July, railway tribunals resolved 1,795 cases rising to 7,801 in the next five months. These numbers increased further as tribunals spread into water transport and they were investigating more cases than military tribunals by 1922 as attention turned to rebuilding transport infrastructure.

The context and location of tribunals had a huge impact on their activities. Those near heavy fighting tended to be the most disrupted, but they were also the busiest. The military authorities were quick to highlight

¹⁰ Only 25 civilian tribunals and Moscow are included, but as the figure for people’s courts is also likely to be an underestimate, the percentages are probably broadly accurate.

¹¹ *Grazhdanskaia voina v Prikam’e* (Perm’, 2008), p. 429 (report from local Cheka, December 1919).

each surge in the workload to developments in the civil war. In 1920, for instance, the war with Poland led to almost twice as many cases in June as January. Another surge in cases in July was followed by a steady increase to the end of year as the Polish conflict was joined by an offensive in the south by General P. N. Vrangeli¹² and then by peasant revolts led by A. S. Antonov and N. I. Makhno.¹³ This outline is simplistic, but it emphasises the impact of particular stages of the civil war. Surges were also caused by official campaigns against certain crimes; one report on railway tribunals noted the huge impact of a campaign against theft on railways.¹⁴ Similar rises were caused by isolated events. In August to December 1918, Vitebsk's tribunal heard thirty-two cases involving 123 individuals before a revolt in a district town, Velizh, brought over 300 additional people in front of the tribunal instantly (Speranskii 1919, pp. 111-13).

This example highlights that the numbers of people investigated (as opposed to cases) also increased rapidly as tribunals judged more 'mass' crimes, such as banditry, desertion and food tax violations. Official statistics suggest that 16,239 cases were brought to trial in 1922 with 95,604 sentences dispensed and a further 12,266 acquittals.¹⁵ The department of justice in Cherepovets reported 399 cases in the tribunal in 1921 involving 3,890 people, whilst a newspaper cited 289 cases in Moscow involving 1,214 across the same time period.¹⁶ The military tribunal in the 16th Cavalry Division stated that 65% of crimes were of a 'mass character'.¹⁷ This was particularly true of travelling sessions, which often dealt with groups of deserters (this term may have also included those avoiding conscription) or bandits, recalcitrant villages or unruly groups of soldiers. A report from Voronezh in January 1921 talked of a travelling session investigating 14,700 people in one trip, but the tribunal reported just 2,422 cases across the whole of 1921.¹⁷

The Changing Nature of Crime

¹² Rossiiskii gosudarstvennyi voennyi arkhiv [hereafter RGVA], f. 33988, op. 3a, d. 16, l. 4ob (report on military tribunals in 1920, n.d.).

¹³ GARF, f. A-353, op. 3, d. 40, l. 134 (report on railway tribunals prior to 1 July 1920, n.d.).

¹⁴ *Trudy tsentral'nyi statisticheskogo upravleniia*, . Tom VIII. Vypusk 6. Statisticheskii ezhegodnik 1922 i 1923. Vypusk vtoroi (Moscow, 1925), p. 67.

¹⁵ GARF, f. A-353, op. 5, d. 18, l. 217 (report, 20 January 1922); *Rabochaia Moskva*, 26 February 1922, 4.

¹⁶ GARF, f. R-1005, op. 1, d. 52, l. 60ob (report, 12 August 1921).

¹⁷ GARF, f. A-353, op. 4, d. 58, l. 60 (report, 7 February 1921).

Only 5,420 of the 12,223 cases recorded in 1918 (44%) were cases that civilian tribunals were supposed to investigate (the rest should have gone to people's courts) as tribunals struggled to focus on counter-revolutionary crimes during their first year. District tribunals were the major culprits. In Demianskii district tribunal (Novgorod), 142 of 235 cases (60%) were general crimes compared to 53 (23%) and 40 (17%) for counter-revolution and speculation respectively. The tribunal dealt with robbery, theft, injury, an escaped prisoner, beatings, insults, brawls, careless use of fire, threats, drunkenness, death, and other such activities, as well as crimes such as exceeding authority and expropriation, which were later viewed as counter-revolutionary.¹⁸ But even provincial tribunals struggled for focus; 416 of 593 cases in Kursk (70%) between 18 June and 30 September 1918 dealt with general crimes.¹⁹ This diversity probably continued to a certain extent throughout the civil war as many tribunals placed a significant percentages of crimes in a vague 'other' category; Samara recorded 601 of 850 cases investigated between 1 January and 15 June 1921 (70%) in this category and it was far from alone in this practice.²⁰

These 5,420 crimes in 1918 consisted of six categories: 1,915 counter-revolutionary actions (35%); 1,722 cases of speculation (32%); 1,037 instances of bribery, forgery and illegal use of documents (19%); 399 pogroms (7%); 324 cases of sabotage (6%); and 23 of espionage (under 1%). Again, tribunals varied widely. There were 191 cases of counter-revolution in Smolensk and 173 in Vladimir, accounting for 77% and 72% of their caseload respectively. There were 124 in Tambov (34% of its caseload), but only 3 cases in Morshansk (2%) and 13 in Kirsanov (7%), both districts in Tambov. Instead, there were 78 cases of speculation in Morshansk (52%) and 139 in Kirsanov (76%), whilst only 49 in Tambov (14%) (Berman 1919, esp. pp. 48-9, 53-6). There were more cases of counter-revolution in provincial tribunals and more concerning speculation in districts, reinforcing comments above noting differing priorities based on the different threats to Bolshevik authority in urban and rural areas.

[Figure 2]

The obvious changes over the civil war (Figure 2) are the steady fall in counter-revolution and speculation, the rise of crimes of office, and the emergence of a new category – crimes against the order of

¹⁸ GARF, f. A-353, op. 9, d. 45, ll. 90-90ob (report, 23 July 1918).

¹⁹ GARF, f. R-1005, op. 2, d. 10, l. 1ob (report to cassation department, n.d.).

²⁰ GARF, f. R-1005, op. 3, d. 45, l. 150 (report, 20 June 1921).

government (*prestupleniia protiv poriadka upravleniia*). A catch-all term in some respects, it encompassed a range of criminal activities from violating the rules of production and forging money to avoiding state service and other crimes against public order, including speculation, thereby explaining its disappearance. This term obscures some of the points raised by various statistics in the archives. One survey of civilian tribunals in the second half of 1920, for instance, noted that almost 21% of prosecutions involved desertion, emphasizing that this crime formed a major focus for all tribunals.²¹ Otherwise, the decrease in counter-revolutionary crime seems surprising given that tribunals focused on this, but it reflects a changing understanding of the term in that it remained associated with traditional forms of counter-revolution (revolts, plots and so on) rather than the diverse range of threats being dealt with from 1918.

[Figure 3]

As before, these figures mask geographical diversity. According to Narkomiust, some provinces, particularly those around Moscow (such as Kaluga, Tula, Tver', and Riazan'), saw less than 5% of their cases classified as counter-revolutionary in 1921; others, particularly in the north and east (such as Arkhangel'sk, Simbirsk, Viatka and most of Siberia) placed over 20% of their cases in the counter-revolutionary category. Much reflected the geographical spread of the fighting, with crimes of office more common in those provinces at the heart of the Bolshevik state (over 40% in Moscow, Kaluga, Tula, Tambov, and others) and far more counter-revolutionary revolts and plots around the periphery.²² But some of this may have been categorisation; remoter provinces seem to have classified more activities as counter-revolutionary than those at the centre.

These broad categories also mask the sheer diversity of crime investigated by tribunals and it takes local records to really probe into the broad categories employed by Narkomiust. The military tribunal on the southern front, for example, compiled a list of around a hundred individuals convicted in August 1919. There were the expected crimes: theft; speculation; espionage; desertion; agitation; sabotage; selling state property; ill-discipline; not fulfilling orders; forgery; organizing plots; and so on. In addition, a political worker did not pay for his room at a hotel; another man for a meal at a canteen; and another for his use of a car. One commissar was

²¹ GARF, f. A-353, op. 4, d. 111, l. 206 (list of crimes for the second half of 1920, n.d.). Orel established a special department for desertion; f. R-1005, op. 3, d. 35, l. 18 (report, 15 April 1920).

²² RSFSR. *Narodnyi Komissariat Iustitsii. Otchet LX Vserossiiskomu s"ezdu sovetov* (Moscow, 1921), p. 52; GARF, f. A-353, op. 5, d. 72b, l. 79a (report, n.d.).

convicted of negligence on duty for acquiring worthless typewriters for prohibitively high prices. One doctor had illegally convened a meeting to raise funds for a gift and had illegally imposed a contribution on everyone for this purpose. Another doctor was caught drunk in a public place. A commander was convicted of illegally keeping a saddle and harness, whilst a soldier had been illegally exchange herrings and potatoes.²³

[Figure 4]

Many of these individual crimes fell under the category of crimes of office and the rise of these crimes was far more notable in military and, especially, transport tribunals (Figures 3 and 4) than civilian tribunals. Within this category, other statistics for 1922 (with similar percentages, but different categories and numbers) reveal the prominence of theft from state stores (44% to 49% of all crimes over the two halves of 1922) and bribery, extortion, sabotage, and negligent relations to duties.²⁴ Transport was extremely susceptible to robbery and theft of state goods, whilst transport tribunals also dealt with cases relating to under-performance, crashes or other mishaps (variously tasked as sabotage, not fulfilling duties or violations of regulations), which were not common in other tribunals. That said, only 7-9% of crime in transport tribunals in 1920-2 was classified by the authorities as ‘special railway crimes’, with the rest being political, military or general crimes.²⁵

Overall, contemporaries highlighted the fall in counter-revolutionary crimes and the rise of crimes of office as major trends (Estrin 1927, p. 102), with the former only constituting 0.7% of all crimes in all courts in the second half of 1922, falling further to 0.2% in first half of 1923.²⁶ Of course, all crimes investigated by tribunals were counter-revolutionary in the sense that they harmed the state and thus the revolution – and it might be argued that all crime was counter-revolutionary in that it signalled some form of discontent with the existing order – but the narrow category of ‘traditional’ counter-revolutionary crimes (plots, revolts etc.) and its declining numbers served politically to reinforce arguments that the revolution had emerged victorious in its civil war with counter-revolution, and it provided support to those officials who argued by 1922 that exceptional courts like tribunals were no longer necessary. In reality, there remained widespread resistance to the Bolsheviks

²³ Rossiiskii gosudarstvennyi arkhiv sotsialno-politicheskoi istorii (hereafter RGASPI), f. 17, op. 109, d. 201, ll. 235ob-248 (report, n.d.).

²⁴ GARF, f. R-3042, op. 1, d. 38, l. 16ob (first half of 1922); d. 39, l. 16ob (second half).

²⁵ GARF, f. R-1005, op. 1, d. 57, ll. 83, 85 (figures produced by RVTR).

²⁶ ‘Svodnyi otchet’, *Ezhenedel’nik sovetskoi iustitsii*, 51-52, 31 December 1923, 1185.

and the fact that tribunals expanded their activities to cover an ever wider range of ‘criminal’ activities marks an implicit recognition that the nature of counter-revolution was changing rather than declining.

Methods of Punishment

The first point about sentencing that the statistics reveal is that only a minority of cases actually made it to trial. Archival reports, as detailed in Figure 5, suggest that only around a third of cases made it to trial in a civilian tribunal across the civil war with comparable numbers transferred to other courts or dismissed due to a lack of evidence.²⁷ Reports on military tribunals also recorded 31% sent to trial in 1920 and 41% in the first half of 1922, and for transport tribunals, 45% from March to June 1920 and 27% in 1922.²⁸ These figures mask a great deal of variation, from 1% of cases sent to trial in Tula in 1919 to 85% in Kaluga in 1921, from 83% of cases dismissed in Riazan’ in 1919 to none in Tsaritsyn in 1920, whilst mass crimes with similar outcomes could skew a tribunal’s numbers. This is not meant to imply that procedures were perfect; there is too much evidence to suggest otherwise and much rested on what was considered ‘sufficient’ evidence and a ‘crime’. But the point is that being investigated by a tribunal did not lead to an inevitable trial.

[Figure 5]

Similarly, one of the first critiques of tribunals, penned by a former defence lawyer who had served in them, portrayed the trial as a foregone conclusion; as a political court judging the Bolsheviks’ political enemies, a conviction was inevitable, and increasingly the death penalty became predominant. He talked of the ‘rivers of blood’ unleashed by ‘sadistic’ judges (Kobiakov 1922). The statistics on sentences, however, whether published or unpublished, reveal a more complicated picture. They do confirm that trials found the vast majority of defendants guilty as conviction rates rose steadily across the civil war, from 81% in 1919 to 86% in 1921 to,

²⁷ Comparable figures are in GARF, f. A-353, op. 5, d. 72b, l. 79a (report on tribunals, 1920-21, n.d.).

²⁸ GARF, f. A-353, op. 4, d. 111, l. 179 (report on military tribunals, n.d.); op. 3, d. 40. L. 131 (report on railway tribunals up to 1 July 1920, n.d.); RGVA, f. 33988, op. 2, d. 454, l. 7 (report on military tribunals, mid 1922); GARF, f. R-3042, op. 1, d. 38, l. 6; d. 39, l. 5 (reports on transport tribunals in 1922, n.d.).

according to one report, 89% in the first half of 1922.²⁹ These figures, as always, mask a variation between tribunals, but most tribunals were around the average by 1920-22. Other statistics, though, provide a more substantial challenge to this image of merciless repression.

Assessing statistics on the death penalty is one of the most problematic of all statistics, not due to overt attempts to conceal it, but because of problems recording it. At a basic level, 18% of sentences in 1919 were the death penalty, falling to 3% in 1920 and 1921 (Figure 6). There are two immediate problems with this. First, the 1919 figure is misleading. Nizhnii Novgorod, Samara and Ufa provided abnormally high figures (41-70% of sentences), but the vast majority of these (90-94%) were suspended. Dispensing the death sentence in these instances seems to have been an almost automatic symbolic act with tribunals having little intention of upholding it. Indeed, the majority of death sentences for 1919 across all tribunals were suspended, reducing those that remained beyond the end of the trial to 6% of all sentences. This practice was no doubt intended to provide a shock deterrent, but the state prohibited it as counter-productive, decreeing that suspended sentences were more suitable for lesser punishments.³⁰ Second, Narkomiust did not include a column for the death penalty on its 1920 form.³¹ Some tribunals added their own column to record shootings or distinguished them within the 'other' column enabling the figure above, but given that 74% of responding tribunals reported shootings in 1919 and 87% in 1921, but only 33% in 1920, this number is too low. Nevertheless, these percentages are comparable with other numbers available. Figure 7 provides percentages from an official report that has been widely cited subsequently. These also note relatively low (and declining) percentages of death sentences. Similarly, official reports record death sentences as almost 6% of sentences in military tribunals in 1920 and in transport tribunals

²⁹ GARF, f. A-353, op. 5, d. 72b, l. 185 (report on legal institutions, 1921-2, n.d.). These figures were comparable with military tribunals (90% in the first half of 1922), although fractionally higher than transport tribunals (81%); RGVA, f. 33988, op. 2, d. 454, l. 14 (report on military tribunals in first half of 1922, n.d.); GARF, f. R-3042, op. 1, d. 38, ll. 18ob-19; d. 39, l. 3 (reports on transport tribunals in 1922, n.d.).

³⁰ GARF, f. R-1005, op. 2, d. 20, l. 37 (Narkomiust to the Cassation Tribunal, 13 September 1920); d. 2, ll. 580-80ob, 583 (circular to military tribunals, n.d.).

³¹ The death penalty was officially abolished on 17 January 1920 for civilian tribunals after defeats of various White forces; *Dekrety sovetskoi vlasti. Tom VII* (Moscow, 1975), pp. 104-05. It was reinstated for areas under martial law on 4 November 1920, which, given the prevalence of such areas, meant most tribunals as reflected in the statistics for 1921.

in 1921-2, falling to just under 5% in the first half of 1922 in the former and just over 1% in the second half of 1922 in the latter.³²

With the rhetoric surrounding tribunals and the constant urging of higher authorities to be merciless, there seems little reason for tribunals to deliberately underreport shootings. Moreover, despite the merciless rhetoric, the state's acceptance of appeals and widespread use of amnesties meant that it was directly responsible for many commuted death sentences (Rendle 2014). Indeed, there was a growing aversion to the death penalty towards the end of the civil war as the state attempted to appease social unrest. As the Commissar of Justice noted in September 1920, shooting should only be used when tribunals were convinced that nothing else was suitable – when the crime was ‘exceptionally malicious’ (*iskliuchitel'no zlostnyi*) and it was pointless trying to reform the perpetrator through any other punishment.³³

[Figure 6]

The basic point, therefore, is that a description of ‘rivers of blood’ was misleading. Tribunals could act severely if needed and did so frequently. Military tribunals dispensed death sentences during the last fortnight in December 1919 for crimes ranging from desertion, revolt, aiding the Whites and speculation, to drunkenness, seizing wood, robbery and organizing a card game.³⁴ Contemporaries draw links between higher levels of the death penalty in particular months and intensive military action; one report, for example, noted death sentences were around 1-2% in the first quarter of 1920 before the emergence of the war with Poland pushed numbers up 7-9% in the middle half of the year before falling back again to reach under 6% in December.³⁵ When under pressure, then, tribunals wielded the ultimate power. But whereas the Cheka admitted to killing 6,300 in 1918 and 2,089 in the first seven months of 1919 (Latsis 1920, p. 75), and was probably responsible for far more, tribunals sentenced 400 to death in the whole of 1919 (excluding suspended death sentences) and probably did

³² GARF, f. A-353, op. 4, d. 111, l. 179 (statistics for military tribunals in 1920); f. R-3042, op. 1, d. 38, l. 4ob; d. 39, l. 3ob (reports on transport tribunals in 1922, which includes statistics on second half of 1921, n.d.). RGVA, f. 33988, op. 2, d. 454, l. 14 (report on military tribunals in first half of 1922, n.d.).

³³ GARF, f. R-1005, op. 2, d. 20, l. 37 (Narkomiust to the Cassation Tribunal, 13 September 1920).

³⁴ GARF, f. A-353, op. 3, d. 140, ll. 4-6 (report on military tribunal between 17-29 December 1919).

³⁵ GARF, f. A-353, op. 4, d. 111, ll. 46ob-47 (statistics for military tribunals in 1920). The head of all military tribunals made a similar observation; Danishevskii (1920), p. 42.

not kill all of these. Both were repressive organs, but despite the rhetoric of violence, many tribunals felt the death penalty was unnecessary in the vast majority of cases.

[Figure 7]

Instead, as Figures 6 and 7 indicate, increasing numbers of defendants were given a prison sentence. There were anomalies, but most tribunals were sentencing 50-80% to prison by 1921. Initially, the length of the sentence varied widely. One participant even remembered sentencing people to such indeterminate sentences as the end of the civil war or the victory of world revolution (Chuvatin 1958, p. 55). Narkomiust soon started to demand precise time periods and most were relatively short, especially once, on 21 March 1921, all tribunals were instructed, along with other courts, to limit all prison terms to no longer than five years and this seems to have been obeyed. In Kaluga in 1921, for instance, 33% of prison sentences were for under 6 months, 32% for 6-12 months, 16% for 1-2 years, 11% for 2-3 years, and 8% for 3-5 years. In Cherepovets, the figures were 19%, 26%, 20%, 16% and 19% respectively.³⁶ Military tribunals did not use exactly the same categories as civilian tribunals, but almost 8% of all sentences in 1920 involved a prison term under 6 months, 27% over six months and just over 17% saw individual sent to a concentration camp or placed in a penal battalion.³⁷ Similarly, transport tribunals sentenced 29% to under two years and almost 39% to a longer term in the first half of 1922, together (68%) an increase of 8% from the second half of 1921, falling slightly to 64% in the second half of 1922.³⁸ Almost all prison sentences involved forced labour of some kind; it was seen as an essential part of redeeming crime and reforming people into more conscientious soviet citizens. A similar mentality lay behind sending deserters to penal battalions; they were able to redeem themselves through hard and dangerous work. These sentiments – allied with the severe overcrowding in prisons – probably lay behind periodic attempts to push simply for forced labour without imprisonment – community work – which may reflect the increase in this category in 1920 (Figure 6), although official statistics suggest it declined across the civil war (Figure 7).

The other punishments recorded separately – fines and public censure – generally accounted for a fairly small percentage. Public censure epitomised initial revolutionary idealism. One Bolshevik described it in the

³⁶ GARF, f. A-353, op. 3, d. 83, l. 93 (statistics); op. 5, d. 18 (report on Cherepovets provincial department of justice in 1921, n.d.).

³⁷ GARF, f. A-353, op. 4, d. 111, l. 179 (statistics for military tribunals in 1920).

³⁸ GARF, f. R-3042, op. 1, d. 38, l. 5ob; d. 39, l. 3ob (reports on transport tribunals in 1922, n.d.).

context of a trial of Mensheviks in Saratov as the worst (*strashnee*) of all punishments as it expelled them from their own class, the workers, and was a terrible blow (Antonov-Saratovskii 1927, p. 1182). Few would have probably agreed, even if it could be argued that in some cases simply experiencing the trial process was a sufficient deterrent. The same lack of impact was true of fines, if only because people lacked the ability to pay anything substantial as material conditions worsened and inflation became rampant.

The most ambiguous category is, of course, the ‘other’ column. Significant numbers could fall into this category; 73% of sentences in Penza and Petrograd in 1919, 86% in Ekaterinburg in 1921 and 60% in Cherepovets and Riazan’ in the same year. By placing so many sentences in this bracket, tribunals were concealing the wide diversity in their practices that is essential for fully understanding their role and impact. Only a few hinted at what might fall into ‘other’, noting people sent to the front or refused the right to work. Cheliabinsk tribunal imposed a ‘contribution’ on a village found guilty of concealing deserters. It was, unrealistically, to provide 850 horses, 750 cows, 2,500 sheep, 1,000 sheepskin coats, 1,000 pairs of felt boots, 5,000 pairs of socks, and 5,000 pairs of woollen mittens for the use of poor families of Red Army soldiers.³⁹

The statistics (Figures 6 and 7) do clearly highlight, however, the prevalence of suspended (*uslovnyi*) sentences; consistently across the civil war, almost a third of sentences were suspended (just over 27% of sentences in 1920 and almost 29% in the first half of 1922 in military tribunals,⁴⁰ but only 15% in transport tribunals in the first half of 1922, a fall from 24% in the second half of 1921, but rising back to 23% in the second half of 1922⁴¹). And these figures are likely to be too low. Narkomiust generally asked tribunals to record the numbers of prison sentences that were suspended, but all types of sentences were, and only a few tribunals provided more comprehensive information. As one report explained, if it was a person’s first crime, if there were exceptional material conditions, if the person did not pose a sufficient level of danger to require immediate isolation, and as long as the person did not reoffend, then a suspended sentence was suitable.⁴²

Finally, there are few systematic statistics exploring whether certain sentences were more common for particular crimes. Evidence is available for military tribunals in the second half of 1920 suggests trends rather

³⁹ GARF, f. R-3042, op. 1, d. 84, l. 9ob (report on Perm’ railway tribunal in October 1920, n.d.).

⁴⁰ GARF, f. A-353, op. 4, d. 111, l. 179 (statistics for military tribunals in 1920); RGVA, f. 33988, op. 2, d. 454, l. 14 (report on military tribunals in first half of 1922, n.d.).

⁴¹ GARF, f. R-3042, op. 1, d. 38, l. 5ob; d. 39, l. 3ob (reports on transport tribunals in 1922, n.d.).

⁴² GARF, f. R-1005, op. 3, d. 67, ll. 35ob-36 (instructions on local trials in the Don region, 3 October 1921).

than anything conclusive.⁴³ People were eleven times more likely to be sentenced to death for traditional counter-revolutionary crimes and espionage than for the misuse of authority, with other crimes in between. People were far more likely to be sentenced to a short prison term (less than 6 months) for not following orders or misusing authority (as well as crimes in the 'other' category), suggesting a mix of leniency towards some officials for lesser, redeemable crimes (particularly given the shortage of personnel, despite the fact that officials were expected to act in a more conscious manner) and petty crimes that did not warrant harsher punishments. Conversely, deserters and serious crimes of office were likely to receive longer terms. Deserters were also, unsurprisingly, more likely to be sent to penal battalions at the front despite their proven unreliability as troops were desperately needed. Suspended sentences were divided fairly equally across crimes.

The Changing Nature of the Criminal

The increasingly broad range of crimes targeted led to a comparably broad range of people being convicted. The statistics on social background are patchy and usually from the later period of the civil war when information was gathered more consistently, but several points stand out. The vast majority of those convicted were men (96.5% in 1920-2) and young to middle aged, with only a quarter over forty years old (Rodin 1923, p. 177). These basic characteristics of the criminal are unsurprising. The Red Army was largely populated – as all armies – by relatively young male soldiers, thereby feeding into desertion statistics; peasant partisans (bandits) were also generally active males; and most officials were male.

[Figures 8 and 9]

The types of crimes that tribunals actually dealt with ran counter to the Bolsheviks' initial expectations. They had anticipated that counter-revolutionaries would be obvious political and social enemies; instead, tribunals were focusing overwhelmingly on people who had been peasants prior to the October Revolution (Figure 8). To be sure, the increasingly fluid social structure amid the turmoil of civil war meant that many of these peasants were not now occupied on the land, whether serving as soldiers, officials or in positions of

⁴³ GARF, f. A-353, op. 4, d. 111, l. 207 (statistics for military tribunals in 1920). For comparisons, see GARF, f. R-3042, op. 1, d. 38, ll. 20ob-21; d. 39, ll. 19, 21 (reports on transport tribunals in 1922, n.d.).

responsibility in the party, state or military (Figure 9). This picture is reinforced when examining the educational (Figure 10) or party background (Figure 11) of criminals.

[Figures 10 and 11]

Statistics from particular localities enable historians – as with general crimes – to probe underneath the broad categories used to compile national averages. In Arkhangel'sk, as well as 256 peasants, 41 townspeople, 4 honourable citizens, 3 nobles, 3 priests, 2 foreigners, and 4 others were also convicted. 303 were males and 9 women over 18 years old and one male was under. Similarly, in Kazan', 521 were convicted from January to March 1920, of which 427 (82%) were peasants, 63 workers, 18 officials, 5 engineers, 2 teachers, a trader, and a lawyer.⁴⁴ The military tribunal on the Southern Front in August 1919 saw crimes committed by people employed in all the jobs needed to enable the military to function; commissars, doctors, supply managers, porters, orderlies, clerks, caretakers, office boys, forest rangers, butchers, grooms, and so on.⁴⁵ Similarly, a typical rural trial on 16 July 1921 in Votskaia autonomous region sentenced sixteen people for involvement in a range of criminal activities from plots, banditry and desertion, to speculation, crimes of office and drunkenness. All but two were male, all were in court for the first time, and most had served in the tsarist military but not the Red Army. Most were married, some with children, and had basic education. Some owned a little land, and one apparently had a cow and a horse (presumably making him a kulak). Others worked as carpenters, millers or locksmiths. Only a few were party members and these had only joined in 1918-19. If anyone had served in an official post, it was only in a parish body.⁴⁶

Local reports also reveal the extent to which crimes of office were conducted by officials across the state apparatus. The transport tribunal for the Baltic Sea noted that of the 506 people prosecuted, 59 had been heads of departments and sections, 57 agents of various organs, and 37 responsible workers.⁴⁷ Similarly, a report by the transport department of the Supreme Tribunal and the Cheka to VTsIK noted that 3,798 people had been arrested for theft, embezzling stores, breaking into wagons, and other similar crimes in June-August 1921. Whilst 60% were peasants, 33% workers and 7% from other social backgrounds, 860 (almost 23%) had been

⁴⁴ GARF, f. A-353, op. 4, d. 112, l. 88 (report, n.d.). The backgrounds of the other four were not given.

⁴⁵ RGASPI, f. 17, op. 109, d. 201, ll. 235ob-48 (report, n.d.).

⁴⁶ GARF, f. R-1005, op. 2, d. 104, ll. 562-64ob (trial protocol, 16 July 1921).

⁴⁷ GARF, f. R-3042, op. 1, d. 95, l. 34 (annual report, 20 May 1921).

officials in the railway militia, 536 (14%) in the general militia, 152 (4%) railway personnel, 26 in the criminal-investigative department of the militia, and 16 in the Cheka.⁴⁸ The railway tribunal in Samara noted that 63% (503 out of 796) of those convicted from January to June 1922 had been employed by the railway in some capacity,⁴⁹ whilst twenty-eight percent of those sentenced by the travelling session of the south-west front in autumn 1920 were from the command structure. They were found guilty of various crimes, from illegal arrest, bribery and expropriating state property, to panicked flight, drunkenness, violence, and anti-Soviet agitation.⁵⁰

Working out if certain social groups were more likely to commit particular crimes is difficult since statistics did not record this information. One partial exception was a report covering the activities of military tribunals in the second half of 1920. The majority of all crimes were committed by people with peasant backgrounds, but this was particularly true of desertion (83.3%). Those with working class backgrounds were more likely to be involved in crimes of office (not fulfilling orders, incorrect use of authority, and so on), no doubt reflecting that many people from such backgrounds had been promoted above recent peasant recruits. More uniquely, the report linked crimes with positions within the military. Soldiers, as might be expected, formed the majority of most crimes, again especially desertion and not fulfilling orders (both over 70%). But political crimes (plots, revolts, and so on) were just as likely to be carried out by people who were neither soldiers or in the command structure, presumably administrators, whilst this group was more likely to be involved in espionage. People in the command structure were responsible for almost a third of all cases of abuses of power, or excessive or ineffective use of authority, as might be expected, but were also commonly not fulfilling orders, enacting other duties, or involved in general crimes.⁵¹ In short, the statistics and other evidence all support the fact that counter-revolutionaries could and did come from all social backgrounds serving in any type of post, a particularly concerning development for a state expecting to see obvious political and social enemies at the forefront of counter-revolutionary activities.

Conclusion

⁴⁸ GARF, f. A-353, op. 4, d. 28, ll. 148-9 (report, 22 October 1921). 88% were literate and 5% party members.

⁴⁹ GARF, f. R-3042, op. 1, d. 86, ll. 11ob, 14ob (successive reports, n.d.).

⁵⁰ RGASPI, f. 17, op. 109, d. 245, ll. 1-2 (report on activities between 31 July and 3 September 1920, n.d.).

⁵¹ GARF, f. A-353, op. 4, d. 111, l. 206 (report, n.d.).

By 1922, as civil war and social unrest receded, wide-ranging debates over the future of tribunals dominated legal congresses and journals as many officials questioned their value in a post-conflict Russia. The urgent threat posed by counter-revolution seemed to be receding, reducing the need for exceptional justice, and a permanent and stable legal system would facilitate the state's shift from fighting war to building socialism, helping to consolidate the NEP further. These debates culminated in a decree published on 11 November 1922 (effective from 1 January 1923) abolishing civilian tribunals. Transport tribunals followed a year later leaving only military tribunals in existence. Tribunals, however, left a broader legacy in various special sessions of people's courts and the infamous show trials continued to judge 'exceptional' and 'political' crimes throughout the 1920s and 1930s.

Looking at the statistics, it is surprising that civilian and then transport tribunals were deemed surplus to requirements; civilian tribunals remained consistently busy, whilst the caseload of transport tribunals was still rising in 1922-3, with both kept busy by the changing nature of the counter-revolutionary threat, moving from obvious plots, revolts and the military threat to internal dissent and the pervasive corruption in officialdom that threatened the effectiveness of government and policies. The absence of an immediate military threat, however, meant that these crimes no longer needed to be dealt with so quickly and decisively by an exceptional court. That said, the Bolsheviks proved reluctant to abandon exceptional justice entirely, leaving special sessions, show trials and tribunals in the sensitive area of the military.

Two of the other aspects of quantifying counter-revolution – statistics on crimes and criminals – reaffirm the changing nature of the counter-revolutionary threat across the civil war. The expected source and nature of counter-revolution – traditional social and political enemies organizing plots, revolts and sabotage – soon receded as a threat when compared to the emerging mass crimes of desertion, banditry and corruption committed by all social groups. As an official category 'counter-revolution' remained focused on the expected sources and activities – it would have been politically inexpedient to admit that counter-revolution was anything else – but as a court established to combat counter-revolution, tribunals became primarily focused on crimes committed by many ordinary Russians. As war transformed into an uneasy peace, economic disruption and official corruption proved as dangerous to Bolshevik ambitions as plots and revolts.

Yet despite the rhetoric of merciless terror that surrounded counter-revolution and the everyday activities of tribunals, the statistics on punishment paint a more complicated picture. It is not meant to underplay the repressive force of tribunals, for which substantial evidence exists, to note that the numbers of death sentences do not match the violence of the rhetoric. The rising numbers of suspended sentences, moreover, particularly when allied to frequent wide-ranging amnesties, indicate that tribunals performed a different role to

the main organ of repression, the Cheka, to which they are usually indelibly linked. Contemporaries and historians alike have noted that violence is a blunt instrument, tending paradoxically to lose its shock value and impact if deployed continuously and indiscriminately. Besides, the state had neither the ability nor the desire to violently suppress all mass crimes: it could not punish entire villages as its repressive forces remained relatively small and it needed the villagers' grain; it could not kill every deserter as for all their unreliability, such individuals remained urgently needed in the military. Equally, though, it could not condone these crimes by doing nothing. Therefore, tribunals provided the vital link between the Cheka and people's courts, allowing a more nuanced and flexible response to counter-revolution than the former, but providing greater force than the latter. Furthermore, the courtroom format allowed not only punishment, but education, enabling tribunals to reach a broader audience than the Cheka, and in a more interactive and didactic manner.

These conclusions can be reached by examining all the evidence emanating from tribunals, whether official orders and correspondence or the reports and memoirs of those involved, but the key elements emerge particularly clearly in the quantitative material. The precise numbers existing in archives, articles and reports remain deeply problematic, but the Bolsheviks took the business of quantifying counter-revolution seriously and the broad trends revealed by their efforts are illuminating. Just as recent historians have urged serious consideration of state practices, violence and ideology alongside obvious military and political achievements when accounting for the Bolsheviks' victory, so too is it important to consider the role of law in complementing violence and as a flexible tool that could be directed at external and internal enemies.

Figure 1: Cases investigated by Tribunals (based on archival, published and Narkomiust's official figures)

	Civilian Tribunals	Military Tribunals	Transport Tribunals
1918	12,223 (published) ⁵²	-	-
1919	17,501 (archival) ⁵³	25,643 (archival) ⁵⁴	-
1920	41,206 (archival) ⁵⁵ / 36,923 (published) ⁵⁶ / 33,097 (Narkomiust) ⁵⁷	167,162 (archival) ⁵⁸	9,596 (archival) ⁵⁹
1921	44,944 (archival) ⁶⁰ / 35,111 (Narkomiust) ⁶¹	91,830 (published) ⁶²	9,958 (archival) ⁶³
1922	36,551 (Narkomiust) ⁶⁴ / 45,811 (published) ⁶⁵	45,540 (published) ⁶⁶	27,200 (archival) ⁶⁷

⁵² Berman 1919, pp. 48-9.

⁵³ GARF, f. A-353, op. 3, d. 156. These figures are from 36 tribunals; most supplied incomplete information. My calculations incorporate clear corrections to printed statistics in reports and correct obvious errors.

⁵⁴ GARF, f. A-353, op. 4, d. 111, l. 2. This report admits that statistics were only gathered from late 1919.

⁵⁵ GARF, f. A-353, op. 4, d. 112. These figures come from 48 tribunals; 8 provided incomplete information.

⁵⁶ Rodin 1923, pp. 155, 161.

⁵⁷ *RSFSR. Narodnyi Komissariat Iustitsii. Otchet IX Vserossiiskomu s"ezdu sovetov* (Moscow, 1921), 21.

⁵⁸ GARF, f. A-353, op. 4, d. 111, l. 179. This included 3,785 railway cases.

⁵⁹ GARF, f. R-1005, op. 1, d. 57, ll. 82, 84 (figures produced by RVTR).

⁶⁰ GARF, f. A-353, op. 5, dd. 75, 83. This covers 50 tribunals; 8 provided incomplete information.

⁶¹ GARF, f. A-353, op. 5, d. 72b, l. 185 (report on legal institutions, 1921-2). The *otchet* to the 9th All-Russian Congress of Soviets notes 18,606 cases for the first half (*RSFSR. Narodnyi Komissariat Iustitsii*, 21), whilst Rodin notes 12,368 cases in the second half (1923, pp. 155, 161).

⁶² Rodin 1923, p. 161. 74,246 were recorded in the first half and 17,584 in the second.

⁶³ Rodin 1923, p. 161. This figure only covers the second half of 1921.

⁶⁴ This figure amalgamates two figures for either half of 1922; GARF, f. A-353, op. 5, d. 72b, l. 185 (report on legal institutions, 1921-2) [first half]; and 'Svodnyi otchet', *ESlu*, 51-52, 31 December 1923, 1185 [second half].

⁶⁵ *Trudy tsentral'nyi statisticheskogo upravleniia*, p. 67.

⁶⁶ *Trudy tsentral'nyi statisticheskogo upravleniia*, p. 70.

⁶⁷ GARF, f. R-3042, op. 1, d. 38, l. 2 (first half of 1922); d. 39, l. 2ob (second half).

Figure 2: Types of Crimes in Civilian Tribunals, 1918-22 (in percent)⁶⁸

Year	Counter-revolution	Speculation	Crimes of office	Against government order	Other	Total
1918	35	32	19 ⁶⁹	-	14	100
1920	18	6	28	48	-	100
1921	11	6	29	54	-	100
1922 (first half)	7	-	21	59	13	100

⁶⁸ Berman 1919, pp. 48-9, 53-6; Rodin 1923, p. 158. Archives and official figures reveal similar trends. The archival records for 1919 are too incomplete to be able to provide figures for this year.

⁶⁹ Crimes of office were not categorised as such in the 1918 statistics, but this figure includes bribery, forgery and the illegal use of documents – all crimes usually committed by people in official posts.

Figure 3: Types of Crimes in Military Tribunals, 1920-22 (in percent)⁷⁰

Year	Political	Military	Crimes of office	Criminal	Other	Total
1920 (second half)	13	25	21	38	3	100
1921 (first half)	14	27	25	34	-	100
1921 (second half)	15	20	35	22	8	100
1922 (first half)	6	22	45	22	5	100

⁷⁰ Rodin 1923, p. 158.

Figure 4: Types of Crimes in Transport Tribunals, 1920-22 (in percent)⁷¹

Year	Political	Crimes of office	Against public order	Criminal	Other	Total
1920 (March-Dec.)	6	46	19	29	-	100
1921 (second half)	3	68	9	17	3	100
1922 (first half)	1	81	4	13	1	100

⁷¹ Rodin 1923, p. 159.

Figure 5: The Destination of Cases Investigated by Civilian Tribunals (in percent)⁷²

	Sent to Trial	Dismissed	Transferred to another Court
1919	35	38	27
1920	28	37	35
1921	32	26	42

⁷² This table is based on figures in GARF, f. A-353, op. 3, d. 156; op. 4, d. 112; and op. 5, dd. 75, 83. It is almost identical to an unpublished report based on fewer tribunals; GARF, f. A-353, op. 5, d. 72b, l. 80 (report, n.d.).

Figure 6: Types of Sentences in Civilian Tribunals, 1919-21 (in percent)⁷³

	Shot	Prison	Forced Labour	Fine	Public Censure	Other	% Sentences Suspended
1919	18	41	7	5	6	23	33
1920	3	65	12	3	3	14	32
1921	3	63	6	5	2	21	31

⁷³ This table is based on figures from GARF, f. A-353, op. 3, d. 156; op. 4, d. 112; and op. 5, dd. 75, 83.

Figure 7: Official Report on Sentences in Civilian Tribunals, 1920-22 (in percent)⁷⁴

Year (1 st / 2 nd half)	Shot	Prison	Forced Labour	Property Seizures	Public Censure	Other	% Prison Suspended	Sentences
1920 (1 st)	11	62	8	6	3	10	40	
1920 (2 nd)	7	74	7	2	2	8	48	
1921 (1 st)	5	78	6	1	4	6	45	
1921 (2 nd)	2	58	6	6	1	27	51	
1922 (1 st)	1	32	2	49	1	15	60	

⁷⁴ GARF, f. A-353, op. 5, d. 72b, l. 182, 185ob (report on legal institutions, 1921-22, n.d.). These figures were based on thirty-five tribunals, fewer than in my calculations.

Figure 8: Social Position of Convicted Criminals in Tribunals in late 1921 – early 1922 on the eve of October 1917 (percentage)⁷⁵

	State Crimes	Crimes against public order	Military crimes	Crimes of office	General
Workers and Craftsmen	10	2	9	25	21
Peasants	71	97	81	52	62
Intelligentsia	9	-	6	8	3
People using hired labour	1	-	-	1	-
Other	9	1	4	14	14
Total	100	100	100	100	100

⁷⁵ Rodin 1923, pp. 173, 178, 181, 183, 185.

Figure 9: Occupation of Convicted Criminals in Tribunals in late 1921 – early 1922 when Crime Committed

(percentage)⁷⁶

	State Crimes	Crimes against public order	Military crimes	Crimes of office	General
Command Structure	7	-	9	7	4
Soldier or Sailor	11	1	73	16	32
Responsible Worker	5	1	2	21	4
Rank-and-file Official	7	1	3	25	9
Workers and Craftsmen	6	1	2	13	16
Peasants	56	94	10	13	25
Other	8	2	1	5	10
Total	100	100	100	100	100

⁷⁶ Rodin 1923, pp. 173, 178, 181, 183, 185.

Figure 10: Education of Convicted Criminals in Tribunals in late 1921 – early 1922 (percentage)⁷⁷

	State Crimes	Crimes against public order	Military crimes	Crimes of office	General
Higher	2	-	-	2	-
Middle	9	-	7	9	4
Lower and Domestic	69	51	82	80	81
Illiterate	20	49	11	9	15
Total	100	100	100	100	100

⁷⁷ Rodin 1923, pp. 174, 178, 181, 183, 185.

Figure 11: Party Background of Convicted Criminals in Tribunals in late 1921 – early 1922 (percentage)⁷⁸

	State Crimes	Crimes against public order	Military Crimes	Crimes of office	General
Communist Party Member	6	-	6	11	7
Member of Another Party	1	-	-	-	-
Non-Party	93	100	94	89	93
Total	100	100	100	100	100

⁷⁸ Rodin 1923, pp. 174, 179, 181, 183, 185.

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