

Revolutionary tribunals and the origins of terror in early Soviet Russia*

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Abstract

After the October Revolution of 1917, the Bolsheviks restructured Russia's legal system, assigning the central role in targeting their enemies to revolutionary tribunals. Within months, however, this 'revolutionary justice' was marginalized in favour of the secret police (Cheka) and a policy of terror. This article utilizes the archives of three tribunals, contemporary writings, newspapers and memoirs to examine the tribunals' investigations and trials, and their impact. It argues that the relative failure of tribunals paved the way for the terror that engulfed Russia by autumn 1918 and laid the foundations of the repressive Soviet state.

On 24 November 1917, as part of a radical overhaul of Russia's legal system, the Bolsheviks established revolutionary tribunals to deal with counter-revolutionary threats, profiteering, speculation, sabotage and other 'political' crimes. The definition of counter-revolution was deliberately vague; it could be any thought or action attacking the goals and achievements of the revolution as defined by the Bolsheviks. Each tribunal had a chair, six members and an investigative commission selected by the local authorities. Penalties ranged from four years imprisonment with forced labour to fines or public censure. There was no right of appeal.¹ At the Petrograd tribunal's first meeting on 10 December, its chair, I. P. Zhukov, compared the new tribunals to those established during the French Revolution. Zhukov declared that the tribunal would be the 'fiercest defender of the rights and customs of the Russian Revolution' and that it would 'strictly judge all those who act against the will of the people'.²

The Bolsheviks believed that they had created a powerful weapon to secure their hold on power. They saw tribunals as part of a new legal system that would enact 'revolutionary

justice', creating an organized means of removing oppressive social relations, acting against threats to the revolution, and installing discipline into Russia. Other contemporaries saw something more threatening. The revolutionary tribunal in Paris, for example, enacted over 2,700 death sentences between March 1793 and May 1795. Moral as well as material evidence had been sufficient to send many to the guillotine. It was not a court of law, but an 'an instrument of force dedicated to the furtherance of national and party politics'.³ Many of those who fled from the Bolsheviks portrayed the Russian version in similar terms. A former defence lawyer in the tribunals noted their unpredictable sentences, erratic procedures and manipulation of documentation. He compared the chief prosecutor, N. V. Krylenko, to his earlier French counterpart, A. Q. Fouquier-Tinville, and described how the steady marginalization of defence counsels led to increasingly 'bloody results'.⁴

Other evidence, however, paints a different picture. Zhukov admitted later that the 'bourgeoisie' had expected something similar to Paris's tribunal at the height of the terror, but argued that 'hatred' turned to 'respect' as Russian tribunals treated the accused objectively, did not deliver a single death sentence in the first six months, and actually freed many obvious enemies of the regime.⁵ Those involved in tribunals claimed that this reflected the 'humane' nature of the new 'proletarian' regime and its commitment to 'revolutionary justice'. For other Bolsheviks, though, these sentences represented failure. On 30 March 1918, for example, Lenin argued that the regime needed a 'revolutionary court that is rapid and mercilessly severe in dealing with counter-revolutionaries, hooligans, idlers and disorganizers'.⁶ Others agreed, believing that the regime needed greater use of 'revolutionary terror' to combat its enemies. Tribunals were restructured in 1918 and permitted to impose the death penalty, but the number of executions remained low and there were wide-ranging amnesties. The initiative passed to the secret police (Cheka), who were increasingly ruthless in their treatment of enemies, despite the fact that they were supposed to leave the sentencing

of offenders to tribunals. When terror was sanctioned officially in September 1918 as the civil war intensified, it was not led by the tribunals, as in France in 1793–5, but by the Cheka. The regime had opted for revolutionary terror over revolutionary justice.

This article uses archival records from three tribunals to examine the objectives, operation and effectiveness of tribunals in the crucial first year of Bolshevik power.⁷ Tribunals were arbitrary and manipulated forums, and dispensed political judgements rather than justice, but those involved retained a belief that law and jurisprudence could play a role in the new Soviet state. Bolshevik legal theorists spilt much ink debating the nature of this role, and while they conceded that some degree of terror was necessary during the civil war, they argued for the continuation of legal processes and pressed for tribunals to remain the only body empowered to sentence offenders.

The fact that tribunals became marginalized suggests that Bolshevik leaders felt that justice of any type was incompatible with an increasingly violent civil war. Those involved in tribunals were left fighting a futile battle to prevent them from becoming completely subservient to the ‘revolutionary terror’ practiced by the Cheka. They were not alone; there was sustained opposition to the Cheka from across the state apparatus. This indicated serious disagreements over the nature of the fledgling Soviet regime during these formative months, but terror prevailed and laid the foundations for future repression.

Immediately after the revolution in October 1917, popular courts emerged spontaneously in working-class areas in major cities. These dispensed ‘proletarian’ and ‘revolutionary’ justice rather than the oppressive laws of the old regime. Judges were elected; legal training was irrelevant; there was public participation in the process, from prosecuting to sentencing; and

judgements were based on 'revolutionary legality'.⁸ This usually equated to justice with a strong class character, lenient towards the lower social classes, and harsher on middle and upper classes. These courts, though, dealt with petty crimes. A commission was established under the Military Revolutionary Committee of the Soviet of Workers', Soldiers' and Peasants' Deputies in Petrograd to target serious crimes, such as strikes and sabotage, which were designed to undermine the regime.⁹ The commission imprisoned some offenders on an ad hoc basis, but the government was dissatisfied. Discussing legal reform on 22 November, the Council of People's Commissars (Sovnarkom) agreed that the absence of an official 'revolutionary court' placed the state in a 'desperate situation', leaving it 'powerless' to deal with 'counter-revolutionary' crimes.¹⁰

Consequently, two days later, the Bolsheviks published a decree formally abolishing the old justice system and establishing new people's courts. The decree confirmed earlier innovations and placed the organization of justice under the control of soviets as the main local authority. Courts were to use old laws, but only where they had not been annulled by the Bolsheviks, or contradicted by new policies or revolutionary conceptions of justice.¹¹ The decree urged all soviets to establish revolutionary tribunals to deal with counter-revolutionary crimes; 'profiteering, speculation, sabotage, and other misdeeds' affecting the state. The tribunal under Petrograd's soviet was established on 3 December, Moscow followed on 5 December, and many other towns had a tribunal by early 1918.¹² But while the Commissariat of Justice issued the new decree and the regulations governing the operation of tribunals, the tribunals were established by, and responsible to, the local soviet.

The potential for confusion quickly grew. On 5 December 1917, the commission of the Military Revolutionary Committee was disbanded only to re-emerge on 7 December as the All-Russian Extraordinary Commission for the Struggle with Counter-Revolution and Sabotage (Cheka) under F. E. Dzerzhinskii. This revived the old political police. The Cheka

would conduct preliminary investigations into acts of counter-revolution and sabotage before transferring them to a tribunal for judgment. It would also be proactive, preventing counter-revolution from occurring and targeting those planning to offend.¹³ Yet it was not controlled by tribunals, but answered directly to Sovnarkom. This was probably due to politics. The Bolsheviks were joined in government on 9 December by the Left Socialist Revolutionaries (S.R.s). They saw their participation as a means of moderating Bolshevik extremism and demanded to control the Commissariat of Justice. Fearing that this would restrict their room for manoeuvre, the Bolsheviks created the Cheka, which remained under their control as they retained a majority in Sovnarkom.¹⁴

Therefore, tribunals were established by soviets, their procedures were decided by the Commissariat of Justice, while they had no control over their main investigative arm, which was responsible only to Sovnarkom. It was hardly surprising that interference from three different authorities led to confusion and tension over subsequent months, especially as conflict emerged immediately between the Left S.R. commissar of justice, I. Z. Shteinberg, and the Cheka. These problems were exacerbated by the government's struggle to control provincial Russia where local soviets (due to fluctuating Bolshevik influence) pursued their own agendas, local commissars of justice failed to implement the orders of the commissariat, and newly-formed branches of the Cheka often proved uncontrollable.

The waters were muddied further by the creation of a three-man press tribunal on 18 December to target the 'publication or circulation of any false or perverted reports and information about the events of public life', thereby harming the interests of the revolutionary people. Sentences could range from fines, public censure or publishing a retraction, to the suppression of an organ and the confiscation of its printing press. The trial of a publication did not prevent the individuals involved from facing an ordinary tribunal.¹⁵ Lenin was convinced that the press was the main weapon of the bourgeoisie and that the freedom of the

press simply gave the bourgeoisie freedom to mislead people.¹⁶ The Decree on Press issued on 26 October had reintroduced censorship, but newspapers could rarely be silenced for long, usually reopening under a new name, and officials felt that the number of hostile newspapers was actually increasing during this period.¹⁷ This tribunal would be a new weapon, but the blurred boundaries between it and other tribunals were ripe for further confusion.

The following day, 19 December, saw a new decree with more detailed instructions for all tribunals.¹⁸ Several points are worth noting. First, the decree confirmed that tribunals would act against those organizing uprisings or other resistance; those using their official posts to undermine the state; economic saboteurs; and anyone violating government orders. While still vague, these instructions encouraged tribunals to look beyond obvious political and social enemies. The latter were likely to organize revolts or open sabotage, but failures in production, not fulfilling orders or the misuse of authority were crimes likely to be committed by all types of individuals. Second, the decree reaffirmed the range of sentences, from fines and public censure to imprisonment and exile. Execution was not permitted. The Bolsheviks were keen to promote an image of moderation given that the abolition of the death penalty had been a key popular demand during 1917. Third, information (or denunciations) provided by any individual or institution could form the basis of an inquiry, and the decision on whether to proceed to a trial had to be made within forty-eight hours of receiving the complaint. Fourth, trials should be public, while defendants were entitled to a defence and would be assigned one if they did not provide their own. Finally, there was no right of appeal. The commissar of justice could request a retrial if there were procedural violations or an obvious injustice. Shteinberg did establish a section at the commissariat on 25 January to examine complaints, but this was closed on 2 April after his departure a few weeks earlier.¹⁹

The public nature of trials reflected another role of tribunals – they were to educate as well as judge. Trials would draw blunt and understandable lessons about the guilt of certain

individuals, concepts and activities. By reporting trials in newspapers, and later by restaging them as theatrical performances across Russia with actors playing the parts of prosecutors and defendants, the regime reinforced the messages that it wanted to convey.²⁰ Trials would instruct viewers on the values and objectives of the new regime, and on the need for vigilance against enemies. By involving the audience in trials as prosecutors, witnesses and observers, tribunals appeared to dispense justice based on the people's will. This reinforced the legitimacy of the Bolshevik regime as it enacted popular demands. Moreover, the trials would project this legitimacy and the unique values of the regime across the world through the observations of foreign journalists.

One historian described the new legal system as 'legalized lawlessness'; there were courts, but no laws beyond revolutionary consciousness, while people were punished for undefined crimes.²¹ This is partly true, but it underestimates the importance that all Russians placed on establishing revolutionary justice. The old legal system was seen as upholding the power of the 'bourgeoisie', and its control over wealth and property, so it was logical that a new system would reinforce the 'proletarian' state and emphasize popular conceptions of justice. Bolshevik legal theorists agreed; law was not an impartial force, but 'the system or order of social relations corresponding to the interests of the ruling class and protected by the organized force of that class'.²² To quote P. I. Stuchka, commissar of justice from March to September 1918, 'societies are not founded on laws; laws are founded on societies'.²³ Revolutionary justice would provide a structured means of eliminating oppressive elements from the past, defending revolutionary achievements and promoting order. On 9 November 1918, D. I. Kurskii, commissar of justice from September 1918, emphasized that revolutionary justice was a way to forge discipline and order in the new state.²⁴

Tribunals promised to be an important means of defending the regime and reshaping society. However, an examination of their investigations and trials reveals how their multiple

objectives – legal, political and educational – often clashed, as did the different authorities involved. Equally, their objectives altered in line with the changing needs of the state during this turbulent time. Tribunals had to secure the stability of the regime, which equated to ensuring Bolshevik control over the political landscape during a period when increasingly diverse activities were being classed as politically threatening.

The files of the Petrograd tribunal and its investigative commission, along with those from the press tribunal and the supreme tribunal established in Moscow in 1918, demonstrate that all types of individuals were investigated, and that a range of activities were classified as ‘counter-revolutionary’ and harmful to the new state. In the first months after October, most investigations revolved around two themes, revolt and sabotage, and involved individuals who were obvious political opponents. By mid 1918, a wider range of crimes were being investigated, encompassing an equally diverse range of individuals.

The fear of revolt stemmed from the events of the October Revolution. The Bolsheviks’ seizure of power in Petrograd was resisted by groups of Junkers and officers who seized the telephone exchange and other strategic points, hoping to link up with forces mustered by the previous government. The revolt did not last a day, but outbreaks of vicious fighting claimed around 200 lives. Initiated by the Military Revolutionary Committee’s investigative commission, the Petrograd tribunal’s first cases involved officers accused of participating in the revolt, while fears of further revolts persisted.

Furthermore, as the Bolsheviks tried to establish control over ministries and other crucial institutions (such as banks), they met with passive resistance (seen as sabotage) from civil servants, usually in the form of strikes, which persisted for several months. Similarly, as they struggled to control rising economic chaos across the country, they tried to clamp down

on ‘economic saboteurs’ – speculators or swindlers who undermined their policies. Dozens of cases of ‘sabotage’ were investigated. Many files lack detail beyond the broad accusation, which often boiled down to a simple dereliction of duties or petty theft, but some involved active agitation for political alternatives and damage to factory machinery.²⁵ In many cases, the charge was simply ‘not recognizing Soviet power’, but this was considered dangerous to a regime concerned with asserting its authority.²⁶

Concerns about revolt and sabotage underpinned the first three major trials conducted by Petrograd’s tribunal, but the individuals selected represented a broader range of enemies. On 10 December 1917, Countess S. V. Panina, deputy minister of education prior to October and a leading member of the liberal Kadet party, was the first to be tried. Panina admitted to withholding 93,000 rubles from the Bolsheviks when they took over the ministry in November. She stated that it was only accessible to the legal authority, the nationally-elected Constituent Assembly. The tribunal charged her with criminal sabotage.²⁷ Yet, from the numerous cases of sabotage, why was Panina selected for the first trial? Soviet historians emphasized that the sums of money involved were desperately needed given the resistance from banks. They also highlight her involvement in political opposition to the Bolsheviks.²⁸ The Bolsheviks did need money. Princess Dolgorukova, Panina’s cousin, claimed that the Bolsheviks hoped to raise more money by obtaining bail or by allowing her to ‘escape’, permitting them to confiscate her property.²⁹ The Bolsheviks offered bail for 180,000 rubles, twice as much as the missing sum.³⁰ Recent studies stress the political element.³¹ Her arrest came on the day that her party was banned and the Constituent Assembly was due to sit before being postponed. Panina herself added a class dimension, later claiming that she had committed three sins; she was an aristocrat, rich and a Kadet.³² Coming soon after the abolition of social classes, her noble background was seen as an additional crime. Unlike

others accused of sabotage, Panina represented several of the regime's political and social enemies, and seemed an obvious choice for the first, high-profile trial.

Similar observations can be made about the subject of the second trial, General V. G. Boldyrev. The Junkers' revolt in Petrograd reinforced Bolshevik suspicions of officers as a reactionary group and they assumed, with some justification, that officers would form the backbone of any resistance. On 9 November, the Bolshevik's new commander-in-chief, Krylenko, who held this post prior to his involvement in tribunals, departed for military headquarters to assert his authority. He met with indifference from most senior commanders. On 11 November, he arrived at Pskov and asked to see the commander of the Northern Front, General A. V. Cheremisov, to discuss his 'socio-political views'. Cheremisov refused. He later claimed illness, but Krylenko believed him to be perfectly healthy and an 'intriguer', and he was arrested and transferred to a Petrograd prison.³³ Krylenko met with a similar response in Dvinsk on 12 November, where the local commander, Boldyrev, also refused to co-operate and was arrested.³⁴ As Cheremisov had at least expressed his discontent with the previous government by refusing to follow orders to suppress the October Revolution a fortnight earlier, Boldyrev was considered a better choice to place on trial for his refusal to recognize Soviet power and to send out a message to other officers.

The third major trial in late 1917 was the first to involve a group. V. M. Purishkevich, a noble and outspoken monarchist, and participant in Rasputin's murder in December 1916, was accused of forming an organization to launch an armed counter-revolution against the Bolsheviks, as well as financing arms used in the Junkers' revolt. He had written to the Cossack general, A. M. Kaledin, promising to raise armed detachments to fight the Bolsheviks when Kaledin arrived, as Purishkevich believed that he would. Another thirteen individuals were charged with various crimes, from joining Purishkevich's organization and purchasing arms, to participating in the revolt.³⁵ The regime publicized this plot widely. On 7

November, the Bolshevik newspaper, *Pravda*, published the letter to Kaledin. It stressed that Purishkevich was an unrepentant monarchist and that the Bolsheviks had foiled a counter-revolutionary officers' plot. Inaccurately, the article linked the affair to Prince F. F. Iusupov, a member of one of Russia's richest aristocratic families and another participant in Rasputin's murder.³⁶ The following day, another report was published alongside a cartoon that simplified the affair. Several prosperous, bourgeois figures, including Purishkevich, sat around the table in an imitation of the last supper, toasting a portrait of the former tsar, Nicholas II.³⁷ The cartoon included a priest, purely (like the Iusupov reference) to reinforce the image of former elites plotting a return to the old regime.

Tribunals took the threat from monarchists seriously, despite their lack of popular support and the disintegration of their organizations in 1917.³⁸ Officers' unions were also investigated as these were assumed to be monarchist or anti-Bolshevik. Most were inactive, but several were closed.³⁹ The Bolsheviks also closed surviving conservative newspapers. Purishkevich's daily newspaper, *Narodnyi tribun*, which he had launched in September 1917, was closed down on 26–27 October. Its articles had been openly anti-Bolshevik. Purishkevich's brother, who served as the editor, managed to publish an issue using a different printing press on 29 October before he was arrested. Another conservative paper, *Malen'kaia gazeta*, had been closed repeatedly in 1917 only to reopen as *Rus, Novaia rus* and, after October, *Piter*. Its leader on 17 December asked bluntly, 'when will the Bolsheviks leave?', while every edition attacked the new decrees and the deteriorating economy.⁴⁰ Closing the paper again was considered insufficient, so its editors were arrested and tried by the tribunal.⁴¹

Another area of concern was the reliability of those who served the Bolsheviks. Tribunals reacted suspiciously to anything in an individual's past that he or she had tried to conceal since October. Cornet N. I. Pokrovskii, for example, was placed in charge of the

Winter Palace after the October Revolution, but was accused of stealing from its collections. The subsequent investigation discovered that he was a former member of the Military League, a conservative military-civilian body that emerged in March 1917 to press for law and order in Russia. Accusations of spying for the tsarist secret police (Okhrana) also surfaced. Eventually, Pokrovskii was judged to have joined the league when it was 'fully legal', and the other evidence was considered unreliable, mainly because his accusers were also charged with being Okhrana provocateurs.⁴²

Former links to the Okhrana were particularly damning. V. I. Krivosh had volunteered to work for the Bolsheviks. His knowledge of languages and ability to decipher cryptograms led to work in the Commissariat of Foreign Affairs. However, unfavourable rumours about his past and his character prompted an investigation, and he was arrested on 25 January 1918 on the evidence of a former official in the Okhrana. He was accused of passing information about Russian émigrés to the Okhrana during his previous job as a censor and translator for the tsarist government. He was also accused of spying for the Germans during the First World War. The Bolsheviks viewed his attempt to conceal his past particularly unfavourably, believing that he had intended to discredit the regime deliberately. This can hardly have been an unusual case given the Bolsheviks' desperate need for skilled personnel, but a large amount of effort was devoted to investigating these claims. This also revealed that Krivosh was a class enemy, a noble, who had been born in Austria-Hungary (no doubt fuelling the accusations of spying), and his subsequent career was examined in minute detail. Files were unearthed from the Okhrana, while a large amount of money was discovered in his flat.⁴³ He was found guilty on 14 March 1918 and sentenced to a year in prison.⁴⁴

Despite these assiduous investigations, many of the accusations remain unconvincing. Most lack the seriousness that the regime ascribed to them, being little more than inefficient work (not sabotage) or lack of support (rather than counter-revolutionary activities). The

most dubious are the regime's determined attempts to establish the existence of organized plots based on tenuous links between defendants. This may have been done to reinforce the case against the accused, but it was also an early sign of suspicions that resistance could not be isolated, which were to have devastating consequences in later years.

A typical example was Count N. K. fon Mekk, president of the board of the Moscow-Kazan railroad. On 1 June 1918, the Cheka searched his apartment in Moscow, removed books and papers, and arrested him. Beyond a general suspicion of nobles and industrialists, the arrests were prompted by a conviction that Mekk was providing money and supplies to the anti-Bolshevik movement in south Russia. In addition, his name had been used by a society of property owners and builders; he was accused of being a member of a council of importers in Moscow; and he possessed a brochure for a charitable military society, which promised to help wounded officers and their families. All of this was regarded suspiciously. Mekk denied links to the south, claimed not to have heard of any of the named societies, and had been given the brochure. The accusations were eventually dropped.⁴⁵ Further suspicion, though, was aroused by Mekk's links to a missionary society, which the regime believed to be a front for a counter-revolutionary religious group headed by the notorious monarchist and priest, I. I. Vostorgov. The evidence against Mekk was again too weak, but another priest, D. A. Korneev, struggled to prove that a past acquaintance with Vostorgov was only a professional collaboration to edit a religious journal.⁴⁶

These individuals may have been guilty of the accusations, but the connections drawn by the regime seem tenuous and other cases support this view. The prime minister from February to July 1917, Prince G. E. L'vov, was arrested in Tiumen on 12 March 1918 after a 'plot' was uncovered thousands of miles away in Moscow among people unknown to him, which proposed him as a figurehead. He denied any knowledge and was later released, but not until an extensive investigation into his activities and acquaintances had finished.⁴⁷

An examination of the case against Purishkevich also reveals inconsistencies. The defendants' testimonies indicate that while some were close acquaintances, others claimed (convincingly) to have barely met Purishkevich and have nothing to do with an organization. Indeed, the very existence of a formal organization is doubtful. A group of monarchists did meet to discuss politics, but the meetings took place before October and simply involved 'conversations' about a monarchy in Russia.⁴⁸ Two testimonies described Purishkevich as being in charge of an organized body, but they did not provide concrete details.⁴⁹ They were probably referring to previous groups that he had founded, which seem to have been inactive by this stage. Furthermore, one defendant later claimed that the trial included a thief, a mentally unstable Bolshevik provocateur and an anti-Bolshevik socialist. None was connected to the rest, but they were added to discredit the monarchists further.⁵⁰ The fact that the defendants were accused of different crimes – Purishkevich, for example, was not charged with participating in the Junkers' revolt, while others were accused of taking part in the revolt, but not Purishkevich's organization – reinforces the sense that investigators forged a counter-revolutionary plot from a disorganized group of disgruntled monarchists.

Weak evidence or unsubstantiated accusations were common. Count A. A. Olsuf'ev was accused in early 1918 of belonging to a partisan group organizing an armed uprising against Soviet power. No evidence was included in the case files, but apparently an unnamed witness existed.⁵¹ The same unsubstantiated accusations were levelled against Colonel A. D. Khomutov at this time, although there is no reference to the cases being connected.⁵² The reliance on denunciations led to cases based solely on petty disagreements or general social conflict rather than specific crimes. On 22 November 1917, seventeen officers from a Finnish regiment in Mogilev were accused of 'counter-revolutionary activities' and arrested by the soldiers' soviet. The vague accusations were never explained and, one-by-one, investigators found 'no basis or evidence' to support them. The final officer was released on 20 March

1918, but none was permitted to return to his original post, demonstrating the lengthy and destructive process of the tribunals, even for those found innocent.⁵³

These investigations demonstrated that the regime feared traditional political and social enemies above all else. They expected opposition and tended to see it in anything from outright revolt to not fulfilling duties at work. Cases were driven by suspicions, accusations were vague, and evidence insubstantial or selectively utilized. In 1918, however, the definition of counter-revolution (or a political crime) expanded to include anything that could be interpreted as opposing or undermining the regime. In late 1917, Lenin wrote that the Bolsheviks did not just have political enemies, but enemies in 'everyday economic life', and that idlers, shirkers and rogues constituted as great a threat to the revolution as the bourgeoisie.⁵⁴ Newspapers reported increasing numbers of cases involving lower social groups. Their crimes ranged from conducting unauthorized searches to illicit brewing, both sabotage through ill-discipline.⁵⁵ Christie Story argued that more workers and trade union members were being targeted by 1919, as were other socialists (particularly S.R. party members), as popular disillusionment with the Bolsheviks grew.⁵⁶

Moreover, a renewed attack on the press (especially socialist newspapers) in the first half of 1918 demonstrated that the Bolsheviks took words as seriously as actions. As noted above, a press tribunal had been created on 18 December, but there was confusion over its jurisdiction. After receiving confirmation from Sovnarkom of its sole right to sentence offending publications, the first public trials conducted by the tribunal started on the same day, 28 January, as a new decree reiterated its remit.⁵⁷ The Bolshevik press carried endless reports on these cases. Initially, most papers were fined, censured or temporarily closed, but measures quickly became harsher. Newspapers were permanently closed and their editors tried by ordinary tribunals and imprisoned.⁵⁸ In essence, the regime instructed tribunals to ensure that papers were closed down by any means.⁵⁹

An even more damning interpretation of the threat posed by written criticism emerged in April 1918. On 31 March, Iu. O. Martov, a Menshevik leader, condemned the recent peace treaty with the Germans in the party's Moscow newspaper, *Vpered*. Discussing the impact of the treaty on Russia's position in the Caucasus, Martov mentioned that I. V. Stalin, commissar of nationalities, had been expelled from the region's social democratic party in 1908 for organizing bank robberies. Stalin was outraged and accused Martov of libel. The case was heard in public trials on 5 April and 16 April and started a month-long debate that resulted in a much harder line towards written criticism.⁶⁰

Both trials were dominated by arguments over whether this case was suitable for a tribunal. Martov and his lawyers argued that it should be heard in a district people's court as it was a private dispute involving two individuals. Quoting from the decree on tribunals, they stated that tribunals were for cases of special importance that touched on the 'interests of all the people'. This was not such a case unless Stalin represented 'all of the people'. Stalin and his team argued that the case did have special significance as it involved leading political figures. Moreover, its allegations implicated other Bolsheviki, now commissars, and were intended to undermine the entire government. As Martov realized, the concept that criticizing an individual equated to a crime against the state had threatening implications. Initially, the tribunal ruled in Martov's favour, declaring that accusations against individuals did not come under its jurisdiction. But it then picked up on Stalin's argument that these accusations were part of broader criticism of the government and proposed to judge Martov on these charges. Martov was furious; his criticisms reflected his different political beliefs and he was prepared to defend these in court. In this case, his lawyer added, all the Bolsheviki insulted should be present. Unsurprisingly, this attempt to pit Menshevism against Bolshevism in court failed as the tribunal rejected his protests.

This trial pre-empted a sustained assault on *Vpered*. Its attacks on the Brest-Litovsk peace treaty and criticism of the growing level of violence prompted the trial of its editors on 20 April, who included senior Mensheviks. Despite gathering evidence to support their claims, this was disregarded, as were arguments that the Mensheviks supported Soviet rule, just not Bolshevik authoritarianism. The trial did not produce a verdict and the paper continued until early May, but the chair of the tribunal ruled that ‘one may prepare an uprising by stockpiling arms or by preparing minds’; therefore, libel directed towards the government was tantamount to an uprising.⁶¹

The message from all of these cases was clear by mid 1918. The Bolsheviks were seeking to use tribunals to establish their control over Russia’s political landscape. Thus, tribunals were extending their activities by broadening their definitions of what constituted a crime, enabling them to assess and judge people’s actions across a range of activities. Nevertheless, a question mark remained over the effectiveness of tribunals as a weapon to eradicate these offences.

Tribunals were instructed to take transcripts of the trials, but rarely did, leaving newspaper reports and memoirs as the only means by which to reconstruct them. This probably reflects the shortage in manpower across the state apparatus during this period. Stenographers, in particular, were scarce and expensive to employ.⁶² It may also represent the fact that some investigations never made it to a trial. Some collapsed through lack of evidence, while a later amnesty, discussed below, led to some cases being closed. An early financial resolution was also not unusual. Mekk’s arrest, described above, prompted a general meeting of workers at his railway company on 3 June 1918. Around 400 signed a petition demanding his release,

while fellow directors and the political commissar to the railroad also appealed. All argued that Mekk, with thirty-five years of experience in the company, was essential to its operation, which was crucial given the supply crisis engulfing the country. He was released on 16 July, but only after 150,000 rubles had been paid. He was rearrested several times until the state recognized his expertise and offered him a job in 1920.⁶³ Prince D. N. Shakhovskoi, a banker accused of organizing a counter-revolutionary plot, was offered release for a million rubles. There is no evidence on whether this offer was accepted or on his fate.⁶⁴

Otherwise, the absence of transcripts may reflect evidence that suggests that the Bolsheviks saw many of the trials as unsuccessful. A trial was an important purpose of the tribunal; as A. V. Galkin, one of the first Bolshevik judges, noted, the Bolsheviks needed to 'unmask their active enemies before the workers and punish them publicly'.⁶⁵ However, tribunals operated during an uncertain period; the Bolsheviks were not sure which enemies posed the greatest threat, while the old legal system had been abolished, but its replacement was incomplete. Consequently, the Bolsheviks were uncertain about how to organize trials or how severely to punish the guilty.

Undoubtedly, the regime felt that if it controlled those involved in tribunals, it would ensure a favourable outcome. In 1918, ninety per cent of the fifty chairmen and members surveyed across twenty-nine tribunals were party members. Around forty-two per cent were workers, with sixty per cent having lower levels of education, twenty-six per cent middling levels and fourteen per cent higher education.⁶⁶ By 1922, 263 out of 265 tribunal personnel surveyed (over ninety-nine per cent) were party members. A survey of another 100 members noted that fifty per cent were workers, nineteen per cent civil servants, ten per cent peasants and only two per cent had previous legal experience. In addition, eighty-three per cent had lower levels of education, ten per cent middling levels and only four per cent had higher education. This contrasted with people's courts where twenty-nine per cent were party

members, eighteen per cent had higher education, forty-four per cent were civil servants and twenty-two per cent had a legal background.⁶⁷ The 1922 figures were disputed, with alternative statistics suggesting that all tribunal members belonged to the party and that greater numbers had higher (six per cent) and middling (seventeen per cent) levels of education, as well as backgrounds in the legal profession (eight per cent).⁶⁸ The predominance of party members, however, remains clear, as does their lack of legal training.

Yet the regime was unable to rely on these individuals to share their conception of 'revolutionary justice'. Lacking education and legal training, tribunal members reacted in different ways, especially as the regime provided little guidance. Zhukov, the first chairman of the Petrograd tribunal, was twenty-eight years old in 1917. Born into a peasant family, he had three years of rural schooling, one and a half years of evening courses, and a year at a people's university. He had become a joiner after 1905 and a party member in 1909. He was arrested in 1912 for organizing a strike, was an active agitator during the First World War and served in the Petrograd soviet in 1917.⁶⁹ As he admitted later, he had no legal experience. He received no instructions and felt that there was a lack of legal procedure to guide him. He relied on his 'revolutionary consciousness', but conceded that only experience enabled him to adapt to the conditions.⁷⁰ Colonel F. V. Vinberg, a defendant in Purishkevich's case, who despised the tribunal and the Bolsheviks, felt that Zhukov tried to be conscientious, orderly and impartial in his unusual job, but struggled to control aggressive prosecutors.⁷¹ Obtaining reliable personnel was worse in provincial Russia where Bolshevik control was weaker. A conference of local commissars of justice in late April 1918 saw several complaints about the quality of tribunal personnel, particularly at district level.⁷²

The evidence also suggests that tribunals often struggled to find sufficient staff. In Odessa, everyone with legal education in the local soviet was mobilized in early December 1917 to bring some level of knowledge to the tribunal. However, two resigned, protesting at

forming laws prior to the Constituent Assembly, while the Ukrainian authorities felt that tribunals were unnecessary. By mid December, still facing a manpower shortage, the city authorities agreed that the situation was calm, there was no need for a tribunal and its cases were transferred to people's courts.⁷³ This was unusual and reflected the Bolsheviks' lack of authority in this region, but other tribunals also failed to find the requisite number of judges. The authorities tried to establish a permanent pool of qualified individuals to draw upon, but the problem persisted.⁷⁴ Zhukov recalled several people working from early morning to late at night processing, investigating and judging increasing amounts of cases.⁷⁵

All Bolshevik institutions were understaffed and overworked, but this, along with a casual regard for previous legal practices, must have contributed to the disorganized nature of proceedings. Defendants complained that they had no idea why they had been arrested, sometimes finding out from newspapers. The availability of newspapers reflected a leniency towards prisoners that extended, in the Purishkevich case at least, to allowing the defendants to mingle together in prison and even to share the same cell. It must have been easy for them to formulate a common line of defence.⁷⁶ Officials often left documents unsigned and used copies not originals, sometimes handwritten and illegible.

This disorganization extended to the trial. Most available accounts describe trials held in Petrograd in the former palace of the tsar's uncle, Grand Duke Nikolai Nikolaevich. According to one foreign observer, 'the ducal music room' was selected for the trials, which was 'spacious and with walls panelled in rare woods'.⁷⁷ No doubt this created an impression of formality alongside a symbolic message that the new regime had taken over the private spaces of former elites. It was also, as another noted, similar to 'a modern stage set',⁷⁸ enhancing its value as an instructive forum. All accounts agree that the early trials were packed with spectators, but that ordinary Russians were outnumbered by 'well-dressed' men and women, mainly supporters of the defendants.⁷⁹ Galkin wrote that it was difficult to

mobilize workers for tribunal work; soldiers and party activists conducted investigations and organized trials.⁸⁰ This is hardly surprising; working people had little time to attend trials. But contemporaries did fear that there was a worrying lack of interest from the very people these trials were intended to instruct, and who were supposed to participate as prosecutors and witnesses. It also created a hostile and unpredictable atmosphere in the court that intimidated inexperienced judges and undermined their control of proceedings.

These problems became clear at Panina's trial on 10 December 1917. After outlining the evidence, Zhukov asked for a voice for the prosecution from the crowd. Clearly no-one had been assigned this role and unexpectedly no-one volunteered. Zhukov was forced to turn to the defence. Panina had nominated the director of an educational institute that she funded to speak on her behalf. He questioned whether she had 'stolen' the money since she was happy to make it available to an elected government, while her funding of popular education and extensive charitable work made her an unlikely enemy of the people. The court, in his view, could only convict her for her politics, which it had promised not to do. Her second nominated witness was refused the floor. Instead, a worker spoke, supposedly spontaneously. He too supported Panina. He reiterated her history of charitable work and claimed that it was through her educational institution that he became literate. The court, he argued, should demonstrate to the watching world that the Russian people value their friends. After this, Zhukov did manage to find a worker to speak out against Panina, but only on the basis of her social class. This worker urged the court not to see her as an individual, but as a representative of a class and a party actively opposing the popular authorities; the 'ideals of the working classes' were 'under threat' and the court must act. An official from the Commissariat of Education then stressed that the money was needed urgently to pay the wages of ordinary employees. Finally, Panina was permitted to have the final word. She re-emphasized that she would release the funds to an elected government.⁸¹

In short, the trial failed to go to plan. Panina and her supporters had plenty of time to outline their defence, and enjoyed a huge amount of support in the form of spontaneous cheers and disturbances as further supportive speeches were prohibited. She represented several enemies for the regime, but her guilt was less clear-cut for observers. Revolutionary ‘justice’ required taking into account her class and political views, but her long history of charitable and educational work became more important. In focusing on her politics, her accusers miscalculated as she was better known for her social work. Nonetheless, reports described an anxious atmosphere as people awaited the verdict. Some anticipated the guillotine.⁸² In the end, the court censured her publicly and resolved that she should remain in prison until the money had been repaid. Many spectators had expected much worse.

Similar scenes characterized Boldyrev’s trial on 14 December. Boldyrev argued that he had acted in agreement with the local army committee in refusing to accede to the demands of the Bolsheviks. The committee had not wanted to submit to a single party government, while he feared that moving troops to fight the Bolsheviks’ political enemies would leave the front open to the Germans. The committee reversed its decision, but Boldyrev claimed not to have known. However, he admitted that even if the committee had supported the Bolsheviks initially, he recognized only the Constituent Assembly. A soldier from the committee testified on Boldyrev’s modest background, his rise on the basis of his military skills, and that he shared the soldiers’ hardships and led them into battle, but Boldyrev was still condemned to three years in prison. No-one was satisfied. For those who demanded a stiff sentence for an officer disobeying the Bolsheviks, this was too lenient, but it was too harsh for his supporters. Accounts vary, but all agree that there was chaos in the courtroom. Zhukov threatened to disperse the crowd, cleared the courtroom or even arrested up to twenty people, restoring order at gunpoint, depending on which account is believed.⁸³

The trial of Purishkevich and those linked to him opened on 28 December.⁸⁴

Prosecutors were appointed, rather than relying on spontaneous accusations from the crowd. Zhukov agreed that Purishkevich could call on soldiers as witnesses to his charitable work during the war, but backed down in the face of prosecutors' protests. Zhukov also permitted the prosecution to start and conclude the trial, rather than allowing the defence the final word as before. He did curtail another summary by the second prosecutor, but only after Purishkevich's lawyer protested. Lacking evidence, the prosecutors focused on the defendants' backgrounds. One was accused of deserting the military after the October Revolution and questioned about the punishments inflicted on soldiers by officers in the pre-revolutionary army. Another was interrogated about his membership of monarchist unions before 1917. The focus on the defendants' monarchist views was repeated across the trial, representing a concerted effort to demonstrate that what the defendants represented was as important as what they had done. As one judge noted, the 'new world judges the old world'.⁸⁵

Nevertheless, the trial remained unpredictable. Several of the defendants flatly denied the testimonies that they had previously provided to the tribunal's investigators. Prosecutors and newspaper reports admitted that the key witness, Ensign E. V. Zelinskii, whose capture and confession underpinned the case, was nervous and mentally unstable, and tried to escape at one stage.⁸⁶ Defence lawyers accused Zelinskii of being a Bolshevik agent. He collapsed in hysterics and revoked his testimony. Claiming that he was mentally unstable, the lawyers called in experts to examine him.⁸⁷ Purishkevich gave a three-hour speech denying that a plot existed, while defending his political views. He accused the Bolsheviks of attacking the rights and freedoms achieved by the revolution, providing only hunger and political terror in return. The tribunal was nothing more than a political court and Russia's legal authority was the Constituent Assembly.⁸⁸ Other defendants were also permitted time to emphasize positive elements from their past, deny the allegations and attack the Bolsheviks.⁸⁹ Purishkevich

received the maximum four years imprisonment with forced labour. Vinberg and two others received three years. All could seek release after a year, conditional on good behaviour. The other defendants received lesser sentences and two were freed due to their youth.⁹⁰

These early trials are among the best documented, partly because the Bolsheviks were more circumspect about which cases they subjected to a public trial after these experiences. Three aspects stand out. First, there were issues over the charges levelled at the defendants. Early trials revolved around the non-recognition of Soviet power. The first trial held in Moscow on 22 December 1917 was of a senior city official who was accused of not recognizing the authority of Sovnarkom and embezzling money, much like Panina.⁹¹ But there were two accusations here, one criminal and one political. Rather than the multitude of crimes convincing observers of the guilt of the accused, as the regime expected, it left them confused as to what exactly was being judged, particularly as prosecutors often skirted around the stated accusations, as in Purishkevich's case. This, of course, reflected the Bolsheviks' views of their enemies; namely, that mentalities and social background were as important as action in determining opposition to the new regime. But while many ordinary Russians shared these suspicions, their views were less clear-cut, and their interpretations of these trials were probably confused.

The second issue was the lack of control over the trials. The lengthy, aggressive speeches by the defendants were eminently predictable, as were angry, intimidating shouts from a hostile audience, which influenced the form of the public's involvement in the trial. On 21 December, in the trial of a journalist accused of slander, judges demonstrated less tolerance of such practices. The journalist admitted the accusations, but rather than focus on them, he persisted, despite the warnings of the chair, in treating the tribunal as an opportunity to address the people about the injustices of the new regime and how its political repression compared to that employed under tsarism. The chair lost patience, stopped the speech,

removed the public from the hall and conducted the rest of the proceedings behind closed doors.⁹²

This step was not taken in Purishkevich's trial, but it became common to hold trials behind closed doors, select a favourable audience and restrict the defendants' speeches. At the very least, judges became adept at curtailing trials if they moved away from an acceptable script. In April 1918, when Martov's attacks on the Bolsheviks prompted a mixed reaction from the audience, the trial was stopped. The public were removed and only readmitted after their tickets (and possibly allegiance) were rechecked by guards.⁹³ Appointing professional lawyers also made trials more predictable. As noted, the regime had hoped that the public would act for the defence and the prosecution, but by late 1917, the regime had started appointing prosecutors and an institute of defence counsels was created in March 1918, followed by an institute for prosecutors in May.⁹⁴

The final issue was the sentences; they were increasingly seen as too lenient. Many of those involved in the Junkers' revolt were freed after signing a form declaring that they would not oppose the Bolsheviks and would reappear before the tribunal when required. Most fled.⁹⁵ Panina refused to return the money, but supporters had raised the sum by 19 December and she was freed.⁹⁶ Martov was found guilty of attacking the government to undermine its authority, but was only publicly censured and condemned for 'thoughtless' behaviour.⁹⁷ On 17 April 1918, in response to Purishkevich's repeated requests to spend time with his sick son, he was visited by a deputation that included the Cheka's head, Dzerzhinskii. Purishkevich promised not to participate in political life and he was released.⁹⁸ The other defendants in the case also bombarded the authorities with petitions about illnesses, age (several were young) and other issues.⁹⁹ These appeals were pre-empted by an amnesty that also freed Boldyrev after only serving a few months of his sentence.

The Petrograd authorities issued this wide-ranging amnesty on 1 May 1918 as part of the May Day celebrations. G. E. Zinov'ev, the leading Bolshevik in the city, declared that Soviet power was now sufficiently strong that individual opponents no longer constituted a threat, and workers and soldiers no longer wanted to treat them in the manner of the old regime.¹⁰⁰ In reality, the regime may have been seeking support after months of furious debates over the peace treaty with Germany, the departure of the Left S.R.s from government and worsening economic conditions. Either way, the amnesty freed all those imprisoned with sentences of less than six months, those who had committed political crimes and those over seventy years old, while halving the sentences of more serious cases. It did not include bribe-takers, traitors and speculators, and it had a few other caveats, but it did cover those who had committed these crimes before 1 May but were still awaiting sentence.¹⁰¹

The amnesty prompted criticism from the Commissariat of Justice, which suggested that 'obvious counter-revolutionaries' should not be included. The local justice official responded that the amnesty had only released around fifteen people, most of whom were reaching the end of their sentences.¹⁰² This was incorrect; the archives demonstrate that the amnesty was widely invoked. Whereas the loose definition of what constituted a political crime had helped to convict individuals involved in a wide range of activities, it now worked in their favour. Numerous prisoners appealed and were freed. The numbers were sufficient to produce a pre-printed release form with gaps for names to ease the process.¹⁰³ The lawyer in Khomutov's case (noted above) requested that his client be considered for the amnesty rather than bothering to contest the accusation of organizing a plot. The tribunal agreed that his case was 'clearly political' and freed him on 27 May.¹⁰⁴ The amnesty was also utilized in cases of not recognizing Soviet power, not fulfilling orders, and distributing anti-Soviet propaganda.

This amnesty was only applicable to the Petrograd region, but another operated in Moscow. This covered a range of crimes from sabotage and other anti-soviet activities, to

murder and bribery.¹⁰⁵ Other local authorities also issued amnesties at various times. In Timskii district (Kursk province), for example, an amnesty was declared to celebrate the anniversary of the February Revolution. The Commissariat of Justice tried to prevent these, but struggled to exert control, even with the help of central directives.¹⁰⁶

Generally, sentences rarely matched the harshness of the accusations, an impression reinforced by evidence from the provinces. Some provincial tribunals had rules on sentencing that were at odds with official decrees. Omsk had a harsher maximum sentence than was permitted, seven years forced labour, while in Iziunskii district (Kharkov province), the maximum was only a year in prison alongside the confiscation of any immovable property. Samarkand's tribunal created an elaborate hierarchy of fines and prison sentences depending on the nature of the crime, as did Tver.¹⁰⁷ Initially, though, most seem to have been more lenient than the tribunals in Moscow or Petrograd. By April 1918, for example, Stavropol's tribunal had sentenced 177 people, but the harshest punishment was only three months in prison. In the Urals, the punishment was always community work.¹⁰⁸

These incongruous sentences were attracting attention by early 1918 and those involved were forced to defend them. Galkin argued that the sentences demonstrated the 'humanitarianism' of the workers and the objectivity of tribunals, which rejected draconian bourgeois laws. He admitted later that tribunals dispensed 'interesting' and 'lenient' sentences, but argued that they reflected the psychology of the victors. The proletariat, unlike capitalists, did not desire revenge, merely to secure themselves against their enemies. It was only over time that they realized that severer penalties were needed to secure Soviet power.¹⁰⁹ Looking back, Shteinberg also argued that the tribunals were 'humane', refusing to fall into the trap of 'class

hatred', while Zhukov believed that they helped to strengthen the achievements of the October Revolution.¹¹⁰ A. M. D'iakonov, chairman of the Moscow tribunal from late 1918, went further. He noted that tribunals operated in 'difficult conditions', but argued that they were 'powerful organs' of the 'proletariat dictatorship'.¹¹¹

Sympathetic foreign observers agreed. Albert Rhys Williams, an American socialist and journalist for the *New York Post*, noted that the Bolsheviks' answer to opposition was not the guillotine of the French Revolution, but the tribunal. In his second, longer memoir, he adopted almost identical words to Galkin; mildness was a conscious policy – the compassion of the masses towards their class enemies. This turned to 'a deep harshness' within years, but only as a reaction to the extensive opposition to the regime. He wondered whether the civil war would have been less bloody if initial sentences had been severer. For Louise Bryant, another American socialist and journalist, most countries would have killed an enemy such as Panina for the damage that she caused the regime. As it was, as her partner, John Reed, noted flippantly, Panina was 'free to return to her palace!'¹¹²

The trouble for the Bolsheviks was that the sentences were not seen as 'humane' by their opponents. The Kadets, for example, saw Panina's trial as placing liberalism in the dock and the sentence was a triumph. The Bolsheviks had control over the tribunal, but feared the repercussions of imposing a stricter sentence.¹¹³ There was an obvious disparity between the severity of the allegations and the sentences, as opposition newspapers quickly pointed out. *Vremia* argued that if Purishkevich had organized a plot, then the sentence was lax and unprecedented in the history of jurisprudence. If, as the defendants claimed, the tribunal was a party court, then it was still merciful, as Purishkevich was a sharp critic of the Bolsheviks. Moreover, if the defendants were tried because they were political opponents, all other parties should also be arrested. In short, *Vremia* saw no logic behind the regime's treatment of this case and felt that the sentences proved that the tribunal was solely a haphazard party tool.¹¹⁴

These disparities and unpredictable trials meant that cases rarely made effective publicity material. The Bolshevik newspaper, *Pravda*, covered tribunals sparsely with more on their objectives than results. The other official newspaper, *Izvestiia*, was more informative, but selective in order to draw the required lessons from a process that had rarely gone to plan. Its reporting on Panina's trial, for example, was relatively balanced, although undue emphasis was given to the impact of the missing money on employees.¹¹⁵ Its coverage of Purishkevich's trial, though, focused more on the prosecutors' arguments, despite the fact that the defendants spoke for longer, and the same was true of subsequent trials.¹¹⁶

A further problem was highlighted in January 1918 when S. S. Zorin replaced Zhukov as chair of the Petrograd tribunal. On 29 January, Zorin complained to Sovnarkom. It was clear, he wrote, that the legal process was 'completely disorganized'. Under his leadership, the investigative commission acted energetically, but faced an unnecessary problem. This was the Cheka, which was conducting its own investigations and dispensing its own 'justice'. This led to overlap and wasted resources, while the confusion undermined the regime's prestige. There was a lack of clarity over the respective responsibilities of the two bodies. He noted that the prisons were overflowing. This should mean that tribunals were overloaded with work, but they were only seeing cases passed from the Petrograd soviet. Most prisoners came from the Cheka. The tribunal had no idea who the Cheka arrested and what was done with prisoners, despite the fact that tribunals were supposed to have sole authority over the judicial process. Zorin asked Sovnarkom to clarify the responsibilities of the two organs, and to reassert that tribunals were the sole means of investigating and sentencing offenders for counter-revolutionary and other 'political' crimes.¹¹⁷

On the surface, Sovnarkom agreed; the Cheka would search out, curtail and prevent crimes, while further investigations would be conducted by tribunals.¹¹⁸ In practice, nothing changed. By this stage, the Cheka was essentially autonomous, acting against opponents as it

saw fit, with no respect for legal processes. At the Sovnarkom meeting that established the Cheka on 7 December 1917, its head, Dzerzhinskii, proclaimed that he did not ‘seek forms of revolutionary justice; we are not in need of justice. It is war now – face to face, a fight to the finish’.¹¹⁹ These words encapsulated the Cheka’s mentality and, generally, Sovnarkom encouraged it. On 14 January 1918, Lenin demanded extra-judicial executions to deal with speculators and bandits causing food shortages. On 21 February, despite Left S.R. protests, Sovnarkom issued a decree, *The Socialist Fatherland is in Danger*, urging that all speculators, spies, hooligans and counter-revolutionaries should be shot on the spot.¹²⁰ Encouraged, the Cheka then issued similar instructions.¹²¹ Essentially, Sovnarkom was demonstrating a growing commitment to ‘revolutionary terror’.

This was reiterated in Lenin’s writings on law.¹²² In the draft of *The Immediate Tasks of the Soviet Government* written in late March 1918, Lenin assigned an important role to courts. They would cement the principle of involving the working and exploited classes in state administration, while targeting exploiters trying to regain power and, more importantly, ensure the strict discipline and self-discipline of the working people. Coercion, he believed, was essential in the transition to socialism, and the courts should be the organ that carried out that coercion, educating people in labour discipline and so on. So far, however, hardly anything had been achieved. In the final version in late April, Lenin was clear: the lack of progress was due to insufficient ruthlessness. The degree of coercion needed depended on the development of the revolutionary class, the legacy of war and the extent of the opposition; as government moves from military repression during civil war to administration, coercion shifts from on-the-spot shootings to trial by court. Currently, the need for military repression was too strong and the courts were too weak.¹²³ All opposition needed to be dealt with more ruthlessly; party members taking bribes, workers involved in strikes and political opponents engaged in armed struggle were all enemies of the majority of the working classes.

This concern for ruthlessness led Lenin to intervene in the operation of tribunals. On 15 March, one tribunal worker questioned the value of the press tribunal, feeling that it might even be harmful. Each trial saw well-prepared defendants with numerous witnesses and a hostile audience. Separating published criticism from other 'counter-revolutionary' crimes implied that this crime was less serious and that the Bolsheviks were simply clamping down on free speech. Officials in Petrograd and Moscow agreed and acted to abolish the tribunal and transfer all cases to ordinary tribunals.¹²⁴ Lenin, though, wanted a full assessment of the press tribunal's value before abolition, while hinting at further change. He argued that there was too much focus on 'petty reform' and not enough effort devoted to creating a 'truly revolutionary court that is rapid and mercilessly severe' with its enemies.¹²⁵

Furthermore, on 2 May 1918, the Moscow tribunal sentenced four judges charged with blackmail and accepting bribes to six months in prison. Lenin was livid: 'to award bribe-takers such derisively weak and mild sentences instead of shooting is disgraceful behaviour for a Communist and a revolutionary'. He believed that they must be expelled from the party and condemned publicly. Sovnarkom also attacked the 'exceptional leniency' of the sentence and instructed the Commissariat of Justice to create minimum sentences for those involved in bribery. A retrial saw the terms increased to ten years, and Lenin proposed that ten years in prison and ten years forced labour was the minimum sentence for bribe-takers.¹²⁶

The leadership's dissatisfaction with the performance of tribunals led to several major reforms. First, on 4 May, tribunals were restricted to provincial capitals, large industrial centres (over 200,000 inhabitants) and major railway junctions. All other local tribunals were abolished, as was the press tribunal. Mundane crimes were transferred to people's courts, but tribunals were instructed to pay more attention to pogroms, hooliganism, espionage, forgery and bribery.¹²⁷ These changes were supposed to combat the existence of too many tribunals focusing on too many crimes, exacerbating their ineffectiveness. At the first congress of

provincial commissars of justice on 21–25 April 1918, local reports had made it clear that many tribunals also dealt with civil and criminal cases, either because of a lack of counter-revolutionary cases, the absence of people's courts, or inexperienced personnel.¹²⁸ In some places, this was taking up significant amounts of time; before March 1918, for instance, nearly twenty-two per cent of the crimes investigated by Ufa's tribunal concerned illicit brewing.¹²⁹ Yet, it has been noted that tribunals continued to exist at district level after May and new ones were even created.¹³⁰ Similarly, concerns over the investigation of civil and criminal cases were still being raised at the end of the year.¹³¹ Many rural areas continued to lack people's courts to judge 'ordinary' crimes and local officials remained, understandably, confused as to what constituted a 'counter-revolutionary' crime.

Second, on 29 May, a supreme tribunal for serious cases from across Russia was established under the central executive committee of the Congress of Soviets in Moscow.¹³² This would be a focal point to unite all tribunals, while providing a model to follow in terms of procedure and sentencing. According to Kurskii's speech to the committee on 29 May, some cases had a broad significance for the state and were too serious for local tribunals to judge. He admitted that some local tribunals had not always reached the highest standards; there needed to be a stronger defence of the revolution's achievements.¹³³ In *Izvestiia* on the same day, Stuchka agreed; tribunals should aid the 'political struggle' and this new tribunal would strengthen the regime's response to counter-revolution.¹³⁴

On 11 June, an appealation department was created under the central executive committee. It processed complaints made against all tribunals (apart from the supreme tribunal) and could revoke the sentence or order a retrial.¹³⁵ This removed further authority over tribunals away from the Commissariat of Justice, particularly if, as some have speculated, this department was designed as much to assert greater control over the sentences imposed by local tribunals as to alleviate concerns over miscarriages of justice. This

interpretation is reinforced by the fact that on 16 June the regime permitted tribunals to impose the death penalty, thereby dramatically increasing their powers.¹³⁶

The supreme tribunal stated its intent in its first case. Captain A. M. Shchastnyi, commander of the Baltic Fleet, was arrested on 27 May 1918 after growing conflict with the commissar of war, L. D. Trotskii, over how to respond to the German threat.¹³⁷ Shchastnyi's desire to preserve the Baltic Fleet and defend Petrograd, while supported locally, clashed with the government. His independence and social background (as a former noble officer) fuelled Trotskii's suspicions, and he was accused of exploiting Russia's perilous foreign and political situation to launch a counter-revolutionary plot.¹³⁸

Shchastnyi's trial on 20–21 June was held in an ordinary room in the Kremlin; covered in spit, with dirt and torn papers everywhere.¹³⁹ The impression is that this trial was intended to be business-like and practical, rather than the symbolic and public trials of previous months. Shchastnyi was permitted one lawyer, who was only given access to the evidence half an hour before the trial. The investigation was incomplete and the evidence contradictory. The only available witness was Trotskii and his lengthy testimony condemned Shchastnyi for fostering discontent among sailors with a view to organizing a revolt against the regime. Ultimately, Trotskii argued that Shchastnyi had political ambitions and hoped to become the dictator of the Baltic Fleet and, perhaps, assume a national role.¹⁴⁰ Shchastnyi's lawyer rebutted Trotskii's charges one-by-one and Shchastnyi proclaimed his own innocence, but to no avail. The trial was designed to deliver a guilty verdict and send out a clear message to other former tsarist officers in the Red Army. Shchastnyi was duly convicted. To the surprise of the audience and the relief of the chief prosecutor, Krylenko, it pronounced the death penalty. Appeals were rejected and Shchastnyi was executed the following day.

This sentence was seen as significant. Abroad, newspapers noted that while the Cheka had shot plenty of people, this was the first death sentence issued by a tribunal.¹⁴¹ At home,

the Bolshevik press moved on to the defensive. *Izvestiia* emphasized the accusations by assigning most space to Trotskii's and Krylenko's speeches. The defence was dealt with quickly before the reports finished with a long reiteration of the accusations in the form of the sentence.¹⁴² More unusual, however, was the lengthy defence of the death penalty offered by Krylenko in an interview. He argued that the main goals of tribunals had not been reached before this case because of the interference of Left S.R.s and jurists. The struggle against counter-revolution must be reflected in the tribunal's decisions as well as its investigations. The only measure that could protect the revolution was the death penalty and it was justified legally.¹⁴³ The sentence was not desirable, then, but necessary and logical. The tribunal was only doing its duty.

The impact of this sentence was reinforced by the supreme tribunal's next case, which investigated fifteen 'provocateurs' who had informed on the revolutionary movement to the Okhrana before 1917. Eight were sentenced to death and shot immediately. According to a former defence lawyer, the death sentence now became almost the only sentence passed by the supreme tribunal.¹⁴⁴ This was not strictly true and the evidence does not support this claim across all tribunals. In a survey of thirty-two tribunals in Russia in 1918, seventy-three per cent of 4,483 cases examined resulted in convictions. A total of thirty-seven per cent of sentences involved a prison term and forced labour; thirty-three per cent a fine; and only 0.3 per cent (fourteen) pronounced the death penalty. Executions rose to fourteen per cent of sentences in the first half of 1919, but dropped back to eleven per cent in the first half of 1920 and seven per cent in the second half. By then, seventy-four per cent of sentences resulted in a prison term and forty-six per cent of these in 1919–20 were for less than a year (sometimes only a few days).¹⁴⁵

These figures mask a great deal of regional variation. A similar survey produced by the Commissariat of Justice in 1922 noted that an average of one per cent of all sentences in

the first half of 1922 across Russia pronounced the death penalty. Tribunals in Briansk, Olonets, Tver, Iaroslavl and some other towns had not sentenced anyone to death, while in Moscow, Saratov and Tsaritsyn, the figure was ten per cent or more.¹⁴⁶ Earlier, in Samara, 235 of 518 accused (forty-five per cent) were executed in the first half of 1919, while 116 of 456 (twenty-five per cent) sentenced in Azerbaijan between May 1920 and April 1921 were shot.¹⁴⁷ Tribunals attached to military units and the railways were also harsher.¹⁴⁸ Variations in local tensions must have mattered. Equally, as tribunals answered to several masters, the balance of power in an area between justice officials, soviets and the Cheka was also probably important in determining the relative ferocity of a tribunal.

A study of Saratov province, however, suggests that while tribunals were arbitrary forms of justice, local tribunals varied between ruthlessness and amnesties in much the same way as their counterparts in Petrograd and Moscow. The Cheka, invariably, was far worse.¹⁴⁹ Tribunals in Viatka province are described in a similar manner. Just over five per cent of sentences in 1919 resulted in the death penalty. Most offences were ‘crimes of office’, followed by counter-revolutionary activities. The sheer number of new officials led to many seeking to profit from their new position. Otherwise, crimes ranged from sabotage, speculation and espionage, to bribery and forgery, matching those outlined in the decree on 4 May.¹⁵⁰

Nevertheless, as a whole, despite the changes, tribunals were still not as ruthless as many Bolsheviks desired. It is unlikely, for example, that Lenin would have been happy with the Moscow tribunal in early July 1918. The trial of a former chair of the tribunal, who concealed his criminal past, resulted in public censure and a ban from holding public office for a year. A few days later, another official linked to the tribunal was found guilty of speculation, but was only banned from holding an elective public office for five years.¹⁵¹

These sentences were a far cry from those advocated by Lenin and further reforms to tribunals over the following months did not change this picture significantly.

The problems faced by tribunals passed the initiative to the Cheka and contributed to the escalation of terror. The Cheka spread across frontier zones, post and telegraph stations, railway junctions, and into local districts by summer 1918. In doing so, it started to dominate tribunals. Increasingly, the Cheka decided whether a tribunal would become involved in a case; that is, whether it would transfer cases to the tribunal or whether it would deal with them alone. In some cases, the Cheka not only carried out the investigation, but instructed the tribunal on the desired verdict. The tribunal simply had to rubber stamp the decision.¹⁵²

Moreover, some prominent tribunal workers became associated with the Cheka, including D'iakonov, Galkin and Zhukov, which helped to blur distinctions between the two bodies.¹⁵³

Officially, terror arrived in autumn 1918. An attempt on Lenin's life and the murder of the head of the Petrograd Cheka, M. S. Uritskii, prompted a decree on 5 September that directed the Cheka to shoot opponents summarily, initiating what became known as the 'Red Terror'.¹⁵⁴ This decree may have sanctioned what was already occurring, but under state sponsorship terror reached new levels over the following months. A recent study stated that the Cheka shot 5,381 people in 1918.¹⁵⁵ The real figure was probably higher and increased over subsequent years. The Cheka provided the regime with a quicker alternative to tribunals when it came with dealing with enemies. Consequently, it headed the regime's attack on its enemies by summer 1918 and was the driving force of the terror.

Nevertheless, many of those involved in tribunals did protest against the Cheka's actions and defended the need for revolutionary justice rather than revolutionary terror.

Initially, the fight was led by the Left S.R.s through the Commissariat of Justice. One of the Cheka's first acts was to arrest several prominent socialists agitating in favour of the newly-elected Constituent Assembly (which saw the Bolsheviks in a minority) on 16 December 1917. Horrified, the Left S.R. commissar of justice, Shteinberg, promptly freed them on his own authority. Dzerzhinskii complained to Sovnarkom and its discussion on 19 December reprimanded Shteinberg and confirmed that the Cheka's orders could only be revised by Sovnarkom.¹⁵⁶ Shteinberg pursued the struggle. The following weeks saw debates confirming the commissariat's authority over tribunals and the tribunals' right to sentence cases, complaints about an incomplete legal system, and demands to transfer ill prisoners to hospitals. The Left S.R.s also succeeded in gaining representation in the Cheka's leadership in an attempt to moderate it from within.¹⁵⁷

In his memoirs, Shteinberg argued that the new regime was strong enough to apply justice, albeit of a revolutionary nature, through tribunals and courts. There was no need to apply summary methods. The regime should focus on individuals who conducted specific crimes, rather than on potential crimes. Suppression of the liberal Kadet party, for example, was wrong; instead, individual Kadets who committed crimes should be tried. Terror, he claimed, was one mistake of the French Revolution that Russia could avoid.¹⁵⁸ It was not that the Left S.R.s were opposed to violence; rather, they objected to it becoming institutionalized through an acceptance of the arbitrary methods of the Cheka.

Shteinberg was fighting a losing battle. Important Bolsheviks, particularly Lenin and Trotskii, were more ruthless, while Sovnarkom tended to favour the Cheka in these disputes. The Cheka, Shteinberg complained, saw itself as a commissariat and rejected attempts to control any element of its activities, taking all disputes to Sovnarkom. Here, Left S.R.s were in a minority and had to wait for 'favourable' moments to press their case to have any chance of victory, moments when the Bolsheviks needed their support on other issues.¹⁵⁹

Lenin and others became tired of Shteinberg's constant complaints and demands for 'legality'. They felt that there were more important issues and they shared Dzerzhinskii's view that violence was a necessary weapon and that no quarter should be given in the battle against the regime's enemies. Galkin argued that Left S.R.s did little practical work in tribunals, instead bombarding them with demands to maintain formalities in arrests and paperwork. Forms, he believed, were unimportant when risking one's life against enemies.¹⁶⁰ Lenin, meanwhile, admitted in a speech to Cheka staff on 7 November 1918 that there had been many mistakes, but this was inevitable and these were individual mistakes. The bigger picture was of a drastic struggle against the bourgeoisie; the harder the Bolsheviks pressed, the more the bourgeoisie resisted. The Cheka was vital in suppressing the opposition, which was the only way to emancipate the proletariat.¹⁶¹ Ultimately, Shteinberg wrote that Lenin supported terror over 'justice', believing it was impossible to make a revolution without executions. The Left S.R.s resigned from Sovnarkom in early March 1918 in opposition to the peace treaty with Germany. With the Cheka's activities sanctioned and the departure of the Left S.R.s, Shteinberg argued that, in practice, the Red Terror had started in spring 1918.¹⁶²

Opposition to the regime's growing preference for arbitrary justice continued, finding a vocal forum, if an ineffective one, in the executive committee of the Congress of Soviets. Several debates are worth noting. First, the committee saw a turbulent discussion after Martov's trial. Martov was found guilty of attempting to undermine the authority of the government, but the tribunal did not end up ruling on the original libel accusation by Stalin, something that he and his supporters sought to rectify. On 25 April, nine days after the trial, Krylenko argued in the committee that Martov's case had violated procedural rules. The tribunal had conflated two accusations (against Stalin and the state) and should have ruled on the accusations against Stalin. Krylenko requested that the sentence be annulled and the case

retried. The Bolshevik chair, Ia. M. Sverdlov, refused to allow Martov and others to speak; this was a resolution and merely needed voting on. Despite Martov's protests, the Bolshevik majority passed the resolution. The minutes gloss over what was clearly a period of turmoil. Officially, Sverdlov expelled Martov for protesting.¹⁶³ Unofficially, the Mensheviks walked out in support, while Latvian riflemen were needed to restore order.¹⁶⁴ The case, however, was never retried. The Mensheviks claimed that this reflected an awareness among some senior Bolsheviks, many of whom were absent from the meeting, that this case was bad publicity, and that the resolution was only passed after pressure from Stalin's supporters.¹⁶⁵

The second debate worth noting came in response to Kurskii's announcement on 29 May of a new tribunal under the committee. The first speaker, an S.R., argued that the decree should be rejected. The nature of tribunals had changed, reducing the role of the people, and he believed that this role should be reinstated; it was a major achievement of the revolution. Martov made a similar argument, accusing the regime of not trusting workers. Their lack of involvement meant that tribunals no longer served the proletariat's interests, undermining their ability to enforce legality. Another speaker believed that the new tribunal was an attempt to remove more powers from local soviets. The Bolsheviks were able to utilize their majority to pass the new decree.¹⁶⁶

The committee's reaction on 11 June to the creation of an appellation department saw two further points raised. First, enhancing the committee's role in the legal process would not improve matters as the Bolsheviks dominated the committee and Sovnarkom remained the main decision-making body. Second, the numerous decrees concerning legal innovations had no point if they were all bypassed by another, independent institution (the Cheka).¹⁶⁷

The final significant debate was over the execution of Shchastnyi. When the Left S.R.s failed to have his sentence quashed in a rushed meeting of the committee, they withdrew their representatives from the supreme tribunal.¹⁶⁸ A furious attack on the trial and

the death penalty was launched in the press by the socialist opposition to the Bolsheviks. Martov argued that Trotskii acted as a prosecutor in Shchastnyi's trial, not a witness, and that the tribunal was 'a joke of a court'.¹⁶⁹ For socialists, the death penalty, above all else, emphasized the return of the institutional violence of the tsarist regime and the loss of one of the great achievements of the revolution. Yet, these socialists were fighting a losing battle. Soon after this, the Left S.R.s were involved in several revolts against the Bolsheviks and found themselves in front of a tribunal in November 1917. Suppression of the Mensheviks was slower, but equally effective in the long run.

Nevertheless, complaints about the Cheka and the drift towards terror continued from a different source: namely, Bolsheviks involved in the Commissariat of Justice. Krylenko, for example, was a ruthless prosecutor for the tribunals, but also a vocal opponent of the Cheka. Unusually, the Cheka had been created by a government resolution rather than a formal decree, and Krylenko and other legal theorists were quick to highlight this, questioning the Cheka's legality and authority.¹⁷⁰ Even in later writings, these theorists were damning in their assessment of the Cheka's authority.¹⁷¹

The second national congress of local justice officials in Moscow on 2–6 July 1918 condemned the Cheka. One speaker noted that its activities mirrored those of tribunals, but while the latter were elected, the former was unaccountable. Both also had incompatible laws. The Cheka, for instance, left prisoners languishing in jails indefinitely, while tribunals were committed to bringing charges within forty-eight hours. It was not that the Cheka should not exist, but that its activities should be curtailed and controlled. As long as the Cheka retained its current form, another speaker argued, justice would always take second place. The congress resolved that the Cheka should be placed under the control of local soviets.¹⁷² Officials at all levels in the Commissariat of Justice remained committed to maintaining, as

they saw it, a degree of legality; that is, allegiance to a reformed legal system, and some level of order and procedure when investigating crimes and sentencing offenders.

The first congress of the chairmen of tribunals on 29 October–3 November 1918 also asked the government to curtail the Cheka's powers. Participants were not against violence, declaring that the working classes needed to inflict severe blows on their enemies. But, like Zorin at the beginning of the year, their resolution painted a picture of confusion and conflict between tribunals and the Cheka. Tribunals were arresting people, only for the Cheka to release them, or vice versa, while the Cheka transferred people between prisons without informing tribunals. The Cheka also passed incomplete files to tribunals with missing documents and unsigned testimonies from the accused. The congress demanded primacy for tribunals in investigating and sentencing criminals.¹⁷³

In part, the argument was also about power; justice officials and tribunal workers resented the Cheka undermining their right to judge crimes and that the Cheka was only accountable to Sovnarkom. This resentment was shared by other Bolsheviks. The Cheka was subjected to several attacks in the party newspaper, *Pravda*. On 21 November 1918, *Pravda* criticized tribunals as slow and poorly organized, but noted that they were weakened by the Cheka's arbitrary actions. The paper outlined the above resolution of tribunal chairmen and reiterated the call to curtail the Cheka's activities.¹⁷⁴ Like other critics, it did not oppose the Cheka's existence, but its abuses of its powers.

Sovnarkom was forced to act after an article was published in the Cheka's weekly newspaper in September 1918 advocating the use of torture. Sovnarkom condemned the article on 25 October, closed the paper and created a commission to investigate the Cheka, albeit without weakening its fight against the enemy.¹⁷⁵ Local soviets joined the chorus of disapproval, also complaining about their lack of control. They had been ordered to establish and fund local branches of the Cheka, but had no control over its activities. They disliked

having a powerful and autonomous body operating in their locality. Moreover, they argued that many Cheka officials were corrupt and inefficient, and that arbitrary violence was counter-productive. A survey in October 1918 saw around eighty-five per cent of those polled (nearly 150 soviets) demand that local soviets be given greater control over the Cheka.¹⁷⁶ These protests reflected wider suspicions of the regime's growing authoritarianism and centralization of power, which marginalized local activists and the soviet structure established in 1917.

The attempts to curtail the Cheka proved futile. The commission established on 25 October produced no public results and Krylenko later suggested that the commission was not serious about curbing the Cheka's activities.¹⁷⁷ The Cheka was later told to release all prisoners who could not be charged within two weeks, as well as end its practice of taking hostages to discourage plots. District branches, which tended to conduct the worst violence, were closed. Decrees on 17 February and 3 April 1919 restated that tribunals had the right to sentence all cases and to observe other areas of the Cheka's activities.¹⁷⁸ Yet, this was undermined on 21 October 1919 when the Cheka was permitted to sentence economic offences (profiteering, bribery, forgery and misappropriation) committed by state personnel in its own tribunal. This lasted until March 1920 and operated as a punitive organ rather than a judicial one.¹⁷⁹ Unsurprisingly, then, when the second congress of the chairmen of tribunals convened on 26–28 April 1920, it was dominated by the same complaints about the Cheka that were made in 1918.¹⁸⁰

At the same time, there is no sense that the sentences dispensed by tribunals became any harsher. Indeed, further amnesties followed. On 6 November 1918, the first nationwide amnesty was suggested by Sovnarkom and sanctioned by the Sixth All-Russian Exceptional Congress of Soviets. It freed all those involved in plots, preparing plots or in oppositional groups if their guilt had not been proven within two weeks. It also freed all hostages, except

those held in response to hostages taken by the Bolsheviks' enemies.¹⁸¹ This decree was probably designed to mitigate the adverse publicity provoked by the onset of state-sanctioned terror in early September, but it was not as generous as the May amnesty. It is also likely that most had their guilt proven within the deadline, while, in practice, terror continued.

Nonetheless, similar amnesties were held to commemorate May Day and the anniversary of the October Revolution in 1919 and 1920.¹⁸² If the May 1918 amnesty was representative, these could have benefited significant numbers of people.

Nevertheless, tribunals lasted throughout the civil war years and the Bolsheviks continued to place some value on them. In most cases, they became little more than a closed court that passed arbitrary judgement on the accused. But some public trials remained. In certain cases – for example, judging the Left S.R.s in November 1918 – a tribunal helped portray a quasi-legal image that may have convinced Russians that some level of 'justice' continued to operate, while still conveying an educational message. On 20 October 1921, Lenin ordered Moscow's tribunal to investigate a senior official for inaction. The trial should be 'educational', indicating that this behaviour was unacceptable, while the sentence was to be 'sufficiently impressive' to act as a deterrent.¹⁸³

However, the role of tribunals had changed over the course of 1918. They entered the year with a modicum of independence, with unpredictable trials and sentences, providing a forum where prosecutors and defenders could debate the nature of 'revolutionary justice'. By the end of the year, there was greater control over their activities and they played second fiddle to the Cheka. Their role was an optional one. In some cases, it suited the regime to use a tribunal, perhaps even a public trial, but it was no longer considered as essential or desirable as it had been at the beginning of the year.

Revolutionary tribunals were abolished on 31 October 1922 with the creation of the Soviet Union. Their cases were transferred to new supreme courts in the various republics. Tribunals continued in the military, while the techniques developed in their investigations and trials persisted into the nineteen-twenties and beyond. Otherwise, their legacy was mixed. They did provide a forum for the Bolsheviks to display their vision of a new society. The early trials saw the state quickly assert its right to examine and control behaviour in many areas of everyday life. Tribunals first dealt with open opposition or other political groups, but they soon expanded to cover non-recognition of Soviet power, inefficient work, illegal trading and other such crimes. Any activity not sanctioned by the state became an activity that harmed the state and, hence, a counter-revolutionary or political crime. Tribunals conveyed the message that people were not to be judged solely on actions, or by established legal procedure, but on all issues (from mentality to social background) that could affect an individual's relationship with the state. They emphasized that the state was reasserting its right to control Russia's political landscape after the freedoms enjoyed during 1917. All of these elements were central to the Soviet Union throughout its existence.

The idealism surrounding law that greeted the October Revolution, like so many other areas, fell victim to the necessities of maintaining power during a brutal civil war. Although Bolshevik legal experts continued to debate the role and nature of law under a socialist regime, the opportunity to redevelop law and jurisprudence in a socialist form was lost. Law was fated to be nothing more than an instrument for repression and social control, firmly controlled by the state. Bolshevik leaders became disillusioned with the value of the law as a means of combating their enemies, in large part due to the unpredictable nature of tribunals. Tribunals did become more organized and predictable in the second half of 1918, but by this stage the regime was favouring terror as a solution.

Ultimately, revolutionary tribunals failed to inspire the level of fear that the leadership expected or to deal with the regime's enemies sufficiently severely. The Bolsheviks had the French Revolution in mind when they had created them, but Russian tribunals, although far from mild, did not follow in the brutal footsteps of their predecessors. It has been argued that the chaotic operation of the early tribunals and their unpredictable sentences contributed to the growth of terror, as did the tribunals' balancing act between several different masters – the Commissariat of Justice, local soviets and the Cheka.¹⁸⁴ Certainly, there is an element of truth in this argument. But tribunals never deliberately led the terror as their counterparts had done in France. This may have been due to the existence of an alternative, the Cheka. From the start, this body promised a quicker solution to the problem of opposition, a solution which became attractive as the civil war intensified. The relative weakness of tribunals undermined support for the idea of revolutionary justice, encouraging a move towards revolutionary terror. Terror, of course, was another element that underpinned the Soviet Union throughout its existence.

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¹ *Documents of Soviet History, i: the Triumph of Bolshevism, 1917–19*, ed. R. A. Wade (Gulf Breeze, 1991) (hereafter *Documents*), pp. 52–3, 73–5.

² Moscow, Gosudarstvennyi arkhiv Rossiiskoi Federatsii (hereafter G.A.R.F.), f. 1074, op. 1, d. 10, l. 20.

³ J. L. Godfrey, *Revolutionary Justice: a Study of the Organization, Personnel and Procedure of the Paris Tribunal, 1793–5* (Chapel Hill, N.C., 1951), pp. 4 (quote), 136–8 (statistics).

⁴ S. Kobiakov, ‘Krasnyi sud. Vpechatleniia zashchitnika v revoliutsionnykh tribunalakh’, *Arkhiv Russkoi revoliutsii*, vii (1922), 246–75, at pp. 247–8, 255, 259–60.

⁵ I. Zhukov, ‘Revoliutsionnyi tribunal (vospominaniia pervogo predsedatelia tribunala)’, *Rabochii sud*, xxii (1927), 1755–1760, at p. 1757.

⁶ V. Lenin, *Collected Works* (47 vols., Moscow, 1960–70), xxvii. 219.

⁷ The main studies of tribunals in this period are Iu. Titov, *Sozdanie sistemy sovetskikh revoliutsionnykh tribunalov* (Moscow, 1983) and C. Story, ‘In a court of law: the revolutionary tribunals in the Russian civil war, 1917–21’ (unpublished University of California, Santa Cruz Ph.D. thesis, 1998). Both focus on the position of tribunals within the

new legal system. The former, in particular, has very little on issues such as tribunal personnel or the trials. A similar approach is taken in D. Pavlov, ‘Tribunal’nyi etap sovetskoi sudebnoi sistemy. 1917–22gg.’, *Voprosy istorii*, vi (2007), 3–16.

⁸ M. Kozhevnikov, *Istoriia sovetskogo suda 1917–56 gody* (2nd edn., Moscow, 1957), pp. 15–18.

⁹ D. Golinkov, *Krushenie antisovetskogo podpol’ia v SSSR* (2nd edn., 2 vols., Moscow, 1978), i. 50–2. Several other bodies also had responsibilities in this area (G. Leggett, *The Cheka: Lenin’s Political Police* (rev. edn., Oxford, 1986), pp. 1–15).

¹⁰ *Protokoly zasedanii Soveta Narodnykh Komissarov RSFSR. Noiabr’ 1917–mart 1918gg.* (Moscow, 2006) (hereafter *Protokoly*), p. 44.

¹¹ *Dekrety Sovetskoi vlasti* (18 vols., Moscow, 1957–2009) (hereafter *Dekrety*), i. 124–6.

¹² An extensive discussion of regional tribunals is in Titov, pp. 36–63.

¹³ *Documents*, pp. 62–4.

¹⁴ A. Rabinowitch, *The Bolsheviks in Power* (Bloomington, Ind., 2007), pp. 84–5.

¹⁵ *Documents*, pp. 72–3. Also T. Mironova, ‘Revoliutsionnyi tribunal pechati Petrogradskogo soveta’, in *Piterskie rabochie v bor’be s kontrrevoliutsiei v 1917–1918gg.*, ed. G. Sobolev (Moscow, 1986), pp. 166–70.

¹⁶ P. Kenez, ‘Lenin and the freedom of the press’, in *Bolshevik Culture*, ed. A. Gleason, P. Kenez and R. Stites (Bloomington, Ind., 1985), 131–50, at pp. 134–7.

¹⁷ E. Finn, ‘Antisovetskaia pechat’ na skam’e podsudimyykh (zametki sovremennika o tribunalakh po delam pechati), *Sovetskoe gosudarstvo i pravo*, ii (1967), 70–75, at p. 72.

¹⁸ *Documents*, pp. 73–5.

¹⁹ V. P. Portnov and M. M. Slavin, *Stanovlenie pravosudiia Sovetskoi Rossii (1917–22gg.)* (Moscow, 1990), p. 76.

²⁰ R. Stites, 'Trial as theatre in the Russian Revolution', *Theatre Research International*, xxiii (1998), 7–13. Also J. Cassiday, *The Enemy on Trial: Early Soviet Courts on Stage and Screen* (DeKalb, Ill., 2000); and E. Wood, *Performing Justice: Agitation Trials in Early Soviet Russia* (Ithaca, N.Y., 2005).

²¹ R. Pipes, *Legalised Lawlessness: Soviet Revolutionary Justice* (1986), p. 10.

²² 'Guiding principles of criminal law in the RSFSR (Dec. 1919)', in *Bolshevik Visions*, ed. W. Rosenberg (2nd edn., 2 vols., Ann Arbor, Mich., 1990), i, 166.

²³ P. Stuchka, 'Proletarian law (1919)', in Rosenberg, i, 162.

²⁴ 'O revoliutsionnoi zakonnosti', in D. Kurskii, *Izbrannye stat'i i rechi* (2nd edn., Moscow, 1958), pp. 45–6.

²⁵ G.A.R.F., f. 336, op. 1, d. 73, 246–8, 359–60.

²⁶ G.A.R.F., f. 336, op. 1, d. 75.

²⁷ G.A.R.F., f. 1074, op. 1, d. 10, ll. 1–1ob.

²⁸ E. Finn, 'Pervyi revoliutsionnyi tribunal', *Sovetskaia iustitsiia*, viii (1977), 16–18, at p. 18; K. Kozlova and V. Orlov, 'Pervoe zasedanie narodnogo revtribunala', *Voprosy istorii*, x (1977), 211–15, at pp. 212–13.

²⁹ 'A Bolshevik trial', *The Times*, 31 Jan. 1918, p. 5.

³⁰ G.A.R.F., f. 1074, op. 1, d. 10, ll. 16–17.

³¹ E. Ershova, 'Pervyi protsess Petrogradskogo revtribunala v 1917 godu', in *Neizvestnye stranitsy istorii Verkhnevolzh'ia* (Tver', 1994), 88–102, at p. 91; A. Lindenmeyr, 'The first Soviet political trial: Countess Sofia Panina before the Petrograd revolutionary tribunal', *Russian Review*, lx (2001), 505–25, at pp. 513–14.

³² New York, Columbia University, Bakhmeteff Archive, S. V. Panina papers, box 14, 'Such is life', p. 3.

³³ G.A.R.F., f. 336, op. 1, d. 339, ll. 1, 30–30ob, 45–45ob.

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- ³⁴ G.A.R.F., f. 336, op. 1, d. 76.
- ³⁵ G.A.R.F., f. 336, op. 1, d. 277, ll. 1–3ob.
- ³⁶ *Pravda*, 7 Nov. 1917, p. 2.
- ³⁷ *Pravda*, 8 Nov. 1917, p. 3.
- ³⁸ G.A.R.F., f. 1074, op. 1, d. 18, 20, 21, 25.
- ³⁹ G.A.R.F., f. 336, op. 1, d. 21–34a. For more details, see M. Rendle, *Defenders of the Motherland: the Tsarist Elite in Revolutionary Russia* (Oxford, 2010), pp. 223–5.
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- ⁴¹ G.A.R.F., f. 337, op. 1, d. 23, l. 3.
- ⁴² G.A.R.F., f. 336, op. 1, d. 271, ll. 5–5ob, 18–18ob, 76, 113–113ob.
- ⁴³ G.A.R.F., f. 1074, op. 1, d. 6, ll. 1–2, 16b–19ob.
- ⁴⁴ *Pravda*, 17 March 1918, p. 4.
- ⁴⁵ G.A.R.F., f. 543, op. 1, d. 7, ll. 2, 5, 23–31.
- ⁴⁶ G.A.R.F., f. 543, op. 1, d. 23, l. 4.
- ⁴⁷ The ‘plot’ was front page news (see *Pravda*, 9 March 1918, p. 1). For the investigation, see ‘Kniaz’ G. E. L’vov v Ekaterinburgskoi tiur’mе’, *Istoricheskii arkhiv*, iii (2002), 140–70.
- ⁴⁸ G.A.R.F., f. 336, op. 1, d. 277, l. 74ob.
- ⁴⁹ G.A.R.F., f. 336, op. 1, d. 277, ll. 68ob, 87ob.
- ⁵⁰ F. Vinberg, *V plenu u “obez’ian” (zapiski “kontr-revoliutsionera”)* (Kiev, 1918), pp. 60–1, 64–5, 82.
- ⁵¹ G.A.R.F., f. 336, op. 1, d. 249, ll. 18–20.
- ⁵² G.A.R.F., f. 336, op. 1, d. 334.
- ⁵³ G.A.R.F., f. 336, op. 1, d. 19.
- ⁵⁴ Lenin, xxvi. 411, 414.
- ⁵⁵ E.g., *Izvestiia*, 21 Apr. 1918, p. 5.

⁵⁶ Story, pp. 9, 150–1, 159, 171–2, 175.

⁵⁷ *Protokoly*, pp. 290, 295; *Dekrety*, i. 432–4; *Pravda*, 28 Jan. 1918, p. 4.

⁵⁸ See *Izvestiia*, 19 March 1918, p. 2; 21 March 1918, p. 4; 22 March 1918, p. 4; 5 Apr. 1918, p. 4.

⁵⁹ G.A.R.F., f. 337, op. 1, d. 23, l. 3.

⁶⁰ The ‘official’ version is in *Izvestiia*, 6 Apr. 1918, p. 3; 17 Apr. 1918, p. 3. This account also uses reports from the Menshevik press cited in G. Aronson, ‘Stalinskii protsess protiv Martova’, *Sotsialisticheskii vestnik*, vii–viii (1939), 84–9; and V. N. Brovkin, *The Mensheviks after October* (Ithaca, N.Y., 1987), pp. 110–17.

⁶¹ *Vpered*, 21 Apr. 1918, p. 3, cited in Brovkin, p. 121 (the trial is covered on pp. 118–22).

⁶² Titov, pp. 25–6.

⁶³ G.A.R.F., f. 543, op. 1, d. 7, ll. 11–18ob, 22; G. von Meck, *As I Remember Them* (1973), pp. 161–70, 181–8.

⁶⁴ G.A.R.F., f. 336, op. 1, d. 347.

⁶⁵ A. Galkin, ‘Pervyi tribunal (vospominaniia)’, *Rabochii sud*, xxi (1927), 1653–6, at p. 1653.

⁶⁶ Kozhevnikov, p. 40.

⁶⁷ E. Tarnovskii, ‘Lichnyi sostav i repressiia revtribunalov’, *Ezhenedel’nik Sovetskoi iustitsii*, xi (16 March 1922), 6–7.

⁶⁸ T. Roginskii, ‘K voprosu o lichnom sostave i repressiiakh revtribunalov’, *Ezhenedel’nik Sovetskoi iustitsii*, xiii (1 Apr. 1922), 6–7.

⁶⁹ His biography is in *Arkhiv VChK: Sbornik dokumentov* (Moscow, 2007) (hereafter *Arkhiv VChK*), pp. 675–6.

⁷⁰ Zhukov, pp. 1759–60.

⁷¹ Vinberg, p. 61.

⁷² *Materialy narodnogo komissariata iustitsii* (hereafter *Materialy*), i (1918), pp. 4, 22, 30.

⁷³ *Odesskii listok*, 9 Dec. 1917, p. 2; 12 Dec. 1917, p. 3; 13 Dec. 1917, p. 2.

⁷⁴ Kobiakov, pp. 247–8; *Izvestiia*, 28 Jan. 1918, p. 4.

⁷⁵ Zhukov, p. 1756.

⁷⁶ “‘27-go fevralia my mogli stat’ grazhdanami”: tiuremnye zapiski V. M. Purishkevicha. Dekabr’ 1917–mart 1918g.’, *Istoricheskii arkhiv*, v–vi (1996), 118–49, at p. 121; Vinberg, pp. 8–9, 13–14, 20, 34–5.

⁷⁷ A. R. Williams, *Journey into Revolution: Petrograd, 1917–18* (Chicago, Ill., 1969), p. 163.

⁷⁸ L. Bryant, *Six Red Months in Russia* (1982), p. 194.

⁷⁹ Zhukov, p. 1758; Williams, *Journey*, pp. 163–4.

⁸⁰ Galkin, ‘Pervyi tribunal’, p. 1654.

⁸¹ G.A.R.F., f. 1074, op. 1, d. 10, ll. 20–22ob. This official version of the trial does not match other accounts in all respects, something that has been examined in Lindenmeyr, pp. 515–20.

⁸² *Odesskii listok*, 12 Dec. 1917, p. 1; Williams, *Journey*, p. 165.

⁸³ The clearest version is A. Tyrkova-Williams, *From Liberty to Brest-Litovsk: the First Year of the Russian Revolution* (1919), pp. 389–91. See the accounts by American journalists: B. Beatty, *The Red Heart of Russia* (New York, 1918), pp. 304–6; L. Browne, cited in M. McAuley, *Bread and Justice: State and Society in Petrograd, 1917–22* (Oxford, 1991), p. 60; Bryant, pp. 194–5; and Williams, *Journey*, p. 165.

⁸⁴ This account is based on *Izvestiia*, 4 Jan. 1918, pp. 3–4; 5 Jan. 1918, p. 4; 7 Jan. 1918, p. 3; 12 Jan. 1918, p. 6. See also Golinkov, *Krushenie*, i. 96–8; and D. Golinkov, ‘Delo o monarkhicheskom zagovore Vladimira Purishkevicha’, *Sovetskaia iustitsiia*, xx (1965), 22–3.

⁸⁵ *Izvestiia*, 4 Jan. 1918, pp. 3–4.

⁸⁶ *Izvestiia*, 4 Jan. 1918, pp. 3–4; *Izvestiia*, 12 Jan. 1918, p. 6.

⁸⁷ Vinberg, pp. 61–72.

⁸⁸ ‘27-go fevralia’, pp. 121–33.

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- ⁸⁹ *Izvestiia*, 5 Jan. 1918, p. 4; Vinberg, pp. 65–7, 73–82.
- ⁹⁰ G.A.R.F., f. 336, op. 1, d. 277, ll. 6–6ob.
- ⁹¹ *Odesskii listok*, 24 Dec. 1917, p. 3.
- ⁹² *Odesskii listok*, 24 Dec. 1917, p. 3.
- ⁹³ *Izvestiia*, 6 Apr. 1918, p. 3.
- ⁹⁴ A. Tager, ‘O prokurature i advokature, obvinenii i zashchite’, *Pravo i zhizn’*, viii–x (1927), 55–67, at pp. 57–8.
- ⁹⁵ Golinkov, *Krushenie*, i. 69.
- ⁹⁶ G.A.R.F., f. 1074, op. 1, d. 10, ll. 23, 25–6.
- ⁹⁷ *Izvestiia*, 17 Apr. 1918, p. 3.
- ⁹⁸ G.A.R.F., f. 336, op. 1, d. 277, ll. 43–44ob.
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- ¹⁰⁰ Rabinowitch, *Bolsheviks*, p. 222.
- ¹⁰¹ *Izvestiia*, 3 May 1918, p. 3.
- ¹⁰² Titov, p. 35.
- ¹⁰³ E.g., G.A.R.F., f. 336, op. 1, d. 73, l. 1ob; d. 75, l. 1.
- ¹⁰⁴ G.A.R.F., f. 336, op. 1, d. 334, ll. 9, 11.
- ¹⁰⁵ Story, pp. 123–7, 141.
- ¹⁰⁶ Titov, pp. 35–6.
- ¹⁰⁷ *Materialy*, i (1918), 3–4, 21; ii (1918), 37–8, 69; v (1918), 52.
- ¹⁰⁸ *Materialy*, i (1918), 6, 35.
- ¹⁰⁹ A. Galkin, ‘O revoliutsionnom tribunale’, *Pravda*, 20 Jan. 1918, p. 2; Galkin, ‘Pervyi tribunal’, p. 1656.
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- ¹¹² A. R. Williams, *Through the Russian Revolution* (1923), pp. 161–2; Williams, *Journey*, pp. 166–7; Bryant, pp. 195–6; J. Reed, 'How the Russian Revolution works', *The Liberator*, i, no. 6 (1918), 16–21, at p. 17.
- ¹¹³ Tyrkova-Williams, pp. 385–9.
- ¹¹⁴ *Vremia*, 5 Jan. 1918, p. 1 (a copy is in G.A.R.F., f. 337, op. 1, d. 6, l. 12). The paper was closed for printing anti-Soviet articles and false rumours after another critical edition the following day (ll. 1–2).
- ¹¹⁵ *Izvestiia*, 12 Dec. 1917, p. 6.
- ¹¹⁶ *Izvestiia*, 4 Jan. 1918, p. 3; 5 Jan. 1918, p. 4; 7 Jan. 1918, p. 3; 12 Jan. 1918, p. 6.
- ¹¹⁷ *Protokoly*, p. 326.
- ¹¹⁸ *Protokoly*, p. 324.
- ¹¹⁹ Leggett, p. 17.
- ¹²⁰ Lenin, xxvi. 501; xxvii. 33.
- ¹²¹ *Pravda*, 23 Feb. 1918, p. 1.
- ¹²² J. Burbank, 'Lenin and the law in revolutionary Russia', *Slavic Review*, liv (1995), 23–44.
- ¹²³ Lenin, xxvii. 217–18, 264–8.
- ¹²⁴ Finn, 'Antisovetskaia pechat', pp. 73, 75; Titov, pp. 74–6.
- ¹²⁵ Lenin, xxvii. 219–20.
- ¹²⁶ Lenin, xxvii. 322, 590; *Dekrety*, ii. 236–7.
- ¹²⁷ *Dekrety*, ii. 231–4.
- ¹²⁸ *Materialy*, i (1918), 3–4, 6, 7, 30.
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- ¹³⁰ Titov, pp. 81–2.

¹³¹ *Materialy*, v (1918), 4, 16, 22.

¹³² *Dekrety*, ii, 335–9.

¹³³ *Chetvertyi vserossiiskii s"ezd sovetov rabochikh, krest'ianskikh, soldatskikh i kazach'ikh deputatov. Stenograficheskii otchet. Moskva 1918g.* (Moscow, 1919) (hereafter *Chetvertyi*), p. 345.

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¹³⁵ *Dekrety*, ii, 420–1.

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¹⁵⁶ *Protokoly*, pp. 129, 453.

¹⁵⁷ *Protokoly*, pp. 149, 178–9, 192–3, 206, 453–5.

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¹⁵⁹ Steinberg, p. 76.

¹⁶⁰ Galkin, 'Pervyi tribunal', p. 1655.

¹⁶¹ Lenin, xxviii. 169–70.

¹⁶² Steinberg, pp. 144–6.

¹⁶³ *Chetvertyi*, pp. 194–6.

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- ¹⁸³ Lenin, xlv. 348.

¹⁸⁴ Story, pp. v, 175, 188.