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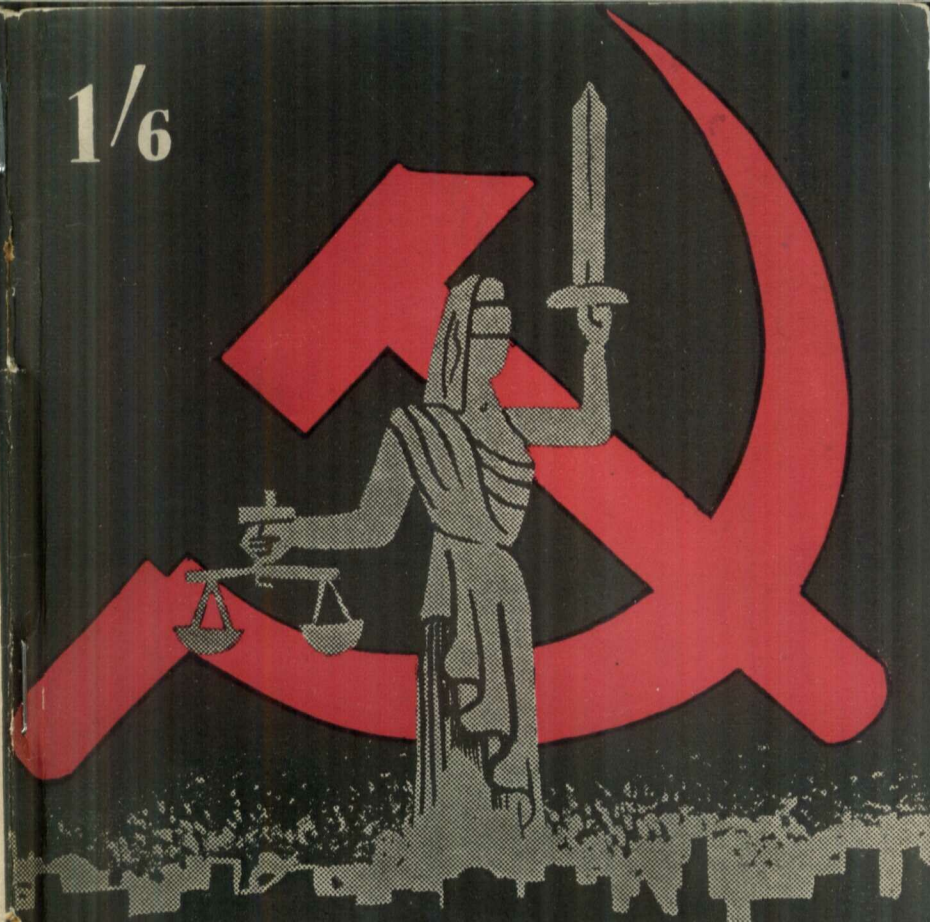

SOVIET JUSTICE

By RALPH MILLNER, *Barrister-at-Law*

Introduction by D.N. PRITT, K.C., M.P.

AN AUTHORITATIVE SURVEY OF THE LEGAL SYSTEM IN THE U.S.S.R.

SOVIET JUSTICE

The Haldane Society, under whose auspices this work is published, is the organisation of socialist lawyers, consisting of barristers, solicitors, managing clerks and law students who are members of or sympathetic to the Labour Party.

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SOVIET JUSTICE

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Foreword by

D. N. PRITT, K.C., M.P.,

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Acknowledgments.

This small book has grown out of a proposal to revise and re-publish the article on the Soviet Bar by Dudley Collard, former Honorary Secretary of the Haldane Society, now in the Royal Navy. The article—which forms the substance of Chapter III of the present work—was originally published in the Anglo-Soviet Journal (organ of the Society for Cultural Relations with the U.S.S.R.) for October, 1940, and later produced as a pamphlet by the Haldane Society.

Thanks are therefore due first to Mr. Collard for " starting the ball rolling " and to the Society for Cultural Relations for permitting the re-publication of his article.

Mr. Stephen Murray, the Honorary Secretary of the Haldane Society, and Mr. John Platts-Mills, the Chairman, have both rendered valuable assistance by reading the manuscript of the book and suggesting a number of improvements.

My best thanks are due to Mr. D. N. Pritt, K.C., M.P., who has given me the benefit of his advice on innumerable points. Whatever the merits and defects of this book may be, one thing can be said with certainty—that without Mr. Pritt's generous and learned assistance it would have been very much inferior to what it now is.

RALPH MILLNER.

PREFACE

By D. N. PRITT, K.C., M.P.

THE ever growing interest of the British people in the life and institutions of the peoples of our great new ally, the U.S.S.R., who are at once so like ourselves and so very different, extends to every field of human activity, including that of law and justice; and the need for a book which will provide a brief but by no means superficial explanation of the Soviet system of justice, and of the spirit which inspires it, has long been acutely felt.

This book of my friend and colleague Millner has revived my memories of my early study of the system, now over ten years out of date, and at the same time has shown me how far the legal profession has developed in the U.S.S.R. since I first came into contact with it; and I greatly admire the way in which he has overcome the difficulties of writing such a book. It is indeed pretty difficult to present the essence of the Soviet legal system to the British public, for there are several obstacles which must be overcome if a clear picture is to be given. These obstacles are due more to deep social differences than to any technical legal differences between the English and the Soviet systems.

To start with, the reader has to be reminded that in every country each organ of government, each part of the State machinery, takes on the colour of the country's social structure and more particularly of the outlook of the ruling class, to an extent of which most people

in Britain are unaware—which indeed they are generally unwilling to believe. In the case of the Soviet Union, the superficial similarity of the legal system—both in law and procedure—to those of other countries is close enough to make it difficult to realise that the fundamental differences between the whole social structure of the two worlds—the Socialist and the capitalist—do so shape the lives and habits of their respective peoples that there is in essence little in common between them. These differences and their results, as well as the outward similarities, will appear again and again in the body of the book.

Moreover, many British readers, brought up in the Liberal individualist tradition, are at first unready to accept—or even to recognise and understand—the doctrine, universally held in the U.S.S.R., and to-day accepted by most students of politics, that the laws and the Courts of every country form part of the machinery whereby the ruling class in the country, however it may be constituted, maintains its rule. They cling indeed to the view—comforting enough until it is shattered by reality—that the Courts and judges are impartial arbiters deciding in terms of abstract justice the disputes between one citizen and another, or between the citizen and the State. A full understanding of this tenet of the political philosophy underlying the Soviet system is, in my view, important to the study of its legal system, and I am very glad that the author has devoted the last chapter of the book to a short exposition of it.

Lastly, a somewhat simpler and as it were accidental obstacle is created by the federal constitution of the U.S.S.R. Few of us in this country are used to dealing with systems in which the sovereign functions of government are shared between a federal government and the governments of States or provinces, as is the case, for example, in the U.S.A., Canada, Australia, and—in a particularly complex fashion—in British India; and when we who are brought up under a unitary system have to study the legal system of a federally-organised country

we have the same sort of incidental difficulty as one has when he seeks to study a language which uses a different alphabet.

The U.S.S.R. is not merely a federation, but a rather complicated one. Side by side with the federal State, the Union of Soviet Socialist Republics—the U.S.S.R.—there are not merely sixteen constituent or "Union" republics, of which the most important is the R.S.F.S.R. (Russian Socialist Federative Soviet Republic), but numbers of Autonomous Republics, Regions, and Areas, forming as it were sub-federated portions of the various Union Republics within whose borders they lie. The existence of these various States and of their organs of government will be noticed throughout the book.

I think that the author has successfully overcome the obstacles. For myself, I have read the book with the greatest pleasure and profit; I find it remarkably clear and illuminating; and I am confident that it will fully supply the public need.

CHAPTER I.

PEOPLE'S JUSTICE.

"*We must administer justice ourselves.* Every single citizen must take part in the courts and in the administration of the country. And for us it is important to draw every single man and woman into the work of administering the state. That is a task of gigantic difficulty. But socialism cannot be inaugurated by a minority—by the Party. It can be inaugurated by tens of millions, when they have learnt to do everything themselves." (Lenin, in 1918.)

THE Stalin Constitution of 1936, which records the complete establishment of Socialism in the U.S.S.R., sets out the main rules governing the Soviet judicial system; and an Act passed in 1938 by the Supreme Soviet of the U.S.S.R., the federal parliament set up by that Constitution, and entitled "Act concerning the Judicial System of the U.S.S.R. and of the Union and Autonomous Republics," makes detailed provisions for its administration.

The Act of 1938 provides that it is the task of justice in the U.S.S.R. to protect from any and every encroachment:—

(1) The fundamental bases and organisations of society established by the Constitution of the U.S.S.R. and the Constitutions of the Republics, i.e.,

(a) The organisation of society and the State.

(b) The Socialist system of economy and Socialist property.

(2) *Private rights*, i.e., the political, labour, dwelling and other personal and property rights and interests of citizens of the U.S.S.R. guaranteed by the Constitution of the U.S.S.R. and those of the Republics.

(3) *Public rights*, i.e., the rights and legally protected interests of State institutions, enterprises, collective farms, co-operative and other public organisations,

and to secure the strict and undeviating observance of Soviet laws by all institutions, organisations, official persons and citizens of the U.S.S.R.

The Union of Soviet Socialist Republics is described in the first chapter of the Stalin Constitution as "a Socialist State of workers and peasants." This involves two aspects—an economic and a political. The economic foundation of the U.S.S.R. is the Socialist system of economy (one of the most important features of which is central planning of production and consumption), and the Socialist ownership of the implements and means of production. The political foundation consists in the Soviets of Workers' Deputies. The word "Soviet" means Council, and these Soviets are simply councils of representatives of the people, democratically elected. All central and local authorities, corresponding to our Parliament,* County Councils, Borough or District or Parish Councils, are Soviets of this kind.

The organisation of the State is described in the Second Chapter of the Constitution. One of the most outstanding features is that the U.S.S.R. is a voluntary association of Republics in a federated State, and each Union Republic has the right to secede.

* The reader will of course remember that in a federal State like the Soviet Union there are a number of "parliaments," each being the central authority for the federal unit concerned, while at the same time being in a loose sense a "local" authority in relation to the Union "parliament."

Socialist property is described in the Constitution as being either (a) State property, i.e., the property of the whole people (the land, factories, railways, banks, etc.), or (b) co-operative and collective property, i.e., property owned by organisations of the people in collective farms and co-operative associations.

The Constitution guarantees the following rights, constituting the boldest and most sweeping declaration of rights in history—the right to work and to proper payment for work; the right to rest and leisure; the right to maintenance in old age and in case of sickness or loss of capacity to work; the right to education; equal rights for women in all spheres; the right to freedom of conscience, of religious worship and anti-religious propaganda, of speech, of the Press, of assembly and meetings, of street processions and demonstrations; the right to organise; inviolability of the person; inviolability of the homes of citizens and secrecy of correspondence; the right of asylum for foreign citizens persecuted for defending the interests of the working people or for scientific activity or for their national struggle for liberation; the right to personal property (income, dwelling houses, etc.) and the right of inheritance; electoral rights.

What is the nature of the machinery set up to carry into effect the aims of Soviet justice? The general rules governing the judicial system are based firmly upon the principle enunciated by Lenin that the people must administer justice themselves. They are designed to create and maintain the closest possible link between the people and the judicial organs—to make the latter the instrument of the people themselves and to avoid the creation either of a body of judges and lawyers separate from the people or of a rigid and academic system of law divorced from the ordinary lives and real needs of the people.

The "man (or woman) in the street" participates in the work of every court in the Soviet Union. All cases "at first instance" (i.e., all trials, as opposed to appeals, which normally come before three judges), except a few specially provided for by law, e.g., treason, are heard by a court consisting of one judge and two "people's assessors," who are laymen bringing the point of view of laymen to the determination of the case. The judge and the two assessors sit together; there is no division of function between them in relation to the case, and the lay assessors have the same rights as the judge; in the case of disagreement judgment goes according to the majority view, even if the person in the minority is the judge.

There is no danger of the judges becoming a world apart from the ordinary people, since they are elected by the people and not appointed from above. The popular election of judges strikes many people in Western Europe as strange, for judges are part of the apparatus of government, and it thus seems natural that they should be appointed by the Government. But on the basis of the principle, explained at some length in Chapter IV (see pp. 55 and ff), that the Courts must reflect the view of the ruling class and that the machinery of the law is designed for the maintenance of the power of that class, it will be seen that popular election is not merely the natural but indeed the inevitable method of selection in a country where power is in the hands of the whole people.

In the case of a People's Court, which is the normal court of first instance in the Soviet Union, the judge is elected by the citizens of the district in which the court sits, on the same basis as that of deputies to the various Soviets, that is, universal, direct and equal suffrage, and secret ballot.

Judges of the People's Courts are elected for a term of three years. Panels of people's assessors for the People's Courts are elected in the same way and for the same areas. The assessors thus elected are summoned to sit in court in the order in which their names appear on the panel; they serve for not more than ten days a year (unless it is necessary for them to serve longer for

the completion of a case). In the temporary absence of the judge of a People's Court (for illness, vacation, etc.) his duties are performed by one of the people's assessors nominated for the purpose by the local Soviet. People's assessors are not paid any salary as such, but the wages or salary of their normal occupations are made up to them in full while they serve in court; those not earning salaries or wages (e.g., free-lance journalists, etc.) are reimbursed any expenses incurred.

Judges of the higher courts are elected by indirect popular election, by the Soviet of the area for which they have jurisdiction. For example, judges of the Supreme Court of the Soviet Union are elected at a joint sitting of both chambers of the Supreme Soviet of the Union; judges of the Supreme Court of a Union Republic are elected by the Supreme Soviet of the Republic. In all courts other than the People's Courts the term of office is five years. The panels of people's assessors who sit in these courts are also chosen by the Soviets which elect the judges.

In addition to the courts based on territorial units, there are certain "special courts" (military tribunals, railway line courts, and water transport line courts).* The judges in these courts are also elected—for a term of five years—by the Supreme Soviet of the U.S.S.R.; for people's assessors, however, these courts draw upon the panels elected in the Autonomous Republics, Regions and Territories where they sit.

It is not open to any and every individual to put up for election to judicial office. To secure that only persons having the confidence of a considerable number of citizens shall stand for election, the rule which applies in the case of elections to the Soviets, that nomination for election must be by some considerable body of citizens, is applied also to the judges and people's assessors. The

* These courts and their functions are described in Chapter II.

nominations for election as people's judges or people's assessors must be made by (a) any of the public organisations or societies of working people—Communist Party organisations, trade unions, co-operatives, youth organisations, or cultural societies, or (b) general meetings of workers and employees of enterprises, of persons on military service (in military units), of peasants on collective farms, and workers and employees on State farms.

No restrictions in the nature of professional qualifications are laid down for judges. Every person who has electoral rights is eligible for election either as a judge or as a people's assessor. This does not mean that in practice professional qualifications and experience are disregarded in the election of judges. A very high proportion of judges are fully qualified professionally.* But in the conditions of a vigorous and healthy democracy, with an educated and intelligent electorate, such as exist in the U.S.S.R. to-day, the application of a rigid formula is considered unnecessary—and therefore undesirable. In the debate in the Supreme Soviet in 1938 on the draft Act concerning the judicial system, the People's Commissar of Justice of the R.S.F.S.R. used the following words:—

> "The people's judges, who are elected on the basis of universal, direct and equal suffrage and secret ballot, must be people of high culture, honestly and boundlessly devoted to the cause of the Party of Lenin and Stalin. A judge must be a person enjoying prestige. His word must carry weight. Judges must so act as to furnish an example for others."

* English observers, accustomed to think of their judges as very highly-trained lawyers, often express surprise on learning that there are judges in the Soviet Union without professional training. They forget that of the whole range of English judges —Lords of Appeal, judges of the Supreme Court, Recorders, County Court judges and Justices of the Peace—all but a tiny percentage lack professional qualifications, and that all but a tiny percentage of the cases come before the untrained justices.

Judges are independent of the executive, but for the reasons which have already been explained, they are, like deputies to Soviets and all other persons elected by popular election, directly responsible to their electors and subject to recall if they fail to perform their duties satisfactorily. The Act of 1938 (mentioned above) provides that the people's judges must account to the local electors for their work and the work of the People's Court.

Judicial proceedings are conducted in the language of the place where the court is situated. Persons not knowing this language are allowed to speak in their own language and are ensured every opportunity of understanding the proceedings by means of an interpreter who must be provided. This provision is more important than it appears at first sight. The U.S.S.R. is a land of many languages and nations, and complete freedom for every citizen to use his own language is part of the Union's fundamental—and magnificent—policy of complete equality for all "national minorities." It forms a strong contrast to the repression of non-Russian peoples and their languages which was a feature of the "colonial" policy of the tyrannical Tsarist regime.

All cases are heard in public unless otherwise specially provided for by law (e.g., espionage trials, where hearings in camera are necessary in the interests of the security of the State).

The preparation and trial of criminal cases in the Soviet Courts bear a certain resemblance to the procedure in this and other countries. The first stage is a preliminary investigation in private, and this is followed, if a prima facie case is seen to exist, by the public trial, with advocates both for the prosecution and the defence, examination and cross-examination of witnesses, etc.; but throughout the proceedings there are important points of difference between the Soviet method and our own, in some of which the Soviet system resembles other European countries more closely than does this country.

Among the more noteworthy differences are:—

1. The preliminary investigation in the U.S.S.R. is held in private and is both less formal and much more exhaustive than the preliminary hearing before magistrates which takes place in this country. It is comparable with proceedings before the examining magistrate in pre-war France and other European countries.

2. At the trial the accused is informed by the Court of the procedure, and his rights with regard to legal representation (to which he is unconditionally entitled), giving evidence, etc., are fully explained to him.

3. There are no rigid rules of evidence such as have long complicated procedure in England, where strict rules, having the force of law, restrict narrowly the evidence which may be given. For example, "hearsay," i.e., what the witness has been told by someone other than a party to the case or a party's agent, is generally inadmissible here. In a criminal case, evidence that the accused has committed offences previously, or is of bad character, is almost always inadmissible until he is found guilty or has pleaded guilty. And much importance is attached to giving a strict proof of documents, which are not normally accepted as being what they purport to be. Many of these rules of evidence afford protection to the accused, but make the conduct of cases extremely difficult without professional advocates, and often tend to prevent justice being done. In particular, they often bring about the acquittal of a guilty man, the evil results of which tend to be overlooked, and the greatest public good and justice are probably achieved by insuring that all available relevant facts are put before the Court.

4. The accused has the last word in every case; not only is his advocate entitled to speak after the public prosecutor, but he himself is also entitled to make a speech at the end of the trial. He also has the right to go into the witness box and say all that he wishes. In England the accused, or his advocate, if he has one, has the last word only if he puts forward no evidence other

than his own. Thus he loses the right to the last word, if he even puts in a document to support his own evidence.

5. Interruption. At any stage any party may interrupt the proceedings, e.g., the evidence of an opposing witness, and the particular point which has cropped up may be disposed of at once. In England interruption is only permissible if it takes the form of an objection to some point of procedure or to improper questions or inadmissible evidence; this is frequent enough.

6. The character and past history of a person is always regarded as material, whereas in England, as observed in Paragraph 3, above, the Court is not in most cases allowed to know the character of the prisoner until after his conviction. (This rule grew up in England because it was found that juries, who were generally of a different class of society from the prisoner, almost invariably convicted him if he had been convicted before.)

7. The Court has an obligation to give reasons for every decision at every stage in every case and also to inform the prisoner fully as to his right of appeal.

8. The atmosphere of the court is much less formal than in this country, and the public often intervenes in the course of a trial to a limited extent. "I have heard, "Speak up, Comrade Judge,' come from the back of the court, whereupon the judge apologised and raised his voice." (Dudley Collard, "Soviet Justice and the Trial of Radek.")

9. Bail is more freely given than is the case in this country; in particular, an accused person cannot be remanded in custody unless the offence with which he is charged is one for which he could be sent to prison. (The only legitimate reason for refusing bail is the danger that the accused may abscond, but the power of withholding bail lends itself to use as an instrument of oppression, and it is important that the right should not be cut down either by law or by restriction or abuse in practice.)

10. There are not only very full rights of appeal, which form a contrast to the still somewhat restricted —although recently extended and simplified—rights of appeal in England, but there is also a wide power of review of all decisions which can be exercised, without any request from the parties, by the President of the Supreme Court of the U.S.S.R., or of the Supreme Court of a Union Republic, or by the Procurator.* This power is used, *inter alia*, to prevent the wide differences in sentence for similar offences that are one of the anomalies of the English and other systems.

11. A civil claim can be dealt with at the same time as a criminal charge arising out of the same matter. (This is impossible in England, but is provided for in many European countries.)

In no branch of the administration of the law is the revolutionary nature of Soviet justice more vividly illustrated than in the treatment of criminals. Here, the object of Soviet law is primarily prevention and cure rather than punishment and retribution. The Act of 1938, mentioned above,† contains the following principle:—

> "Soviet courts, in applying punitive measures to criminals, not only punish criminals but also aim at correcting and reforming them.
>
> "By all their activities the courts educate the citizens of the U.S.S.R. in the spirit of devotion to the country and the cause of Socialism, in the spirit of strict and undeviating observance of Soviet law, of care of Socialist property, of labour discipline, honesty towards State and public duty and respect for the rules of Socialist human intercourse."

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* The functions of the Procurator are explained on p. 32.

† See page 10 ante.

The principle upon which the Soviet approach to the problem of crime is based is that the criminal is the result of existing social conditions, and therefore society is capable, by changing his conditions, of eliminating crime and—in most cases—of readjusting the criminal.

> "Society bears in its womb the embryo of every crime that will be perpetrated, because it is the vessel that contains the conditions which facilitate the development of crime; it paves the way for the crime, so to speak, while the criminal is merely the tool. Consequently, every state of society presupposes a certain number and kind of criminals as a necessary consequence of its organisation."
>
> "This observation, which at first blush might seem to be fraught with gloom, is, however, on closer examination, full of bright promise. For it points out the possibility of improving mankind by changing its institutions, habits, education, and everything else that influences its mode of existence."

These are not the words of a Soviet writer, but of A. Quetelet, a Belgian writer on moral statistics, quoted by A. Vyshinsky*

One conspicuous result of this approach to crime is that prisoners live as nearly as possible a normal civil life. The central plan is regular industrial labour at normal wages, with training and rehabilitation. There are regular holidays with pay during which the prisoner is free to go home unattended. He is free to receive visits, letters, to smoke out of work-time, and to speak freely at all times. He may attend the ordinary adult school in the evenings and even the University.

The whole spirit and practice of this system presents a very different contrast with other systems, in which

* In an article in "Democracy in Practice," No. 3 in the Series, "U.S.S.R. Speaks for Itself."

prisoners are not only prevented from engaging in any occupation which might compete with capitalist industry, but are in almost every respect so treated as to guarantee that they will be even more out of adjustment with society at the end of their term than they were at the beginning.

The highest development is the self-governing settlements where the prisoners organise and control their own lives in work and in leisure. The most famous of these is at Bolshevo, near Moscow, where convicts and discharged convicts and their families inhabit and administer a normal prosperous manufacturing town of a population of over 20,000, where the percentage of recidivists is negligible, where there is nothing to prevent a convict from walking out, and yet few leave even after their sentence has expired and their full civil rights have been restored—and where indeed an ordinary visitor would be unable to discover any indication that the town has any connection with the criminal law.

The great success of the whole system is shown by the fact that numbers of hardened criminals with long records have become valuable and even prominent citizens, have been accepted into the professions, into the Red Army, and even into the Communist Party.* It is not surprising that whereas, in the years preceding the Revolution, crime was on the increase in Tsarist Russia—homicide, arson, robbery, theft and other crimes against property, juvenile crime, all were increasing, and the Tsarist methods were of no avail to prevent the upward

* A proud example is the case of Professor Ramzin. Thirteen years ago he, with other Soviet citizens, was sentenced to death for sabotage of Soviet industry and conspiracy with foreign enemies to overthrow the Soviet regime. His sentence was commuted and in prison he was given the opportunity of making his skill and his learning serve the Soviet people, by scientific research. Professor Ramzin is now completely rehabilitated as a Soviet citizen, and in July, 1943, he was awarded the highest honour, the Order of Lenin, and the Stalin Prize for scientific research.

curve—in recent years in the Soviet Union, the trend has been markedly in the opposite direction.†

The severity with which traitors and saboteurs are dealt with is in no way inconsistent with the general approach of Soviet justice to the question of crime. The State must act ruthlessly and with iron determination in the struggle for its existence, against its confirmed enemies. The Soviets have always understood that Fascist agents must be crushed—wiped out. We have now learnt, from our own experiences, that they are right.

There is in the Soviet Union an institution quite distinct from the formal courts. This is the "Comrades' Court" which administers an informal type of justice, and provides a special variety of meaning for the phrase "people's justice." Comrades' Courts are informal arbitral tribunals set up *ad hoc* by bodies of people living or working together, to decide minor disputes arising among themselves and minor infringements of the rules of good conduct.

Their atmosphere and method of proceedings are such as would be found in working-class meetings in any part of the world. Judges are elected for the actual meeting. They deal with minor social offences, unneighbourly conduct, careless workmanship, bad time-keeping, etc., and are forms of public opinion whose principal task is instruction and conciliation. A paragraph from "Soviet Democracy" by Pat Sloan, described the proceedings in a Comrades' Court in the following terms:—

"I remember one night in Moscow returning home about 10 o'clock and finding an enormous gathering on the staircase, with people arguing in loud voices.

† Interesting statistics showing the sharp decrease in crime, and in particular juvenile crime, are given in the article "Crime Recedes," by A. Vyshinsky, in "Democracy in Practice," No. 3 in the Series, "U.S.S.R. Speaks for Itself."

'What is it?' I asked. 'A Comrades' Court' was the reply. 'What has happened?' was my next rather obvious question, and I was at once told the whole story by a woman neighbour who seemed just as interested in relating the whole scandalous affair to me as she was in listening to the proceedings themselves. The man in the flat below had assaulted a neighbour when drunk. The neighbour had complained to the house committee. There were witnesses. The house committee decided to hold a Comrades' Court to try the case, and here on the stairs, at 10 p.m., the case was being tried. The judge was a member of the house committee; the jury was made up of the other inhabitants of the block of flats. The accused was proved guilty. The sentence was a public reprimand in front of all the neighbours. And at that the matter ended."

Comrades' Courts have the power to impose small fines, but if a matter brought before a Comrades' Court is considered too serious to be dealt with in this informal manner the court will transfer it to the People's Court.

CHAPTER II

THE JUDICIAL MACHINERY.

JUSTICE in the Soviet Union is administered by the following courts:—

1. The Supreme Court of the U.S.S.R.
2. The Special Courts of the U.S.S.R., namely (i) Military Tribunals, (ii) Railway Line Courts, and (iii) Water Transport Line Courts.
3. The Supreme Courts of the sixteen Union Republics which form the Soviet Union.
4. The Supreme Courts of the Autonomous Republics (which are self-governing Republics within the Union Republics) and the Courts of the Autonomous Regions, Territories and Areas which are local government areas within the republics.
5. People's Courts.

The Comrades' Courts (see previous chapter) are outside, and additional to, this system of courts.

It will be convenient to deal with these courts in the reverse order of their rank, starting with the last group stated above, namely, the People's Courts. These courts which were originally of very limited jurisdiction, are now the ordinary courts of first instance for both criminal and civil matters. It is frequently said that the People's Courts roughly correspond to the Magistrates' Courts ("Police Courts"), officially called Courts of Summary Jurisdiction, and the County Courts in this country, because they deal with the minor cases which come before these courts. But this is very far from the whole truth. Although the People's Courts hear charges of petty thieving, drunkenness, etc., and minor civil

suits, their jurisdiction is, in fact, very much wider than that of our Police Courts and County Courts and extends to many matters of a kind which in England would be heard by Quarter Sessions, the High Court and Assizes. The criminal jurisdiction of the People's Courts includes:—

1. Offences against the life, health, liberty or dignity of citizens—murder, bodily harm, procuring illegal abortions, unlawful deprivation of liberty, rape, wilful non-payment of alimony, rowdyism, libel and slander.
2. Offences against property—all kinds of stealing, fraud, extortion.
3. Offences committed by officials in the discharge of their official duties—abuse of authority, exceeding authority, omission to perform official duties, embezzlement, mismanagement, forgery, short weight or short measure, overcharging.
4. Violations of administrative regulations, such as violation of election law, wilful non-payment of taxes, etc., refusal to comply with provisions for deliveries to the State or for compulsory services to the State, evasion of military service or military duties, violation of lawful orders of Government organs.

Their civil jurisdiction covers suits relating to property, arising out of violation of labour laws, for payment of alimony, and concerning inheritance.

This broad jurisdiction of the People's Courts has at least two advantages over the former system of a series of intermediate courts. In the first place, the absence of any courts between the People's Court and the Supreme Court avoids a multiplicity of appeals. And in the second the People's Courts have an added importance and dignity, and their judges gain a much wider experience, and are therefore able to bring to the consideration

of the minor offences and disputes which come before them a higher degree of skill and human understanding.

The duties of the People's Courts are not confined to the hearing of cases. In criminal proceedings, for example, the People's Court—

(a) Has to confirm or disapprove the indictment, i.e., to decide whether a case proper for trial is disclosed. If it disagrees with the indictment it may refer the case back to the Procurator (by whom the indictment is submitted) for further investigation, or, if it sees fit, refer it back with a direction that the case shall be discontinued.

(b) Has to decide whether the accused is to be placed or kept in custody or released on bail.

(c) Has to decide whether (i) the advocate for the defence and (ii) the Procurator shall attend at the preliminary examination.

Duties which are prescribed for the judge (the chairman) of a People's Court are:—

(a) Deciding, on the receipt of complaints or information, whether a prosecution shall be instituted.

(b) Forwarding informations or complaints to the investigating authorities for enquiry.

(c) Setting down cases for hearing.

(d) Issuing summonses to accused persons and to witnesses to attend the hearing of such cases, and in civil cases notifying the parties of the time when their case will be heard.

In each Union Republic (except in the areas covered by Autonomous Republics) the number of People's Courts in each district is fixed by the executive authority—the Council of People's Commissars—of the Union Republic, on the recommendation of the "Minister of Justice" (the People's Commissar of Justice); similarly, within

each Autonomous Republic, the numbers are fixed by the Council of People's Commissars of the Autonomous Republic, on the recommendation of the People's Commissar of Justice of the Autonomous Republic. (As to the election of judges, see Chapter I.)

The Supreme Court of an Autonomous Republic consists of a President, Vice-Presidents and other judges—in addition, of course, to people's assessors. (For methods of election, see Chapter I.)

This Court has both an original and an appellate jurisdiction. Its original criminal jurisdiction covers more serious offences than those within the jurisdiction of the People's Courts. They relate to the following matters:—

1. Counter-revolutionary acts.
2. Activities of extraordinary danger directed against the administrative system of the State.
3. Thefts of Socialist (i.e., public) property.
4. Offences of special gravity in the performance of official duties or of duties of an economic character.

The civil cases over which this Court has jurisdiction are disputes between State and public institutions, enterprises and organisations.

Appeals from and protests* against sentences, judgments and orders of People's Courts within the Autonomous Republics are heard by the Supreme Court.

The Supreme Court of each Autonomous Republic consists of two divisions or "collegiums"—a Court Collegium for Criminal Cases and a Court Collegium for

* A "Protest" is in the nature of an appeal by the prosecution, although it has a wider connotation. It is a procedure whereby the Procurator, or the appellate court itself, may bring a case before the appellate court for review.

Civil Cases. Each Collegium when sitting as a court of first instance is composed of a presiding judge, who is either the President of the Court or another member of the Court, and two people's assessors. When hearing appeals from and protests against decisions of a People's Court, a Collegium consists of three members of the Supreme Court, with no assessors.

The President of the Court appoints a member to preside if he is not presiding himself. He also has the responsibility of setting down cases for hearing, summoning the accused and witnesses to the Court, and in civil cases notifying the parties of the times when their cases will be heard.

The Courts of Autonomous Regions, Territories, Regions and Areas are composed in a similar way to the Supreme Courts of the Autonomous Republics, have a similar jurisdiction (both original and appellate), and function in the same way, i.e., in two Collegiums. The areas over which their jurisdiction extends are, of course, smaller.

The Supreme Court of each Union Republic is charged not only with the hearing of cases but also with supervising the activities of the other judicial organs within the Union Republic, including the Supreme Courts of the Autonomous Republics, and the Courts of the Territories, etc., which form part of the Union Republic. Like the other higher courts already mentioned, the Supreme Courts of the Union Republics consist each of a President, Vice-President and members. (For method of election, see Chapter I.) They hear both criminal and civil cases over which they are given jurisdiction by law and also hear appeals from and protests* against decisions of the other Courts within the Republics. These courts, too, function through a Court Collegium for criminal cases and a Court Collegium for civil cases and, except when hearing appeals and protests, each Court

* See footnote on page 27, ante.

Collegium consists of a judge and two people's assessors.

The Special Courts are federally constituted Courts, not based on the territorial units which compose the Union. Each Special Court has a President, Vice-President and other members. (For method of election, see Chapter I.)

The first kind of these Special Courts, the Military Tribunals, which have little resemblance to what we understand by Courts Martial, are held (a) in military areas, at fronts and in maritime fleets, and (b) in armies, army corps and other military units and in military institutions. They deal with military offences and also other crimes over which they are given special jurisdiction. The military tribunals of areas, fronts, and maritime fleets have an appellate jurisdiction in respect of cases dealt with by the military tribunals of armies, etc.

The other Special Courts, Railway Line and Water Transport Line Courts, deal with certain offences calculated to subvert labour discipline in the transport services or to prevent the normal operation of these services. They are organised on the railway lines and the water transport lines.*

The Special Courts, like all other courts in the Soviet Union, consist of a judge and two people's assessors, except where otherwise provided for by law (in which case they consist of three judges).

The judges of each of the Special Courts (President, Vice-Presidents and members) are elected in the same way as those of the Supreme Court of the U.S.S.R., i.e.,

* In April, 1943, the Supreme Soviet issued a Decree introducing a state of emergency on all Soviet railway lines and providing for all offences committed in railway transport to be examined by military railway tribunals in accordance with war-time laws. Presumably these special war-time tribunals have replaced, for the duration of the state of emergency, the normal Railway Line Courts.

by the Supreme Soviet of the U.S.S.R., for a term of five years.

We come finally to the highest judicial organ of the Union, the Supreme Court of the U.S.S.R. Like the other higher courts already mentioned, it has a President, Vice-President, and other members. (For method of election, see Chapter I.) Its functions are both to supervise all the other judicial organs, and to exercise certain original jurisdiction, both civil and criminal.

It functions through five divisions, or Collegiums:—

1. Court Collegium for Criminal Cases.
2. Court Collegium for Civil Cases.
3. Military Collegium.
4. Railway Collegium.
5. Water Transport Collegium.

As an appellate tribunal, the Supreme Court of the U.S.S.R. differs from the Supreme Courts of the Union Republics, in that, except in the case of appeals from the Special Courts, the only method of bringing a matter before it is by protest.* Whilst the Supreme Courts of the Union Republics hear appeals lodged by the parties, as well as protests, in the case of the Supreme Court of the Union the initiative for bringing matters before it for review rests solely with the legal authorities. Protests against decisions of the Supreme Courts of the Union Republics are heard by the Collegium for Criminal Cases or the Collegium for Civil Cases, as the case may be, appeals from and protests against decisions of the Special Courts are heard by the appropriate Collegium mentioned above. In addition, the President of the Supreme Court, or the Procurator of the U.S.S.R., may bring any decision of any court in the Soviet Union before the Supreme Court for review. In order to be able to perform this duty effectively, these officers have

* See footnote on page 27, ante.

the right to demand the record of any case from any court.

Each Collegium, when sitting as an appellate or reviewing tribunal, consists of three members of the Supreme Court (i.e., without people's assessors). When functioning as a Court of first instance it consists of a member of the Court and two people's assessors—except that in the Military Collegium there are certain exceptional cases prescribed by law, to hear which the Collegium consists of three judges without assessors. It was the Military Collegium, thus constituted, that heard the famous "Quisling" trials of 1936 and 1937. It is not in any sense a Court Martial; its functions are similar to those of the other Collegiums, and it is really the Court Collegium for criminal cases of particular importance. In addition to dealing with military offences, it has jurisdiction in respect of such matters as treason against the State, sabotage, etc.

The President of the Supreme Court has the right to preside over any case before any Collegium.

Plenary Sittings of the Supreme Court of the U.S.S.R. are held for the purpose of:—

1. Hearing protests against decisions of Collegiums of the Court, which may be filed by the President of the Supreme Court or the Procurator of the U.S.S.R.
2. Giving guiding instructions on questions of judicial practice, on the basis of decisions in the cases examined by the Supreme Court.

The President and all other members of the Court take part in such sittings, and both the Procurator of the U.S.S.R., and the People's Commissar of Justice of the U.S.S.R. also take part. Plenary sittings are convened not less than once every two months.

Each Court, from the Supreme Courts of the Union Republics down, has attached to it "Court Deputies," appointed by the People's Commissariat of Justice of the Union Republics (or, in the Autonomous Republics, the Commissariats of these Republics). The function of Court Deputies is to carry into execution the judgments, orders and sentences of the Courts.

The Procurator of the U.S.S.R. is appointed by the Supreme Soviet for a term of seven years; he in his turn appoints the Procurators of the Union Republics, Autonomous Republics, and Territories. The Procurators of the Union Republics appoint the Procurators of Regions, Areas and Cities within their boundaries, subject to the confirmation of their appointment by the Procurator of the U.S.S.R. In all these cases the appointment is for a term of five years. All other Procurators are *independent* of local authorities, and are subordinate solely to the Procurator of the U.S.S.R.

The Procurator is a somewhat remarkable official. He is a combination of the Attorney-General, the Public Prosecutor, and the guardian of the rights of the individual citizen. He supervises the strict execution of the law, not only by individual citizens, but also by officials. His Department "has developed into the watchdog of the public" (Laski). It deals (*inter alia*) with the following matters:—

(a) Consideration (in co-operation with other bodies, e.g., trade unions) of points of law which call for *reform;*

(b) Supervision of the work of judges;

(c) Supervision of prisons, including the consideration of complaints, and questions whether any persons are unlawfully detained;

(d) Watching trials, intervening in trials where the public interest is involved, and even re-opening cases where justice demands it.

The Procurators work in close co-operation with the People's Commissars of Justice.

There is a People's Commissar of Justice, the Soviet equivalent of a "Minister of Justice," for the Union, and also one for each of the Union Republics. The Commissar of Justice of the Union is a member of the Council of People's Commissars of the Union (or "Cabinet"), which is the highest executive and administrative organ in the Soviet Union. Similarly, in each Union Republic (and in each Autonomous Republic), the Commissar of Justice of the Republic is a member of the Council of People's Commissars of the Republic.

It should be explained that the People's Commissariats of the federal Government of the U.S.S.R. are of two kinds—"All-Union" Commissariats, and "Union-Republic" Commissariats. The former control *directly* (in some cases through organisations set up by them) the branches of State administration entrusted to them. The "Union-Republic" Commissariats, on the other hand, function in conjunction with like-named Commissariats of the Union Republics and Autonomous Republics.

The People's Commissariat of Justice is a "Union Republic" Commissariat, and accordingly carries out its duties in the Republics in conjunction with the local People's Commissariats of Justice.

The People's Commissar of Justice bears political responsibility for the functioning of the legal machinery, and represents the legal system in the ruling organs of the State. For example, it was the People's Commissar of Justice of the Union who (on behalf of the Government) introduced to the Supreme Soviet in 1938 the draft for the new Act concerning the Judicial System (see p. 10 *ante*), which completely remodelled the Soviet legal system.

The following are some of the matters which come

specifically within the province of the Commissariats of Justice:—

1. The provision of legal education for students, judges (including people's assessors) and practitioners, and the training of new forces.
2. General supervision of the judicial practice and working of the courts.
3. General supervision of the legal profession, including professional etiquette.
4. The organisation of the elections of people's judges and people's assessors.
5. The provision of legal literature, codes, etc., required by the courts and the educational institutions.
6. Instituting review of cases (in conjunction with the Procurators' Departments and the Supreme Court).
7. Appointment of Court Deputies (see p. 28 *ante*).

CHAPTER III

THE LEGAL PROFESSION.*

LAWYERS have been traditionally unpopular in most countries and in most ages, partly because they are suspected of exploiting their clients, and seeking power for themselves, but much more because they have appeared to be lending their special skill and ingenuity to the ruling class for use in the maintenance of its power over the mass of the people; and in Tsarist Russia they achieved at least the average level of unpopularity.

Under the changed conditions of the Soviet regime, no group or profession could be permanently unpopular; for unpopularity can only be earned by anti-social activity, and anti-social activity could not continue long. The legal profession has in truth slowly overcome its inherited unpopularity and made itself at once respected and socially valuable by achieving a high standard of service to the community in general and the client in particular.

The Soviet advocate of to-day is in a position fearlessly to uphold the legitimate interests of his client and to present the facts to the court from his client's point of view; and he is able to perform this duty satisfactorily because he is a member of an independent profession, bearing its own responsibility for the admission and discipline of its members and for the observance of professional etiquette, and subject to no control by the courts of judges, the Procurator's Department, the police, or the local authorities, but only to the general supervision and guidance of the People's Commissariat of Justice.

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* This Chapter is based on an Article by Dudley Collard, former Chairman of the Haldane Society, published in the "Anglo Soviet Journal" for October, 1940, under the title, "The Soviet Bar."

There is no division of the legal profession into barristers and solicitors. All Soviet lawyers are entitled equally to give advice to the public, to draft documents, and to appear in court for either side in civil proceedings and for the defence in criminal proceedings (as in many other countries, they do not appear in criminal proceedings for the prosecution, which is represented by the Procurator's Department).

Since the Soviet Union is a federal State of many nations and languages and since court proceedings are invariably conducted in the local language, lawyers are organised on a local basis, in "collegiums" (or co-operatives) for Territories, Regions, and Autonomous Republics, and for those smaller Union Republics such as Armenia, Turkmenistan and the Baltic Republics, which have no subdivisions. Some of the larger cities such as Moscow, Leningrad, have their own Collegiums.

The governing body of each Collegium is the general meeting of all members, which must be held at least every six months. (The City of Moscow Collegium meets quarterly.) The very high proportion of one-half the total number of members must be present to form a quorum. Every two years the general meeting elects from among its members (all of whom are equally eligible) an Executive Council and a committee of auditors of such numbers as it thinks appropriate. In the City of Moscow, for example, where there are rather over 1,000 lawyers, the Executive Council consists of 13 members. The Executive Council elects its own chairman, vice-chairman and secretary.

Every general meeting receives reports from the Executive Council on its work since the previous meeting, gives general directions for future work, and approves the staff establishment and the accounts submitted by the committee of auditors. There is always a lively discussion at the general meeting, which often lasts two or three days.

One of the functions of the Executive Council is the admission of new members, subject, if admission is refused, to an appeal to the People's Commissariat of Justice for the Republic concerned, and thence to the Commissariat of Justice for the Union. There are three alternative qualifications for admission:—

(a) A university degree in law;

(b) A course at a technical school in law (for those aged from 15 to 19) followed by a year's practical work as a judge, public prosecutor, or examining magistrate; or

(c) Three years' practical experience as a judge, public prosecutor, or examining magistrate.

In 1937 (since when the figures have undoubtedly altered considerably) there were 6,000 lawyers in the U.S.S.R. of whom 3,200 (or 53 per cent.) possessed a degree in law. Of these 1,750 (or 29.14 per cent.) had qualified before the revolution, and 1,450 (or 24.14 per cent.) had Soviet degrees. There were 1,105 lawyers (18.42 per cent.) who had attended a technical school and 1,695 (28.42 per cent.) who had had no legal training but merely practical experience. At that time there were 361 lawyers in Leningrad, of whom 40 per cent. were lawyers before the revolution, and of whom 36 per cent. possessed Soviet degrees.

The most recent figures available cover only the city of Moscow, and were given by M. A. S. Havenson, chairman of the Executive Council, at the general meetin of the City of Moscow Collegium in December, 1939. There were then 1,104 lawyers in Moscow, as compared with 887 a year earlier (representing an increase of 24 per cent. for the year). Of these no less than 84 per cent. possessed a degree in law; 5 per cent. were undergraduates in law; 6 per cent. had attended a technical school, and 5 per cent. had no legal training.

This rapid increase in the membership of the legal

profession and in the proportion of those having a University degree is no doubt reflected throughout the country, although the proportion of university-trained men is probably not yet as high elsewhere as in Moscow.

In accordance with Soviet policy towards women, and women's constitutional rights to equality under Article 122 of the Constitution, no obstacle is placed in the way of women practising law. In the city of Moscow in 1938, 16 per cent. were women.

In outlying districts, where there are not sufficient lawyers to form a Collegium, the People's Commissariat of Justice may license individuals with a University degree to practise as lawyers.

In addition to admitting new lawyers, the Executive Council is responsible for seeing to the suitable distribution of lawyers in all the centres of population within its area where a People's Court exists. For this purpose it sees that offices—what English barristers would call sets of chambers—are established in all towns of any size, and that all such chambers include experts in various branches of the law and receive a regular flow of new recruits. The newly admitted lawyer thus enjoys a right to be established in some chambers where he can immediately start practising, and, as will be seen later, he will at once earn an income upon which he can live.

Until recently a lawyer could please himself whether he joined a set of chambers or practised on his own account; but lawyers have come to find collective practice more congenial, and a law passed in 1939 gives recognition to this fact, so that lawyers no longer practise individually except in districts where there is not enough work to justify the establishment of a set of chambers. (This individual practice by a member of the Collegium in a country town within the area of an existing Collegium should be distinguished from the

individual practice, mentioned above, of a person licensed by the Commissariat of Justice to practise in distant regions where no Collegium yet exists).

Each set of chambers is in charge of a senior lawyer appointed by the Executive Council of the Collegium. If there are fifteen or more lawyers in the chambers, the senior himself does not practise in court, but is paid a full-time salary by the Council; in other cases he continues to practise and is paid a part-time salary for his work as director. It is his duty to see that work is evenly distributed among his colleagues, having regard to their skill and experience, to supervise the way they handle their work, and to fix, subject to the limits laid down by the scale of fees, the amount of the fee to be asked of the client. He will try to interview every client on his first visit to the chambers, before passing the latter on to one of his colleagues.

The client is entitled to ask for the services of a particular lawyer who is known to him, and if that lawyer is available and not too busy already, the client's wish will be fulfilled; but if that lawyer is not available, or the client does not desire to choose, choice lies in the hands of the director. This system tempted some lawyers to try to increase their earnings indirectly by inducing clients to make personal requests for their services, accepting more work than they could reasonably undertake, and then getting their colleagues to "devil" their cases for them. In consequence the People's Commissar for Justice of the Soviet Union issued instructions in May, 1938, forbidding the practice of "devilling" and requiring the selection of a substitute in cases where the lawyer chosen was unable to act to be made by the director of the chambers. Further, all cases where a lawyer has been personally chosen must be included in determining the share of work to be distributed to him, so that no one is overloaded with work.

Lawyers who are members of a set of chambers do not receive the fee direct from the client. Each set of

chambers has a Treasurer, to whom all fees are paid. Out of the common fund are paid the expenses for the upkeep of chambers and subscriptions to the Executive Council, including a contribution towards the training of students; the total deductions from the fund must not exceed 30 per cent., the proportion being fixed at a general meeting of the Collegium and being applicable to all chambers in the district. The remaining 70 per cent. or more of the chambers' income is distributed from time to time among all members. They do not receive equal shares, but agree among themselves on the proper proportions, regard being had to the number and difficulty of the cases they have handled and to their skill and experience. Even the most junior member of chambers is entitled to such a share as will enable him to live; and, subject to the strict observance of the prescribed scale of fees, there is no limit to the possible earnings of a busy set of chambers.

The scale of fees issued by the People's Commissariat of Justice for the U.S.S.R. on 2nd October, 1939, which has to be posted up in a prominent position in all chambers, is set out below. The scale merely prescribes *maximum* fees, and the actual amount of the fee is settled by agreement, and is often a much smaller sum than that shown in the scale. It is not easy to give any sterling equivalent of roubles, since the prices of many things which go to make up the cost of living vary greatly in the two countries, but the rouble for the purpose of rough comparison may be taken to be worth between 50 and 75 to the pound sterling.

Maximum fee for:	*Roubles*
Advice (no fee for which is chargeable unless prolonged study of documents or complicated research is involved)	30
Drafting statement of claim	30
Drafting notice of appeal	75

Drafting agreements	100
Refresher (payable only after the *third* day) per day	50-75
Arguing an appeal—	
If the lawyer appeared in the court below ...	100
If he did not	200
Defending in court—	
On a criminal charge	250*
In a civil action—	
In claims up to R.1000	50*
In claims up to R.3000	100*
In claims up to R.5000	200*
In claims over R.5000	300*
Not involving a money claim	150
Labour cases	100
Arguing an appeal—	
If the lawyer appeared in the court below—	Two-fifths of the appropriate brief fee.
If he did not appear below—	Four-fifths thereof.

If a lawyer is briefed on behalf of two defendants, the maximum fee payable by each is three-quarters of the full rate; and if on behalf of three or more, the maximum payable by each is three-fifths.

A lawyer is also entitled in appropriate cases to travelling expenses and a subsistence allowance; as these are in effect reimbursement of out-of-pocket expenses,

* The limits may be doubled for exceptionally complicated cases.

they are payable to him personally and not into the chambers fund.

As soon as instructions are received from a client, the proper fee, within the limits of the scale, for the whole conduct of the case from start to finish must be agreed with the client, and to avoid mistake a note of the amount is made on a registration card, which is signed both by the lawyer and by the client. The fee is then paid to the Treasurer in advance, thus removing any element of speculative reward for the lawyer, and the client is given a receipt.

Those lawyers who practise on their own account in districts where there are no chambers must, of course, settle the fee directly with their client and receive it from him; but they are required by law to keep strict accounts of all fees paid to them, and their books are liable to inspection at any time by members of the Executive Council, whose duty it is to ensure that no one is guilty of overcharging his clients.

The secret acceptance of a fee direct from a client without the knowledge of other members of the chambers may lead to expulsion from the profession, as is illustrated by the case of M. Griaznoff mentioned below, on p. 48.

In every set of chambers, as in every other Soviet institution, a complaint book is kept at the disposition of clients.

A lawyer can, in any case, waive his fees altogether if he considers that the financial position of his client justifies such a course, or if he is acting for a friend or relative. Moreover, there are cases in which the Soviet lawyer is bound by law to act for nothing. Article 111 of the Soviet Constitution provides that every Soviet citizen who is accused of a criminal offence is entitled to be represented by counsel. This is no formal empty right, but is secured in practical operation throughout

the Soviet Union in the following way. At the preliminary hearing of a criminal charge the court inquires of the accused whether he has himself briefed a lawyer for his defence. If he has not, the court at once sends to the Executive Council of the Collegium a request for a lawyer to be nominated for the defence, unless the accused expresses a wish to defend himself. By a decree of the Union Commissariat of Justice of December, 1937, designed to secure that the lawyer has sufficient time to prepare the case properly, the nomination must be made at least three full days before the date of the trial, or five full days if he has to make a journey to interview his client. Such nominations must be distributed evenly among all members of the Collegium, the more difficult cases being entrusted to the more experienced lawyers, and no lawyer is entitled to refuse nomination on any grounds whatever short of physical inability to act. At the conclusion of the case the court inquires into the defendant's means, and may order him, if his means warrant it, to pay the scale fee or any lesser sum to his lawyer, or may release him from paying any fee, in which case neither the lawyer nor his chambers receive any remuneration for the case.

In civil cases, also, lawyers must sometimes act without fee. Since the rules provide for the payment of fees in advance, it is necessary to make provision for plaintiffs who have suffered some wrong which has deprived them of the means of payment. It is therefore provided that lawyers must act without charge for the plaintiff in all cases where a wife has been deserted by her husband and makes a claim for maintenance against him; where a mother makes a claim against the putative father of her child; and where a workman makes a claim for personal injuries sustained at work. Further, lawyers must draft on request and without charge a claim for a disability pension or allowance, and must also draft documents for members of the Red Army and the Red Navy without charge.

Some idea of the proportion of their work which Soviet lawyers perform free may be gained from M. Havenson's report to the City of Moscow Collegium in December, 1939. During that year Moscow lawyers, whose number, as has been mentioned, increased in the year from 887 to 1,104, gave legal assistance to 272,000 persons, approximately one person in twelve of the population, and an average for each lawyer of 272 cases, or approximately one every working day. In 160,000 cases, this assistance took the form of advice, which was free of charge in 40,000, or one-quarter, of the cases; 60,000 cases were conducted in court, of which 5,500 or 9 per cent., were free of charge. In the first nine months of 1937 the lawyers of the Leningrad Collegium gave free legal advice to 25,000 persons.

One of the best-conducted sets of chambers was that at Chuguyeff, near Kharkov, of which sixty-year-old M. I. Krim, a pre-revolutionary lawyer with a fine record of service to the working class, was director. In the period from 1st January, 1939, to 1st June, 1939 (five months), he and his three colleagues had 1,074 clients, of whom 36 per cent. were not charged anything. Among their clients were twelve collective-farms, which they regularly visited to give assistance and advice free of charge, asking for a fee only when court proceedings were involved. They also concluded a "patronage agreement" with one collective-farm, whereby they saw to all the farm's legal business without charge and conducted regular talks at the farm on current legal topics. All members of these chambers were active in the social life of their town. They served on the town Soviet and wrote regularly for the local Press. So highly was their work thought of by the Executive Council of the Kharkov Collegium that they were awarded a premium of 500 roubles and a gift of books. When an account of the work of these chambers appeared in *Sovietskaya Justitsia*, the monthly review published by the Union Commissariat of Justice, lawyers wrote from distant parts of the

U.S.S.R. asking M. Krim for further details so that they could follow his example.

In the legal profession, as in most other branches of work in the Soviet Union, active efforts are made to stimulate efficiency and improvement. One of the most interesting is that form of friendly rivalry called Socialist emulation. As practised among lawyers, it consists of a challenge made by one lawyer to another, in which he undertakes, as a matter of honour, over a period of six months or a year, to perform certain obligations, and challenges his colleague to do as well or better. For example, he may undertake always to prepare his cases thoroughly; never to be late in court; to give fifteen free consultations in factories; to write three legal articles for the Press; to attend a course of lectures on the law; himself to give a series of lectures on legal topics; to assist the junior members of his chambers to improve their advocacy; and to study some political subject. When the period is up, the competitors compare notes to decide who has had the satisfaction of winning.

There is keen emulation on similar lines between the Collegiums of Leningrad and Moscow; and a fraternal delegate from each Collegium always attends the other's general meeting so as to pool experiences.

Another interesting idea is the "production conference," an idea copied from industry. All members of chambers hold a periodical meeting, at which constructive criticism is offered of the quality of the work of each member of chambers. They discuss and analyse the mistakes which they may have made in the course of their practice, whether in giving bad advice to their clients, in taking a wrong step in procedure or addressing a fallacious argument to the court. They review the style and quality of each member's advocacy; and they consider the steps which must be taken to improve their work and to avoid mistakes in the future.

The Executive Council also constantly strives to improve the technical standards of the members of the Collegium by providing University training for those who have not had it and post-graduate courses for those who have.

Lawyers believe, too, that they can improve their work by political studies. In the first three months of 1939 the Executive Council of the City of Moscow Collegium organised a course of twenty-four lectures on the "Short History of the Communist Party," which was attended by three-quarters of the membership. In 1939 the Moscow Province Collegium spent 109,000 roubles on the political education of its members. In 1940 about 20 per cent. of the Moscow City Collegium were members either of the Communist Party or of the Young Communist League; this far exceeds the general proportion over the whole population, and is a remarkably high proportion for a profession which was formerly suspected and despised.

Lawyers in the Soviet Union do not possess all the privileges accorded to their colleagues in some other countries. They are, for example, responsible to their clients if they are guilty of negligence in the handling of a case. They do not enjoy absolute privilege, but only qualified privilege, in respect of statements made by them in court; proceedings can be taken against a lawyer for slander if it can be proved that he deliberately made malicious statements in court which had no relevance to the proceedings.

Lawyers have no exclusive right of audience. Not only may a litigant, if he prefers, conduct his own case, but he may apply to the court for leave to be represented by a friend who is not a lawyer. A trade union organiser may appear, in labour cases, on behalf of members of his union; and a corporation may be represented by one of its officials.

Lawyers have general authority to take any step in the proceedings in which they are instructed, except that they must be specifically authorised by their client before they can agree to a compromise, a reference to arbitration, or a waiver of the whole or part of a client's claim, or make an admission or receive money or property on their client's behalf. They cannot delegate their authority to another lawyer.

Some idea of the standard of professional conduct expected from a Soviet lawyer may be gained from the account of the disciplinary measures taken by the Executive Council of the Moscow Collegium which was given by M. Havenson to the general meeting of the Collegium in December, 1939.

It should be explained that an Executive Council is entitled, subject in all cases to an appeal to the Commissariat of Justice for the Republic concerned, and thence to the Commissariat of Justice for the whole Union, to take the following disciplinary measures against members of the Collegium for breaches of professional etiquette, in ascending order of gravity; a warning, a censure, a severe censure, suspension from practice for a period not exceeding six months, and expulsion. Complaints against lawyers must be made within one year; and disposed of within one month.

In 1939 the Moscow Executive Council investigated 156 charges against lawyers. In 113 cases it held that no case had been made out against the lawyer concerned. Most of those were unfounded charges made, as is not uncommon, by disappointed clients against their advocates, and some were made by judges who had been quite correctly rebuked by the lawyer concerned for some illegality in procedure. In the remaining 43 cases the Council took action. It expelled 5 lawyers, suspended 3, severely censured 3, censured 2, warned 3, and drew the attention of the remaining 27 to the impropriety of their conduct.

Of the 43 charges proved against lawyers, 28 were

connected with the way in which professional duties had been handled. These included lateness at court, a discourteous attitude to the court, slovenliness and negligence in their work, conducting frivolous actions and giving careless advice. In the Soviet Union, the view is held (and this was indeed expressed forcibly in the course of discussion at the meeting where this report was given) that a lawyer who has proved himself grossly incompetent professionally and unable or unwilling to take the trouble to improve his qualifications should no more be permitted to continue practising than a surgeon would be in similar circumstances.

The other charges included two cases of appearance in public (not, be it noted, in connection with professional duties) in an intoxicated state; cases of immorality, abuse of prison regulations during interviews with prisoners, slander, and the like. The Soviet lawyer's private life is expected to be such as not to give rise to any public scandals.

A case in which an attempt was made to procure a fee for the lawyer himself, instead of paying it into the chambers fund, was that of a M. Griaznoff, who was instructed by a Mrs. Fokina in a tenancy case. He wrote on her registration card that she was a relative of his (which was untrue) and that he was therefore conducting the case free of charge. He then went to her flat and induced her to "sell" him a length of cloth for 300 roubles, telling her that he would pay the money into chambers in satisfaction of his fee for the case. For this misdemeanour he was expelled by the Executive Council of the Collegium.

In another case, the strict rule—mentioned on p. 42—that advice must be given free to the public except in complicated cases, was enforced in respect of a lawyer of only a few years standing. He was consulted by a woman who complained of the rude behaviour of certain customs officials towards her. After hearing what she had to say he advised her that her best course was to

have the matter investigated by the Commission of Soviet Control, the address of which he gave her. For this advice he charged her the small fee of five roubles. When the commission learned that a fee had been paid for this advice, they reported the matter to the Executive Council of the City of Moscow Collegium. The Executive decided that the lawyer had acted wrongly in accepting a fee, but in view of his inexperience they confined themselves to the sanction of "drawing his attention to the matter" and ordering the fee to be returned.

The most recent available Leningrad figures present much the same picture as does Moscow. During a period of four months in 1939, forty complaints were made. Of these, 12 were so obviously unjustified that the President of the Executive Council did not even trouble his colleagues on the Council with them; 10 others were dismissed by the Council. On the 18 charges found proved, the Council took the following steps: it expelled 2 lawyers; severely censured 2; censured 1; warned 10; and drew attention of the remaining 3 to the impropriety of their conduct.

It is noteworthy that the two lawyers who had to be expelled were both lawyers practising on their own in isolated districts out of touch with their colleagues.

One of the three lawyers who incurred the minor sanction of having their attention drawn to the impropriety of their conduct was a woman who had appeared in court before her husband who was the judge, and succeeded in getting her client acquitted, although his co-defendant was convicted. It was not suggested that any injustice had in fact occurred, but the leniency of the Executive Council was severely criticised in the columns of the *Sovietskaya Justitsia*, where it was suggested that a woman lawyer who accepted a brief in a court in which her husband was a judge was scarcely fit to practise.

One elderly lawyer was charged with having included

in his grounds of appeal, on behalf of a client accused of insulting behaviour towards a street weighing-machine attendant, the argument that anyone engaged in such an occupation must expect a few jokes. He was informed that such an argument was unworthy of a Soviet lawyer and was in sharp contradiction to the Soviet attitude to labour which regards all occupations as equally honourable.

By the study and discussion of cases of breach of professional etiquette and otherwise, the Soviet profession is gradually working out positive rules of conduct for the guidance of lawyers in their relations with their client, with the court, and with their colleagues.

It cannot be said that they have yet reached anything like a final position; and in 1940 controversy was still raging in the pages of *Sovietskaya Justitsia* on such vexed questions as the extent of the duty of secrecy in relation to information given in confidence by a client to his lawyer; the duty of the lawyer towards a client whom he knows to be guilty; the right of the lawyer to disown his client in the middle of a case; and the duty of the lawyer to place the whole facts, even those damaging to his client, before the court. Is the lawyer merely the skilled advocate hired by a client as a mouthpiece, or has he any right of independent judgment on the merits of his client's case?

The point of view which is tentatively emerging from the controversy may perhaps be summarised as follows. In a trial before a Soviet court, under a social system in which classes with adverse interests have disappeared, the true interests of the community and the true interests of the individuals who appear before the court are both best served by the fullest possible ascertainment of the true facts, although some individuals who appear before the court may well not realise this. A trial from this point of view may be likened to a surgeon's consultation about an operation, which may,

possibly, be a very unpleasant one for his patient even if it is in his best interests. The surgeon is not in a position to make the best decision, i.e., the one best calculated to cure his patient, and not merely to save him temporary pain, unless he knows the full facts.

It is considered, therefore, to be the foremost duty of the lawyer to assist the court in coming to a correct conclusion from the facts. He must say nothing which would hinder it, and omit nothing which would help it, although he is entitled, and indeed bound, to present the facts in the most favourable light for his client. He is not entitled to persist in a defence which he knows to be a sham, even if his client instructs him to do so. If it comes to his knowledge, even in confidence, that his client has committed a crime, his obligation of professional secrecy is at an end. He is, therefore, to be regarded by no means merely as a hired advocate, but as a member of an honourable and independent profession, upon whom the court may implicitly rely in its task of ascertaining the truth and administering justice. This duty is regarded as in no way inconsistent with the lawyer's obligation to present his client's case in the most favourable light.

In most countries, lawyers are lukewarm or even hostile to reform, and the practising lawyer is apt to leave research to the academic lawyer who is excluded from any contact with or influence on the work of the courts. Moreover, legislatures in the older countries are apt to be congested with work, and thus to delay for many years even those proposals for reform which may overcome other obstacles. In the Soviet Union, it would be strange if the lawyers stood apart from the general eagerness to experiment, to change, to reform, which naturally resides in a young and vigorous people who in the last quarter of a century have made so many successful reforms, and changes, and experiments; and there are in fact few branches of law or of procedure which have not under-

gone major changes in the course of the short but pregnant years of the new Soviet world.

With regard to research, we find that the professors and other workers in the Institute of Soviet Law are in constant touch with the practising profession and with the judges; their views are treated with the greatest respect in the courts, and they are often called in to advise the judges on difficult questions of legal principle. Much activity in the field of research is in connection with "national minorities." There are nearly two hundred different peoples in the U.S.S.R., of very varied origins and stages of development; and the majority of them have some legal traditions of their own, often very primitive ones. It would be wholly inconsistent with Soviet philosophy to ignore the special characteristics and needs of these various peoples and to impose on them from above a system of law that might be quite unsuited to their needs and stages of development. The Soviet legal authorities have accordingly made the most careful study of the law prevailing already among the various peoples, and with the aid of the anthropologists and lawyers have evolved a system suitable to the developing needs of all the peoples of the Union.

One of the most interesting features of the legal profession in the Soviet Union is the public-spirited outlook, and the readiness to give specific social services to the community, which its members share with other sections of the Soviet peoples. The Soviet lawyer does not regard his profession merely as a means of making money; nor does he consider the specialised knowledge which he has spent much time and trouble in acquiring as a commodity in which he has any monopoly or which he is entitled to sell to the public at whatever price he can command. On the contrary, he looks upon his training and experience as imposing responsibilities upon him and as providing opportunities for performing a highly valuable social service to the community. So far from

desiring to keep the law in a state of obscurity, in which he and his colleagues would be able to exploit their special knowledge of it, he seeks to help the public to understand the law and the reasons for it. Nor would he lend himself to any oppression of the ignorant or weak, even if the law facilitated it, for he considers it his duty to assist the court in protecting the rights of the individual Soviet citizen against any encroachment, and to take a leading part in stamping out any manifestations of a bureaucratic attitude on the part of officials. Equally, he strives not to outwit or over-reach his colleagues, but rather to help them to improve the standard of their advocacy and the services which they render to the public for the benefit of the whole community and the honour of the legal profession.

It is a logical consequence of this conception of the lawyer's role in society that his knowledge should be freely at the disposal of the public. It is therefore a rule of the profession that any member of the public is entitled at any time, without being obliged to pay any fee whatever, to drop into any lawyer's chambers and "pick his brains." The lawyer is bound to supply any available information and give any suitable advice which he can, and he must make no charge for his services. As will be seen from the scale of fees, set out above, at p. 41, it is only where he has some real work to do before he can advise, such as complicated research or the prolonged study of documents, that he is entitled to ask for a fee.

The Soviet lawyer does not consider that giving his services free in appropriate cases exhausts his social responsibilities. He is anxious, as already mentioned, that the public should have a clear grasp of the law, an understanding of its aims and of the rights and duties which it imposes, and a confidence in the administration of justice which only familiarity can give.

In his spare time, therefore, he gives lectures on the law to factories, clubs and offices, and writes articles on

the law for the local Press. During 1939 members of the Moscow Collegium attended regularly at the Agricultural Exhibition to give courses of lectures on agricultural law. They also gave lectures on military law at Red Army recruiting stations. During the electoral campaign of 1939 there was a regular panel of more than 100 lawyers organised in Moscow to give information on electoral law at election centres. Women lawyers attach themselves voluntarily to maternity clinics to advise deserted mothers. In Leningrad, lawyers take it in turn to sit in the complaints office of the Commission of Soviet Control to take up cases which require legal assistance. During nine months of 1937, Leningrad lawyers gave 2,000 lectures to factories and collective-farms and 80 talks to lay assessors.

A young woman lawyer at Kharkov, Miss Dennenbourg, made a practice of attending voluntarily at the central railway station at a regular time each day, for the purpose of advising the newly called-up Red Army recruits who passed through the station in large numbers. She gave them advice on winding up their affairs, saw that they had received all the wages due to them and that they had disposed of their rooms, undertook to look after their affairs in their absence, and gave them talks on their legal rights and duties as soldiers.

It should not be thought that these activities are obligatory on the Soviet lawyer. He can please himself whether or not he undertakes them. It is, however, the duty of the Executive Council to see that opportunities for social work are available; and such is the high sense of responsibility that the Soviet lawyer feels to his calling that he is nearly always anxious to undertake it.

CHAPTER IV.

THE MARXIST VIEW OF LAW.

IT is frequently stated that the function of a legal system is to maintain "law and order," or to uphold "justice." But "law and order" and "justice" are not fixed conceptions, abstract and unchangeable from age to age and country to country; and when one asks: "What law and order?" and "Whose justice?" the answer may well prove to be: "The law and order and justice which those who rule the country hold to be legal, and orderly, and just." And the manner in which what is held to be "just" varies under different economic conditions and stages of development was very clearly illustrated in a speech made by Stalin to Collective-Farm Shock-workers in 1933: "Under the slave system, the 'law' permitted the slave owner to kill his slaves. Under the feudal system, the 'law' permitted the feudal lord 'only' to sell his serfs. . . . Under the Capitalist system, the 'law' permits 'only' that the working people be doomed to unemployment and poverty, to ruin and death by starvation."

The examination of various systems of law in their historical settings soon shows that these abstractions lead us to no conclusion. The Nazis, for example, have a legal system, which to them is "law and order" and "justice"; and if they were to perpetuate their rule their "justice" would be "justice" for all who were under their power, as indeed it is in a sense to-day; but the true object of their system is to maintain the rule of the handful of big industrialists and gangsters which at present controls the German State.

In order to understand the nature of law and legal systems, we must study the various types of society in which they exist, and see what particular purpose they serve in each historical stage of the relations between

man and man; and the history of society, and of its organisations, from the days before State organisations evolved, will serve to demonstrate that the legal system in any given society is an instrument of the State, i.e., of the political machinery set up by the ruling class for the purpose of maintaining its own power.

If one turns now to study the problem historically, one finds that in primitive society men lived together in tribes, made up of various family groups or "gentes." There was no State, i.e., no organised body of persons set apart from the mass of the people for the purpose of controlling the people. Society governed itself, and all the members of the society took part in this self government. "And a wonderful constitution it is, this gentile constitution, no gendarmes and police, no nobles, kings, regents, prefects or judges, no prisons, no lawsuits—and everything takes its orderly course. All quarrels and disputes are settled by the whole of the community affected, by the gens or the tribe, or by the gentes among themselves. . . . . That is what men and society were before the division into classes." (Engels, "Origin of the Family, Private Property and the State.")

Class divisions came with the increased productivity of human labour (in primitive society, since no man could produce more than enough to keep himself alive, and therefore, no one could get anything for himself out of owning or controlling another, there could be no motive for the enslavement of one man by another or for the rule of one man over others). And with class divisions—the first one, historically, being that between masters and slaves—came the need for a means of governing the oppressed class or classes and holding them in subjection; and this means was the State.

In each type of society based upon class antagonisms, be it slave society, the feudal system, or capitalist society, there exists and must exist as part of the State machinery a legal system, with all the paraphernalia of judges, law

courts, prisons, police, etc. One of the distinguishing features of any State "is the institution of a *public force* which is no longer immediately identical with the people's own organisation of themselves as an armed power. This special public force is needed because a self-acting armed organisation of the people has become impossible since their cleavage into classes. . . . This public force . . . consists not merely of armed men, but also of material appendages, prisons, coercive institutions of all kinds, of which gentile society knew nothing." (Engels, op .cit.)

In ancient Rome the power of law-making, and the law courts, were in the hands of the ruling class. The slaves never had any share in them at all, and even among the freemen it was the rich section, the Patricians, who had control of the legislative and the judicial machinery.

In feudal times, "the seigneurs had their judges just as they had their soldiers; they held courts, just as they set out to battle. Their weapons and their courts served for the maintenance of their rights; with their weapons they protected themselves from their equals; with their courts they protected themselves from their inferiors. . . . The right to hold court is only a branch of property ownership." (Helie, "Discourses.")

In capitalist society the law is no less an instrument of class power, although the class divisions are different from what they were in feudal society or slave society. "Law is not the embodiment of justice, or the voice of reason, in a simple and satisfactory way. There is justice in law, there is reason in law, but they are not and never have been interchangeable terms. What the court does day by day is to apply rules, the object of which is to protect the interests of the existing order. The maxims they invent, the principles they discover, are those which will satisfy the requirements of the dominant class in the society in which they function. In a bour-

geois State you will get bourgeois justice; in a Communist State* you will get Communist justice." (Laski, "Studies in Law and Politics.")

It must not, of course, be thought that judges and lawyers who administer a legal system are necessarily conscious of the fact that they are functioning as an instrument of class domination. They are the product of the social structure and atmosphere in which they live and work, and their education and outlook may well lead them to believe that they are administering "true justice." "The reflection of economic relations as legal principles . . . happens without the person who is acting being conscious of it; the jurist imagines he is operating with *a priori* principles, whereas they are really only economic reflexes." (Engels, in a letter to Conrad Schmidt, 1890.) The Soviet lawyer, however—and, indeed, any other lawyer who takes the trouble to study the question in the light of present knowledge—has the advantage over the lawyers of pre-Marxian days that his environment includes a scientific understanding of what the function of law is, and he is therefore able to make a *conscious* effort to assist the legal system to perform its function effectively.

The Soviet State came into being as a wholly new State. The 1917 Revolution did not effect a mere change of personalities in the Government, but introduced, as the governing power, an entirely new type of organisation, namely, the Soviets. The fundamental difference

* The expression "communist state" is inaccurate. When communism (i.e., a state of society in which such a high level of production is reached that there will be abundance for everyone) is achieved, the state will wither away. This is expressed in Engels' words:—"The government of persons is replaced by the administration of things." In such a society, there will be no need for a formal judicial system. "People will gradually become accustomed to observe the elementary perennially known rules of social life . . . without the special apparatus of coercion which is called the State." (Lenin.)

between the Soviets and old Parliamentary organs of power is that the Soviets are direct organisations of the whole people. They are councils, or committees, of working people, elected and controlled by the mass of the people whom they represent. This new State form meant firstly that power was in the hands of entirely different people from the professional politicians and civil servants of the old capitalist regime, and secondly that the relation between the ruling organs and the rest of the people was now one of complete interdependence—i.e., the Soviets were subject to the control of the people, and drew their strength from the people. "The dictatorship of the proletariat is not a mere change of government, but a new State, with new organs of power, both central and local; it is the State of the proletariat, which has arisen on the ruins of the old State, the State of the bourgeoisie." (Stalin, "Foundations of Leninism.")

The "new organs of power," which, of course, included the new legal system, were again charged, as all earlier State machinery had been charged, with the task of maintaining the power of the ruling class and suppressing those who sought to overturn it. There was, however, now this fundamental difference, that the opponents were for the first time in history the minority, i.e., the dispossessed capitalists, and the dominant class was the mass of the workers, supported by the peasants.

During the period immediately following the Revolution, therefore, Soviet law had the double task of helping to stamp out opposition to the new political system and assisting the forward march towards a classless society by maintaining discipline among the working people and by educating them.

For this purpose it was necessary to replace the old legal system by a new one. As long ago as 1871, in the days of the Paris Commune, it was recognised that an entirely new judicial machinery must be built up, under the control of the people, if the popular power was not

to be overthrown by the dispossessed capitalist class. Marx, writing of the Commune,* said: "The judicial functionaries were divested of (their) sham independence . . . . like the rest of the public servants, magistrates and judges were to be *elective, responsible* and *subject to recall.*" ("The Civil War in France.") Having learnt this lesson of the Paris Commune, the Soviet Government "threw the old court on the scrap heap" (Lenin) and immediately set about the task of creating a new system based upon these three principles.

The present basis of the Soviet legal system is the Constitution of 1936. By that date the class conflict had been eliminated, by the complete elimination of the capitalists as a class; the only classes now are the two friendly classes of workers and peasants, neither of which exploits the other. From 1936, accordingly, the main purpose and effect of the courts was gradual education of the people out of the conceptions of the former class conflicts, and into the spirit of the new system. "The Soviet courts are performing the great historic mission of eradicating all bourgeois survivals and the capitalist private-ownership psychology in the minds of the people." (Vyshinsky, speaking in the Supreme Soviet, 1938.)

Throughout both these periods the Soviet State had also, of course, the vital task of defending the country against its outside enemies. The role of the courts in this task consisted in the rooting out and punishment of persons who worked against the State by spying, wrecking and other treacherous activities. The success with which this task was performed is now one of the known facts of history, and an achievement for which the Allied Nations must be extremely thankful.

* Marx studied the Commune and the struggles of the French people while the actual events were taking place. His "Civil War in France," completed within two days of the end of the fighting (May 28th, 1871) was read by him on May 30th, 1871, to the General Council of the International Working Men's Association.

At the present time the Soviet courts, like every other organ of the Soviet State, are primarily concerned with the defeat of the Fascist enemy. Hence they have to exercise particular vigilance against any forms of activity (such as absenteeism in the factories, failure by local authorities and officials to provide the amenities and health services necessary for the welfare of the people, neglect of A.R.P., rumour-mongering, food offences, etc.) which weaken the war effort or undermine the morale of the people and the Red Army.

A new aspect of this work is now becoming evident. Soviet justice is being called upon to play its part in the task of cleansing Soviet soil of the Fascist vermin and their accomplices, as the Red Army drives on to liberate the Fatherland. At Krasnodar, in July, 1943, eight traitors, who had helped the German Gestapo to massacre 7,000 Soviet citizens, men, women and children, were tried, condemned to death and publicly hanged. (The condemning of these persons to hanging was a new departure—normally the death sentence is carried out by shooting: but it corresponds to the agony of the sufferings of the Soviet people at the hands of the Fascists, their abomination of the crimes of these traitors, and the white heat of their fury against them.)

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