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**Comrades' courts and socialist legality
in Soviet Russia and the USSR in 1917-1939**

Dissertation summary

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Research problem statement

After the revolutions of 1917, a new legal regime began to be established on the territory of the former Russian Empire. Its operation was determined not only by the decrees of the new Bolshevik government and the Marxist-Leninist theory of state and law, but also by inherited imperial practices and the variety of social relations in different spaces and territories of the new state.

The Soviet comrades' courts were one of these forms of implementation of the new legality at the local level – in production, in institutions, in the countryside, in cooperatives, etc.¹ At the state level comrade's courts in production were introduced by a decree of the Council of People's Commissars of RSFSR on November 14, 1919, to improve labor discipline through collective action². They functioned without rigid formal procedures, had limited jurisdiction and a small range of punishments. Such courts were supposed to deal with violations of labor discipline and “educate” citizens. In 1922, in connection with the introduction of the New Economic Policy and the stabilization of the economic situation, they were abolished, but were reintroduced in 1928³. By the end of the 1930s the activity of such courts had come to a halt due to the tightening of labor laws.

¹ ‘TsIK SSSR ob organizatsii sel'skikh obshchestvennykh sudov ot 29 sentyabrya 1930 g., *Sobranie zakonov SSSR*, 1930, No. 51, art. 531; Mikhail Kozhevnikov, *Istoriya sovetskogo suda* (Moscow, Yuridicheskoe izdatel'stvo, 1948).

² Dekret SNK RSFSR ot 14.11.1919 «O rabochih disciplinarnykh tovarishheskih sudah», *Sobranie uzakoneniy RSFSR*. 1919. No. 56, p. 537.

³ The abolition of the comrades' courts came about steadily. They were abolished by a decree of the CPC of April 30, 1923, but, as historians note, the courts continued to be established afterwards at the initiative of the local trade union organs. (Evgeniy Filippov, *Istoriya tovarishheskih sudov v RSFSR* (Rostov-na-Donu, Izd-vo Rost. un-ta, 1982)). In Karelia the comrades' courts were abolished only in 1925. The researcher of the local courts explains this by the fact that the central

The comrades' courts were not an invention of the Bolsheviks. They emerged in the education around the middle of the nineteenth century⁴, in the industry – in 1905 during the revolution. The latter did not arise at the request of the state, was rather spontaneous in nature, and each of the courts had its own way of organization, its own set of sanctions and violations. The Bolsheviks were the first to see comrades' courts as universal bodies for conflict resolution and social education in a variety of conditions and environments, recognizing their fluidity, flexibility, and broad applicability.

Difficulty in studying the comrades' courts stems from the fact that they did not function throughout the entire interwar period. After their official introduction in 1919 they were abolished already in 1922. Despite the rejection of comradely justice during the NEP years, it was the context of this policy in which the idea of reviving comrades' courts emerged among lawyers in the second half of the 1920s. The next period of their history covers the years 1928-1935. The search for archival sources on the practice of comrades' courts after 1935 in the archives of Moscow and St. Petersburg was, with few exceptions, unsuccessful. Regarding this period only statistical data and published materials are available.

On the one hand, the division into two different periods (1917-1922 and 1928-1939) complicates the study of the comradely justice, on the other hand, in this way it is possible to examine in detail the regimes of legality established in the years that were critical for the Soviet order. The introduction of comrade's courts has always coincided with «transitional»⁵ periods in the history of Soviet Russia, when the

decrees reached the peripheral territories much slower. We can only partially accept this conclusion, for they do not explain whether the local state and trade union bodies had their own interests in supporting the activities of the comrades' courts. Elizaveta Efremova, “Stanovlenie tovarishheskih sudov v Karelii”, *StudArctiv Forum*. No.4 (2022): 13-20.

⁴ Nikolay Pirogov. *Izbrannye pedagogicheskie sochinenija*. (Moscow, Izd-vo Akad. ped. nauk RSFSR, 1953); Ja. Karas'. “Shkol'noe tovarishhestvo. Iz zapisok narodnogo uchitelja”, *Russkaja shkola*. No. 3 (1897): 100–116; N. Il'in, *O vospitanii obshhestvennosti v shkole*. (Moscow, Mosk. gor. Arnol'do-Tret'yak. uch. glukhonemykh, 1916).

⁵ M. Rendle uses the concept of «transitional» law in relation to the period of the October Revolution and the Civil War, when the old legal system was collapsing and a new one was being born. I propose to apply it also to the turn of the 1920s-1930s, i.e. to the beginning of industrialization, again implying accelerated progress towards communism, the political rebirth of

extinction of the state and, consequently, the approach of communism, seemed closer and closer: first after the revolution, then with the beginning of industrialization, and later, beyond the scope of my research, after Stalin's death⁶.

In this study, the comrades' courts are considered as one of the loci of socialist legality, implemented in production. The features that unite the studied comrades' courts are collectivity, electivity, non-professionalism, publicity, and proximity to production. At the same time, comrades' courts cannot be called an exclusively Soviet phenomenon. They have a complex genealogy, both Russian and a transnational. In the labor sphere, they were primarily socialist in nature, even in the case of British Mandate Palestine in the 1920s. In this study, however, comrades' courts are considered only in their Soviet version, because there they were the main institution of grassroots justice, occupying a special place in the imagination of Soviet officials. Comrades' courts were not only supposed to bring communism closer, but also to help the state solve certain problems, such as the insufficient level of labor discipline, the workload of people's courts, etc. The international experience of comrades' courts allows us to focus on the peculiarities of Soviet comrades' courts, which had their own ways of organization. In this dissertation, I describe the limits of such transformations of Soviet comrades' courts in the interwar period.

Relevance of the research topic

This study will focus on the history of the comrades' courts, which were grassroots judicial bodies. The attention of scholars and historians of law to local

the proletariat, and the reform of Soviet law in the interests of accelerated economic development. Matthew Rendle. *The State Versus the People: Revolutionary Justice in Russia's Civil War, 1917-1922*. (Oxford University Press, 2020), 8.

⁶About the post-war comrades' courts: Harold J. Berman and James W. Spindler. "Soviet Comrades' Courts", *George Washington law review*. No.4 (1963): 842-910; William E. Butler, "Comradely justice in Eastern Europe", *Current Legal problems*. Vol. 25 (1972): 200-218.; Yoram Gorlizki, "Delegalization in Russia: Soviet Comrades' Courts in Retrospect". *The American Journal of Comparative Law*. Vol. 46, No. 3 (1998): 403-425; Ekhezki' Vol'dman, *Tovarishheskie sudy na predpriyatijah, v uchrezhdenijah i organizacijah. Dissertacija kandidata juridicheskikh nauk*. (PhD diss, Vsesoyuznyy yuridicheskij zaochnyy institut, 1969). On Socialist Legality in the Postwar Period: Berman, *Justice in USSR*; Dina Moyal, *Did Law Matter? Law, State and Individual in the USSR 1953-1982*. (PhD Dissertation, Stanford University, 2010).

judicial practices is still very much in demand. The everyday functioning of the local legal system and its various contexts demonstrate those rules and ways of practicing law on the ground, where it was closest to the Soviet citizen. In addition, Russian historiography pays much less attention to the study of common offenses than to political crimes.

The literature has already noted the insufficient study of the Soviet low-level judiciary. First, historians concentrate more on the study of the extraordinary organs of the VChK-OGPU-NKVD, paying little attention to the courts and other organs of justice⁷. Second, they focus less on the procedural patterns of trials⁸. In addition, no consensus has been reached on the impact of the October Revolution on the development of Russian law⁹. My research, based on a variety of published and unpublished historical sources, introduces new factual material, supplementing and developing an understanding of Soviet law and its application in 1917-1939.

Research novelty

This study focuses on production comrades' courts organized at enterprises. The choice is conditioned by the fact that within the Bolshevik ideology the industrial workers were seen as the most conscious part of the population, so the example of comrades' courts can be used to consider the vanguard of socialist legality in its natural environment. In historiography, the specific legal and disciplinary field of the Soviet enterprise is not covered in terms of legal history.

⁷ Aleksandr Kodintsev, "Rol' organov yustitsii v osushchestvlenii ugolovnogo sudoproizvodstva po politicheskim prestupleniyam v stalinskiy period: sovremennaya istoriografiya", *Pravoprimerenie*. No.3 (2019): 5-20.

⁸ Alan Blum, "K izucheniiu politicheskikh protsessov v Sovetskom Soiuze i poslevoennoi kommunisticheskoi Evrope", *Sudebnye politicheskie processy v SSSR i kommunisticheskikh stranah Evropy: sravnitel'nyj analiz mekhanizmov i praktik provedeniya: sb. mat-lov ros.-fr. seminara. (Moskva, 11-12 nojab. 2009 g.)*. (Novosibirsk, Nauka, 2010): 5-11.

⁹ Representatives of the modernist school have long viewed 1917 not as the boundary of two completely different periods, but as a moment of partial transformation. See more: *Russian Modernity: Politics, Knowledge, Practices* / ed. by Hoffmann David., Kotsonis Yanni (New York, Springer, 2000). This approach is also shared by the New Imperial School of History. See more: Ilya Gerasimov and Marina Mogil'ner, "Chto takoe «novaja imperskaja istorija», otkuda ona vzjalas' i k chemu ona idet?", *Logos*. No.1 (2007): 218-238.

Most critical interpretations use socialist, or revolutionary, legal consciousness as a term that denotes political arbitrariness within the Soviet legal system¹⁰. Moreover, socialist legality is called deformed, and its nature – anti-legal¹¹. However, this interpretation, which is not supported by a survey of law enforcement, is insufficiently persuasive. My research suggests a more complex understanding of Soviet legal history.

At the same time, it is impossible to deny that law enforcement in the framework of socialist legality in the interwar period was characterized by a particular flexibility. By flexibility I mean such a quality, which allows the same norms to be implemented in different ways in different conditions: to adjust to the location, the context of the violation, and the social status of the litigants. In this case the key to the choice of sanction is not a violation, but its context. Historians note that the plasticity of application of legal norms is a distinctive feature not only of Soviet, but also of Russian law in general¹². This flexibility of Soviet law enforcement in 1917-1939 does not fit the concept of legal pluralism, which implies that there are several parallel legal systems in one political space¹³. On the contrary,

¹⁰ David Fel'dman, *Terminologija vlasti: sovetskie politicheskie terminy v istoriko-kul'turnom kontekste* (Moscow, Forum, 2016). Historian Alexander Shipilov in his dissertation insists that only terror was the main mechanism for combating violations, while the laws had only a formal meaning and were subordinated to political goals. Alexander Shipilov, *Revoljucionnaja zakonnost' i stanovlenie sovetskoj justicii (1917 - 1922 gg.)* (PhD diss., Moscow, 2006).

¹¹ Mariya Kabanenko “Osobennosti sovetskogo sotsialisticheskogo pravosoznaniia, obuslovivshie ego deformatsiiu”, *Vestnik OmGU. Serija. Pravo*. No.3 (2011): 38-44. The denial of law in the Soviet system is also implicit in the theory of totalitarianism: Hanna Arendt. *Istoki totalitarizma*. (Moscow, TsentrKom, 1996).

¹² Nancy S. Kollmann. *Prestuplenie i nakazanie v Rossii rannego Novogo vremeni* (Moscow, NLO, 2017); Valery Kivel'son, *Magiya otchayaniya. Moral'naya ekonomika koldovstva v Rossii XVII veka* (Saint-Petersburg., Bibliorossika, 2020); Tatiana Borisova and Jane Burbank “Russia’s Legal Trajectories”, *Kritika: Explorations in Russian and Eurasian History*. No. 3 (2018): 469–508.

¹³ See more about the methodology of legal pluralism: John Griffiths, “What is legal pluralism?”, *The journal of legal pluralism and unofficial law*. No. 18 (1986): 1–55; Sally E. Merry, “Legal pluralism”, *Law & Society Rev.* No. 22 (1988): 869–896; Leopold Pospisil, *The Anthropology of Law: A Comparative Theory of Law*. (New York, Harper and Ro, 1971). On the application of the concept of legal pluralism to Russian law: Jane Burbank, “An imperial rights regime: Law and citizenship in the Russian Empire”, *Kritika: Explorations in Russian and Eurasian History*. No. 3 (2006): 397-431.

the system has had to create such legislation, which must be flexible because of the very need to adapt to the diversity of the territories of political formation.

In this study I seek to prove that the Soviet judicial system was complexly organized, and characteristics such as «repressive» or «anti-legal» are insufficient to explain it. The notorious haphazardness of the legislative norms was solved in the same legal way – by issuing additional acts, local norms, filling the gaps that formed. Of course, the level of political pressure on all spheres of life in the interwar period was high, but socialist legality was not centered exclusively around strictly political interests of the state power. The study of socialist legal consciousness only through the prism of terror and lawlessness prevents the development of other ways of thinking about law and social order in Soviet Russia.¹⁴ In this study, I focus on the ways in which the comrades' judiciary has demonstrated not only repressive but also emancipatory (anti-repressive) potential¹⁵. It is possible to see democratic, not solely disciplinary, intentions in the original premise of bringing the court closer to the population¹⁶. The novelty of my research lies in the fact that I place the history of the comrades' courts in the broader context of legal norms and practices that have developed locally. In addition, I consider the history of the comrades' courts throughout the entire interwar period, something that has not yet been attempted in historiography.

Methodology of the research

This study focuses on the study of Soviet law and practice. I consider legal history as an approach, that allows us to pay attention not only to norms, but also to

¹⁴ Peter Solomon, for example, noted that the unprofessional work of the people's courts was not repressive in its origins, but turned into terror only under the extraordinary conditions of collectivization. Peter Solomon. *Sovetskaja justicija pri Staline* (Moscow, ROSSPEN, 2008).

¹⁵ By emancipation in this context I mean the court's gaining space to fight for one's rights and to criticize the existing order, social or political. It is difficult for us to imagine Soviet legal practices as emancipatory, but here I am referring to those judicial outcomes that were the opposite of repression and contributed to the liberation from legal restrictions – a kind of «antirepression,» which in some cases was simply the absence of repression.

¹⁶ On the moral nature of labor discipline in the 1930s in the USSR: Aleksey Morozov, *Razvitie sovetskogo zakonodatel'stva o discipline truda: istoriko-pravovoj aspekt (1917-1945 gg.): Avtoref. dis. ... k.ju.n.* (Saint-Petersburg, 2001).

procedures, legal techniques, methods of proof, and participants' perceptions of truth and justice¹⁷. This approach allows to explore how Soviet citizens interacted with the law directly: how they observed and made decisions, acted as convicts, witnesses, defense counsels or prosecutors, and even reformed that space itself. Within this approach, I resort to the formal-legal method, which involves an analysis of legal norms, but it is not a goal in itself, but a way to identify the differences between legal norms and practice.

Following the tradition of studying not only Soviet but also pre-revolutionary law, I examine legal practice using a functionalist approach¹⁸. This approach implies that the judicial system acted as an arena of interaction between the interests of power and those of local communities, and also served as a means of transmitting expectations and perceptions of order and social justice. The application of this concept, developed in the historiography of pre-revolutionary law, to the Soviet period reveals the coherence of the history of all Russian law. The functional optics will allow to consider the variety of practices of legality in the USSR, many of which cannot be considered as specifically Soviet, such as, for example, not only legal techniques, but also the flexibility of law enforcement within the framework of socialist legality. The notion of flexibility, which I apply in my dissertation, will allow me to place Russian and Soviet law in a broad international context, based on

¹⁷ For example: Tatiana Borisova, “«Neobhodimaja oborona obshhestva»: jazyk suda nad Zasluch», *Novoe literaturnoe obozrenie*. No. 5 (2015): 101-18; Alla Fakurdinova, “Pravovaja osnova dejatel'nosti tovarishheskih sudov (1920-e – nachalo 1930-h gg.)”, *Pravo: istorija i sovremennost'*. No. 4 (2019): 33–43; Tatiana Jakovleva, *Torgovlja po pravilam i bez: Vlast' i trgovcy v Enisejskoj gubernii vo vtoroj polovine XIX — nachale XX veka*. (Saint-Petersburg, Izd-vo Evropejskogo universiteta v Sankt-Peterburge, 2021); Jane Burbank, *Russian Peasants Go to Court: Legal Culture in the Countryside, 1905—1917*. (Bloomington; Indianapolis, 2004).

¹⁸ Sandra Dahlke and Michel Tissier, “The practice of law and justice in Russia (Eighteenth-twentieth centuries). Foreword”, *Cahiers du monde russe. Russie-Empire russe-Union soviétique et États indépendants*. No. 1 (2012): 7-13. Historians of the pre-revolutionary period, for example, used the following classification of approaches to the history of law - positivist, critical positivist, and functionalist. The positivist approach implied a progressivist vision of the history of the development of Russian legislation. The main emphasis in such studies was on the study of specific legal texts rather than judicial practice. The state and its acts, rather than the various executors and other participants in the legal process, are at the center of the narrative. The critical positivist approach implies a view of modernization as backward rather than progressive. Tatiana Borisova, *The Emergence of the Legality Tradition in Russia, 1800-1918*. (Phd Dissertation, Turku, 2016).

the research of the school of critical legal studies, which considers legal uncertainty an inherent component of any system of legality¹⁹.

I particularly focus on instances of the «non-standard» functioning of comrades' courts, taking as standard a narrative that implies the repressive nature of collectives toward wronged workers²⁰. I seek to find out how the legislative norm was perceived and interpreted in individual cases. This approach implies the use of a micro-historical lens of research²¹.

The material in this dissertation is presented according to the chronological principle. After a systematic socio-legal study of the institution of the comrades' court and its functioning at the time of the establishment of Bolshevik power and in the years of the first Five Year Plan, I will move to case-studies method.

The object of the research is a set of documents on the functioning of the comrades' courts and other institutions of judicial and social assistance to workers in 1917-1939.

The subject of the research is the activity of comrades' courts at industrial enterprises, considered in the context of socialist legal consciousness as a space of interaction between different legal subjects, as well as the functioning of socialist legality and discipline in enterprises during the Revolution, the Civil War and the First Five-year plans.

The purpose of the study is to establish the mode of operation of the comrades' courts in the interwar period, the manner of their incorporation into the system of Soviet law, as well as the features of socialist legality in the field of comrades' justice in 1917-1939.

¹⁹ Charles M. Yablon, “The indeterminacy of the law: Critical legal studies and the problem of legal explanation”, *Cardozo L. Rev.* Vol. 6 (1985): 917.

²⁰ This approach is called «legalist» in Western historiography, but the term «functionalist» seems to me to be more universal. In general, in Western historiography of Soviet law, one can note a division into «totalitarians» and «legalists,» referring to the classical division into totalitarians, revisionists, and post-revisionists. Dovilè Sagatienè, “Framing Legal History: Competing Western Interpretations of Soviet Law”, *SSRN–Max-Planck Institute for European Legal History Research Paper Series*, 2016.

²¹ Microhistory is referred to by researchers as both a method and an approach. Timur Atnashev et al., “Mikroistoriya i problema dokazatel'stva v gumanitarnykh naukakh”, *Novoe literaturnoe obozrenie*. No. 6 (2019): 83-121.

Research tasks

- to determine the goals and conditions for the formation of comrades' courts during the Revolution, the Civil War, and the first five-year periods;
- to reveal the specifics of the legal and disciplinary space of Soviet enterprises;
- to trace changes in the work of the comrades' courts in 1917-1922, 1928-1939;
- to establish the opportunities that Soviet citizens had within the limits of the comrades' and, more broadly, the production proceedings;
- to examine the relationship of comrade's courts with justice and public authorities;
- to determine changes in the concepts and practices of socialist legality through the example of the activities of the comrades' courts;
- to describe and analyze the procedural peculiarities of Soviet trials in the comrades' courts from 1917 to 1939.

The chronological framework of the study is limited to 1917-1939. The starting point of the research is due to the emergence of the comrades' courts at productions after the February Revolution. In this form they migrated to the Soviet legal order and were institutionalized later in 1919. The upper boundary of 1939 is defined by a significant change in the regulation of labor discipline. In 1940, labor violations under the June 26 decree already followed criminal liability²². Therefore, 1939 can be considered a natural boundary for the study, as it is the last «peaceful» year in the industry²³.

²² Aleksandr Kodincev. "Osushhestvlenie pravovoj politiki sovetskogo gosudarstva organami justicii pri provedenii kompanii po realizacii Ukaza Prezidiuma Verhovnogo Soveta SSSR ot 26 ijunja 1940 goda v voennyj i poslevoennyj period", *Politika i obshhestvo*. No. 5 (2008): 72-79. Solomon, *Sovetskaja justicija*, 291.

²³ Roman Romanov, "Regulirovanie trudovoj mobil'nosti naselenija SSSR nakanune i v gody Velikoj Otechestvennoj vojny: normy i real'nost", *Istoriko-jekonomicheskie issledovanija*. No.2 (2015): 271-296 As Peter Solomon writes, the regime's efforts at discipline had hitherto remained within the realm of labor and administrative law, within which the comrades' courts operated. Criminal cases were outside their jurisdiction. Solomon, *Sovetskaja justicija*, 293.

State of the Art

The comrades' courts at the time of my interest were established at two important stages in the interwar history of the USSR – during the Civil War and at the beginning of Industrialization. Researchers argue about the transformations which the legal policy of the Soviet state underwent from 1917 to 1939. The periods during which comrades' courts functioned give rise to the most vivid debates about the interaction of terror and law, revolutionary legality and legal consciousness. In the historiography of early Soviet law during the Revolution and the Civil War, the main debate revolves around the question of whether this order can be considered legal at all due to its dependence on state policy. According to D. Sagatienė, the division between «totalitarians» and «legalists» in studies of Soviet law developed around this debate during the Cold War²⁴. The “totalitarians” insisted that the court and the organs of terror had the same nature, while the “legalists” argued for the existence of legality in the USSR as opposed to terror²⁵. Soviet legal scholars also implied in their studies such dualism between law and terror. M. Kozhevnikov, V. Portnov, M. Slavin, and I. Martysevich wrote about the fact that Soviet courts were born in the absence of legal and political legitimacy of power institutions and this caused many difficulties. However, they, like many other Soviet authors, characterized the legal system of the Soviet state as generally democratic in nature and protecting the rights of citizens. At the same time, we cannot say that their conclusions were lacking in evidence.²⁶ This shows that both theses about Soviet legality – that it was totalitarian and repressive, and that it was legal – are supported by the choice of relevant sources.

²⁴ Sagatienė, “Framing Legal History”.

²⁵ The most notable representatives – Richard Pipes and Harold Berman. Richard Pipes, *Legalised lawlessness. Soviet Revolutionary justice*. (London, Institute for European defence, 1986); Berman, *Justice*.

²⁶ Portnov and Slavin, for example, drew attention to the possibility of women's participation in people's courts, as well as trials in national languages. They also cited statistics on court sanctions, where the majority in almost all provinces were fines rather than imprisonment. Even imprisonment was imposed by the people's courts conditionally in about 40% of cases. This led them to conclude that the Soviet court of first instance was democratic in nature. Viktor Portnov and Mark Slavin, *Stanovlenie pravosudija Sovetskoi Rossii (1917-1922 gg.)* (Moscow, Nauka, 1990), 43-52.

The dualism of Soviet law has become a commonplace in historiography, but each time it has been evaluated differently. Such conclusions are drawn not only by historians of law, but also by many other historians of the Soviet period. For example, Terry Martin, a researcher of Soviet national policy, viewed the party organs as more rigid than the bureaucratic state organs operating under the Central Executive Committee.²⁷ Historian Matthew Rendle called the Soviet system two-pronged²⁸. Legal scholar Peter Solomon, author of the fundamental study of Stalinist justice, also concluded that the Bolsheviks' struggle to retain power gave rise to a system of terror and extrajudicial violence parallel to the legal institutions²⁹.

Today historians more oriented to the study of court practices which make difficult the sustainability of such binary oppositions. For example, A. Retish and M. Rendle record the blurred boundaries between the various courts, their dependence on local authorities, and the broad interpretation of «revolutionary legality» from below³⁰. Nevertheless, ongoing controversies on this point show that the Soviet system was very flexible and could be adapted both to brutal repression and to democratic engagement for the sake of the alleged achievement of broader justice. Along with these dualist conceptions, historians usually discuss the notion of flexibility, which is regularly used to describe not only the Bolshevik doctrine,³¹ but also Russian (pre-revolutionary and Soviet) law³².

As for the historiography of comrades' courts, the interest to them among researchers took shape in the 1960s after their new introduction by N.S.

²⁷ Terry Martin, *Imperiya «polozhitel'noy deyatel'nosti»*. (Moscow, ROSSPEN, 2011), 125.

²⁸ Rendle, *The State*, 1.

²⁹ Solomon, *Sovetskaja justicija*, 24.

³⁰ Aaron Retish, “Poisk spravedlivosti v revoljucii: mestnaja sudebnaja sistema Vjatskoj gubernii v 1917–1922 gg.”, *Jepoha vojn i revoljucij, 1914-1922*. (Saint-Petersburg, 2017), 100-111.; Rendle, *The State*.

³¹ Pipes, *Legalised lawlessness*, 14.

³² Berman, *Justice in USSR*; Pipes, *Legalised lawlessness*; Gabor Rittersporn, “Extra-judicial repression and the Courts: Their relationship in the 1930s”, *Reforming Justice in Russia, 1864–1996*. (New York, 1997), 207–227; Robert Sharlet “Pashukanis and the Withering Away of Law in the USSR”, *Cultural revolution in Russia, 1928-1931* (Bloomington, 1978), 169-188; Kollmann, *Prestuplenie*.

Khrushchev.³³ Both abroad and in the USSR, lawyers and jurists were primarily engaged in the study of comrades' courts. Thus, E.Y. Voldman and P.I. Ikorsky wrote comprehensive dissertations on the history of the comrades' courts. Both lawyers insisted on the democratic nature of these bodies³⁴.

Until the opening of the Soviet archives, most researchers focused on the legislative and ideological foundations of the comrades' courts and the purpose of their introduction³⁵. The main debate centered around whether the social control established through the introduction of the comrades' courts could be considered repressive. Berman and Spindler, for example, wrote that the comrades' courts did not focus on the offenses themselves, but on strengthening their moral condemnation. The researchers concluded that the post-Stalin comrades' courts appeared primarily as social organs rather than as state organs³⁶. Essentialist explanations also emerge from historians in their discourse on the comrades' courts. For example, the lawyer William Butler, who argued that the comrades' courts were the result not only of the development of socialist thought, but also of a «specifically Russian» sense of community.³⁷ The striving to uncover customary law in Soviet practices is another historiographical convention peculiar to the historiography of the Russian legal and state system³⁸.

Most of the aforementioned authors viewed the comrades' courts as a constantly functioning body in the USSR, the existence of which was justified primarily by

³³ Gordon Smith, "Popular Participation in Administration of Justice in the Soviet Union: Comrades' Courts and the Brezhnev Regime", *Indiana Law Journal*. Vol. 49. No. 2 (1974): 238-240; Bernard Ramundo, "The Comrades' Court: Molder and Keeper of Socialist Morality", *George Washington law review*. No. 33 (1965): 692-727; Berman and Spindler. "Comrades' Courts", 842-910; Butler, "Comradely justice in Eastern Europe", 200-218.

³⁴ Vol'dman, *Tovarishheskie sudy*; P. Ikorskij, *Organizacija i dejatel'nost' tovarishheskih sudov v pervye gody sovetsoj vlasti (1917–1922 gg.)*. (PhD diss., Voronezh, 1966).

³⁵ Ibid, note 28.

³⁶ Berman and Spindler. "Comrades' Courts", 842-910.

³⁷ Butler, "Comradely justice in Eastern Europe", 200-218.

³⁸ Alena Ledeneva, "The Genealogy of Krugovaya Poruka: forced trust as a feature of Russian political culture", *Proceedings of the British Academy*. Vol. 123 (2004): 85-108.; Geoffrey Hosking, "Forms of social solidarity in Russia and the Soviet Union", *Proceedings of the British Academy*. Vol. 123 (2004): 47-62; Sheila Fitzpatrick, *Povsednevnyj stalinizm. Social'naja istorija sovetsoj Rossii*. (Moscow, ROSSPEN, 2001).

Soviet ideology and the desire to bring the courts closer to the population. Historians engaged in the history of Soviet law after the discovery of the archives not only complicated Western scholars' ideas about their chronology, but also drew attention not to the ideological but rather to the pragmatic significance of such courts. Peter Solomon explained the introduction of community courts by the need to decriminalize a number of petty crimes³⁹. Within the same tradition, Yoram Gorlizky, a specialist in late Stalinist politics and the legal order, noted in his article that the main role in initiating the reform of the comrades' courts belonged to the judicial authorities⁴⁰.

Another historiographical context for examining the comrades' courts is social history. Lewis Siegelbaum, a specialist in social history, focused on the study of discipline in the Civil War comrades' courts.⁴¹ Being primarily a social historian, however, Siegelbaum did not contextualize the comradely proceedings within the transformations of socialist legality and the debate over the dualism of law and terror. Similarly, legal aspects are not addressed by S. V. Zhuravlev and M. Mukhin. The authors of “The Fortress of Socialism” focused more on working-class everyday life⁴².

In recent years, the main texts dealing with comrades' courts in Russian have been written by legal scholars. Many of them address the regional dimensions of comrades' courts⁴³. Attention is drawn by legal experts to important procedural

³⁹ Peter Solomon, “Criminalization and Decriminalization in Soviet Criminal Policy, 1917-1941”, *Law and Society Review*. No. 16 (1981): 9-43.

⁴⁰ Yoram Gorlizky, “Delegalization in Russia: Soviet Comrades' Courts in Retrospect”, *The American Journal of Comparative Law*. Vol. 46, No. 3 (1998): 403-425.

⁴¹ Lewis Siegelbaum, “Defining and Ignoring Labor Discipline in the Early Soviet Period: The Comrades-Disciplinary Courts, 1918-1922”, *Slavic review*. No. 4 (1992): 705-730; Ibid. “Narratives of Appeal and the Appeal of Narratives: Labor Discipline and Its Contestation in the Early Soviet Period”, *Russian History*. No. 1 (1997): 65–87.

⁴² Sergey Zhuravlev and Mikhail Muhin, *Krepost' socializma: povsednevnost' i motivacija truda na sovetskom predpriyatii, 1928-1938 gg.* (Moscow, ROSSPEN, 2004).

⁴³ Efremova, “Stanovlenie tovarishheskih sudov”, 13-20; Viktor Isaev and Dmitriy, “Tovarishheskie sudy v Sibiri v gody pervyh pjatiletok”, *Gumanitarnye nauki v Sibiri*. No.2 (2018): 110-114.

details and judicial techniques in comradesly proceedings⁴⁴. Jurist A.G. Fakurdinova made a curious conclusion that the Civil War comrades' court covered with itself the not yet codified labor law. In addition to the association of the comrades' courts with emergency and terror, researchers work with the concept of quasi-judicialness. It was used by A. Fakurdinova and V. Suyazov⁴⁵. Both researchers also generally normalized quasi-judicial bodies, explaining that they help to relieve the state courts and also allow them to deal with specific violations that the judges of general jurisdiction sometimes cannot delve into.

Thus, the comrades' courts have been studied within the framework of a variety of historiographical methodologies, which highlight certain aspects of their functioning. At the same time, they have not been studied within the framework of the post-October regime of socialist legality. Researchers still offer various interpretations of the comrades' courts, from emergency to civil society institutions. In this study, I examine for the first time the comrades' courts at enterprises throughout the interwar period and combine both approaches to the comrades' courts, interpreting these poles as a consequence of the flexibility of law enforcement within the framework of socialist legality.

The source base for this study is a complex of published and unpublished sources of various type from the State Archive of the Russian Federation (GARF), the Russian State Archive of Economics (RGAE), the Russian State Archive of Social and Political History (RGASPI), the Central State Archive of Moscow (TsGA of Moscow) and the Central State Archive of St. Petersburg (TsGA of St. Petersburg).

The main body of sources are office records and court documents. To understand the systemic functioning of the comrades' courts, the documents of

⁴⁴Alla Fakurdinova, "Pravovaja osnova dejatel'nosti tovarishheskih sudov (1920-e - nachalo 1930-h gg.)", *Pravo: istorija i sovremennost'*. No. 4 (2019): 36.

⁴⁵Alla Fakurdinova, "Kvazisudebnost' kak mezhotraslevoj konstrukt: ponjatie i sistema v gosudarstvennom upravlenii SSSR", *Gosudarstvenno-pravovye issledovanija*. No.3 (2020): 343-346; V.V. Sujazov "Tovarishheskij sud RSFSR: pravosudie i spravedlivost'?", *Obrazovanie i pravo*. No.9 (2020): 475-480.

regional and federal archives should be studied together. Among the sources from the federal archives the fonds of the All-Union Central Council of Trade Unions (F. R-5451) and the Central Committees of trade unions, kept in the State Archive of the Russian Federation, are of particular importance. The fonds of the Central Committees of Trade Unions collected information on various regions, demonstrating the scale of prevalence and the pattern of action of comrade's courts at the nationwide level.

In general, the trade union fonds contain a variety of documents on the history of the comrades' courts, dominated by office records (minutes, reports, correspondence between institutions, and appeals), as well as statistical data on districts, organizations, and offenses, and various kinds of policy documents. These materials contained data on the number of courts, the number of cases disposed of in them, and evidence that the practice of comrade's courts was not consistent with the objectives defined by the legislature. In addition, these fonds contain detailed transcripts of the sessions of the comrade's courts sent from the field. For the period up to 1935, when comrades were actively organized at production facilities, a large number of various sources have been preserved. For the period of 1935-1939 I have primarily statistics and published sources.

In my study, I compare the minutes from the Central Committee's fonds with the minutes of local comrades' sessions. The meetings have procedural similarities, as well as a common approach to the application of sanctions in both locally deposited documents and those sent to the center. In the fonds of the Central Committee of the trade unions, documents on comrades' courts of the revolutionary period (1917-1922) are found less frequently, but the fonds of the All-Union Central Council of Trade Unions (GARF. R-5451) and the textile industry trade union (GARF. R-5457) contain many different reports, complaints, resolutions, and minutes of meetings of local trade union cells.

The documents of the Provincial Disciplinary Comrades' Court in Petrograd (TsGA SPb. F. 6276. Op. 227), a unique body in the history of comrades' courts, are used in the study of the period of 1917-1922. In the inventory with the cases on the

Provincial Disciplinary Comrades' Court there are materials containing data not only on the city departments of trade unions, but also on the provincial ones. In addition to minutes of appeal sessions, the cases contain instructional materials as well as minutes of organizational meetings of judges.

A valuable collection of documents is the Moscow “Electrozavod” fund, kept in the Central State Archive of Moscow. The complex of documents demonstrates the trends in the development and work of the plant-wide and shop-floor comrades' courts, the decisions made, and the rhetoric of court proceedings throughout 1929-1932⁴⁶. From the “Electrozavod” collection, materials of other bodies that could deal with disciplinary violations were also involved in the study: minutes of the meetings of the trade union bureau of various departments of the plant, plenums of the plant and district trade union committee, RKK, legal consultations at the plant committee, plenums at the plant and district committee, general meetings of workers of various departments during the first five-year period, kept in the same collection. Minutes of meetings of party cells are kept in a separate fond (TsGA of Moscow. F. P-468), as well as documents of the district trade union organization (TsGA of Moscow. F. P-635), which includes not only records of comrades' courts, but also other disciplinary, conflict and public bodies during the first five-year period.

In addition to the minutes of the comrades' courts, the study also uses court documents from courts of general jurisdiction. In the fonds of the Supreme Court, I managed to find a case that began as part of a comrades' court, and thus passed through almost all the courts available to a Soviet citizen in the 1930s. The court case of Alexei Ustinovich Sidortsev (GARF. R-1005, op. 1a. D. 968) demonstrates how the conflict that began because of the activities of the shop floor comrades' court moved to the all-Union level. The file contains all appeals, appeals, rulings, statements and other documents reflecting the details of the trial. In addition to the abundance of detail contextualizing the workings of the comrades' court, the analysis of this proceeding is also interesting because labor cases had dual proceduralism.

⁴⁶ There is no documentation of comrades' courts from a later period in the collection.

The voluminous court documentation of this lengthy case demonstrates the details of disciplinary proceedings outside the company. For this chapter, I also drew on sources on Sidortsev's biography: the file on his expulsion from the Party (RGASPI. F. 613. Op.1. D. 200), his personal file from the Communist University, where he studied in the early 1920s (GARF. F. R-5221. Op. 52. D. 676), and from the People's Commissariat for Foreign Trade (RGAE. F. R-5221. Op. 52. D. 676).

In order to get an idea of the flexibility of law enforcement in the field, the legislative sources regulating comradely justice were examined in detail during the preparation of the dissertation. Legislative acts adopted by the highest Soviet governmental and legislative bodies (SNK of the RSFSR and USSR, VTsIK of the RSFSR) were examined, among which codes, decrees, resolutions and by-laws were considered. Especially valuable for understanding the legislative activity in the field of comradely justice were the materials of the GARF fonds A-353 (People's Commissariat of Justice of the RSFSR), A-259 (Council of Ministers of the RSFSR) and R-5441 (Council of Ministers of the USSR), which made it possible to reconstruct the internal discussions of individual legislative acts and disputes between departments over their adoption.

Due to the fact the People's Commissariat for Justice and the All-Union Central Council of Trade Unions were responsible for the organization and operation of comrades' courts, their departmental and branch periodicals contain materials that help to complicate perceptions of their work. Published materials on individual unions also contain details of the organization of local comrades' courts as well as discussions of them⁴⁷. The journals «Weekly of Soviet Justice,» «Socialist Legality,» «Workers' Court,» and «The Court is Coming!» among others, contain detailed reports from sessions, program articles by leading figures in justice and the trade union movement, interviews with workers, expert analysis, and other descriptive and analytical materials. The materials of the journal «The Court is

⁴⁷ *Materialy Narodnogo komissariata iustitsii RSFSR*. Vol. 2. (Moscow, Narkomyust, 1918), 23-30; *Oktiabr'skaia revoliutsiia i fabzavkomy*. Vol. 1. (Moscow, 1927), 37.; Ibid. Vol. 3, 190; *Profsoiuzy i narodnyi kontrol'. 1917-1965. Dokumenty i materialy*. (Moscow, Profizdat, 1965).

Coming!» were particularly useful for studying the activities of comrades' courts in 1928-1930, when the attitude of «codelessness» and minimal protocolization prevailed. The publications in the journal fulfilled the task of popularizing the comrades' courts and were apparently conducted at meetings organized for demonstrative purposes. Despite the general propagandistic pathos of the materials, they clearly show criticism of the courts at the turn of the 1920s-1930s, as well as similar approaches to the contextualization of violations and subsequent sanctions as found in archival documents.

Of great interest for the study are individual publications of Soviet legal and trade union experts, filled not only with ideological disputes about the ways of development of Soviet legislation and the professional movement, but also with concrete proposals and interpretations of current reforms, including in the field of comrades' justice. Such expert texts were published in the form of brochures devoted to the theory and practice of comrades' courts (V. Epifanovich, G. Moskalenko, F. Nyurina, etc.) during the entire period of the active functioning of comrades' courts (until 1934). Similar brochures were published in the late 1930s, but outside Moscow and Leningrad.

A separate important source for the study of socialist legality were the scientific works of the figures of justice on Soviet law contemporary to my period. These include theoretical and educational texts by Soviet jurists, many of whom held top government positions (E.B. Pashukanis, A.Y. Vyshinsky, P. Stuchka) and also made great efforts to develop branches of civil and labor law in the USSR (A. Goikhbarg, Z. Grishin, A. Kleinman).

Conclusions put to defense

1. During the years of revolutionary crisis, comrades' courts became an important mechanism for establishing labor discipline amid the collapse of the economy in 1917-1919. Drawing on issues of proletarian morality and labor ethics, they became a special form of collective conflict resolution and discipline control. The Soviet decree on the establishment of comrades'

courts of November 14, 1919 was the first step in incorporating labor discipline into the space of Soviet state regulation.

2. The gradual incorporation of comrades' courts into the repressive machinery of the revolutionary state contributed simultaneously to the tightening of sanctions possible within their competence and to greater bureaucratization. Despite this, the comrades' courts in 1919-1922 were not characterized by strictness. In general, the measures they applied were lenient. They took into account various factors to reduce the penalty, such as the status of the family breadwinner, additional shifts at the workplace, and the physical condition of the accused. The organization of comrades' courts under provincial or district trade union departments contributed to the independence of the comrades' courts, and the increase in regulations and instructions brought them closer to the sphere of the judiciary.
3. In 1919-1921, the comrades' courts were able to proceed disciplinary violations not only of administrative personnel, but also of the highest officials of the state. In the absence of private law opportunities to accuse officials, the comrades' courts became an instrument of administrative control.
4. The concept of customary law, with the help of which some researchers describe socialist legality and the practices of comrades' courts, turns out to be inapplicable to them, as it refers to tradition, to the reproduction of the past. On the contrary, socialist legality was a fundamentally new phenomenon, combining communist doctrine, the traditions of pre-revolutionary legality and the reality of the Civil War and state building, and then industrialization, which reinforced and confirmed the modern policy of the Soviet state.
5. The flexibility of the comrades' courts and their broad contextualization in the form of going beyond the competences and sanctions outlined in the instructions were characteristic of their activities both in 1917-1922 and in 1928-1939. In 1917-1922 the comrades' court was the most authoritative

body in the field of disciplinary violations, whereas in 1928-1939 it lost this importance.

6. In 1928, comrades' courts were established in the interests of the People's Commissariat for Justice to relieve the burden on the people's courts, but the inclusion of labor discipline in the competence of the comrades' courts from 1929 reoriented the courts primarily to production tasks. As a result of this turn, discipline once again became a space of common cause and comrades' courts included administrative and technical personnel in their proceedings, contrary to their prescribed competences. As a result, the flexibility of comradely justice allowed for both the repressiveness and emancipatory nature of the comrades' courts. Moreover, the exemplary courts in 1933-1934 were considered to be those where workers were not only convicted for violations of discipline, but also had their rights restored.
7. From 1932, the competence of comrades' courts was again limited after the adoption of a number of new laws and regulations. The flexibility of the comradely justice, sometimes overly democratic from the point of view of the higher authorities, was tried to be limited by new instructions narrowing the competence of the comrades' courts. As a result, from 1935, the comrades' courts, where they continued to function, had more educational rather than judicial functions, as they were called upon to prevent violations and propagandize legislation and political campaigns.
8. Despite the fact that at local comrades' courts the political discourse of accusation was quite rare throughout the period under study, the comrades' courts of 1931-1939 were more characterized by political revelations. The reason for this was the lack of clearly defined procedures and norms for the activities of the comrades' courts during this period. Therefore, the courts of general jurisdiction could stop the ideological exposures that began in the comrades' courts.

The structure and outline of the dissertation

The dissertation research is structured chronologically, with emphasis on some key points in the history of the comrades' courts and consists of an introduction and three articles.

The first chapter «Comrades' courts and the state in 1917-1922» includes the history of comrades' courts during the Civil War. In it, I explore the transformations of the discipline realized in comrades' courts in 1917-1922 in Soviet Russia.

In the first paragraph, «Comrades' courts before the decree of November 14, 1919», I examine how disruptions in production during the war and revolution led to the creation of an alternative comrades' discipline in the form of «common cause,» whose emergence was driven by workers' protests and emancipation. By decree in 1919, this wave of «comrade» proceedings and grassroots disciplinary control was incorporated into the system of state administration and limited to a specific code of rules.

The second paragraph, «Constituent Documents and the Place of Comrades' Courts in the System of State Bodies», analyzes in detail the main legislative measures in the field of comradely justice, their changes throughout the period studied in this chapter, and the interaction of comrades' courts with justice, public, labor, and other bodies.

The third paragraph, «The Practice of the Comrades' Court: Punitive or Conciliatory Body?» examines how local comrades' courts went beyond the norms prescribed by decree. The punitive principle, generally statistically dominant, was combined with an individualizing approach that helped to limit the measure of punishment. In addition, the existing statistics did not take into account conditional punishments, when workers were left in production and sentenced to forced labor or imprisonment in a concentration camp conditionally until they violated again (10% of cases in Petrograd). Amnesties were another way to limit the use of punishments. The existence of all these measures shows that despite the strict requirements of

state-mandated discipline, there were many opportunities to limit or even abolish punishment within the local comrades' courts.

The fourth paragraph, «New Hierarchies: communists and managers in the comrades' courts», analyzes the role of administration and managers at different levels. As the court records show, the class agenda was less relevant to the participants in the proceedings than the traditional judicial discourse. By traditional judicial discourse we mean an appeal to low social status, family status, orphanhood, etc., which was also characteristic of the pre-revolutionary court. Thus, the flexibility of revolutionary legality within the framework of comradesly justice was not limited by a class-based approach. Although representatives of the administration were initially excluded from the jurisdiction of the courts, this continued in practice and was later legitimized by the 1921 Instruction. Thus, after a year and a half of operation, the comrades' courts reformatted the restrictions prescribed from above, reconstituting the courts on a more egalitarian basis. On the other hand, this administrative power is suggested to have been one of the reasons for the abolition of the comrades' courts in 1922. This and other reasons are discussed **in the last paragraph**, «The 'Nationalization' of Industrial Discipline», where I conclude that with the strengthening of the new Soviet bureaucratic regime, it was only with the end of the Civil War that industrial discipline was «nationalized,» i.e., placed in the hands of administrators loyal to Bolshevik power, and the comrades' courts themselves were abolished. The comrades' courts no longer met the economic and political goals of the Bolshevik leaders. At the same time, their practice shows that it was not the broad limits and flexibility of revolutionary legality or the lack of professional personnel that led to increased repression, but extreme economic conditions and the inclusion of the state in the functioning of disciplinary institutions. The flexibility of the comrades' courts allowed them, depending on the context, to pursue a repressive policy or to be as liberal an institution as possible, indeed applying only educational measures. At the same time, the gradual bureaucratization and centralization of comrades' courts, which brought them closer to the judiciary, made them more independent and professional. It was

this that frightened the Soviet leadership, which feared that the comrades' courts had been given too much opportunity for administrative control not only over the management of enterprises, but also over Union officials. October 1917 in this case does not appear as a boundary between two different types of production management. The new economic policy changed the disciplinary order there much more strongly - discipline was «nationalized», ending up in the hands of Soviet managers.

In the second chapter, «Comrades' Courts in 1928-1939», I examine the comrades' courts after their resumption in 1928-1939. **The first paragraph**, «Comrades' Courts of the Late 1920s,» examines the comrades' courts of 1928-1929. Their practice in these years is more connected with the NEP era than with industrialization and Stalin's disciplinary and legal restrictions. At that time, the agenda was primarily to relieve the people's courts of private prosecution cases, so the jurisdiction of the comrades' courts was limited primarily to workers' honor cases.

In the second paragraph «Industrialization of Comrades' Courts» I analyze the turn of the comrades' courts away from interests of justice towards the interests of industrialization and socialist construction. The inclusion of discipline in their jurisdiction led to a transformation in the understanding of workers' rights, which became secondary to production. I examine in detail the changes in comradeship norms, as many pieces of legislation regulating them came out during this period, as well as the disputes of their responsible bodies over their creation. In addition to norms, I focus on the practical operation of comrades' courts. In some cases, workers had the opportunity to use the court as an emancipatory institution of workers' control, i.e. in the interests of workers.

The third paragraph «Limitation of jurisdiction» explores the gradual process of curtailing the competences of the production and comrades' courts throughout the 1930s. It shows how high hopes for the efficiency of the courts were accompanied by constant criticism of them, and their competences were step by step limited under the new harsh legislation.

The last paragraph «Other bodies of social control at the industrial production» examines Stalinist production as a unified disciplinary and legal system. The abundance in production not only of disciplinary and quasi-legal bodies, but also of public bodies with disciplinary and legal functions demonstrates the breadth of possibilities for both supervisory bodies and ordinary workers to realize their interests at the same time. On the other hand, this breadth of opportunities for workers was limited by the lack of prescribed procedures, where proceedings could follow a variety of scenarios both inside and outside the production. Thus, in practice, comrades' courts as one locus of socialist legality accommodated a wide range of their own tactics, among which one finds bureaucratic (abundance of fines, existence of separate courts only on paper), repressive (control over discipline and over workers' provision), emancipatory (protection of honor and dignity in the workplace, criticism of the administration, struggle for better working conditions through drawing attention to disorder in the organization). The chapter argues that such flexibility and diversity within comradesly justice again ceased to meet the goals of the state. In the mid-1930s, the activity of the comrades' courts fell sharply as their competences were reduced due to new legislation. Production and comrades' courts began to resemble mass-education bodies more and more, thus losing their distinction from other public bodies in the enterprise.

In chapter three, «Socialist legality in the comrades' court and beyond: the case of Alexei Sidortsev» I examine in detail the case of Alexei Ustinovich Sidortsev, the former president of the comrades' court, who was fired from the Krasny Proletarii factory. This case confirms and elaborates my thesis about the problematic nature of political charges within the framework of comradesly justice: the political repressiveness of the comrades' court headed by Sidortsev was not something commonplace; it angered both the workers and the management of the enterprise.

In the first paragraph, «A portrait of one chairman», I examine Sidortsev's biography, which demonstrates his experience of political exposure and interactions

with various state agencies throughout his conscious life. This provides insight into the context of subsequent events and proceedings.

The second paragraph «Charges in a comrades' court» explores Sidortsev's activities at Krasny Proletarii, where he continued to expose class enemies, this time through the comrades' court, which he led almost immediately after his arrival at the factory. Sidortsev drew the attention of the whole plant to the activities of the court, for he did not stop at referring the case of one of his colleagues to the OGPU, continuing to look for some counter-revolutionary grouping. I call attention to the fact that in the factory disputes Sidortsev primarily accused of class alienation, of violating party and state regulations. In the production and comrades' court these ideological arguments showed their effectiveness, for the only thing they were able to counter Sidortsev was not public disagreement with him, but dismissal for reasons unrelated to his investigations. As a result of the reprimand, apparently for an unjustified reason, and the subsequent dismissal for appearing drunk at the plant's gatehouse, Sidortsev launches a campaign against the authors of these decisions - the plant's party and trade union administrators.

The third paragraph «People's Court and Trade-Union» shows that the dismissed Sidortsev continued to use primarily ideological arguments when appealing to the people's court - that the chairman of the cell was a «clammer of self-criticism», a violator of a number of regulations, etc. Despite the fact that Sidortsev ceased to be a prosecutor and became a victim, the modus operandi of his revelations (ideological) remained virtually unchanged.

The fourth paragraph «City court and procuracy» demonstrates that not only the people's court, but also the city court and even the prosecutor's office had little reaction to Sidortsev's exposing ideological rhetoric, which was successfully used at the comrades' court. As a result, he changed his tactics in the trial and instead of making ideological accusations, he began to emphasize the inconsistency of the evidence with the actual circumstances of the case. The Soviet court's inattention to ideological violations forced the plaintiff to turn to a new type of argument - a bureaucratic one, relevant for a court of general jurisdiction rather than a comrades'

court. This can be traced in his statements and appeals to courts, trade unions and prosecutor's offices at various levels.

The fifth paragraph «Supreme court» shows, on the one hand, the trial and Sidortsev's final victory in the Supreme Court, and, on the other hand, the fact that the plaintiff's political arguments were never realized in the courts of general jurisdiction. Thus, the condemnation of Sidortsev's squabbling politicality by his superiors and a number of comrades shows how problematic and undesirable the search for enemies at the grassroots comradeship level actually was. In the absence of procedural constraints, as well as the work with evidence within the production and comrades' courts of the period, ideological arguments within their limits could only be put to an end by bodies external to them - the administration, courts of general jurisdiction, and the OGPU.

Conclusion summarizes the study's results and provides general implications. The dissertation proves that the revolutionary and spontaneous nature of comrades' courts allowed them to occupy the empty space of disciplinary control in 1905-1907 and 1917-1918, and this control was carried out in the interests of workers' communities, to continue the functioning of enterprises. With the consolidation of the Bolshevik state, discipline was gradually taken out of the hands of the comrades despite a number of successes of the comrades' courts. The latter, despite their inclusion in the repressive machine, continued to retain their democratic aspirations. This independence appears to have been one of the reasons for their removal. When the courts were reintroduced in the late 1920s, the introduction was not initiated from below, but from the People's Commissariat for Justice in order to unload the people's courts. The lack of activity of the courts in 1928-1930, with very limited powers, led to the fact that the comrades' courts were involved in the implementation of the industrialization plan. Now they implemented functions of regulation of labor discipline than resolution of personal conflicts, as the lawyers had planned. Subsequent transformations of the comrades' courts moved them further away from the realm of the legal. At the same time, the comrades' courts provided some

opportunities to defend one's honor and generally actualized the discussion of personal dignity in proceedings.

As a result of the turn to industrialization, the protection of workers' honor was replaced by the protection of the “honor” of socialist construction. The workers' rights proclaimed under the labor code proved secondary to economic performance. On the other hand, again, the flexibility of comradely justice led to the courts to realize their “revolutionary” potential. The inclusion of discipline within the competence of the comrades' courts contributed to the transformation of that discipline: it again became a common cause, implying the responsibility not only of the rank and file but also of the administrative and technical staff. This emancipatory trend in the activities of the comrades' courts was halted by the criminalization of an increasing number of disciplinary violations throughout the 1930s and especially at the end of the decade. For the most part it resulted in removing the comrades' courts from regulation. They became distanced from the justice system throughout this period, engaging rather in educational work and prosecution of disciplinary offenses, as did numerous other industrial bodies. As for the politicization of the comrades' courts, this politicization was not ubiquitous. In the comrades' courts of 1917-1923 it was not read at all. Moreover, the desire to search for enemies of the people, as the case of Alexei Sidortsev shows, caused discontent at the local level.

Overly regulated field of labor discipline paradoxically contributed to the fact that the decision in each individual case depended on local contexts and a variety of internal relations in the industries, as there were no clear sanctions for individual violations nor specific procedural rules prescribed, so comrades' courts could be both as repressive as possible and as lenient and even emancipatory as possible. Socialist legality in the sphere of general jurisdiction also depended on local contexts, but these were much more procedurally constrained.

Theoretical and practical significance of the work lies in the development of an approach to the study of comrades' courts in their totality from the point of view of legal history. For practical purposes, the results of the study can be applied

in the preparation of textbooks and courses on the history of law, the interwar USSR, and the participation of citizens in the judicial system.

The research approbation

The credibility of the research is determined by the consideration of a wide corpus of sources studied within the framework of the chosen methodology. The main provisions as well as the general outline of the thesis have been repeatedly presented and discussed in the scientific community in 2019-2023 at 10 conferences, including 5 international conferences and workshops.

1. 5th International Workshop «Political in political history» at the University of Jyväskylä, Finland, 17-19.06. 2019, report «Justice without law: comrade courts in Soviet Russia

2. German Historical Institute in Moscow, 25.06.2019, report «“The Court is not the former police court, but ours court”: comrades' courts and socialist legal consciousness in the USSR in 1919-1939».

3. Workshop on Anthropology and History at the University of Helsinki, 11.06.2020 report «Preserving counter-revolution: soviet bureaucracy in the class war».

4. German Historical Institute in Moscow, 25.09.2020, report «Comradeship discussion in the Stalinist enterprise in the years of the first five years (1928-1937)».

5. German Historical Institute in Moscow, 25.02. 2021, paper «Practicing Comradeship: Collectivist Arguments in Labor Disputes at Soviet Enterprises in the 1930s».

6. Conference «Soviet Legacy 30 Years Later: Discourses and Practices,» 23-24.04.2021, paper «Being a Comrade and a Collective: Gathering Sociality in the Soviet Labor Conflicts of the 1930s».

7. Workshop «Stalinism and the Struggle for Social Control, 1929-1956» at the University of Jena, Germany, 3-4.6.2021, paper «The Market for Legal Authorities in the Stalinist Enterprise: Disciplinary Practices and Employee Rights.»

8. XV VDNH Conference, European University, St. Petersburg, March 25, 2022, report «Conflict as a Common Cause: Comradeship Courts in Conditions of Revolutionary Legality.

9. 17th Conference «EASA2022: Transformation, Hope and the Commons. School of History, Anthropology, Philosophy and Politics,» Queen's University of Belfast, Ireland, 24-25.03.2023, paper «Comradeship and collectivity: assembling sociality in Soviet industrial labor conflicts in the 1930s.

10. XVI VDNH Conference, European University, St. Petersburg, March 25, 2022, report «The Soviet court between bureaucracy and ideology: the case of Alexei Sidortsev's dismissal seeking class enemies».

List of author's main publications in the journals included in the list of highlevel journals, recommended by HSE, as well as indexed by Scopus:

1. Starun, Mariya. «Natsionalizatsiya» obobshchestvennoy distsipliny: tovarishcheskie sudy v Sovetskoy Rossii v 1919-1922 gg. [«Nationalization» of socialized discipline: comrades' courts in Soviet Russia in 1919-1922], *Cahiers du monde russe*, Vol. 62, no. 4 (2021): 553-579.

2. Starun, Mariya. Pokhod Alekseya Sidortseva protiv sovetskogo suda: svidetel'stva, argumenty i poisk material'noy istiny [Alexei Sidortsev's Campaign against the Soviet Court: Evidence, Arguments and Search for Material Truth], *The Soviet and Post-Soviet Review* 49, no. 2. (2022): 115-149.

3. Starun, Mariya. Repressii i emansipatsii sotsialisticheskoy zakonnosti: proizvodstvennyy tovarishcheskiy sud v gody pervykh pyatiletok [Repressions and Emancipations of Socialist Legality: Production Comrades' Court in the Years of the First Five-Year Plan], *Laboratorium: Journal of Social Research*. No.3 (2022): 87-118.