TITLE: SOVIET AND POST-SOVIET POLICING:
A HISTORICAL PERSPECTIVE

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Executive Summary: Soviet and Post-Soviet Policing;
A Historical Perspective

Chapter 1: The Sources of Soviet Policing

The Soviet militia incorporated three kinds of centralized law enforcement: Continental, colonial and socialist. The continental model of policing was the most important single influence on Soviet policing. Continental policing provided the basis for the structure, the mandate, the operations of the Soviet police and their relationship to state authority. The Soviet police also incorporated important elements common to colonial policing--the importance of the conquest phase, the continuing paramilitary role of the police, the type and quality of the recruit attracted to service, colonial attitudes towards race and the political aspects of colonial policing. Socialist policing communicated the central ideology of the state to the citizen. The militia, as agents of the ideology, enforced an encompassing view of the society in which all political, economic, social and cultural activity was subordinated to the state.

Chapter 2: Post-Soviet Policing

The militia retained the three central elements of its policing--continental, colonial and socialist--until the end of the Soviet state. Despite its final efforts to democratize, the Soviet militia remained an authoritarian police force. These elements remain in the transitional police forces of the emergent states even in the absence of Marxist ideology, the Communist Party or the Soviet state. The socialist element of policing should eventually disappear. But state paternalism prevails even in the absence of the government structures responsible for delivering these services. The continental police model remains in the functions, the structure and the operations of the police forces. The colonial legacy remains in the structure and compositions of the post-Soviet police institutions. The newly independent states have not been able to reconceptualize policing. This failure to address one of the more important authoritarian legacies of the Soviet period inhibits these countries' ability to democratize.
Chapter 1: Sources of Soviet Policing

The Soviet militia was an effective tool of social, political and economic control for many decades because it amalgamated three kinds of centralized law enforcement: Continental, Colonial and Socialist. The combined attributes of these forms of policing, in force throughout the USSR, intensified the degree of state intervention into daily life among the diverse populations of the Soviet Union. The militia, as in other colonial societies, was the most immediate form of control over the citizenry. From these three distinct sources of policing, the Soviet militia acquired its basic structure, functions, operations and relationship to authority and to the community.

The Continental form of policing was the traditional form of authoritarian control in the centralized states of Western Europe. Colonial policing was common to the empires of Western Europe which sought to impose, by means of force, their legal systems and rule on very different populations often in less economically developed regions. Socialist policing developed in states where the police helped enforce Marxist ideology, ensuring state ownership and control of the economy. Please turn to Chart I on the following page.
Models of Police Systems

Chart I

<table>
<thead>
<tr>
<th></th>
<th>USSR</th>
<th>Anglo-Saxon</th>
<th>Continental</th>
<th>Colonial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legitimacy</strong></td>
<td>Communist Party</td>
<td>Local Government; based on law</td>
<td>Central Government</td>
<td>Colonial Authority</td>
</tr>
<tr>
<td><strong>Structure</strong></td>
<td>Centralized armed, military force</td>
<td>Decentralized armed in U.S., unarmed in England</td>
<td>Centralized armed, militarized force</td>
<td>Partly centralized; armed force</td>
</tr>
<tr>
<td><strong>Function</strong></td>
<td>Crime only one function: emphasis on political and administrative functions; enforce state ideology</td>
<td>Crime and some welfare and administrative responsibilities</td>
<td>Crime only one function: emphasis on political and administrative functions</td>
<td>Crime subsumed within concern for political/administrative functions</td>
</tr>
</tbody>
</table>

(Adapted from Table 2.1 in R.I. Mawby, *Comparative Policing Issues*, London: Unwin Hyman, 1990, p.30 with additions on USSR by the author.)
Placing policing in this comparative context, it is evident that the militia in the USSR did not differ from the continental model or the police forces which existed in colonial societies. But they differed markedly in function, structure and accountability from the Anglo-Saxon model known in contemporary Britain or the United States. The wide-ranging militia functions were consistent with the Continental police of previous centuries. Accountability was to a central power, in the Soviet context, the Communist Party rather than a ruling monarch. Yet Soviet policing was different from that known in Western Europe or in Colonial powers because the militia personnel represented the state ideology. Marxism had a distinct impact on policing in both the economic and political spheres. Without the buffer of private property, as John Locke suggested, citizens lacked independence from the state. Moreover, the Marxist dialectic made conflicts irreconcilable because in each situation there was only a "right" or "wrong". Therefore, this societal perspective exacerbated social conflict and those in the wrong had to be suppressed, often by the militia.

The combined effect of these police models made the Soviet militia a powerful tool of state power. With its authority backed by a single strong centralized Party that enjoyed a monopoly of power, it was able to undermine citizen autonomy and destroy many indigenous legal cultures. The authoritarian police model is predicated on the omnipotence of the law enforcers. As in many authoritarian and colonial societies, corruption and inefficiency mitigated their power. Their impunity permitted the proliferation of corruption within their ranks.

The Soviet Militia and Continental Policing

The Soviet militia was such an effective source of control for seven decades because the law enforcers were part of the continental tradition of policing. This model was the most important single influence on Soviet policing. Continental policing provided the basis for the structure, the mandate, the operations of the Soviet police and their relationship to state authority.

The Soviet Union inherited the authoritarian policing tradition of 18th and 19th century western Europe and did not democratize this institution. Change did, however occur, as Soviet law enforcers, like western Europe in the 19th century, encountered the challenges of industrialization and urbanization.

Policing as an institution was established in continental Europe when power was concentrated in the hands of absolute rulers. Continental policing began in France in 1667 under Louis XIV who sought through this institution to "strengthen royal authority in all fields of
activity." It was particularly this kind of absolutist power that the American colonists, inspired by the ideas of the Enlightenment, rebelled against. Influenced by such philosophers of the French Enlightenment as Voltaire and Montesquieu, they tried to create a democratic legal system devoid of political controls by an authoritarian government. The emphasis on the balance of powers, the core of the American legal system, was specifically written into the American Constitution by the founding fathers to prevent the concentration of police powers as existed in France before the French Revolution. The decentralized American police, therefore, from its inception was in structure and function fundamentally different from Continental policing which the Russians and subsequently the Soviets chose to follow.

The French Revolution only temporarily eliminated authoritarian policing because that associated with the French kings was soon supplanted by that of Napoleon. Other rulers in Continental Europe, sobered by the French revolution and subsequent political revolts on behalf of democracy throughout the 19th century, sought to reinforce their power by means of centralized police. Monarchs such as Franz Joseph or the Russian czars developed centralized police forces in order to maintain power over ethnically diverse populations spread over large geographical areas. These rulers wanted "strong states with obedient and docile subjects...the police in states with these ideas were not servants of the law, but of the state." Accountability was to the ruler and not to the citizens.

The structure, the legitimacy and the functions of this police were very different from the Anglo-Saxon model, known in Britain and the United States. The legitimacy of the Continental police did not come from the people, as in a democracy, but instead came from the authority and power of the ruler, usually a king or an emperor. The police were centralized, militarized and subordinated to the central government. The state enjoyed, in principle, a total monopoly on policing, a monopoly which endured through the mid-20th century when private policing expanded in Western Europe.

Structure and Mandate

The broad authority of the continental police forces and their centrally controlled structure suited the needs of the Soviet authorities as it had their Tsarist predecessors. In the Soviet period, a powerful Party structure rather than a king or a hereditary nobility enjoyed the monopoly of political and economic power. A similar police structure with broad regulatory functions, however, suited both authoritarian systems because control was centralized with
accountability to the state rather than to the citizenry. The powers granted the Soviet militia were much greater than those accorded the police in the Anglo-Saxon tradition because the police were not just responsible for crime control but were part of the general administrative apparatus of the state.

The Soviet Union very early laid the groundwork for the militia bureaucracy. Within the Ministry of Internal Affairs, numerous divisions were established that would regulate diverse aspects of Soviet life. These functional divisions were similar to those found in the 19th century German and French police. Its mandate was large and encompassed political, social, economic and religious life. (see Table I) Citizens could form no civil society because no area of life was independent of the state or its social control apparatus.

TABLE I: THE FUNCTIONS OF THE MILITIA*

1) Maintain order on streets, public places, highways, train stations and at mass gatherings.

2) Protect socialist property and the rights and interests of citizens, enterprises, and organizations.

3) Take measures to prevent crime and other legal violations, take necessary measures (such as arrest, search) to disclose crime, disclose causes of crime and take measures to counteract them.

4) Inform citizens and responsible persons of crime commission Register and record crimes. measures to suppress crime, initiate criminal cases and the doznanie (inquiry) into case.

6) Fulfill requests of procurators and investigators and help them in their investigations; guard those arrested and detained and provide convoy service.

7) Fight alcoholism and drug addiction with other governmental organizations; inform place of employment of the person of his/her misuse of drugs or alcohol.

8) Detect and enforce laws against anti-social and parasitic elements.

9) License and enforce laws on guns, printing devices, seals and stamps, and radioactive substances.

10) Administer the passport and registration system; grant permission to travel and reside in border zone.


5) Take
11) Control address-information bureaus.

12) Issue passports to Soviet citizens travelling abroad. Register foreigners in the USSR.

13) Locate individuals evading their sentences, parties in civil cases, draft evaders, and missing persons. Cooperate with Red Cross.

14) Street and highway traffic control. Registration and Inspection of Automobiles.

15) Supervise exiles and those returning from exile. Help in job placement of those returning from labor camps.

16) Assist the security police in the fight with anti-state crime and take other measures to protect state security.  

17) Assist military commissariat in draft registration and service calls.

18) Assist individuals in natural catastrophes.

19) Assist health organs and veterinary surveillance in instituting quarantines.

20) Assist victims of crimes and accidents.

21) Find and return lost documents to citizens.

22) Enforce sanitary measures in streets, courtyards, public places and beaches.

23) Fight poaching and violations of hunting and fishing regulations.

24) Promote legal propaganda among the population on social order and fight with crime.  

The most fundamental control of the Soviet militia was over the mobility of the citizen. Population registration was a tool of social control employed by both the German and French police that was first adopted by the Tsar and then subsequently refined under Stalin. From the German police, the militia acquired such responsibilities as inspection functions, planning for public works, framing regulations for the conduct of public citizens and the oversight function over public assemblies and meetings. From the French police, they incorporated such responsibilities as public health and hygiene, control of dangerous substances, prevention of fire, and the monitoring of food quality and supplies.
The Soviet militia expanded the economic functions associated with Continental policing. While the German police were assigned to monitor markets and food supplies, the Soviet authorities added many additional responsibilities that were necessary to run an economy completely owned and managed by the state. The highly politicized conception of policing was also acquired from the French model. First adopted by the Tsar and subsequently reinstituted by the Communist Party, the state used the militia as guarantors of centralized power. According to their legislative mandate, the Soviet militia were required to assist the security police in whatever manner was determined necessary. Apart from this, the militia were required by statute to register printing presses and typewriters. In addition, they monitored polling stations at election time.

Militia Operations

The Soviet militia acquired not only their functions and structure from the Continental police but also their mode of operations. The Soviet police, like their Tsarist predecessors, followed the French model and relied on informers as a basic attribute of police work. Informers much more than detective work became the basis for the prevention and disclosure of crime. Russia and subsequently the USSR, unlike France, however, did not incorporate the legal ideals of the Enlightenment. They failed to establish a legal framework to control or regulate its covert policing. Few citizens could resist the power of the police because it offered powerful inducements to comply and severe punishments for disobedience. Citizens believed that ultimately there was no point in resistance since the police apparatus would ultimately prevail.

In contrast, in France, despite the reliance on informers, civil liberties remained very much alive because this police strategy might "threaten civil liberties, but..." did not abrogate them. Civil liberties, a concept articulated by Rousseau in The Social Contract, was based on the idea that power should never be exercised without law. In the aftermath of the French Revolution, France gradually developed a legal framework to protect citizens from intrusion by state power. Neither Russia nor the USSR, however, developed the concept of civil liberties or individual rights. State power in the USSR was never limited by legal constraints. Although the Soviet constitution granted its citizens various rights, they were not unequivocal. As Article 39 of the 1977 Brezhnev Constitution stated, the social-economic, political and personal rights should not damage the interests of the society or the state. The elasticity of this provision allocated tremendous discretion to the militia as enforcers of the state's interests.
Accountability

In the absolutist states which gave rise to centralized policing, there was a permanent imbalance between the rights of the state and the citizenry. Support of state power was an important component of the hierarchical continental police tradition. Power was consistently weighed in favor of the state rather than the citizen. Furthermore, accountability to the ruler rather than the citizenry was a crucial feature of Continental policing. Fosdick, an early analyst of comparative policing, made these salient comments about German policing before World War I:

The autocratic spirit of the German government is reflected in the imperviousness of the police to public opinion. The police department is a specialized institution in the details of which the people are held to have no proper interest.\(^{19}\)

Continental policing likewise served the needs of the centralized Soviet state that did not seek input from its citizenry. But a crucial distinction exists between the autocratic policing of pre-World War I Germany and that which developed in the Soviet Union. The authoritarian German police was responsive to the law but not the citizenry. The Soviet militia was responsive neither to the law nor was it accountable to the citizenry. There was, however, accountability to the Communist Party which promised its citizenry a greater degree of order than in western societies--an order achieved at significant costs to the individual rights of the citizen.

The rechtsstaat (rule of law state) was a fundamental concept of 19th century German jurisprudence. According to this legal model, individuals and institutions were subordinate to the written law. The police, as part of the administrative apparatus of the German state, were subordinate to the written law and were expected to follow it precisely. In contrast, in the Soviet Union, there was no expectation that officials or state institutions would adhere to the law. Only in the final period of the USSR did Gorbachev and Soviet legal officials posit the idea of a rule of law state. Even then they did not propose a pure rechtsstaat but a socialist rechtsstaat in which observance of the law was not absolute but delimited by the needs of the socialist state.\(^{20}\)

The hegemony of the Communist Party was embodied in Article 6 of the Constitution, which made the Party the leading and guiding force of Soviet society.\(^{21}\) No enforcement mechanism existed in the Soviet legal system to ensure compliance with the law or the legal rights granted in the Constitution.\(^{8}\)
Knowledge of the law is a prerequisite to a rechtsstaat. Citizens must have access to the law to ensure their compliance. Yet in the Soviet period, Soviet officials enhanced their control by enacting laws known only to the enforcers and not to the citizenry. Thousands of laws and regulations were published "for official use only" many of which affected such aspects of daily life as the practice of religion, mobility and registration for housing. In a state where the checks and balances over the exercise of state power were almost nonexistent, the presence of classified laws further expanded the power of the state at the expense of the citizenry. The state acquired a disproportionate advantage because it controlled not only the institutions of coercion but also access to the law. The laws exercised by the militia became a very powerful tool of the so-called Soviet "administrative command system" that made all its subjects subordinate to its unknown and overarching authority.

The Development of Continental Policing

Three major developments of 19th century Continental European society and politics had a profound impact on Continental policing. These important forces were: 1) the rise of state paternalism, 2) the advent of industrialization and urbanization, and 3) the development of the modern bureaucratic state. All of these developments occurred earlier in Western Europe than in Russia; their implications for policing were only felt in the final years of the Tsarist period. Therefore, the Soviet militia in the early post-revolutionary period reacted to these important forces as had their counterparts in western Europe many decades previously.

1. State Paternalism

The rise of state paternalism in 19th century Europe was a reaction of many monarchs to the challenge of the French revolution. There was an increasing awareness on the part of these rulers that the state must provide for their citizenry. But unlike in a democratic society, it was not the citizens who determined the services they would receive from the government. Rather it was enlightened monarchs who determined that their citizens must be protected, that social welfare must be enhanced and society improved by state intervention.

The Soviet Union inherited the paternalism of 19th century Europe in its core ideology. The Marxist pronouncement "to each according to his needs, from each according to his ability" made the state the necessary arbiter of the needs of its citizens. To realize this ideological objective, the state had to intervene in individual lives to a significant degree. This intervention
was accomplished by means of the militia apparatus and was justified in terms of the public
interest. 24

No area of personal activity remained outside the permissible scrutiny of the state. In
sharp contrast to the American Constitutional tradition, there was no wall of separation between
the citizen and the state. Furthermore, the concept of citizenship and citizens' rights, as
conceived during the Enlightenment, was not incorporated into the state ideology. As one
Hungarian scholar explained of the traditional police state, it "was not characterized by the under-
regulation of life circumstances, but characterized by over-regulation and the principle 'regis
voluntas suprema lex' (the will of the emperor is the supreme law) which made it impossible for
the subordinate to rise to citizen." 25

The intrusive police power in the USSR was a reflection of the philosophy of the
traditional police state combined with a pervasive ideology that justified state intervention. This
state paternalism became increasingly difficult to sustain when confronted by the challenge of
rising ethnic nationalism.

2. Industrialization and Urbanization

The Bolsheviks, ideologically committed to a policy of rapid industrialization, faced the
same challenge that the highly centralized Western European governments encountered in the
previous century -- how to maintain centralized control in a period of rapid social change. The
early Soviet leaders sought to develop their society rapidly without allocating power from the
central state authority to the developing working class and industrial managers. Continental
policing, which combined broad regulatory functions within a coercive centralized bureaucracy,
ideally suited the needs of the Soviet leadership as it had their western European counterparts in
the previous century. The encompassing militia apparatus that developed in the immediate post-
revolutionary period, as will be shown in the following chapter, proved to be the ideal apparatus
to maintain centralized control when Stalin launched his drive for rapid industrialization.

The militia controls over personal mobility controlled the processes of industrialization
and urbanization more than in nineteenth-century western Europe, where the centralized state did
not enjoy such hegemony over the development of the economy. Militia controls helped prevent
the development of an autonomous working class as has developed in most other industrialized
states.
3. Development of Bureaucracy

The enhancement of social welfare and the bureaucracy to support it was not to be achieved at the cost of the devolution of state power. Rather the state assumption of such responsibilities as public health, supervision of markets, and the regulation of banking in 19th century western Europe\(^26\) represented the extension of state control to areas of life previously outside the reach of central government. European rulers in the past century, by assigning many of these new functions necessary for the execution of the modern bureaucratic state to the police directly subordinate to them, were able to enhance their control at a time when the centralized state was challenged by competing sources of power. By enhancing the range of police powers far beyond those of crime control into the area of regulation of commerce and industry\(^27\), the central states were able to resist much of the challenge to central authority that came from the new class of industrialists and the urban working class.

As in 19th century western Europe, the establishment of social welfare enabled the Soviet state to expand its powers over daily life. This was particularly possible in the USSR because the socialist ideology made the provision of social welfare a fundamental obligation of the state. By expanding the functions of the state bureaucracy and enhancing the range of the law enforcers powers into the economy, public health, and sanitation, the state was amassing rather than devolving power. The new Soviet urban industrial class could not challenge central state authority because there was no civil society nor any social welfare services outside of the state.

Continental policing evolved significantly in western Europe in the 19th and 20th centuries. With the collapse of the last great empires and the demise of fascism, Europe moved away from the concentration and centralization of power. Although western Europe still has the legacy of Continental policing in its centralized and hierarchical police systems, there has been a reduction in their range of functions and an increase in their accountability to the citizenry. While the French and Dutch police, for example, still have a wider range of functions than are known to their Anglo-Saxon counterparts, they are many fewer than in previous centuries.\(^28\) Furthermore, the rise of democracy has enhanced accountability to the citizenry rather than just to the state.

In contrast, the continental model never went through such transition in the Soviet Union. In the USSR, the heir to the Russian empire of the 19th century, continental policing remained intact until the end of the Soviet state in 1991. The rise of democracy and the concept of the rule
of law came late to the USSR, becoming an acceptable subject for discussion only under perestroika. Therefore, the USSR remained true to Continental policing long after it evolved in western Europe. The state maintained a total monopoly on policing almost until the end of the Soviet state. For seven decades the centralized militia, possessing a broad mandate and impervious to legal controls, was a fundamental tool of state and Party power.

**Colonial Policing**

The Soviet police also incorporated important elements common to colonial policing—the importance of the conquest phase, the continuing paramilitary role of the police, the type and quality of the recruit attracted to the service, colonial attitudes towards race and the political aspects of colonial policing. Colonial policing existed in the USSR but was not part of all socialist police systems. For example, this element was absent in Poland or East Germany but was an element of policing in the multi-ethnic Yugoslavia and to a lesser extent in Bulgaria with its Turkish minority.

The combination of Continental and Colonial policing in the USSR permitted the hierarchical, centralized police system to execute orders throughout the vast territory of the USSR and among the numerous, diverse ethnic groups. Analysis of the militia's role in non-Slavic parts of the Russian Federation and outside of Russia is crucial to an understanding of the Soviet state and its exercise of power, because the militia represented the most immediate point of contact between the central state and the citizenry.

The Soviet Union occupied very much the same territory as the Russian empire. During the Tsarist period, the non-Russian areas were clearly occupied territory. But the consequences of this colonialism was less dramatic than that of the Soviet period because the indigenous cultures, legal systems and their local elites were left very much intact by the Tsars. This was a consequence of the nature of the Tsarist state. The absence of the technology which became available in the 20th century that facilitated control over so vast a territory. The Russian empire represented traditional authoritarianism; the relationship between the citizen and the ruler entailed fewer benefits and obligations than its Soviet successor.

When the vast empire of the Tsar was reconquered by the Bolsheviks in the 1920s, a fundamental change occurred. The residents of the vast territories of Central Asia, the Caucasus and the Far East were no longer merely occupied by Slavic conquerors but became citizens of the Soviet state. They became subject to the same social contract as all other Soviet citizens.
Without their consent, they exchanged personal liberty and the preservation of their traditional culture for the benefits of the socialist state -- access to education, medical care and full employment. The costs for them of integration into the Soviet state were high. For some ethnic groups such as the Kazakhs, forty percent of their population was eliminated in an effort to promote Sovietization. The militia were an integral part of this colonization process.

Soviet colonialism differed in certain important respects from traditional models of colonialism. First, the colonial policing of such European powers as Britain operated outside their country in occupied areas that were not generally contiguous. The British model first developed in Ireland was subsequently applied to such distant parts of the empire as India and Africa. Whereas the centralized Soviet militia were operating as colonial police within their own country, in areas contiguous to Russia. For example, the republics of Central Asia were kept in a clearly subordinate economic relationship. Even while their citizens theoretically enjoyed full rights of citizenship, their economic development was controlled by Moscow.

Second, the colonialism had two distinct components -- one ideological and one nationalistic. The colonial police were enforcers both of Marxist ideology and of Great Russian dominance. Coupled with Marxism, the Slavic militia presence became more potent than that of the pre-revolutionary police because it had an ideological justification for greater central state intervention in the lives of diverse ethnic groups.

There were, however, important similarities with the colonial policing which existed elsewhere. The functions of Soviet colonial policing were similar to those of European empires of the previous century. In the USSR, just as with the British empire, law enforcement was "transplanted to the Empire: to delegitimize indigenous customs, to impose centralized social control, and to incorporate local society as a branch of imperial society." As elsewhere, the mandate of the Soviet militia in the "colonized" non-Russian areas was less on the prevention and detection of crime and more concerned with the protection of state property and the maintenance of social and political control. Law enforcement was highly politicized because all threats to the political order reduced control by the central state. The usual political functions of the Soviet militia, a consequence of the continental tradition, were even more pronounced in areas where the militia were operating as a colonial police force. Militia in these areas, like their counterparts in other colonial states, were not interested in policing by consent. They served the interests of the central state and were not accountable to the community.
Even though, as in many colonial societies, the gap between articulated objectives and realized goals was significant, there was a profound impact on the local legal culture. Indigenous legal customs were not only delegitimized but outlawed. Islamic leaders who meted out traditional justice were purged, and traditional customs which were alien to Marxist ideology were outlawed. The Soviet emphasis on state control resulted in the elimination of all traditional means of dispute resolution.

Centralized control was maintained outside Russia by legislation and the central legal administrative structure. The different republics were incorporated into the legal culture of the central state with its Slavic traditions. All legislation adopted throughout the country had to conform to the Fundamental Principles of Legislation promulgated in Moscow. Therefore, the Fundamental Principles of Criminal, Labor, or Corrective Labor Law of the central state were adopted almost without modification on the republic level. The same occurred with the statute on the militia that became the basis for law enforcement throughout the country. There could be no significant accommodation of central law to indigenous culture. Rather local society had to acquire and observe the legal norms emanating from Moscow.

The entire legal apparatus was headquartered in Moscow and all policy was developed there and communicated to the republics. The Moscow leadership ensured that its orders would be followed faithfully because Russian or Russified Slavs occupied crucial positions in all governmental, Party and legal agencies. All appointments to key positions were part of the nomenklatura (Party controlled appointments) and had to be approved by Party officials in Moscow. Even routine appointments of law enforcement personnel in the republics had to approved by Moscow. Soviet policing could be characterized as colonial not only because of the alien legal norms which were imposed on indigenous populations but because the Slavic leadership of the police forces in different republics ensured adherence to the policies and laws emanating from Moscow. A deputy Minister of the Interior (the Ministry responsible for the militia) in each republic was always a Slav. This key person was in charge of personnel appointments and communication with Moscow, an allocation of responsibility that ensured that the local staff and the policies of the police in that republic accorded with Moscow’s wishes.

Consequences of Colonial Policing

In Soviet policing, as in other colonial policing, an alien legal tradition was imposed on a subordinate population to enhance control by the dominant colonial power. In many parts of the
USSR the effects of this policy were similar to those observed in other colonies -- the destruction of traditional forms of social control, of the indigenous legal culture as well as a growth in corruption. Corruption grew because citizens had been deprived of their own legal culture. But it also, as will be discussed, became an effective means of resisting the domination of the central state. Colonial policing is often characterized by the legitimacy problems which characterize police in a divided society. In these societies, "the police may be able to mechanically reproduce order and control but they do not enjoy the confidence of one or more sections of the society." 37

In the colonial context, the dominant group sees the police as upholding their values and supremacy while those occupied see the police as the oppressors. This was very much the situation in almost all of the republics of the former Soviet Union, apart from Russia. Even in Russia, there were autonomous republics and areas inhabited by non-Slavs which felt themselves subject to colonial rule. In every part of the country, Russians or Russified Slavs assumed an important role in law enforcement. They instilled their values while the native ethnic population felt oppressed by their rule. Typical of most colonial rulers, the Russians were insensitive to the feelings of the local peoples and believed they were representatives of a superior culture.

The only means for the republics to acquire some autonomy from the center was by means of pay-offs to key officials in Moscow. Just as provincial cities in France under the ancien regime were able to acquire some degree of independence from Paris’ control by "buying the offices of lieutenant-general and appointing their own officials", 38 Central Asian society acquired autonomy by bribing high-ranking officials of the Ministry of Interior. The large bribes proffered to the Deputy Minister of Interior, Iurii Churbanov, the son-in-law of the Party Secretary Brezhnev during the many years of Brezhnev’s rule, helped secure a degree of independence that was achievable in no other manner. The subsequent investigation of Churbanov and the Central Asia "mafia" following Brezhnev’s death was seen by many analysts as a means of re-establishing central control over colonial areas, a control that had diminished significantly through the bribes to high-ranking Moscow law enforcement officials.

During perestroika, when the level of repression imposed by the social control apparatus declined, members of ethnic minorities retaliated against militia personnel, symbols of colonial rule, deliberately injuring and killing hundreds annually. This was a visible manifestation of the hostility of different ethnic groups towards both Marxist ideology and Russian domination, a phenomenon not known since the first decades of Soviet rule. Assaults on the police were also
common in other colonial societies at the end of empires. In many other states, "As nationalist sentiment and rhetoric charged popular and communal feelings, the police were the easy butt of popular hostility, seen as agents in the colonial state and thus as opponents of local representation."39

The central government was unprepared for these assaults on the militia because, as is typical of colonial powers, it was oblivious to the resentment that many different national groups had towards the central state power. The inability of the law enforcers to withdraw in the face of such hostility made the power transition more violent in many regions both before and after the collapse of the USSR.

Militia power collapsed in many part of the former USSR prior to the dissolution of the Soviet state because the law enforcers proved incapable of maintaining order in areas of exacerbating inter-ethnic conflict. The collapse of the Soviet empire at the end of 1992 can be attributed, in part, to the inability and the unwillingness of the militia any longer to force compliance with the central state's objectives. They ceased to be effective colonizers.

Socialist Policing

Socialist policing communicated the central ideology of the state to the citizen. The militia, as agents of the ideology, enforced an encompassing view of society in which all political, economic, social and cultural activity was subordinated to the state. The Communist state did not accept the Enlightenment idea that the state represents the will of its citizens.40 Rather the government created the desired citizenry by molding its subjects to the needs of the state. The government's need to create the new socialist man, to shape human conduct in accordance with the ideology, meant that no area of personal life was outside the appropriate interests of the state. The socialist police were, therefore, required to regulate aspects of personal life that are often considered outside the scope of state regulation -- religious belief, personal movement and family relations.

There was no demarcation between the lives of citizens and the right of the militia to learn about and monitor their daily existence. Autonomy from the state was an alien value in a society that expected state intervention into daily life.

Compliance with the state's objectives was often achieved not only through education but also through coercion. Despite intense efforts to create the "new Soviet man" out of the ethnically diverse populations of the USSR, many citizens remained loyal to their own national
traditions rather than the Marxist ideology promulgated by the central state. In the absence of conformity to the socialist ideal, the Soviet state needed to rely on the militia and the threat of criminal law to induce conformity. Criminal law enjoyed a heightened importance in the Soviet state because civil law had been emasculated following the socialization of the means of production and the diminution of citizens' property rights.

Socialist policing enforced Marxist values but also helped to create and preserve the political and economic system necessary for the Communist state. This ideology mandated a single ruling Party and the total state ownership and management of the economy. In the USSR, there were strict limits on the ownership of private property and many forms of individual property which exist in capitalist society were eliminated following the revolution. As executors of a clearly articulated economic policy, the militia in the early Soviet period participated in the forced collectivization of agriculture. Subsequently, they helped ensure the state's monopoly over the economic system by controlling worker mobility and arresting those who pursued capitalist activity. Citizens were proscribed from owning more than one home, and could only farm a small private plot of land with strict limits on animal ownership.

With the elimination of most private property, there was no wall of separation between the state and the citizenry. Following the ideas of Locke, in modern legal systems "property came to represent one of the rights of the individual against the state." Soviet citizens, therefore, were deprived of one of the most important protections that the citizens of modern states enjoy against the power of the central government -- private property. This right was absent because Marxist ideology held that private property was the basis of capitalist exploitation. This fundamental Marxist tenet, therefore, justified the expansion of state authority because there were no limits on the state's economic power. Militia enforcement of the laws regulating the economy resulted in a more subordinate citizenry than in other societies where citizens were not dependent on the state for employment and where unemployment could not be punishable by law.

Soviet policing existed not only within a state bureaucracy but within a governmental structure subservient to a single political party. The militia responded to the demands of the bureaucracy and also to the Party which subordinated the state structure to its will. The militia was obligated to support the Communist Party without questioning any of its decisions. As executors of the wishes of the single ruling Party, the militia helped prevent any challenge to Party hegemony.
The centralized hierarchical structure of the Party apparatus had a direct effect on the organization of law enforcement. There was no room for decentralized policing or local autonomy. The Party ruled from Moscow and all, in principle, followed its orders. Just as in other socialist societies, the centralized decisions of the Party determined the character of all law enforcement.

In many societies following the Enlightenment, law expressed individual rights and limited the state's power in relationship to the citizenry. This was not the case in Marxist societies where law was a tool of state power. The needs of the state were supreme over the rights of an individual. The legal system was not concerned with the division but rather the concentration of power in the state. The source of legitimacy for the militia lay not in the law but in the Communist Party.

Lenin was concerned with the efficacy of law, a concept which often conflicted with the western emphasis on the rule of law. Socialist law enforcers emphasized results -- arrests and prosecutions -- rather than the application of established legal procedure.

During the Soviet period, the Constitution was not a fundamental legal document. Even though the Constitution promised its citizens various rights, these rights were not unequivocal. In exchange for the social safety net, the citizen had numerous obligations to the state. Individual rights existed only as long as they did not contravene the interests of the state and the Communist Party.

The centrality of criminal law to the maintenance of state authority made the law an even more powerful tool for the militia than in countries where constitutional and civil law enjoy greater significance. In socialist societies the maintenance of political and economic order depended on extensive application of criminal law. Functions that are entrusted to administrative bodies in capitalist societies became the responsibility of the militia. The militia were, therefore, placed at the front lines in enforcing the interests of the state.

Marxism incorporated a specific economic and political vision of society and also an analytical perspective on the world--dialectical materialism, a distinct view of the role of religion and a vision of culture based on socialist realism. Central to this perspective was a vision of society in class terms, a world in which human relations were defined by the social origins of individuals rather than personal attributes. All these characteristics of Marxism were reflected in the law enforcement of the socialist state.
Dialectical materialism was based on the belief that conflict is alien to the state and must be suppressed. The world was polarized; "conflict is irreconcilable"\textsuperscript{42} and compromise was not possible. With force rather than negotiation as the primary means to resolve disputes, the militia in socialist societies became a fundamental tool for the suppression of conflicts.

Under Marxism, religion was the opiate of the masses. Therefore, atheism became the official philosophy of the state. Organized religion was suppressed and strict limits existed on the practice of religion and religious education. Socialist law enforcers, as executors of the ideology, were required to arrest religious figures who conducted unauthorized services, to seek out and confiscate unauthorized printing presses for religious materials and even to locate parents who provided their children religious educations (sometimes going as far as to start proceedings to deprive religious parents of their parental rights).

Cultural as well as religious life was under the control of the state. Artistic expression was not to be free but to express the socialist ideal. Socialist realism was the official state dictate and art, literature and other forms of cultural expression had to conform to this ideal. Those who deviated from this standard were subject to sanctions. While the state had numerous means at its disposal to force conformity short of law enforcement, the militia might be called on to sanction those who deviated from the authorized forms of expression. For example, militia personnel were used in the Brezhnev period to break-up exhibitions of unauthorized art.

Marxist analyses of policing have strongly challenged the orthodox view of police as neutral bodies that prevent and control crime. Instead, Marxist critics have posited that the police are a fundamental institution for the maintenance of power by the ruling class. This class analysis of policing has been applied insightfully to both democratic and authoritarian societies. It is, however, more difficult to apply Marxist analysis to Soviet policing, particularly in its initial period. The militia in the post-revolutionary period were explicitly established as agents of communist ideology. In accordance with Marxist theory, they were to shape the state to the desired class structure. Worker and peasant interests were to be defended and all other classes were to be repressed. Militia personnel, drawn from the worker and peasant classes, were crucial actors in the molding of the society to the state ideology.

Only after several decades of Soviet rule did the class policy of law enforcement become less apparent. Soviet history reveals that the state acted in opposition to its ideology. By the 1930s millions of peasants died in the campaign for forced collectivization and workers were
subordinated to the state’s drive for rapid industrialization. The militia became tools of the Party rather than of the classes whose interests they were to defend. By the Brezhnev period, the militia represented the interests of the nomenklatura that had been in power for so many decades.

The state never officially renounced its ideological commitment to a worker and peasant state. Even at the end of the Soviet period individuals could be excluded from law enforcement if they had inappropriate origins.

The militia, to maintain control over diverse aspects of society, needed to penetrate the lives of citizens more than in other societies. Covert policing became a central aspect of state control. The state made duplicity a central feature of the state-citizen relationship. Thereby, the Soviet state denied the concept of citizenship which has been so crucial to the development of European democracy in the period since the French Revolution. As a consequence of this infiltration of daily life, officially there was limited activity outside the scope of state regulation relative to the west.

Conclusion

The law enforcement which existed in the Soviet Union represented a distinct form of policing. It was an amalgam of three forms of policing that resulted in a distinctive form of authoritarian social control. Its functions were geo-political rather than just ideological. Control was exercised by the Communist Party rather than an individual ruler. Yet it was more ideological than most authoritarian policing, because the law enforcers were not only maintaining social and political control but enforcing citizen compliance with socialist ideology.

Soviet law enforcement has many similarities with the ideological law enforcement of fascist societies. Under both fascism and Marxism there was intervention into religious life and many aspects of civil society. But the socialist system required more controls over economic life. In contrast with many authoritarian police, the Soviet law enforcers after the consolidation of Communist power relied less on deadly force and were less brutal in their relationship with the citizenry. Citizens for many decades were complicit in their own control, a central feature of socialist law enforcement.

The militia were enforcing the law in a multi-ethnic state long after the world’s other empires had collapsed. The militia tried to control nationalism. They also believed that they were incorporating the diverse peoples of the Soviet Union into the superior values of the socialist system. They believed they were promoting civilization in savage societies.
An authoritarian state can be perpetuated without the use of much force if the individual has already been denied his autonomy. While the Stalinist period was characterized by great violence by the state against the citizen, this was not the case in the post-Stalin period. As the rapid collapse of the Soviet Union reveals, state intervention in daily life could postpone but could not prevent the dissolution of the successor state to the Russian empire. But even this degree of social control and state intervention could not prevent the collapse of the last remaining empire of the twentieth century. In the event, forces of nationalism proved greater than the state infiltration of daily life.
Notes


2. The theories of authoritarianism incorporated the Soviet model of policing. According to this theory, in a total state a single political party imposed its ideology and ensured the perpetuation of its central power by failing to provide any kind of civil liberties to its citizens and enforcing its will through the police apparatus. Giuseppe de Vergotinni, Diritto Costituzionale Comparato Padova:Cedam, 1991, pp. 888-89 discusses the attributes of the total or authoritarian state.


7. In the 1920s the security police was called (VChk-GPU).

8. This responsibility meant that militia members would provide education to community members on the law and on crime prevention. They would go to schools, places of employment and housing complexes.


10. Bayley, p.12 discusses the differences between an unspecialized police and the historical background to this difference.


12. Ibid., p.40.


17. Ibid., p.123.


32. Ibid., p.29.


34. Ibid., p.4.

35. Examples of this were bride purchase and kidnapping prior to marriage.
36. For example in the steppes of Central Asia, the practice of resolving family disputes by means of community leaders was suppressed to ensure that there was no alternative source of legal authority outside of the Soviet state.


40. Rousseau, *The Social Contract*. In particular, see Book II on the limits on sovereign power.


42. Votchal, p.19.
Chapter 2: Post-Soviet Policing

Since the Bolshevik Revolution in 1917, the militia was part of a centrally controlled law enforcement apparatus and a system of forced citizen cooperation with the law enforcers designed to produce a highly ordered state. Under this apparatus -- with its sensitivity to the wishes of the Party -- the heterogeneous society acquired a veneer of uniformity.

The citizenry was well controlled by a law enforcement apparatus that combined overt techniques with undercover operations that coopted or compromised the majority of the population. This vulnerable status enhanced state control over the citizenry. It helped ensure a high degree of political control and social conformity. Crime rates were lower and many overt acts of political resistance against the state were deterred by means of the state penetration of private life.

State intervention in individual life quashed civil society. There was no area of cultural, personal or economic life that was outside the surveillance of the state. Increasing technology did not result in the substitution of technical means for human ones. Instead, it merely enhanced the surveillance capacities of the state. Corruption and inefficiency, in the absence of legal guarantees for the citizenry, remained the only protections for the citizenry from the intervention of the state.

The Soviet state denied its subjects the concept of citizenship which was at the basis of the Enlightenment. While the concept of citizen rights developed throughout western Europe and many parts of the Anglo-Saxon world, in the socialist states individuals remained tools of the state rather than autonomous individuals. The USSR never developed a legal framework to control or regulate its law enforcement. Furthermore, civil liberties were not alive nor were they allowed to develop because law enforcement techniques hindered citizen initiative and individual rights. As the disillusioned Trotsky commented, the state "takes the form of the dictatorship of the proletariat, that is, of the most pitiless state, which coercively controls the lives of its citizens in all aspects."1

The militia changed dramatically with the development of the Soviet state. While they always remained executors of the will of the Party, the Party's demands changed as Bolshevik policy was institutionalized and the state ceased to fear for its survival. At the end of the Soviet period, the Party again feared challenges to its power and the militia once again returned to the
political front lines. The militia during the seventy four years of Soviet rule was transformed from a militarized body suppressing political opposition to a law enforcement body responsible primarily for the maintenance of social and economic order. Before the USSR dissolved, the militia was once again an institution attempting to maintain social, political and economic order in an often hostile environment.

During *perestroika*, the society changed quickly. The forces which had been suppressed so severely for many decades emerged with an unprecedented rapidity. The militia could not keep pace with the changes that were occurring around them. They remained a highly static institution in a society in flux.

During *perestroika*, the artificial order quickly broke down -- workers struck, crime rates escalated and ethnic conflicts occurred daily. The long sought conformity crumbled rapidly because individuals no longer feared the state's authority nor accepted the legitimacy of the ruling Communist Party. The once seemingly invincible militia, demoralized by corruption and personnel purges, could not stabilize the society. The state diverted its resources to control the escalating political disturbances--commandeering the militia to control demonstrations and political unrest. Citizens were left without the most fundamental law enforcement services needed to protect them from the increasing crime problems and the ever expanding organized crime. Republics' resentment of the national policy of militia allocation fueled the demands for greater republic sovereignty.¹

Militia prestige declined,² a consequence both of its ever more frequent deployment in political policing and its role in the execution of unpopular state policies. *Glasnost'* made the population ever more aware of the militia's shortcomings -- its corruption, disrespect for human rights and lack of accountability to the citizenry.

During *perestroika*, Gorbachev sought to reverse the relationship between the state and the citizen. Instead of the arbitrary exercise of police power, a socialist law based state was to be established in which institutions and individuals were subordinate to the law. Citizen access to the courts was expanded. For the first time, citizens were able to contest militia denials of registration permits.

The idea of a socialist rule of law state arrived too late. The Party had lost its legitimacy among the citizenry and could not spearhead a campaign for the renewal of its law enforcement organs or its justice system. Increasingly, citizens took policing into their own hands through the
establishment of private police or citizen militias independent of the Party. Although these movements reduced the state's monopoly on law enforcement, they never became major movements. The USSR left a legacy of centrally controlled and state dominated policing for the successor states.

The emergence of these new forms of law enforcement were part of a general trend away from centralized control to greater republic and regional sovereignty. The shift was, however, occurring without the development of a legal consciousness or a framework of legal norms, which are a prerequisite for a police in a democratic society.¹⁴

Militia members became executors of policies of a weak state which could no longer protect its personnel. Law enforcers became vulnerable to the increasing hostility of the populace. Record numbers of militia personnel were attacked and killed by their fellow citizens while the law enforcers combatted inter-ethnic violence and pursued increasingly vicious criminals. After the killing of a fellow militiaman, militia officers in Leningrad staged a public protest over their work conditions and the lack of state and community support.⁵ But this was just the most visible indicator of a serious morale problem resulting in the voluntary departure of numerous militia personnel. More than ever the militia lacked the qualified, experienced personnel it needed to perform its ever more difficult duties. A problem which has only intensified in the post-Soviet period.

The militia lost its credibility not only among those policed but among those charged with executing orders. Central authority and direction no longer prevailed at the cost of republic interests. In many republics, non-Slavic militia officers sided with their fellow citizens against the central state. In the words of a leading Soviet militia officer, they "manifested national priorities to the detriment of nation-wide state priorities."⁶ The dissolution of the Soviet state became more likely because it could not rely on its law enforcers to protect its social stability.

Examining the militia in historical perspective, it is apparent that the Soviet militia underwent a transformation similar to that observed in other industrialized societies. Over time, a greater distance was established between the police and the political structure. Yet relationships between the militia and the political structure remained closer in the USSR than in democratic societies because the militia remained tools of the ruling party.
The Final Soviet Period

In the dramatic year of 1989, citizens in Eastern Europe asserted their rights as individuals. The existing political systems were toppled, actions often symbolized by the storming of their security police. Subsequently, many existing law enforcement apparats were destroyed or reshaped to accommodate more democratic societies.

An acute examination of past policing techniques has occurred in Hungary, Germany, Poland and Czechoslovakia because many believe that a close scrutiny of existing police practices is necessary to democratize.7 Many existing methods of police work were deemed incompatible with a democratic society. The first line of attack in these societies has been covert policing techniques, citizen collaboration with law enforcement and the system of planned administration of justice. By diverse means some former socialist states have tried to limit police intrusion into daily life.

Different reform approaches have been tried in the former socialist states of Eastern Europe. Poland has replaced many of its regular police, preferring inexperienced to corrupted individuals insensitive to legal norms. West Germany had made the former East German police respond to West German police techniques. In Berlin, police from the East and West are paired on their patrols. Hungarians abolished the network of informants that was the basis of their undercover work. In many of these countries, much thought has been given to the conditions necessary to create a more democratic police force.

The political revolution of Eastern Europe had its repercussions in the former Soviet Union. But the destruction of the Communist system was not so thorough. The Russian state and many of other newly independent states failed to exploit the impetus for change that followed the unsuccessful coup attempt or the break-up of the Soviet Union. Part of the reason may be that elements of the militia and the crack Alpha division of the KGB sided with Yeltsin against the coup perpetrators in August 1991. The pro-democracy stance of these troops may have shielded some of their co-workers from harsh reprisals.

The statue of Dzerzhinsky, the founder of the security police, was removed from its pedestal in front of KGB headquarters. The reformers were more successful at removing the symbol of state coercion than in attacking the institutions of state control. While the superstructure of the Soviet state collapsed, the institutions of the Soviet period remained very much intact.
A commitment to democratization and political change among some in the law enforcement apparatus was not matched by institutional changes that would lead to a more open or accountable police. The society changed faster than the highly bureaucratized militia could respond.

The growth of civil society and of mass nationalist and labor movements places parts of Soviet life outside of state control. Individuals, more than ever, resented the authority of the central state and its most immediate representatives, the militia. Citizens could resist the authority of the militia because they now had their own sources of power. The forced volunteerism, that characterized the socialist state, diminished along with the collapsing Soviet Union.

The militia retained the three central elements of its policing -- continental, colonial and socialist -- until the end of the Soviet state. Despite its final efforts to democratize, the Soviet militia remained an authoritarian police force. These elements remain in the transitional police forces of the emergent state even in the absence of Marxist ideology, the Communist Party or the Soviet state. Their legacy is present because there has been little effort to confront, outside of the Baltic states, the legacy of Soviet law enforcement.

Post-Soviet Policing

The socialist element of policing should eventually disappear with the deligitimation of the basic ideology. But the property relations of the socialist system still exist, particularly in the area of land ownership. In most of the new countries of the former Soviet Union, state and publicly owned property is only gradually being privatized. State paternalism can, therefore, prevail even in the absence of the government structures responsible for delivering these services.

The continental police model remains in the functions, the structure and the operations of the police forces. The range of functions of the law enforcers, unlike in several Eastern European countries, has not contracted since the collapse of the USSR. The new statutes on the police, adopted by many of the new countries, retain the same functions as in the Soviet period. Despite the acknowledgement that the passport and registration system is a violation of human rights, most post-Soviet states have retained this significant militia control over the populace.

Furthermore, the police in some of the newly independent states have used their new found independence to secure or enhance their powers at the expense of citizen rights. For example, in Russia, the Russian parliament’s Committee on Defense and Security was dominated
by security, interior ministry and military industrial personnel only a few of whom were inclined to reform. In the new Russian Law on Security passed in March of 1992, the organs of internal affairs are identified as part of the security organs.

The new law on operational work gives the law enforcers much latitude and the legal safeguards instituted are weak, particularly in a society without a real division of powers or a well-developed legal consciousness. Militia members have the right to engage in surveillance activity, to monitor mail, to eavesdrop on telephone conversations and other forms of communication. Technical devices that are not life threatening can also be used to monitor citizen behavior. Such methods can not, however, be employed without the sanction of the courts or the procuracy.

The political functions associated with policing in countries operating under a continental model still continue. In many of the newly independent states of the USSR, militia members are involved in suppressing ethnic disorders, dealing with political protests and monitoring members of the opposition. The Communist Party is no longer the determining force in the state monitoring of political life, but several of the new countries have not recognized individual's rights to exercise political expression without state intervention.

The collapse of the Soviet Union did not lead to the collapse of the existing law enforcement structures. Although a unified Ministry of Internal Affairs no longer controls all policing from Moscow in the entire territory of the former USSR, the republic ministries of internal affairs remained and most of these bodies, hardly changed from the Soviet period, continue to control law enforcement in their newly independent countries. They function with the same personnel, the same mandate and many of the same laws which existed in Soviet times.

The exploitation of the porous borders among the new countries has meant that criminal groups, particularly the organized criminals, have exploited this situation to their advantage. Coordination of law enforcement among the emergent countries of the former USSR has been justified in terms of the criminal threat. Some of this helps reestablish the ties which existed at the national ministerial level during the Soviet period.

The operations of the law enforcers remain close to those of the continental model. There is still widespread use of informants and undercover techniques to pursue criminals and penetrate the society in most of the newly independent states of the former USSR. Without the
incorporation of the concept of civil liberties into law enforcement, the operations of the law enforcers still emphasize the supremacy of the state over the individual.

The law enforcement bureaucracy has a power to perpetuate existing police traditions even in the absence of the Party structure and commands. Infiltration of the state into the lives of the citizens by both the security and militia apparats remains a fact in most of the post-Soviet states. For example, the Tadjik legislature, in its new law on the militia requires that state bodies, labor collectives, official and public associations must assist the militia. This continues socialist practice in the absence of socialist ideology. Cooperation between the law enforcers and the military remains close. Recently, in Russia armed forces personnel have been directed to police work. By combining the forces of the state control apparatus, the new state is perpetuating the traditions of the continental system.

Soviet policing had similar consequences to British colonial policing in much of its empire. It served to "delegitimize indigenous customs, impose centralized social control, and to incorporate local society as a branch of imperial society." With such a strong impact on the different national groups throughout the former Soviet Union, the legacy of colonial policing will remain for many decades.

The most concrete legacies of this colonialism are the structure and compositions of the post-Soviet police institutions. The Slavs enjoyed a visible presence in the militia forces of all the former republics of the USSR, a staffing pattern needed to enforce the authority of the central state. While some of the new countries have forced Slavic or Russified personnel to depart from their militia, in other countries the newly independent states lack qualified replacements. Slavic personnel continue to operate in the security police of Central Asia and the situation is not dissimilar in the militia. While some of these new countries have tried to intensify the national element of their police forces, many republics as a result of years of colonial rule are left with an administrative staff of the Soviet period.

With the collapse of the Soviet state, the republics which were part of the USSR acquired their independence. But as in other parts of the world, colonial relationships continued in the aftermath of the empire because many of the former republics did not acquire full autonomy with independence. The independence of many of the former republics of the USSR was not planned for nor anticipated. Unlike the Baltic states or Ukraine which had sought and worked for
independence, many of these new societies did not seek their new status as sovereign countries. Rather their new found status was a consequence of the collapse of an empire.

The Russian assertion that it has responsibility for the twenty-five million Russians living outside its border, means that a colonial relationship endures between Moscow and the successor states. Russia continues to assert it has a legitimate reason to intervene in the politics of these now sovereign countries.

The collapse of the Soviet empire has not resulted in homogeneous successor states. Several of the newly independent countries, in particular Russia, are still multi-national states with significant internal tensions among different ethnic groups. In Russia, the refusal of Tatarstan and Chechnya to sign the treaty of confederation, reveals that these regions still feel in a colonial relationship with Russia. The militia practices of the central Russian government in many ways confirm these regions' perceptions. The militia and the judicial system attempt to maintain control over the law enforcement and criminal activity in these regions without relying on the capabilities of the local legal bodies.

The sources of policing remain those which existed in the Soviet period because the newly independent countries have not been able to reconceptualize policing. While it may be premature to expect a major restructuring of law enforcement, this failure to address one of the more important authoritarian legacies of the Soviet period inhibits these countries' ability to democratize.

The post-Soviet police forces of the successor states have also inherited many law enforcement problems of the Soviet period. Independence has not eliminated the problems of endemic corruption, the lack of legal consciousness among the law enforcers or the limited technological capabilities of the police. In fact many of these problems have been increased by the collapse of the central state.

The increasing problems of state corruption and organized crime in the successor states have had major repercussions in law enforcement. Police officials suggest that 13,000 law enforcers are in direct collaboration with organized crime and many more are accepting bribes from the so-called "mafia." The poor pay of the law enforcers, the endemic corruption among the top leadership and the difficulties of surviving in an economy suffering from hyper-inflation has made corruption as severe if not a more severe problem than in the final days of the Soviet state.
The lack of legal consciousness among law enforcement personnel was a significant problem throughout the Soviet period. The major effort to introduce a rule-of-law-state in the final Soviet years had major repercussions throughout the law enforcement apparatus. Significant measures were taken to enhance the legal awareness of militia officials and to ensure compliance with the law. But most of the newly independent states are in a situation of economic and political crisis. Almost half of them are facing severe inter-ethnic conflict or even civil war. Under these conditions, observance of legal norms is subordinated to the survival of the state and its citizens.

The police function best in societies where there is strong consensus between the law enforcers and community members. In areas of the former Soviet Union where there is now ethnic strife, there is such polarization of the population that law enforcers have difficulty performing their duties. During the Soviet period there was much forced cooperation between the citizens and the law enforcers. Now that citizens can no longer be forced to comply, many refuse any form of cooperation with the law enforcers. As a result the percentage of crimes reported to the militia have dropped in many former socialist states despite sharp rises in criminality in most of these countries.

A rapid economic decline preceded the dissolution of the USSR. Severe financial hardship has followed the collapse of the USSR because the highly interconnected economic relations no longer function. The absence of militia cars, typewriters, telecommunications equipment and even gasoline that was noted in the final days of the USSR are even more severe problems for the ministries of interior of the successor states. The underequipped police forces are a poor match for the increasingly sophisticated and well equipped organized crime groups.

Organized crime, having such extensive resources, is able to pay its personnel many more times that which the state can provide. The state is a poor competitor with organized crime for individuals with law enforcement experience. Consequently, the police forces of most of the successor states are severely understaffed and can not find replacements for departing personnel. This situation should endure in the coming future.

Future Developments

The future development of the police forces in the successor states depends on the types of societies which will develop in the newly independent countries. It is unlikely that the fifteen countries which have emerged from the USSR will share similar police forces twenty years from
now. The more western parts of the former Soviet Union may strive to achieve a more European model of policing. While many of the emergent Islamic states, may choose to eschew western legal models and instead choose to follow a law enforcement path that has more in common with the Turkish or Iranian experience. But whatever course these countries choose to follow, they will not achieve a purely European or Islamic model because the socialist legacy will remain. Furthermore, for many states the legacy of colonialism will affect law enforcement for many decades to come.

The domestic political situations as well as their course of economic development will also influence the path that law enforcement will assume. The support that the Russian militia provided for Yeltsin during the August 1991 coup, and again in September 1993 during Yeltsin’s showdown with the increasingly hardline legislature, reveals that the law enforcers have a concept of democracy. Yet a significant gap remains between the commitment of many law enforcement personnel to a more accountable and democratic police and their actual practices.

Many of the newly independent states have traded one form of violence for another. Once state repression was high and civilian violence relatively low. Now half of the former Soviet republics can no longer control their domestic ethnic and nationalist violence. If these newly independent countries are in a constant state of war, they may follow the Hobbesian alternative and create an authoritarian government, with an authoritarian police, just to avoid constant conflict. Under this scenario, the continental police tradition will be still further perpetuated.

If the states create individual property which is distributed with some equity within society, they will create a bulwark against state authority. Then it will be possible to develop a civil society and civil liberties. This may gradually lead to police operating under the rule of law. With a movement away from a socialist concept of property, the state may accept the idea that certain areas of human conduct are outside the purview of government and of state regulation. This would ultimately mean reduction in the interventionist policing which characterized the socialist states for so long.

While the implementation of either of these two scenarios is premature, it is clear that the present state of law enforcement in most of the former states of the USSR is in a precarious position. The morale of the law enforcement institutions collapsed along with the Soviet state. They are incapable of controlling an escalating crime problem, an increasingly international
organized crime, that is a threat not only to their own societies but to many other nations in the
world as well. Therefore, the current state of police activity in the successor states is a cause for
care concern beyond the boundaries of the former Soviet Union.
NOTES


