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Abstract

CAPITAL PUNISHMENT FOR CRIMES AGAINST STATE AND PUBLIC PROPERTY
IN THE SOVIET UNION TODAY

George L. Kline

Since the introduction of capital punishment for crimes against state and public property in 1961, between 6,000 and 9,000 persons -- on a sober estimate -- have lost their lives. The threshold for application of the death penalty appears in practice to be between 150,000 and 200,000 rubles. But any threshold figure would involve a morally unacceptable conversion of quantitative into qualitative differences. A relative difference, a difference of degree, between two crimes results in an absolute difference, a difference of kind, between the respective punishments: deprivation of freedom, fines, confiscation of property in the one case; death by shooting in the other.

All crimes against property are quantifiable; they result in the loss of so-and-so-many rubles (or dollars) worth of goods or services. And the normal punishments for such crimes are also quantifiable; the greater the loss, the longer the jail term, the larger the fine, the more extensive the confiscation of property. But where, as in the Soviet Union, certain large-scale crimes against property (e.g., speculating in foreign currencies, embezzling, offering or accepting bribes, short-changing the public) are punishable by death, an incommensurable element is introduced: something which is a matter of more-or-less is treated by the application of something (the death penalty) which is a matter of all-or-none.

This crucial distinction appears not to be appreciated by those who, like Andrei Sakharov and Amnesty International, are categorically opposed to capital punishment as such. They are, it seems to me, insufficiently sensitive to the difference between the recourse to capital punishment for crimes against persons and the recourse to capital punishment for crimes against property.

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PROPERTY IN THE SOVIET UNION TODAY

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In this paper I wish to focus attention on a little-noticed and even less discussed Soviet law, one which as we speak (on May 7, 1987) has been in effect for twenty-six years, having claimed several thousand human lives. But first a bit of historical background.

Capital punishment for non-political crimes was abolished in Russia long before 1917. And in March of that year, shortly after coming to power, the Provisional Government abolished the death penalty altogether. However, capital punishment was restored, as applied to soldiers at the front, in July of the same year. The Bolshevik regime suspended the death penalty again in November 1917, shortly after seizing power, but restored it again in May of the same year. The final Soviet suspension of capital punishment lasted three years: from 1947 to 1950. However, until 1958, when maximum terms of deprivation of freedom were reduced to fifteen years, many Soviet citizens were sentenced to the earlier maximum of twenty-five years, which -- as Sakharov points out¹ -- amounted in practice to a death sentence.

I

Nikita Khrushchev, in his more than six years as Premier and Party First Secretary (1958-1964), not only made no move to abolish the death penalty: he steadily enlarged the class of capital crimes and for the first time in modern Russian and Soviet history made a broad spectrum of crimes against property punishable by death. The only -- and partial -- precedent in Soviet history during the period 1921-1961 was Stalin's edict of August 1932 specifying the

death penalty for a limited class of crimes against state and public property. This measure, which was applied particularly as a component of the massive and cruel program of forced collectivization of agriculture, was later dropped.² In any case, most of the crimes against property which Khrushchev made capital offenses in 1961 were not covered by the edict of 1932.

The reputation which Khrushchev enjoyed, and to a considerable extent still enjoys, as a "liberalizer," is in my judgment quite undeserved. To be sure, he "de-Stalinized" Soviet society, but only in order to "re-Leninize" it. In foreign affairs his aggressiveness in crushing the Hungarian uprising of 1956, building the Berlin Wall (1961), and installing nuclear-tipped missiles in Cuba (1962) is well known, yet often conveniently forgotten. As a recent commentator recalls: "I vividly remember when Nikita S. Khrushchev was extolled here [i.e., in Italy] as one of a trio of harbingers of hope for mankind (the other two were John F. Kennedy and Pope John XXIII) by 'experts' who somehow forgot the crushing of the Hungarian Revolution, the building of the Berlin Wall, and the Cuban missiles."³

Moreover, the reasons for Brezhnev's sudden toppling of Khrushchev in September 1964 are beginning to become known. After all, if it was only the latter's "hare-brained scheming" (in the virgin-lands project, economic reform, etc.) that was the reason for ousting him, why could not Brezhnev and his supporters have waited for the return to earth of the Soviet cosmonauts whom Khrushchev had sent into space with bear-hugs and effusive rhetoric, promising to greet them upon their return with even warmer bear-hugs and more effusive rhetoric? Khrushchev's absence from the actual welcoming party was painfully evident to the whole world. The reason appears to have been that Khrushchev had planned to send Soviet bombers, with conventional rather than atomic bombs, to wipe out the Communist Chinese nuclear facility before the planned explosion by the Chinese of their first hydrogen bomb. The news of that explosion, you will recall, came within a few hours of the news (on September 15, 1964) that Khrushchev had been toppled from

power.

What needs to be stressed in the present context is that Khrushchev was no less an extremist and "hard-liner," no less prone to violent and repressive measures, in domestic affairs. His introduction of the death penalty for crimes against (state and public) property was only one aspect --although clearly the most striking and shocking -- of what I have called Khrushchevian "social Stalinism."⁴ Social Stalinism, as distinguished from "classical" or police-state Stalinism, was formulated in a series of drastic, largely unprecedented, measures introduced by Khrushchev between 1958 and 1964, including the massive mobilization of "volunteers" whose task is to "check and report on" their fellow citizens' errors of commission and omission. Whether or not Khrushchev was consciously emulating Chinese Communist practice in these matters, his social Stalinism had a distinctly "Chinese" flavor about it. As he declared at a Plenary Session of the CPSU Central Committee in November 1962, if all Party, Komsomol, and trade-union members were put to work "checking and reporting on" what is happening in Soviet society, not even a mosquito could take wing without being detected!

The aim of social Stalinism, like that of classical Stalinism, is to channel all the energies of Soviet society into "socially useful work" -- where 'usefulness' is of course defined by the current political leadership. Its means are largely public and social, in contrast to the bureaucratic and terroristic means of classical Stalinism. However, it should be stressed that while the agencies engaged in checking and reporting are to a significant extent non-professional -- groups of unpaid volunteers⁵ as contrasted to Stalin's salaried police agents -- the actual sanctions, under Khrushchev and his successors (down to and including Gorbachev), as under Stalin, are applied by instrumentalities of the state and Party.

Those who still tend to view Khrushchev as a "liberalizer" should recall, on the one hand, his famous "donkey tail" speech condemning modernist tendencies

in Soviet painting and, on the other, the fact that the first (post-Stalin) Soviet trial of a writer simply for the crime of writing, not for any alleged political offense, was carried out in Leningrad in February-March 1964 against the twenty-three-year old poet Joseph Brodsky. Brodsky would, in all probability, have served out his whole five-year term at hard labor in the Far North (the tiny, isolated village of Norenskaia in the Region of Archangel), despite support from certain prominent Soviet intellectuals and an outcry in Western literary and intellectual circles, if Khrushchev had not fallen from power in September 1964. Brodsky was in fact released after only twenty months in November 1965.

Khrushchevian social Stalinism crystallized into recognizable institutional forms, all of which are still operative in the Soviet Union today: the Comrades' Courts, the People's Voluntary Militia (narodnye druzhiny), the home-and-family-life detachments (bytovye otriady) of the Komsomol. And it can hardly be accidental that former KGB officials have assumed leading positions in the druzhiny. The heart of social Stalinism -- the laws against social parasitism and the edicts against economic crimes -- represents a response to what the post-Stalin Soviet leadership has come to regard as the intolerable persistence in a significant sector of the Soviet population of self-interested and anti-collectivist motives. Anti-social self-interestedness was in fact encouraged by various Stalinist policies and practices. And the stress upon acquisitive motivation, implemented by a complicated network of incentive payments, bonuses, and piece-work wages, has continued and in some respects been expanded, e.g., under Gorbachev bonuses are awarded not just for exceeding the norm in quantity but also in quality of production. The system of positive incentives is supplemented by threats of harsh sanctions for "social parasitism," i.e., for deliberate non-participation in the "building of Communism," and by the threat of the ultimate sanction for active and large-scale obstruction of the functioning of the public economy.

II

Konstantin Simis, a Soviet emigre who had many years of intimate experience, as a lawyer and researcher, with Soviet legal theory and practice, in his fascinating book USSR: The Corrupt Society,⁶ tells an intriguing story about the role of Khrushchev's son-in-law Alexei Adzhubei, then editor of Izvestiia, in persuading his powerful father-in-law to introduce capital punishment for crimes against state and public property. During the first six months of 1961 several big-time speculators in foreign currencies, most prominent among whom were Rokotov and Faibishenko, were being tried in Soviet courts. Adzhubei decided to enliven the traditionally stodgy pages of his newspaper, on the one hand, by reporting, in unprecedented detail, the dolce vita of the defendants and, on the other, by orchestrating a campaign of letters to the editor in which the outrage of ordinary Soviet citizens, many of whom demanded the death penalty for the defendants, was prominently featured.

Valery Chalidze makes a related point when he refers to talks that took place in 1972 between "poet and editor Vladimir Lapin and a member of the Presidium of the Supreme Soviet about Lapin's proposal to abolish capital punishment. The member of the Presidium told him, 'Incidentally, many people write us about changes in our legislation, but for the most part they ask that harsher punitive measures be established. . . I must say that recently you are the only one to write about abolishing capital punishment'. I am sorry to add [Chalidze continues] that I place much more credence in this statement by a member of the Presidium of the Supreme Soviet than in the words of the 1947 decree abolishing capital punishment, which stated that this boon was granted to satisfy the wish expressed by social organizations and trade unions."⁷

Simis further reports that as the trials were drawing to a close (in June 1961) Khrushchev summoned his Prosecutor General and demanded to know why these vile

criminals couldn't be put to death. The Prosecutor (Roman Rudenko) allegedly replied that there were two decisive reasons: (1) speculation in foreign currencies, however brazenly carried out and on however large a scale, is not a capital crime under Soviet law; and (2) even if the law were to be changed tomorrow, these defendants could not be retroactively charged under an edict that was not yet in effect when their crimes were committed.

Khrushchev, in a rage, reportedly shouted: "Who's the boss: we or the law?"⁸ He gave orders to extend the death penalty to major crimes against state and public property, and to devise some strategem for applying the new law retroactively to Rokotov, Faibishenko, and their accomplices. According to Simis, both of these orders were expeditiously carried out, beginning in May 1961, although the carrying out of the second strategem involved a clear violation of the principles of Soviet legality.⁹

I have no reason to doubt Simis' story; indeed, it has the smell of truth about it. However, I would resist Simis' implication¹⁰ that this unprecedented shift in Soviet legal and social practice was uniquely the result of Khrushchev's personal impetuosity together with his rashness and extremism in matters of public policy. If Khrushchev's successors had viewed the 1961 edicts as part and parcel of his "hare-brained scheming," they would surely have cancelled them without delay or, at the very least, would have let them quietly lapse, uninvoked. They have done neither: all four of Khrushchev's successors -- Brezhnev, Andropov, Chernenko, and now Gorbachev -- have retained the death penalty for crimes against property in full and sinister force.

There is a certain historical irony in the fact that at just the time when the long-simmering Sino-Soviet conflict had come to a boil (in 1960-1961) Khrushchev should have followed the decade-old lead of the only major country in the world to have made certain crimes against property capital crimes (this was done in the People's Republic of China in 1951).

As it happens, the technical mode of execution is the same in China as in the Soviet Union: not the gallows, the electric chair, or lethal injection, but a bullet to the base of the skull. However, the social or public mode is quite different. Soviet executions are standardly carried out behind the walls of the Lubyanka and similar non-public places, whereas in China many of the people convicted of major economic crimes, along with murderers, rapists, traitors, saboteurs, et al., are executed publicly, in groups of several dozen, in town squares or open fields. For some weeks prior to the executions large posters with portraits of the criminals and descriptions of their crimes stand in the places of execution. On the appointed day a policeman with a rifle stands behind each of the convicts and, at a signal, shoots him in the back of the head. Any who survive the first shot are given the coup de gr[^]ace by a police officer. For several weeks after the event the posters are left standing, but each pictured criminal is "checked off" in black paint.¹¹

In the more than quarter-century since it went into effect, Khrushchev's draconian edicts have continued to claim their victims at a fairly steady rate, ranging from a low of about 200 to a high of between 300 and 350 executions per year. Sakharov, writing in 1975, offered what strikes me as a plausible estimate of 700 to 1,000 executions per year for crimes of all kinds -- political crimes, crimes against persons, and crimes against property.¹² For a period of 26 years, this amounts to a total of between 18,200 and 26,000 executions. If we assume that one third of these were for crimes against state and public property -- which may be on the low side -- that figure would still amount to a staggering total of between 6,067 and 8,667 Soviet citizens whose lives were taken because they took, or misused, the state's property.

In general, when there is a stepped-up campaign against official corruption ("red-collar" crime, as it has been aptly called¹³), e.g., under Andropov in 1983 and under Gorbachev in 1985-1987, the number of executions for crimes against

property picks up sharply. Amnesty International has recently reported the number of executions for crimes against property since Gorbachev came to power at thirty-six. Since this figure is based on press reports, it is undoubtedly much lower than the actual figure.

III

What I am calling 'crimes against (state and public) property' are standardly referred to in Soviet jargon as 'exceptionally serious economic crimes'. These including "embezzling and plundering or theft" (all included in the catch-all term khishchenie), counterfeiting, speculating in foreign goods and currencies, and short-changing the public -- all "on a large scale" (v bol'shikh razmerakh) or in a "major" (krupnyi) way. Parallel crimes against private or personal (lichnyi) property, e.g., grand larceny, are not capital offenses under Soviet law. They are punished rather by deprivation of freedom, confiscation of property, and fines -- the same punishments which apply to crimes against state and public property when these are less than "major" or "large-scale."

Although the Soviet criminal code does not specify ruble amounts, Soviet juridical practice appears to have established 2,5000 rubles as the threshold for "large-scale" (krupnyi) economic crimes, and 10,000 rubles for "especially large-scale" (osobo krupnyi) crimes. What is more directly to our purpose, it appears that 200,000 to 250,000 rubles is the threshold for the application of the death penalty.¹⁴

I have no explanation why this figure was chosen -- rather than, say, a figure twice as large or for that matter half as large. It may bear some rough relation to the lifetime earnings of an average Soviet industrial or clerical worker, which in 1961 was about 50,000 rubles and in 1984 (the latest year for which I have figures) about 100,000 rubles. The reason might be that an economic criminal, in depriving the public economy of 200,000 rubles worth of goods and

services, would, in a sense, be destroying the equivalent (or somewhat more than the equivalent) of an average worker's lifetime earnings, thus "killing" a worker. This in turn would make exceptionally large-scale crimes against property analogous to murder, and thus subject to the death penalty.¹⁵

The particular figure is not, of course, as important as the fact that there is some figure. Even if it were ten times, or a hundred times, as large as the present figure, there would still be a morally unacceptable conversion of quantitative into qualitative differences. That is, a relative difference, a difference of degree, between two crimes -- say, the embezzling of n rubles and the embezzling of n+m rubles (where m, like the celebrated ϵ of probability theory, may be arbitrarily small) results in an absolute difference, a difference of kind, between the respective punishments: loss of property, deprivation of freedom, or a fine (or some combination of these) in the one case; death by shooting in the other.¹⁶

To put the point differently: all crimes against property are quantifiable; they result in the loss of so-and-so many rubles (or dollars) worth of goods or services. And the normal punishments for such crimes are also quantifiable, are matters of more or less: the greater the loss the longer the jail term, the larger the fine, the more extensive the confiscation of property. But where certain large-scale crimes against property are punishable by death, an incommensurable element is introduced: something which is a matter of more-or-less is treated by the application of something (the death penalty) which is a matter of all-or-none.

There is evidence¹⁷ that not everyone whose crime against property exceeds the quarter-million ruble threshold is in fact executed. Since large numbers of people commit such major crimes against state and public property, and only a fraction of them are brought to trial and convicted, and of these only a

fraction, in turn, receive the death sentence, it appears that the constant threat of such punishment can be, and is, used to keep people in line politically and ideologically, and especially to threaten corrupt subordinates who might otherwise be tempted to be disloyal to their corrupt superiors.

In this connection it is worth noting that a recent Soviet commentator has suggested that the prevailing practice of punishing the bribe-giver (vziatkodatel') much more harshly than the bribe-taker (vziatkopoluchatel') should be reversed; that bribe-takers, who in general stand on a higher rung of the socio-economic ladder than bribe-givers, should be punished more harshly.¹⁸

The question of the deterrent effect of capital punishment for crimes against property needs to be divided into two subordinate questions: (1) Will it deter potential large-scale economic criminals from their contemplated crimes; and (2) will it deter potentially disloyal subordinates from their contemplated disloyal actions? Both questions, of course, are extraordinarily difficult to answer. But I suspect that the answer to (1) is "No," whereas the answer to (2) may well be "Yes."

That capital punishment has not been an effective deterrent to crimes against property is suggested by the fact that the incidence of such crime appears not to have decreased significantly over the past quarter-century but rather to have increased, particularly in the last decade or more. There is a curious ambivalence in the Soviet publicity about the death penalty. The Soviet practice is to give death sentences for crimes against property much less publicity than do the Chinese. Many such sentences are announced, although according to Sakharov and others, most such sentences remain unannounced; but the announcements are typically sketchy and schematic. Usually not more than two or three column-inches of newspaper print, without photographs of the convicted persons or any mention of the date or place of execution.

IV

Although Soviet commentators seldom make the distinction clear or explicit, there are in fact three distinct, and only partly overlapping, categories of crimes against property: (1) Abuse of office ("red-collar" crime), where the office in question is normally of at least middle-level political or economic importance; this includes not just bribe-taking and related activities, but also short-changing of the public; (2) embezzlement, speculation in foreign currencies, counterfeiting, bribe-giving, carried out by "private" citizens, i.e., those whose occupation is not the primary source of their criminal opportunities; and (3) private enterprise.

A comment about (3): Having no legitimate outlet in Soviet society, private managerial and commercial initiative and ability tend to be deflected into activities which in other societies are regarded as quite legitimate and respectable but in the Soviet Union are regarded not only as morally reprehensible but also as criminal. To take a representative case: in the early 1960s Kotliar and Begelman went into business for themselves, manufacturing and marketing lipstick. To start their basement factory they needed machinery and raw materials. To get both they had to bribe officials of a state-owned and operated lipstick factory. Their enterprise flourished; but under Khrushchev's edicts both were tried and condemned to death for "large-scale plundering of state property."¹⁹

Although significant in other respects, the recent (November 1986) decriminalization of very small-scale private enterprises, i.e., those which do not employ non-family members -- a move urged as early as 1984 by some Soviet legal scholars²⁰ -- does not change the situation with regard to larger-scale private enterprises, those which do employ non-family members. These are still illegal, and those who engage in them are still forced to commit other economic crimes, such as those which proved fatal for Kotliar and Begelman twenty-five years ago.

The nearest thing to a justification of recourse to the death penalty for crimes against property that I have found in the Soviet literature is an unargued and controversial assimilation of such crimes to treason, espionage, and sabotage, by classifying them as "political" or "state" (gosudarstvennye) crimes.²¹ That such an assimilation of economic crimes to political crimes was initiated by Lenin makes it easier for Soviet commentators to assume it, without offering any arguments for it, beyond the fact that it is backed up by the highest possible political and ideological authority. Lenin on November 18, 1919, declared the peasants' "free trade in grain" to be a gosudarstvennoe prestuplenie.²²

Counterfeiting, currency violations, and smuggling are standardly classified in Soviet lawbooks as state crimes or political crimes; and one can see a certain justification for such classification. Khishchenie, short-changing the public, bribery (both giving and taking bribes), etc., are also standardly classified as "crimes against socialist [i.e., state or public] property." The key question is how the latter can be assimilated to the former. A corollary is the implicit admission by Soviet authorities of what has been evident to most observers of the Soviet scene for some time, namely, that the distinction between state and public (obshchestvennye) institutions and hence between state and public property is a specious one. Otherwise it would not be possible to define crimes against public property (say, the property of a kolkhoz, a university, a trade union, or a research institute) as state crimes.

Certain Soviet statements, particularly statements made immediately after the introduction of capital punishment for crimes against socialist property, undertake, without argument, a kind of rhetorical assimilation of crimes against property to (violent) crimes against persons. Consider the following catalogue of "malicious criminals" (zlostnye prestupniki): "Plunderers of socialist property, counterfeiters, armed robbers, murderers, rapists, those who make a pro-

fession of speculation or who engage in speculation on a large scale."²³ In another list the same author adds bribe-takers and kaznokrady²⁴ -- literally, 'those who steal official funds' -- in other words, "red-collar criminals."

The Soviet assimilation of large-scale economic crimes to the political crimes of treason and espionage strikes me as extremely problematic. It would be much more convincing if, say, a Soviet restaurant manager or food-distribution official were charged with substituting motor oil for cooking oil, and pocketing the (considerable) savings -- like the Moroccan merchants, who, in the 1950s, mixed motor oil with cooking oil, or like the Austrian and Italian winegrowers who in 1985 and 1986 adulterated their wine with an inexpensive but poisonous kind of alcohol. In both cases disabling illness and death was the result. In such cases the crime, though in an obvious sense "economic" and clearly motivated by greed, would be more like assault or murder. And if -- in the Soviet case -- high officials, either civilian or military, frequented the restaurants in question, would be analogous to treason. But to my knowledge Soviet restaurant managers and food-distribution officials have been condemned to death only for short-changing the public, e.g., for putting 75 grams instead of the required 150 grams of meat in their institutional stews, and pocketing the difference.

V

As I have indicated, there is relatively little explicit discussion of the Soviet government's recourse to the death penalty for crimes against socialist property on the part of Soviet legal scholars and none, to my knowledge, on the part of Soviet ethical and social theorists (even under the new policy of glasnost'). Soviet theorists have clearly been unable, during the past quarter century, to come up with any intellectually respectable, let alone theoretically persuasive, justification of this policy and this practice.

But the near-silence on this topic among Soviet human-rights activists like Sakharov there and Chalidze here is harder to explain. Sakharov has

made some mention of it, in both 1975 and 1978. His clearest and most explicit condemnation comes in a statement which he prepared in 1977 for a conference on capital punishment convened in Stockholm (which he was not permitted to attend): "[I]n the USSR the death penalty is a possible punishment for many crimes which have no relation to crimes threatening human life."²⁵ And he makes specific reference to the case of Rokotov and Faibishenko. But since, like the official position of Amnesty International, Sakharov's position is unequivocally opposed to capital punishment as such, he, like them, tends to draw an insufficiently sharp distinction between capital punishment for crimes against persons and capital punishment for crimes against property.

A second reason for the lack of attention to this question among human-rights activists is perhaps that those Soviet citizens who have been executed for crimes against property have been (and their contemporary counterparts continue to be) rich, powerful, privileged, arrogant, corrupt in themselves, and corruptors of others. I dispute none of these charges. I do not claim that any of them are blameless. I agree that they are criminals and should be punished. My only point is that their punishment should be limited to fines, confiscation of their ill-gotten gains, and jail terms -- not execution!

What is perhaps most chilling about all this is the expression that it has received in literary works, e.g., the sardonic statement by the narrator of a story by Yuri Miloslavsky, that "the state. . .was insisting on the supreme measure of punishment [viz., the death penalty] for rapists, as though they were. . .speculators in foreign currencies on an especially large scale."²⁶ In other words, from the point of view of the Soviet state, crimes against persons are now to be assimilated to major crimes against state and public property, when it comes to justifying the death penalty!

There is a third group which has, in recent years, been relatively silent

on this topic, namely, Western specialists on Soviet affairs generally, and Soviet law in particular. Peter Juviler, already referred to, is an honorable exception.²⁷ But many standard works on Soviet law barely mention the 1961 edicts and those which do mention them treat the Soviet recourse to the death penalty for crimes against property as (1) a phenomenon of no particular importance, and (2) a practice that is likely to be abandoned in the fairly near future. I dispute both of these claims.

As I have indicated, groups like Amnesty International, which do a great service in compiling statistics on executions in the Soviet Union, because of their total opposition to capital punishment as such, fail to make the necessary distinction between the death penalty for crimes against persons and political crimes in the strict sense, on the one hand, and the death penalty for crimes against (state and public) property, on the other. I would argue (although the details would have to be reserved for another occasion), as against the Amnesty International and Sakharov position,²⁸ that in the former cases one can offer a rational moral justification for capital punishment, but that in the latter cases no such rational moral justification can be offered.

KLINE -- FOOTNOTES

1. Andrei D. Sakharov, My Country and the World, trans. by Guy V. Daniels (New York: Knopf, 1975), p. 42. For details concerning the history of capital punishment in Imperial Russia and the Soviet Union, see Peter H. Juviler, Revolutionary Law and Order: Politics and Social Change in the USSR (New York: Free Press, 1976), pp. 24-25.
2. See Juviler, Revolutionary Law and Order, pp. 49-51.
3. Silvio F. Senigallia, "Italy's Reaction to Glasnost," New Leader, Vol. 70, N° 4 (March 23, 1987), p. 7.
4. See my article, "Philosophy, Ideology, and Policy in the Soviet Union," Review of Politics, Vol. 26 (1964), 174-90.
5. There was, and is, of course pressure on the "volunteers" to undertake such unsalaried duties; but there are also rewards for so doing, e.g., extra vacation time at resorts where the volunteers' expenses are wholly or partly paid.
6. Konstantin M. Simis, USSR: The Corrupt Society. The Secret World of Soviet Capitalism, trans. by Jacqueline Edwards and Mitchell Schneider (New York: Simon & Schuster, 1982), pp. 29-30.
7. Valery Chalidze, To Defend these Rights, trans. by Guy V. Daniels (New York: Random House, 1974), pp. 28-29; italics added.
8. Simis, USSR: The Corrupt Society, p. 30.
9. As Juviler points out, "The retroactive death penalty for Rokotov and Faibishenko upon their retrial by the RSFSR Supreme Court, July 18-19, 1961, was illegal. . .because it applied new legislation retroactively -- in this case the edict of July 1, 1961, adding a possible death penalty for currency violations. . ." (Revolutionary Law and Order, p. 214n.74).

10. This, at least, is what I interpret as Simis' implication. It is possible that he did not intend such an implication; he does not state it explicitly.
11. For a graphic firsthand account of such a public execution, see Liu Fong Da, with John Creger, "Execution Day in Zhengzhou," The American Spectator, Vol. 19, N° 12 (December 1986), pp. 19-20. I have supplemented this account with information obtained in conversations with a former citizen of the People's Republic of China and an American sociologist who has done research in the PRC.
12. Sakharov, My Country and the World, p. 43. In a later work, Alarm and Hope, ed. by Efrem Yankelevich and Alfred Friendly, Jr. (New York: Random House, 1978), p. 122, he added: "The total number of executions in the USSR is not known; the statistics are a state secret. But there are grounds to believe that several hundred persons are executed annually. . . ." Liu Fong Da makes a parallel statement, but goes on to offer mind-boggling statistics on the number of executions in the PRC. "Unless it is deemed politically necessary to publicize them, executions in China are kept secret and carried out under tight security" ("Execution Day in Zhengzhou," p. 19). He estimates the number of public executions in 1983 alone at over 100,000 (ibid., p. 20). The Chinese law specifying the death penalty for crimes against state property has been in effect for thirty-six years (ten years longer than the Soviet law); the total number of persons executed over this period for crimes of all categories might exceed 2.6 million (assuming that the 1983 rate was maintained throughout the 36-year period). If we take one-third of that total as representing the probable number of those executed for economic crimes, and one-fourth of that total, to allow for the roughly one-to-four ratio between the Soviet and Chinese populations, we still get a staggering figure of some 216,667 people executed for crimes against state property in the CPR -- roughly ten times as great as the Soviet total on a per capita basis.

13. By the distinguished Polish-Canadian sociologist Maria Łoś in an unpublished paper, "Red Collar Crime: Elite Crime in the USSR and Poland," presented at a Kennan Institute Seminar in Washington, DC, on March 18, 1986. The contrast, of course, is with "blue-collar" crime, on the one hand, and "white-collar" crime, on the other. The Soviet Russian term for 'abuse of office' -- dolzhnostnoe prestuplenie -- is somewhat broader than 'red-collar crime', since not all abusers of office are members of the CPSU, though most of them are. Strictly, one should use the past tense, since no current Party member can be tried on criminal charges; such a person must be expelled from the Party before criminal charges can be lodged against him (or her).
14. Compare the bitter comment of a Polish citizen concerning the execution of Stanislaw Wawrzecki, a Polish official convicted of large-scale meat-distribution fraud, as reported in the New York Times (March 28, 1965): "What is the price for human life now in Poland? Is it a ton of meat or is it only half a ton?" Soviet citizens in 1987 must sometimes wonder whether the price of a human life in the Soviet Union today is 250,000, 200,000, or only 150,000 rubles. The most recent report of a death sentence for an economic crime of which I am aware (dated March 3, 1987) mentioned bribetaking on the order of \$200,000, or something over 150,000 rubles at the official exchange rate. It should perhaps be added, with respect to Poland, that, after briefly following the Soviet lead, the Polish government in the mid-1960s quietly abandoned the use of the death penalty for crimes against property, having executed only a handful of people. The PRC and the USSR remain the only major countries which continue this practice, although Iran under the Ayatollah Khomeini and Nigeria under one of its recent "revolutionary" regimes have both introduced it.

15. I owe this ingenious suggestion to Professor William C. Fletcher.
16. For an earlier formulation of this point, see my article, "Economic Crime and Punishment," Survey, N° 57 (October 1965), pp. 67-72; esp. pp. 67-68.
17. Some of this evidence is presented indirectly by Simis in USSR: The Corrupt Society.
18. See A. Iakimenko, "Kak usilit' bor'bu so vziatotechnichestvom?" Sotsialisticheskaia zakonnost', No. 8 (1986), pp. 11-12.
19. See my "Economic Crime and Punishment," p. 72. The reader will have noted that all of the people executed for crimes against property during the early 1960s whom I have identified by name -- Rokotov, Faibishenko, Kotliar, and Begelman -- were Jewish. In my earlier study I raised the question of the "anti-Semitism" of the 1961 edicts and concluded that, although they had clearly anti-Semitic consequences, there were not explicitly anti-Semitic in their formulation or intention. And it appears that in recent years the proportion of Soviet Jews among those condemned to death for crimes against state and public property, originally very high, has fallen significantly, as the number of Soviet Georgians, Tadzhiks, Latvians, Russians, et al., has risen. The reasons for this shift are complex, but I suspect that an important reason is the increase in "red-collar" criminals among those condemned to death for crimes against property, and that Jews are a relatively small minority among the holders of middle and upper-level economic and political positions. This in turn is no doubt a result of anti-Semitism of a more pervasive but less lethal kind.
20. See T. A. Abakarov, "Ugolovnaia otvetstvennost' za chastnopredprinimatel'skuiu deiatel'nost'," Sovetskoe gosudarstvo i pravo, N° 8 (1984), pp. 137-38.

21. Compare the title of Vol. 4 of a standard Soviet textbook of criminal law: "Gosudarstvennye prestupleniia i prestupleniia protiv sotsialisticheskoi sobstvennosti" in Kurs sovetskogo ugolovnogo prava. Chast' osobennaia, ed. by A. A. Piontkovskii, P. S. Romashkin, and V. M. Chkhikvadze (Moscow: "Nauka," 1970).
22. V. I. Lenin, Sochineniia, Vol. 30, p. 128; quoted in Otvetstvennost' za gosudarstvennye prestupleniia, ed. by B. I. Kurliandskii and M. P. Karpushin (Moscow: "Iuridicheskaiia literatura," 1965), Pt. 2, p. 20.
23. S. Baksheev, "Zlostnye prestupniki dolzhny nesti nakazanie po vsei strogosti zakona," Sovetskaia iustitsiia, N° 11 (June 1961), p. 20.
24. Ibid., p. 21.
25. Sakharov, Alarm and Hope, p. 121.
26. "Syn Liudmily Ivanovny" in Ot shuma vsadnikov i strelkov (Ann Arbor: Ardis, 1984), p. 10. 'Speculators in foreign currencies' renders spekulianty-valiutchki.
27. See in particular his Revolutionary Law and Order, pp. 83-84, 172, and nn. 72-74 (on pp. 212-14).
28. See The Death Penalty: Amnesty International Report (London, 1979), pp. 130-139.