
ARTICLES IN ENGLISH

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SEX AND DRUGS AND REVOLUTIONARY JUSTICE: NEGOTIATING 'FEMALE CRIMINALITY' IN THE EARLY SOVIET COURTROOM

This article builds on previous research on early Soviet female criminality, in particular the studies by Sharon A. Kowalsky and Dan Healey, that have demonstrated how Soviet courts and criminologists explained and handled crimes committed by females, revealing, in the process, profound ambiguities and contradictions in their attitudes towards women. However, unlike Kowalsky and Healey, I focus on an earlier period (1917–1922) and make extensive use of the under-researched archival collections of Petrograd's local judicial institutions (People's Courts), drawing on materials such as investigatory reports and court proceedings. Focusing on a 1919 criminal case from the Central State Archive of St. Petersburg (*Tsentral'nyi gosudarstvennyi arkhiv Sankt-Peterburga, TsGA SPb*) in particular, this paper argues that in the volatile setting of the early Soviet courtroom 'female criminality' was not a clear-cut concept, but rather a malleable product of intense negotiations that involved all legal actors and centered around the contested notions of female subjectivity, socialist ideology, and the material conditions of living. Employing quasi-theatrical language, I first introduce the protagonists and describe the background of this criminal case. Then, I look at the litigation strategies that the two main female defendants employed and the different ways in which they highlighted the material embeddedness of their emotions. Finally, I examine the expressions of remorse and reflect on their role in sentencing within the wider context of the ongoing Russian Civil War and the early Soviet legal reforms. By viewing 'female criminality' as a product of open-ended negotiations and by re-emphasizing the material

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conditions of revolutionary Petrograd, the article provides a new perspective on gender, crime and the administration of justice in that turbulent period.

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Timofei Stetsiuk was a navy man. A revolutionary sailor of the legendary Baltic Fleet and an active participant of the Russian Civil War, he was loyal to the new Soviet regime and really struggled to come to terms with the fact that his wife Mariia and her friend and neighbour Vera Petrova had been brought before the people's court (*narodnyi sud*), while he was fighting enemies of the revolution at the front. True, Stetsiuk acknowledged that he had not been able to provide any material assistance to Mariia and their three children during that time. But as an 'ardent protester against any form of speculation' the sailor could not understand why his wife would resort to the illegal sale of cocaine as a way to make a living in revolutionary Petrograd. In a letter that he wrote to the judicial authorities of the 1st Liteinyi sub-district in August 1919 to address the perceived injustice and to settle some procedural issues with the court, Stetsiuk finally seemed to stumble upon a possible explanation. 'Perhaps' – he wrote – 'hunger made her take some actions, if not entirely legal' (TsGA SPb, fond 52, opis' 2, delo 111, l. 52).

This paper builds on previous research on early Soviet female criminality, in particular by Sharon A. Kowalsky (2003, 2006, 2009) and Dan Healey (2009). These studies have demonstrated how Soviet courts and criminologists explained and handled crimes committed by females and showed profound ambiguities and contradictions in their attitudes towards women. In particular, Kowalsky (2009) revealed how early Soviet criminology explained the crimes committed by women as a result of their alleged 'backwardness' and 'primitiveness' and the potentially disruptive influence of female physiology and sexuality.

Unlike Kowalsky and Healey, who for the most part build their arguments on NEP-era published sources, I focus on the earlier period (1917–1922) and make extensive use of the under-researched archival collections of Petrograd's local judicial institutions (people's courts), drawing in particular on materials such as investigatory reports and court proceedings. While some of the materials that I examine here might appear trivial, these documents in fact provide a researcher with a unique opportunity to hear the voices of the accused and to witness the negotiation of 'female criminality' from below.¹ Studying the debates about 'female criminality' that took place in and around the courtroom

¹ I am fully aware of the methodological concerns about the use of primary sources produced in a setting where one side is a priori dominant and the other subaltern (such as a physician's office or a police precinct). I offer my vision of how to reconcile this ethical imperative with the drive to give oppressed people their voice in history in a forthcoming publication (Vasilyev forthcoming).

in this period allows us to explore actual court practice beyond criminological theories and emancipatory ideological proclamations and to move beyond what Kowalsky described as 'the most typical female crimes', namely infanticide, abortion, and child abandonment (2016: 353).

Focusing on the Stetsiuk-Petrova case in particular, in this paper I argue that in the volatile setting of the early Soviet courtroom 'female criminality' was not a clear-cut concept, but rather a malleable product of intense negotiations that involved all legal actors and centred around the contested notions of female subjectivity, socialist ideology, and the material conditions of living. Employing quasi-theatrical language, I first introduce the protagonists and describe the background of this criminal case. Then, I look at the litigation strategies that the two main female defendants employed and the different ways in which they highlighted the material embeddedness of their emotions. Finally, I examine the expressions of remorse and reflect on their role in sentencing within the wider context of the on-going Russian Civil War and the early Soviet legal reform. By viewing 'female criminality' as a product of open-ended negotiations and by re-emphasizing the material conditions of revolutionary Petrograd, the article provides a new perspective on gender, crime and the administration of justice in that turbulent period.

Disassembling 'Criminality'

This study builds on an influential trend of critical scholarship about modern crime and law and embraces a Foucauldian perspective on the role of criminology, courts and the penal system in the processes of subjectification (*assujettissement*) and self-disciplining (Foucault 1979). In particular, it uses the insights from Michel Foucault's less-known work, *Wrong-Doing, Truth-Telling* (2014), to explain the importance of courtroom verbal utterances and the act of avowal in the construction of the modern subject. At the same time, it remains aware of the specificities of the local Russian cultural and socio-political context and the difficulties with simply transferring Foucauldian models of the penitentiary (that were developed largely on Western European materials) to Eastern Europe (see, Engelstein 1993; Plamper 2002).

It is important to stress further the constructed nature of all 'criminality' and 'deviance' and to challenge the notion that there is any kind of human activity that is inherently 'criminal' or 'deviant' *per se*. As Norwegian sociologist Nils Christie famously stated: 'Crime does not exist' (Christie 2004: 1). Building on Christie's constructivist approach, in a provocative 2008 piece Russian criminologist Iakov Gilinskii presented a whole set of persuasive arguments to dismantle the commonly held conceptions of 'crime' and to highlight the arbitrary nature of all government policies aiming at 'crime control' (Gilinskii 2008). Significantly, as critical anthropologists Jean and John L. Comaroff have shown, these policies are never value-free but instead reflect existing

racial, gender and class prejudices and become increasingly used to govern and to further marginalize the allegedly 'dangerous' populations (Comaroff, Comaroff 2016; see also Kuzuno 2012).

In examining these processes, I build on recent developments in the history of emotions and the history of the self and integrate contemporary anthropological and historical theories of affect, emotion, and subjectivity. Following Monique Scheer, I propose to view emotions as a kind of Bourdieuan 'practice' that emerges from socially situated bodily knowledge and can be trained by specific social settings and power relations (Scheer 2012; see also Kounine 2017). Furthermore, as Benno Gammerl has argued, there are also certain 'emotional styles' that can be community-based or spatially defined (Gammerl 2012). Significantly, in the modern period the courtroom emerges as one of the most important and interesting of all such defining spaces (Braunmühl 2012; Seymour 2012; Kounine 2017), certainly deserving further detailed study.

Situating 'Female Crime'

As noted above, the problem of 'female criminality' in revolutionary Russia has attracted significant scholarly and historiographical attention (in addition to the studies already cited, see also: Shelley 1982; Frank 1996; Talysheva 1998). However, most of these discussions have centred around criminological (and, to a lesser degree, medical) constructions of 'deviant women' and largely ignored the individual agency of these marginalized historical subjects. In proposing to focus on personal courtroom narratives, I follow recent studies that called for further explorations of early Soviet female and queer subjectivity (Borisova 2011; Roldugina 2014; 2016) and stressed the importance of examining emotions as crucial elements in the functioning of the early Soviet courtroom (Newman 2013; 2014; Vasilyev 2017a).

In doing so, I am using a specific definition of 'female criminality' that deviates from established criminological constructions of 'female crime' in that I am looking at all crimes committed by women. The strength of this approach is that it allows us to see how the ideological dispositions of the early Soviet court influenced the experience of trial and sentencing for all women, and not just for the restricted group of 'primitive' abortionists and child killers whose crime was perceived as essentially 'female'.

To this purpose, I scrutinize a 1919 criminal case from the Central State Archive of St. Petersburg (*Tsentrāl'nyi gosudarstvennyi arkhiv Sankt-Peterburga, TsGA SPb*) and trace the prescription and negotiation of 'female criminality' in an early Soviet court. In the period of unprecedented political upheaval and social change and in the absence of clear judicial procedures and codified norms, everything in Civil War Petrograd was suddenly both pre-determined and negotiable, strictly controlled and up for grabs. Exploring the archival collections of the city's local judicial institutions allows us to introduce a different

angle on the administration of justice in the immediate aftermath of the 1917 revolution, to approach it 'from below' and to study the fluidity of revolutionary criminal procedures.

The criminal case in question dealt with what was perceived to be the illegal sale of cocaine and, indeed, the discussion of drugs-related crimes can provide us with rich material from which to draw observations about the negotiation of criminality. The cocaine market was the ultimate 'grey zone' in this regard as it was precisely during the first decades of the twentieth century that psychoactive drugs were transitioning from largely unregulated to heavily controlled substances – in Russia as well as globally (Courtwright 2001; Vasilyev 2013; 2016). This transition created a lot of uncertainty about the legal status of psychoactive drugs and their effects on human behavior and unleashed numerous racial, colonial, class and gender anxieties around the world (Hickman 2000; 2004; Hoffmann 2005; 2012; Pliley et al. 2016).

Drug-related crimes were not perceived as exclusively or predominantly 'female', but women nevertheless featured quite prominently among both drug users and drug sellers. Significantly, many influential recent critiques have been directed at exposing the mass discrimination of marginalized populations behind the moralist façade of the modern 'wars on drugs' (Nadelmann 1989; Boaz 1990; Lynch 2001; Miron 2004; Alexander 2010; Iasaveev 2016). And, importantly, as a number of feminist theorists have stressed, female drug users and drug sellers are particularly likely to be persecuted, marginalized and shamed in this dominant paradigm – both as 'contaminated' reproductive bodies and as failures of normative femininity (Kandall 1996; Campbell 2000; Ettore 2007; Campbell, Ettore 2011).

Accordingly, the prosecution of alleged female drug dealers in revolutionary Petrograd presents a peculiar case study in terms of marginality. On the one hand, the defendants could have certainly been perceived as 'disadvantaged' in terms of gender, class or educational status. However, the nascent Bolshevik social order explicitly prioritized formerly marginalized populations (including women), thus creating an interesting dilemma for the courtroom context that I examine here. Studying this peculiar interplay between marginality and privilege in the early Soviet legal environment allows me to introduce a different angle on the 'revolutionary justice' project and to re-assess its historical significance.

Dramatis Personae: Heroines on Cocaine

'Sex – female. Age – 29. Literacy – illiterate. Prior criminal record – none.' On the surface, in the post-revolutionary realities of 1919 Petrograd both Mariia Stetsiuk and Vera Petrova seemed to be the model female workers, perhaps simply in need of some education or ideological uplifting. However, it is the 'employment, occupation or craft' column on their interrogation forms

that explains the interest of the Soviet law enforcement agencies in these two women. While Petrova apparently answered with a bland 'unemployed' (hardly in itself a legal profession under the regime of labour duty introduced by the Bolsheviks during the Russian Civil War), Stetsiuk's answer on the form was a much more eloquent 'drug den operator' (*soderzhatel'nitsa pritona*) (TsGA SPb, fond 52, opis' 2, delo 111, ll. 27, 29).

In the early morning hours of April 16, 1919, Stetsiuk and Petrova were arrested in their neighbouring apartments 337 and 338 at Nevsky Avenue 104 in downtown Petrograd along with a number of visitors who allegedly came to this place to purchase and consume psychoactive substances. During the interrogation, the women did not deny the charges and readily confessed that they had been selling cocaine for quite some time (Petrova also admitted that she had been sniffing the substance herself). Apparently, both Stetsiuk and Petrova came in touch with the shady world of cocaine dealing during their spell as janitors at the nearby apartment complex at Nikolaevskaya Street 2 that was known for its dubious reputation and 'frequented by all sorts of people' (for more on this suspicious locale, see TsGA SPb, fond 53, opis' 8, delo 670; Vasilyev 2013: 31). However, according to Stetsiuk's testimony, it was only after her release from this job (*posle polucheniia ottudova rascheta*, in her own words) in January 1919 that she started to trade in cocaine (TsGA SPb, fond 52, opis' 2, delo 111, ll. 17–18, 27, 29).

The testimonies of Stetsiuk and Petrova were further corroborated by an overwhelming amount of evidence that the investigators were able to extract from nearly a dozen visitors arrested during the search of the apartment (TsGA SPb, fond 52, opis' 2, delo 111, ll. 20–23, 26, 28). The picture that emerged from these narratives was one of a fully fledged cocaine den that was largely frequented by a peculiar mix of female sex workers and Red Army soldiers from a special operations brigade stationed at Petrograd's ammunition factory. On May 27 1919, Petrograd's 1st Criminal Investigation Commission (*Ugolovno-sledstvennaia komissiiia*) issued a ruling that briefly summed up the material facts of the case and transferred it for decision to the district people's court (TsGA SPb, fond 52, opis' 2, delo 111, ll. 50–50 rev.). Given the punitive tendencies usually associated with the Russian criminal justice system (see Paneiakh et al. 2010), things certainly did not look very good for Stetsiuk and Petrova at this point.

Bodies on Trial: Courtroom Strategies and the Corporeality of Emotion

'Sokolov, I am completely sick ... Please bring me something to eat ... I cannot bear this any longer ... Bring me more bread ... I am completely exhausted, all skin and bones [sovsem otoshchala, ostalis' odni kosti]' (TsGA SPb, fond 52, opis' 2, delo 111, ll. 40a-40a rev.). These disjointed sentences,

apparently dictated by Vera Petrova to her fellow inmate who was literate enough to scribble them with a pencil on a mere scrap of paper, invoke a powerful and disturbing picture of the experience of incarceration in Petrograd's House of Correction for Women (*Zhenskii ispravitel'nyi dom*) at the height of the Russian Civil War. The letter was addressed to Efim Sokolov, the head of the regimental machine-gun team that used to frequent Petrova's apartment prior to her arrest; and a very similar request was later addressed by Petrova and Stetsiuk to another man, Andrei Isakov (TsGA SPb, fond 52, opis' 2, delo 111, ll. 41a-41a rev.).

In a cruel irony of fate, Petrograd's ammunitions factory, where Sokolov was stationed with his team, was also located on the Vyborg Side of Petrograd, just a stone's throw from Petrova's place of imprisonment. However, it remains unclear whether these men got to see the letters in the first place (at least, the fact that the papers remained well preserved in the Stetsiuk-Petrova archival file strongly suggests that these notes were not received) and whether or not they were indeed in a position to influence their friends' fate. As Petrova herself suggested to the investigator, it was very likely that these Red Army soldiers were themselves struggling to survive at the front at the same very moment (TsGA SPb, fond 52, opis' 2, delo 111, l. 27; on transfer to the frontline as punishment during the Russian Civil War, see also, Vasilyev 2017a: 128). But perhaps more importantly, this desperate scribble serves as yet another piece of evidence that documents the horrendous material conditions of early Soviet prisons (Retish 2017; see also Pallot, Piacentini 2012) and introduces a strikingly corporeal dimension to the defendants' carceral experience and litigation strategies.

In contrast to the Anglo-Saxon legal system, the inquisitorial criminal procedure that had been traditionally employed in Russia in the years leading to the 1917 revolution greatly increased the significance of the pre-trial detention and the extended 'virtual courtroom' that included various written and oral communications between the defendants, the investigators and the judges. Accordingly, the narrative of embodied suffering and social vulnerability was developed further in the letter that Stetsiuk wrote in early June 1919 to the investigator handling her case, asking him to fast track the procedure. Lamenting her prolonged pre-trial imprisonment, Stetsiuk emphasized her 'family status' mentioning specifically that her husband's continued absence from home (necessitated by the critical situation at the fronts of the Civil War in 1919) and her subsequent arrest made their three minor children 'abandoned to the whims of fate' (TsGA SPb, fond 52, opis' 2, delo 111, l. 57).

In their petitions to the judges that were written in 1919–1920, many early Soviet female defendants repeatedly emphasized the precariousness of their social position and the vicissitudes of their gender, class and family status (for other eloquent examples, see, e.g., TsGA SPb, fond 52, opis' 2, delo 111, ll. 56–56 rev. and TsGA SPb, fond 53, opis' 9, delo 32, ll. 26–27). In doing so, they both built on existing traditions of litigation and lamentation (see, Newman

2013; 2014) and invented new, revolutionary forms of demanding on behalf of all those whom Vladimir Mayakovsky famously called 'famished ones, sweating ones, servile ones, mildewed in the flea-ridden dirt' (Mayakovsky 1955: 188). Importantly, they often presented their actions not as motivated by some inchoate feelings, but as emotional practices performed by socially situated material bodies. And indeed, as Timofei Stetsiuk alluded to in the opening vignette, it could have well been the very visceral experience of everyday life in besieged and undersupplied Civil War Petrograd that pushed his wife, her friend and many others towards cocaine – a psychoactive substance famously known for its propensity to alleviate physical pain and to subdue the feelings of hunger and cold (Lisovskii, Kolesnikova 2001: 24).

Significantly – and unlike their male counterparts, who mainly stressed their usefulness for the nascent socialist state as soldiers and labourers (Vasilyev 2017a: 127–128) – the defendants in female criminal trials in revolutionary Petrograd seemed to embrace the more 'traditional' feminine roles and primarily emphasized their responsibilities as mothers, daughters and homemakers. In doing so, Petrova, Stetsiuk and their fellow inmates exposed some of the inevitable contradictions inherent in early Soviet gender politics: being able to benefit from their position as 'weak' caregiving women, they at the same time perpetuated the stereotypical gender role division and to a certain extent undermined the Bolshevik emancipatory project which explicitly sought to liberate women from 'kitchen slavery' (Clements 1985; Ilic 1999; Goldman 2002; Klots 2018). But – one way or another – it was not up to them to decide the outcome of this criminal case.

Enter the People's Judge: Remorse and Sentencing

Like most archival items of this kind, the Stetsiuk-Petrova *delo* ends with a protocol of the final court proceeding adjudicating the case. On the surface, this seems to be a fairly laconic document. Deciphering two pages of messy writing on poor-quality paper, we learn that the trial took place on June 16, 1919, exactly two months after the initial search was conducted at Nevsky 104. Both Stetsiuk and Petrova pleaded guilty and, both being illiterate, each drew a clumsy XXX alongside her name in the protocol instead of a signature. The people's court briefly summarized the case and, having stressed the defendants' avowal (*chistoserdechnoe priznanie v trgovle kokainom*, literally 'an open-hearted confession of the sale of cocaine'), issued Stetsiuk and Petrova a relatively mild sentence of two and three months, respectively (TsGA SPb, fond 52, opis' 2, delo 111, ll. 59–59 rev.). Since both women had already been in custody since mid-April, this effectively meant that Stetsiuk was freed immediately after the hearing and could return to her family, with Petrova joining her friend just a month later. These sentences compared favourably with the prison terms of many other drug dealers arrested in 1919–1920, which could in some cases be as long as ten years (Shkarovskii 1997: 468).

But what was this *chistoserdechnoe priznanie* (an open-hearted confession) and why did it work miracles? Clearly, as we have already seen, both defendants admitted their guilt and did not even attempt to deny the charges that were, furthermore, overwhelmingly supported by witness statement reports and other evidence. However, I would like to suggest that what made this confession particularly 'open-hearted' was the overall structure of the narratives analysed above. By clearly admitting their wrongdoings, lamenting the harsh material conditions of revolutionary Petrograd and highlighting the vulnerability of their own bodies, Stetsiuk and Petrova offered themselves to be re-forged into better members of the socialist collective. In doing so, both women formally embraced the label of the 'female criminal', but in the highly unusual realities of the Russian Civil War this act of avowal paradoxically gave them significant agency and even certain moral superiority.

The 'revolutionary justice' experiment that was introduced by the new socialist authorities following the 1917 revolution sought to establish a radically different legal system in Soviet Russia – one that would be explicitly class-based and preferential in its treatment of formerly marginalized social groups. Importantly, it was also founded on the premise of the individual judge's 'revolutionary feeling of justice' (*chuvstvo revoliutsionnoi zakonnosti*) that should not be constrained by the formal 'bourgeois law' (O sude 1918; Trainin 1922: 5; Totskii 1922: 9–10). And indeed, as recent research has suggested, these revolutionary judges often empathized with the lower-class and marginalized defendants, issuing very mild sentences or applying the power of amnesty, particularly at the height of the Civil War in 1919 (Vasilyev 2017a: 127–130). Whether or not they were guided by purely ideological or more pragmatic considerations is debatable (see, Rendle 2014). What is clear, however, is that both Mariia Stetsiuk and Vera Petrova returned to their families after just a few months of imprisonment alive and relatively well – yet already irrevocably transformed by their first visceral encounter with the Soviet authorities and the functioning of its judicial institutions.

Conclusion

In contrast to what mainstream early twentieth century criminological theories suggested (for an overview, see Rembis 2013), I would like to propose that 'female crime' in revolutionary Petrograd was not simply a product of degenerate heredity, oppressed social status, or even capitalist exploitation. In extraordinary times of 'war communism', it was first and foremost caused by very powerful visceral feelings, such as hunger, cold, and physical pain. In other words, it was both situational and structural: these feelings might have been subjective, but their bodily character was deeply embedded into the social and material realities of the revolutionary period.

Using the fluidity of the revolutionary criminal procedure, the defendants in the Stetsiuk-Petrova criminal case made numerous appeals to the judges' and

their own emotions. They further emphasized working-class female subjectivity, difficult material conditions of living and the embodied character of their marginality. By explicitly expressing their remorse and embracing the Bolshevik ideological project, they tacitly acknowledged their 'crime', while at the same time expecting (and, perhaps, even demanding) that the new Soviet authorities offer them rehabilitation and care, not punishment and incarceration.

Such appeals definitely attracted favourable response from those adjudicating the case. Archival evidence examined here and elsewhere (Rendle 2014; Vasilyev 2017a; Vasilyev 2017b) challenges the popular perceptions of early Soviet courts as exclusively punitive institutions. On the contrary, it indicates that those belonging to formerly oppressed social groups could definitely expect preferential treatment and a much more compassionate sentence from the people's court. Taking the defendants' emotions and the material conditions of living seriously, the revolutionary judicial system made substantial efforts to integrate marginalized populations into the new socialist body politic and offer them an attractive and persuasive vision of the egalitarian future.

Clearly, as all of us are well aware of today, the reality of the Soviet experiment did not quite live up to these expectations. This, however, does not necessarily render the 'revolutionary justice' experiment irrelevant. In the contemporary world, where women, ethnic and racial minorities and other marginalized social groups bear the brunt of the so-called 'war on drugs', we should definitely pay more attention to the social and economic roots of this 'crime' and think seriously about the alternatives to failed prohibition policies. And, perhaps, contemporary law enforcers might have something to learn in this regard from early Soviet people's judges.

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List of abbreviations

TsGA SPb – Tsentral'nyi gosudarstvennyi arkhiv Sankt-Peterburga (Central State Archive of St. Petersburg).

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