

CDSSES 2020**IV International Scientific Conference "Competitiveness and the development of socio-economic systems" dedicated to the memory of Alexander Tatarkin****COUNTERING OF ECONOMIC CRIMES DURING THE TIME OF EMERGENCY EVACUATION**

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Abstract

In emergencies caused by large-scale human-made accidents, natural calamities, dangerous epidemics, the state, and society face the necessity to organize the evacuation process. The proportions of financial and physical damage and saving people's lives depend on the effectiveness of suppressing criminal activities during mass relocation of property and people. The historical experience of evacuation during the Great Patriotic War is undoubted of great scholarly interest. The present study aims to identify reasons for and types of economic crimes and ways to suppress them during the evacuation process under conditions of a war-induced emergency. The study is based on primary sources accessed from central and regional archives of the Russian Federation. In general, despite a considerable body of Russian and foreign academic literature, the topic has not become a separate research object. The study's theoretical framework is the neo-institutional theory, while the methods used are historical-genetic, comparative, and statistical methods. The study has identified destabilizing factors in the context of a wartime social crisis that instigated an increase in crime. Furthermore, it has characterized typical kinds of economic crimes during evacuation and identified problems with the courts' functioning. Analyzing ways of suppression of criminal activities has shown that the effectiveness of crime prevention decreased due to violations of the principle of equality of all before the law by the Soviet judiciary. Another reason is the enforcement of the excessively strict penalty to people whose deviation was justified by the necessity to survive.

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1. Introduction

In emergencies caused by large-scale human-made accidents, natural calamities, dangerous epidemics, the state and society face the necessity to organize the evacuation process. The proportions of financial and physical damage and saving people's lives depend on the effectiveness of suppressing criminal activities during mass relocation of property and people.

In 1941-1945, including pre- and post-war months, more than 16 million people (excluding those convicted by the Special Council of the NKVD) (Budnitskiy, 2019, p. 100) were convicted by the general jurisdiction courts, military tribunals and various special courts. A part of the criminal cases was connected to crimes committed during the evacuation process. The Great Patriotic War (hereafter GPW) evacuation is unequalled in terms of scale and timeframe of the relocation of industrial equipment, property and population. Researching the Soviet historical experience of ensuring security while relocating objects to the rear and suppressing crimes under emergency circumstances in the near-front zone provides us with an opportunity to trace the transformation of criminal legislation and law enforcement practices, identify populations' survival strategies under conditions of limited resources and motivations for deviant behavior, assess the effectiveness of economic crimes prevention methods.

2. Problem Statement

It is worth noting that evacuation and economic crimes during GPW are researched independently and in parallel by different scholars. Opportunities to research both domestic and foreign historiography were restricted until the early 1990s due to limited access to archive funds on the topic in question. The evacuation processes are of scholarly interest predominantly for historians (Potemkina, 2015) and demographers (Maksudov, 2019), while research on crime prevention lies in the domain of lawyers and sociologists.

Solomon is the leading researcher of the Soviet law of Stalin's regime (Bogdanova, 2012). His works cover a wide range of issues from the administration of justice in the USSR during Stalinism to the stance of the country's leadership towards law as a social and political regulator in a society. Having carried out a thorough and detailed analysis of the Soviet justice system's state in the 1930s and 1950s, Solomon does not single out a separate period dedicated to GPW.

Several earlier works by famous American legal scholar Harold Berman are also dedicated to studying Soviet/Russian law (Butler, 2019).

Foreign scholars mainly focus on studying institutional boundaries of law enforcement in a totalitarian state and historiographic discussions on the interrelation of arbitrary out-of-court behavior and formal 'legitimacy' in implementing repressions of the 1930-50s (Starkov, 2020).

Recent years have seen an appearance of studies that look at particular aspects of legal regulation. Thus, works by Danish anthropologist Steven Sampson draw attention to the cultural characteristics of the 'shadow economy' in the USSR (Sampson, 2018).

Studies by contemporary Russian scholars cover a wide range of issues focusing on legal aspects: practices of out-of-court persecution, the functioning of general jurisdiction courts on the regional level, functioning of the prosecution authorities and advocacy etc.

In general, despite a considerable body of Russian and foreign academic literature, the topic of economic crime during evacuation has not become a separate object of research. Its interdisciplinary nature appears to be an emerging research area.

3. Research Questions

What are the reasons for an increase in economic crimes under emergency wartime conditions? What kinds of crimes against property took place during the process of evacuation? What are judicial bodies' specific actions for identifying and preventing economic crimes committed under emergency conditions of evacuation?

4. Purpose of the Study

The present study aims to identify reasons for and types of economic crimes and ways to suppress them during the evacuation process under conditions of a war-induced emergency.

5. Research Methods

This study is based on primary sources accessed from central (the State Archive of the Russian Federation) and the Russian Federation (the United State Archive of the Chelyabinsk Region). There are complications connected to searching and accessing primary sources, such as their partial preservation or dispersion among various archives and funds. A significant amount of documents belonging to the funds of the Ministry of Justice of the USSR (P-9492) and RSFSR (A-353) is accessible for researchers. It contains analytical materials on the litigation practice of different types of crimes, meeting minutes of the Collegium of the People's Commissariat of Justice, statistical reports on criminal cases in the people's courts. Materials of the fund of the People's Commissariat of State Control of the USSR (P-8300) contain certificates of inspection and analytical reports on audit checks of the evacuated industrial plants and establishments. The fund of the Office of Public Procurator of the USSR (8131) contains a confidential correspondence of different officials with prosecution authorities on violations of protocols of the evacuation of civilians and industrial equipment during GPW. These documents are rather representative as they let us trace changes in the legislative framework of crime prevention by the state, identify the types of economic crimes committed during the evacuation, and the methods employed by the people's courts and prosecution authorities to identify and suppress such crimes.

The interdisciplinary systemic approach is used in research. This approach conceptualizes society as a single complex phenomenon. Emergencies induced by external factors led to economic and social changes in society, which enhanced the deviation of civilians' survival strategies. Tensions among the population influenced the policies and actions of the authorities and law-enforcement bodies. Becker's institutional theory was instrumental in understanding the reasons for increased economic crimes in the evacuation zone. According to the framework, motivation for criminal activities depends on economic benefit, considering the probability of conviction and the severity of the penalty. The research uses general and specific historical methods, particularly the historical-genetic, comparative, and statistical methods, to reach the goal of this study.

6. Findings

In the first days of GPW, the country's authorities started relocating industrial equipment, state institutions, material and cultural valuables, and civilian population to the country's eastern regions. On 23 June 1941, the Evacuation Council was established while the central and regional evacuation administrating authorities were formed until 1941. The almost complete absence of anticipatory evacuation plans, the rapid advancement of the enemy's army, immense distances, and the transport system's overload posed complications for relocating civilians and cargo into the Soviet rear. The evacuation's success significantly conditioned the rear's economic potential and social stability.

The continually changing frontline and large-scale migration currents made the near-front zone the most criminogenic USSR area. Local authorities were losing control over the territory under their jurisdiction; social tensions were rising under destabilization conditions. These were manifested by spreading rumors, panic and destructive actions. Fear of the enemy's invasion and uncertainty concerning the future led to the feeling of absence of control and erosion of property concept.

Analysis of the archived materials resulted in identifying the most typical kinds of economic crimes committed during the evacuation process: state property and money conversion incited by the impossibility to keep records, financial fraud (committed mostly by directors of enterprises and institutions, persons in charge of finances and having authoritative powers), theft of railway cargo relocated to the rear from the near-front zone as well as property stored at evacuation centers, theft of personal property of the evacuated civilians (goods left in places of permanent residence and left along the way to evacuation): multiple thefts took place at railway stations or in carriages. Although the state had to provide provision along the way to evacuation, in reality, people were left to their own devices and had to take care of food self-provisioning, which did not always comply with the law.

The general institutional foundations of the Soviet judiciary were laid in the 1920s. The justice system, the judiciary, and the prosecution continued to function without drastic changes during wartime. By the law 'On the judiciary of the USSR, Union Republics and Autonomous Republics' dated 16 August 1938, the country's highest judicial authority was the Supreme Court of the USSR that heard cases from lower courts under cassational procedure. At the local level (in provinces, cities and districts), justice was executed by the people's general jurisdiction courts.

Low level of education of employees and staff turnover in the judiciary system of the Soviet rear during GPW were exacerbated by military mobilization of a part of qualified professionals (Pecherskiy, 2017, p. 141). Under wartime conditions, following the directive of the People's Commissariat of Justice of the USSR dated 15 July 1941, law-enforcement authorities at all levels saw staff redundancy. Thus, 20,4% of the Chelyabinsk Office staff of the People's Commissariat of Justice of the RSFSR were made redundant. Thereby, workload only increased, and such overload adversely affected the work schedule and quality of hearing of court cases.

It is worth noting that the Soviet authorities learned the lesson of staff management, which proved to be especially problematic during wartime. Right after the war, the judiciary staff was prioritized. In a report of the Central Committee from July 1948, Gorshenin, the Minister of Justice of the USSR, wrote that strengthening the judiciary staff with 'politically reputable, skilled, educated and authoritative people'

(Kogan, 2012, p. 125-126) was the most crucial task in order to prepare for the people's courts elections. The idea of the democratic election of judges and people's assessors to the people's courts was articulated in the Constitution of 1936, it was actively discussed in the People's Commissariat of Justice and Council of People's Commissars in June 1941, the authorities came back to it at the end of 1948.

In a wartime emergency, all types of resources were concentrated on and channeled into military engagement victory. Aggravation of deficit of resources necessary for ensuring the population's livelihood exacerbated social tensions in society and pushed the boundaries of deviation. This caused an increase in economic crimes.

To identify crimes of economic nature, an audit of plants and establishments was carried out, financial deals and transactions were controlled. Letters of denouncement by citizens sometimes served as an excuse for starting an investigation. Several factors make law enforcement bodies work towards identifying and investigating economic crimes committed during the evacuation of industrial facilities, material property, and population complicated. As the frontline was continually changing, material assets and management and record-keeping documents ended up in territories under the enemy's occupation. As a result, it was impossible to conduct crime detection and check certain circumstances of the crimes committed, while some documents were lost along the way. All these things resulted from the enemy's territorial occupation and led to a suspension of court proceedings or reinvestigation. As investigation of the crimes committed during evacuation involved several administrative territories, review duration of court cases was violated due to the time that was spent to resend case materials from one region to another.

During the evacuation process, a part of property and accounting records were destroyed by bombings by the enemy's aviation, due to transport accidents and other reasons. Civilians who had to travel several weeks were sometimes forced to use the state financial resources or provisions that were being relocated to the rear to survive. At court hearings, it was difficult to determine whether there was guilt in such actions. There were cases when the court of the first instance found someone guilty, while the court of a higher instance returned the case for further investigation or judged the person as innocent.

One peculiarity of court proceedings in the USSR was that statutory and regulatory enactments served as legal sources alongside the Criminal Code of 1926. Economic crimes committed during the evacuation ranked as article 162 and, in especially dangerous cases, article 58-14 (counter-revolutionary sabotage) of the Criminal Code of the RSFSR. Furthermore, they also ranked as the decree of the Central Executive Committee and Council of People's Commissars of the USSR dated 07 August 1932 'On protection of property of the state establishments, kolkhoz and cooperative property and strengthening the common (socialist) property', which carries a punishment up to the supreme measure of penalty.

Multiple letters complicated this and confidential and protected circular notes that judges needed to know and implement alongside the official legislation. It is noteworthy that access to several classified documents was significantly restricted. This is what Smykalin called 'double-bottomed' legislation (Smykalin, 2012, p. 68).

When imposing a penalty, judges were guided by the ideological Marxist doctrine, according to which a criminal is "an anti-Soviet individual that needs a profound transformation of his/her consciousness (correction and re-education) in the interest of the Soviet society" (Shesler, 2020, p. 197).

Tracing the dynamics of the GPW period's repressive practices towards the severity of the imposition of sentence, Prof. Budnitsky notes a 'slow turning' of the authorities towards easing penalties imposed for counter-revolution crimes that took place in spring 1942. In most cases, the Supreme Court of the USSR started replacing death penalty with milder punishment. The author considers this to be a consequence of problems with human resources that were necessary for the state to continue the war. The country's resources were finite. There were not enough people to form the necessary number of military units and to work in the industry (Budnitskiy, 2019).

As for repressive practices concerning economic crimes, there do not seem to be such policy changes. On the contrary, the authorities' main strategy of economic crime prevention was toughening the sentencing policy throughout the war.

Thus, on 17 January 1942 the People's Commissariat of Justice issued a directive for military tribunals of transport demanding to file railroad transport thefts under the decree dated 07 August 1932 — on thefts of socialist property — rather than under article 162 of the Criminal Code of the RSFSR (theft of state property). With these measures being implemented, the gravity of punishment increased from 2-5 years of imprisonment to from 10 years of imprisonment to supreme penalty. In addition, deprivation of civil rights and asset forfeiture were implemented. Suppression of railroad transport cargo thefts was complicated due to drawbacks in record keeping system and poorly organized cargo protection along the way and in evacuation centers.

Archive materials contain examples of ranking economic crimes as article 58-14 of the Criminal Code of the RSFSR (counter-revolutionary sabotage) that invoked the supreme penalty. In March 1942, directors of the Dom Malutki orphanage, who carried out evacuation of children from Artemovsk to Alma-Ata, were sentenced according to this article. Plunder of state property, provision and financial resources during evacuation caused death of children. This let the judges file the case under article 58-14 of the Criminal Code of the RSFSR and the decree of 1932.

As the number of economic crimes continued rising, the State Defense Committee passed a special enactment on 22 January 1943. This was followed by a decree of the People's Commissariat of Justice and the Procurator General of the USSR 'On reinforcement of the prevention of plundering and squandering of provision and industrial goods' dated 27 January 1943. In order to implement these policies, widespread checks on the judicial authorities were initiated, control over such court cases was strengthened, particularly the review duration of cases, legitimacy of sentencing and execution of sentence.

However, statistical data analysis allows to claim that toughening policies did not yield a positive effect (Potemkina, 2020, p. 318).

Investigating economic crimes under the evacuation process's emergency conditions brings to the fore the contradiction between social norms and unpopular laws. This was noted by Gorlizki (2016), an English scholar who researched theft practices during the Stalinism period. For the people whose alternatives were either to die of hunger or break the law the threat of an extra-severe sentence was not a deterrent. Moreover, minor theft of state property was justified by public sentiments if deadlock life circumstances caused it.

Low effectiveness of prevention of plunder of state property and thefts of personal possessions was also taking place after the war. A gradual decrease in the number of such crimes happened only due to the improvement of the citizens' living standard (Mamyachenkov, 2017).

Violations of legitimacy and fairness in sentencing resulted from the peculiarities of the system itself. A characteristic feature of the Soviet legal system was violation of the principle of equality of citizens before law. Criminal relations between bureaucrats and ordinary citizens in the form of bribes existed at all times and in all socio-political systems. The USSR under Stalin was not an exception. Under extreme evacuation conditions, bribery for such services as obtaining the evacuation certificate, boarding the train without an official right to evacuation were widespread. In the case of being caught for having committed a crime, people offered bribes to prosecution officials and judges with the purpose to evade criminal penalty. Facts show a surge in bribery during the war (Heinzen, 2016). The regime made attempts to identify immoral and criminal conduct cases among the judiciary, but cases of prosecuting judges were sporadic. Nationwide bribery prevention campaigns in the judicial system were initiated only in 1946.

Those under examination often used all accessible illegal means to evade penalties. Representatives of the governing establishment often escaped sentences due to their connections, money and status in the establishment hierarchy (Belova & Lazarev, 2009).

The bureaucrats' influence on litigation practice was twofold: on the one hand, protecting the political elite, on the other hand, demanding tougher penalty for the 'plunderers of the socialist property'. Members of the elites often interfered with the judiciary, purporting to gain full control over it. Imposing disciplinary sanctions in the party was used as leverage. Protecting high-ranking public officials from criminal prosecution was systemic rather than sporadic.

Relations between different agencies were also complicated. German scholar Rebitschek (2019) published an article on cooperation and confrontation between prosecution authorities and Militsiya in the 1940s, based on the party archive and Soviet materials archive from Perm. The author scrutinized particular cases of conflict between the judicial authorities and law-enforcement authorities.

7. Conclusion

Large-scale evacuation of industry, property and civilian population during GPW was one factor that instigated an increase in economic crimes. Typical kinds of economic crimes committed during evacuation can be singled out: conversion of state property and financial resources, financial fraud, theft of railway cargo relocated to the rear from the near-front zone, theft of personal property of the evacuated civilians. The country's authorities employed toughening of sentencing policies as the main strategy of fighting the increase in economic crimes throughout the war. These measures, however, did not yield a positive result. The effectiveness of crime prevention decreased due to violations of the principle of equality of citizens before law by the Soviet judicial system and implementing excessively severe penalties towards people whose deviation resulted from the need to survive. The following factors negatively influenced efforts by the law-enforcement authorities to identify and investigate economic crimes committed under emergency conditions of wartime: deterioration of the quantity and quality of the

judiciary staff, political pressure from the elites, justification of crimes against state property by the public.

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References

- Belova, E., & Lazarev, V. (2009). Selective Justice: Party Control Under Stalin. *PERSA Working Paper*, 58, 1-42.
- Bogdanova, E. (2012). Piter solomon ml. sovetskaya yustitsiya pri staline / per. s angl. leonida maksimenkova. M.: Rosspen, 2008 [Piter Solomon ml. Soviet criminal justice under Stalin. M.: ROSSPEN, 2008]. *Laboratorium. Russian Review of Social Research*, 2, 235-237.
- Budnitskiy, O. (2019). Repressii protiv veruyushchikh nakanune i vo vremya Velikoy Otechestvennoy voyny 1939–1945 gg. [Repressions against Believers on the Eve and during the Great Patriotic War, 1939–1945]. *Rossiiskaia istoriia*, 3, 100-124. <https://doi.org/10.31857/S086956870005107-8>
- Butler, W. E. (2019). Justice in Russia soviet law and russian history. In H. O. Hunter (Eds.), *The Integrative Jurisprudence of Harold J. Berman* (pp. 13-27). London: Taylor and Francis. <https://doi.org/10.4324/9780429311857-2>
- Gorlizki, Y. (2016). Theft under Stalin: A property rights analysis. *Economic History Review*, 69(1), 288-313.
- Heinzen, J. (2016). *The Art of the Bribe: Corruption Under Stalin, 1943-1953*. NY: Rowan University.
- Kogan, M. (2012). Shaping soviet justice: Popular responses to the election of people's courts, 1948 - 1954. *Cahiers du Monde russe*, 53(1), 121-139.
- Maksudov, S. (2019). K probleme izucheniya razmerov i kharaktera evakuatsii v gody velikoy otechestvennoy voyny [On the scale and conditions of evacuation during World War II]. *Rossiiskaia istoriia*, 3, 44-48.
- Mamyachenkov, V. N. (2017). Bor'ba pravookhranitel'nykh organov s khishcheniyami sotsialisticheskoy sobstvennosti v kooperativnykh organizatsiyakh i gosudarstvennoy torgovle v k. 1940-kh gg. (na materialakh sverdlovskoy oblasti) [Fight of Law Enforcement Agencies against Theft of Socialist Property in Cooperative Organizations and State Trade in the Late 1940-ies (based on materials of Sverdlovsk region)]. *Nauchnyy dialog*, 5, 224-239. <https://doi.org/10.24224/2227-1295-2017-5-224-239>.
- Pecherskiy, V. A. (2017). Sovetskaya sudebnaya sistema v krasnoyarskom kraye v gody velikoy otechestvennoy voyny (na primere sudov obshchey yurisdiktsii) [Court system of the Krasnoyarsk region during the Great Patriotic war (by the example of general jurisdiction courts)]. *Vestnik NSU. Series: History and Philology*, 15(1), 134–144.
- Potemkina, M. (2015). Doroga v evakuatsiyu: opyt rekonstruktsii zheleznodorozhnykh perezovok naseleniya v usloviyakh velikoy otechestvennoy voyny [Evacuation route: restoring the railway transportation of people during the Great Patriotic War]. *Science Journal of Volgograd State University. History. Area Studies. International Relations*, 20(4), 107-118. <https://doi.org/10.15688/jvolsu4.2015.4.10>
- Potemkina, M. (2020). Violations of the Law during the Evacuation of the Population and Industrial Equipment in 1941–1942. *Historia Provinciae – The Journal of Regional History*, 4(2), 307–339. <https://doi.org/10.23859/2587-8344-2020-4-2-1>
- Rebitschek, I. (2019). Lessons from the Terror: Soviet prosecutors and police violence in Molotov province, 1942 to 1949. *Slavic review*, 78(3), 738–757.
- Sampson, S. L. (2018). The second economy of the Soviet Union and Eastern Europe. In G. Mars (Eds.), *Occupational crime* (pp. 313-330). London: Taylor and Francis Inc.

- Shesler, A. V. (2020). Lichnost' prestupnika v kriminologicheskikh issledovaniyakh sovetskogo perioda. [The Personality of a Criminal in Criminological Studies of the Soviet Period]. *Russian Journal of Criminology*, 14(2), 193–205.
- Smykalin, A. S. (2012). Paradoksy «dvoynogo» zakonodatel'stva v SSSR [Paradoxes of "double" legislation in the USSR]. *Voprosy istorii*, 12, 61-70.
- Starkov, A. (2020). Sovetskaya yustitsiya v period velikoy otechestvennoy voyny: istoriografiya voprosa [Soviet justice during the Great Patriotic War. A historiographical overview]. *Rossiiskaia istoriia*, 3, 95-107. <https://doi.org/10.31857/S086956870010146-1>