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Stalinist Labour Coercion during World War II: An Economic Approach

MARTIN KRAGH

Abstract

Through a study of Soviet legal practices, the article examines the enforcement of coercive laws and their limitations in the Soviet command economy. New archival documentation shows the scale and scope of Stalin’s coercive machinery. Firstly, we show why labour legislation assumed its specific form, based on an economic analysis of the command economy. Secondly, we identify four specific limits to the efficient enforcement of the legislation: collusion, search costs, administrative congestion and in absentia convictions. Thirdly, we provide new input to the discussion on the scale of the Gulag apparatus, showing that certain data need to be treated cautiously.

Traditional economic models of the labour market assume to one extent or another that transactions between buyers and sellers are more or less free. Economic history tells us, however, that labour transactions have only rarely taken this form and that the dominant mode of transactions has been in a coercive employment relationship. There are different theories on why coercive labour relations have grown and declined, and different varieties of ‘unfree’ labour have been identified (Brass & van der Linden 1997; Engerman 1999). As far the Soviet experience is concerned, research interest on Stalin’s Gulag machinery has been quite substantial since the beginning of the ‘archival revolution’ in the 1990s. Less work has been done, however, on the less repressive—but in fact completely dominant—civilian labour transactions that existed in Soviet industry and construction.

Coercion was the governing mechanism in the Soviet command economy, but it could be applied by the regime in varying degrees, and thus influence the welfare of the workers. Coercion was used to punish economic non-compliance while repression was used to punish political non-compliance (Harrison 2002). Whereas workers in a free market can abstain from employment and effort (obviously under the threat of unemployment and other possible sanctions), coercion implies that the workers are

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forced to accept employment they would otherwise reject. Previous analysis has focused primarily on the use of repression to increase compliance (or in other words ‘loyalty’); and various restraints have been assumed to be unimportant for the analysis (Wintrobe 1998, p. 59). Though substantial analytical improvements were made in the analysis of Stalinist repression by Paul Gregory (2009, pp. 202–18) in his study of the NKVD (Narodnyi komissariat vnutrennikh del SSSR), less emphasis has been put on the limits that conditioned the implementation and enforcement of coercive practices under Stalin.

This article will analyse the functioning of Stalin’s labour edicts implemented in 1940 and 1941, some of which were on the statutes until 1956. Because of their far-reaching importance, they constitute an appropriate case study of coercive practices under Stalin. On the brink of war, the dictator criminalised absenteeism from work and job changing without the management’s consent. During the war years, between one and two million sentences a year were passed in accordance with these edicts—an exceptionally high rate of penalisation. We provide a novel interpretation of these edicts from an economic point of view, arguing that Stalin may be fruitfully regarded as a sufficiently ‘rational dictator’ whose actions can be understood as responding to perceived external and internal challenges. In broad terms, coercion was applied in order to improve effort, as the edicts made non-compliance increasingly costly and reallocated rent from the workers to the regime. However, as this article will show, the sentences imposed were more apparent than real, as enforcement was also costly and monitoring was weak.

Building on sources from the Russian state archives, this article sets out to answer three related questions. First, why did the legislation on labour assume the specific form it did under Stalin? Second, how was the legislation enforced? Third, what were the limits to its enforcement? Special emphasis is put on the edict on ‘desertion’ from war industry, implemented in late 1941. The article is structured as follows: the first section provides a short historical background. The second section analyses the implementation of labour laws under Stalin. The third and last section provides new information on the edict on desertion from war industry, and shows how the edict was enforced in practice under conditions of total war.

Background

The Bolsheviks had an archaic view on economic efficiency and a purely instrumental view on law. Edicts were decided and formulated by members of the Politburo, and usually published as law by the Supreme Soviet on the same or the following day (if, as was often the case, it was not decided the edicts should be kept secret) (Rosenfeldt 2009, p. 110). The edict on labour, issued on 26 June 1940, was not the first of its kind, but it was the first which made absenteeism, as well as job changing without

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1This article draws on material from the Russian State Archive of the Economy (Rossiiskii gosudarstvennyi arkhiv ekonomiki, RGAE), the State Archive of the Russian Federation (Gosudarstvennyi arkhiv Rossiiskoi Federatsii, GARF), the Russian State Archive of Social and Political History (Rossiiskii gosudarstvennyi arkhiv sotsial’no-politicheskoi istorii, RGASPI) and the Russian State Archive of Contemporary History (Rossiiskii Gosudarstvennyi Arkhiv Noveishei Istorii, RGANI).
management’s consent, a criminal offence. In practice, this meant that leaving one’s job without the sanction of management or other valid reason earned a penalty of from two to four months in prison (but not in a labour camp), and any tardiness within the working day of more than 20 minutes was punishable by up to six months of corrective labour with reduced pay (up to 25%), but without deprivation of freedom (Filtzer 2002, chapter 5; Solomon 1996, chapter 9; Sokolov 2004).

Draconian as this edict may seem, suspects were at least tried in the civilian People’s Courts. Significantly less research has been carried out on the edict of 26 December 1941, which made workers in war industry subject to trial in an NKVD military tribunal for desertion, punishable by up to eight years of ‘deprivation of freedom’ in a labour camp. The edict covered major sectors of the economy, from ferrous metallurgy to the textile industry. The concept of ‘war industry’ was also expanded during the war, so that over time the potential pool of workers covered by the edict was also changed. Subject to this edict were mobilised workers, who had either abandoned their place of work (the ‘labour front’), or were considered ‘persistent absentees’ (Markevich & Sokolov 2005, p. 167). In April and May 1943, a specific amendment introduced similar measures in the railways and water transport, with sentences from three to 10 years in a labour camp (see Table 1).

There were different agents and interest groups whose internal relationship should be explained. At the highest level, members of the Politburo introduced plan goals and all relevant legislation. The Politburo, and primarily its undisputed leader Joseph Stalin, was the principal decision-maker. The most relevant agents in this story were the Procuracy, the police (militsiya), the NKVD and factory managers. The Procuracy was responsible for instituting proceedings, after having received the relevant material from factory managers. It was the task of the militsiya to institute a search for workers suspected of desertion, and they in turn also relied on information provided by the managers. As regards the special edict on desertion (edict of 26 December 1941), the

### TABLE 1

**SOVIET LABOUR EDICTS AND THEIR SENTENCES, 1940–1956**

<table>
<thead>
<tr>
<th>Edict</th>
<th>Edict of 26 June 1940 (‘wilful departure’)</th>
<th>Edict of 26 December 1941 (‘desertion’)</th>
<th>Article 193 of Criminal Code (Edicts of April and May 1943)</th>
<th>Absenteeism under Edict of 26 June 1940</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sentence</td>
<td>2–4 months in prison</td>
<td>5–8 years in labour camp for workers in war industry. Abrogated in May 1948</td>
<td>3–10 years in labour camp for transport employees. Abrogated in March 1948</td>
<td>Up to six months corrective labour at enterprise with 25% wage deduction. Gradual relaxation in prosecution after 1951</td>
</tr>
</tbody>
</table>

*Source: adapted from Filtzer (2002, p. 163).*

2See footnote 8 for more information.
Procuracy was not expected to bring the cases for trial in a civilian court (People’s Court), but to a military tribunal under the authority of the NKVD. Administrative procedures were modified over time, but this fundamental structure of command remained intact throughout the war.

The evolution of Stalin’s labour legislation

Soviet leaders experimented with a series of different measures to suppress labour market activity in the 1930s. Previous research (Schwarz 1953; Conquest 1967; Filtzer 1986) has chronicled the evolution of Soviet labour legislation under Stalin. It has been shown how enforcement of coercive labour legislation was arbitrary since managers and workers found common cause in colluding in order to fulfil plan targets and avoid sanctions. For such reasons, the edicts of 15 November 1932 and 28 December 1938, targeting absenteeism but not labour turnover, remained virtually toothless. Recent work has also provided more detailed accounts of the introduction of the passport system for the cities (Kessler 2001), and of the way housing was allocated in accordance with observed compliance with work norms (Meerovich 2008). This background is important in order to comprehend the subsequent tightening of labour coercion in 1940 and 1941. We do not know much about the discussions which preceded the tightening, but the edict of 26 June 1940 was implemented after a Politburo decision only one day earlier. From that point on, tardiness by more than 20 minutes and job changing without management’s consent became criminal offences. What was the rationale for invoking such strict labour regulations?

Previous research has given different explanations to this question, none of which takes fully into account the known restraints posed by the functioning of a command economy. We summarise the different explanations under three separate headings: the outbreak of the war, historical experience, and the costs of absenteeism and unauthorised labour turnover.

The outbreak of the war

The most common argument explains the edict with reference to the outbreak of World War II. Timing, in other words, can explain why the coercion of labour was increased (Mitrofanova 1971, pp. 434–36; Volkov 1974, p. 542; Fitzpatrick 1994, p. 318). In the light of the war threat posed by Germany, following the invasion of Poland on 1 September 1939 and the formal surrender of France to Hitler on 25 June 1940, it is possible to regard the new labour legislation as part of a general mobilisation in preparation for war. However, until the invasion of the Soviet Union in 1941, the Molotov–Ribbentrop pact was still official policy, and Soviet citizens could hardly be told there was any risk of an imminent German attack. As noted by

3RGASPI, f. 17, op. 3, d. 1025, ll. 4–5. The document, dated 25 June 1940, contained the Politburo decision on the implementation of an edict making absenteeism and job-changing without management’s consent criminal offences.
Nove (1992, p. 265), the edict was therefore never presented as part of war preparations when it was officially published.\textsuperscript{4}

The explanation with reference to timing is plausible since coercion should be expected to increase under conditions of strain such as external threat, but the circumstances alone cannot explain why coercion assumed the specific form it did. For example, why did the legislation primarily target workers and not enterprise managers, a group Stalin suspected of poor loyalty as much as any other? And what was the rationale for fusing the seemingly discordant aspects of job changing and absenteeism in one piece of legislation?

**Historical experience**

A second and related explanation can be traced from the experience of World War I, a period when many European nations implemented strict labour legislation (Hardach 1973, p. 195). It was also well known that there had been continuously large efficiency losses in the Russian economy throughout the period of the Civil War, 1918–1921 (Pollyak 1923, pp. 13–15). The leadership was thus aware of the challenges a military confrontation could pose for mobilisation. Further, the regime’s suppression of independent trade-union activity, strikes and other forms of collective action had not eradicated labour conflicts. Evidence is patchy, but whereas about 168,000 workers had come out on strike in 1923, the security police registered some 65,000 in 1929, and during the first 11 months of 1934, some 8,707 strikers were registered (Murphy 2008, p. 173; Sakharov et al. 2006, p. 136). As has been argued recently by Kazantsev & Sakharov (2006), slow-downs under such conditions were substituted for strikes and thus

became one of the most widely used forms of workers’ collective protest. Such slow-downs (‘Italian strikes’) usually followed the promotion of new economic tasks at the enterprise section. In the light of such passive protests, production operations were not completed, as workers at the sections cut off a few or more hours of work. (Kazantsev & Sakharov 2006)

Thus, when more established forms of collective negotiation disappeared, withdrawal of effort as a means to exert influence at the shop-floor level became relatively more important (Lewin 1981; Tackelberg 1978; Ziegler 1983). The two edicts on absenteeism of 1932 and 1938 can be regarded as the regime’s initial and flouted response to also suppress these substitutes for strike activity. However, even though the historical background explains why authorities demanded further coercive measures, this alone cannot fully explain exactly why the edict of 26 June 1940 assumed the form it eventually did.

**Absenteeism and labour turnover were costly for the regime**

A third factor emphasised in the literature is the cost that absenteeism and job changing were believed to impose on the economy. It has been argued that turnover rates and low discipline were considered high to a point of disruption in the 1930s

\textsuperscript{4}Pravda, 27 June 1940.
This assumption is not far fetched. In Western market economies as in the USSR during the inter-war period, labour turnover and absenteeism were major concerns among economists and policy makers. Pricket (1931, p. 261) described labour turnover in the US as ‘a vast social problem’ and ‘a malady’, and similar opinions were voiced regarding absenteeism (Behrend 1953). Archival data on Soviet conditions are contradictory however; and it is clear that if the Stalinist leadership took these aspects into consideration, it was not on the strength of the official statistics.

According to information from the Central Statistical Administration (Tsentr’noe Statisticheskoe Upravlenie SSSR, TsSU) for 1939, work time lost due to stoppages and sickness was significantly larger than losses due to absenteeism (as was in fact true during the whole Soviet era). As was shown in Kragh (2009), official estimates of losses of labour time were chronically poor. Labour turnover had increased somewhat in the years after the Great Terror (1937–1938), but the general trend was nevertheless a decline. Therefore, if these factors were important, it was because the more significant sources of efficiency losses could not be as easily contained. The shortages, which were such an important factor behind stoppages in production, were a structural feature. Sickness was the outcome of aspects such as hazardous work conditions and deficient nutrition (Osokina 1998, p. 214). Already harsh working and living conditions before the war became worse in 1941, after the German attack.

All of the three explanations above have merit, but they cannot provide an economic rationale for why the leadership targeted absenteeism and labour turnover specifically and in tandem. An economic approach suggests that these two factors imposed costs on the regime in the form of dissipation of rent (Winiecki 1988). That is, by withdrawing effort through options such as absenteeism and labour turnover, part of the surplus produced could be reallocated to the workers from the regime in the form of increased leisure. The options to dissipate rent are what Stalin attempted to contain.

By suppressing job changing, Stalin reduced the welfare of the workers by removing their alternative options, which in economic terms translates into a lower equilibrium level of effort. This explains the parallel suppression of absenteeism, which made such acts of non-compliance costly for the workers. In this sense, absenteeism and job-changing were related, and thus complementary from the regime’s point of view. By suppressing both, Stalin ensured more compliance at the original equilibrium level of effort or higher, but with a lower level of welfare for the workers. This explanation is congruent with Davies’ (1997) finding, in her study of popular opinion under Stalin, that the labour edicts were met with little enthusiasm among citizens. In fact, our explanation predicts why this should be expected. In other words, Stalin ensured that people not only remained at the enterprise, but also that they worked sufficiently hard. The new edict thus covered a loophole which previous legislation had failed to foresee. Lastly, under conditions where the excess demand for labour by enterprises under soft budget constraints (Kornai 1980) was difficult to regulate, it was less costly to suppress

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5RGAE, f. 1562, op. 54, d. 1243, l. 12, handwritten sheets not for publication, exact date unknown. Similarly, see RGAE, f. 1562, op. 54, dd. 1241, 1242, 1243 and 1280.

6GARF, f. 5451, op. 60, d. 20, l. 9. Report from All-Union Central Council of Trade Unions (Vsesoyuznyi tsentral’nyi sovet professional’nykh soyuзов, VTsSPS).
the supply side of the labour equation. When labour is scarce, the value of effort increases, which encourages coercion (Acemoglu & Wolitzky 2009).

Figure 1 shows data on sentences for absenteeism and illegal job-changing for the period 1940–1956. It complements the previously known figures provided by Zemskov (1990) with archival data also on the last three years of the period. In 1940 alone, over one million workers were convicted of illegal job-changing and absenteeism. As long as Stalin was alive, hundreds of thousands were taken to court on a yearly basis.

The by far most common crime in the USSR in the years 1940–1956 was absenteeism from work, and in distant second place was illegal job-changing. The relative share of these crimes to all sentences is illustrated in Figure 2 below (left vertical axis), together with total data on sentences for all crimes in the same period (right vertical axis). The figure illustrates the extent to which these acts were mass crimes, hovering at 61.5% of all convictions in 1940, and then steadily declining throughout the edict’s roughly 15 years of existence. Even though the relative share of convictions under the labour edict decreased by almost 20 percentage units over time, absenteeism and labour turnover were still the single most common ‘crimes’ in the country, with absenteeism by far the most significant of the two (Mironenko et al. 2004, pp. 611–12).

Figure 2 reveals the importance of the labour edict in Soviet jurisprudence in relative and absolute terms. As the amount of prosecutions on absenteeism and job changing decreased in relative terms (in relation to other edicts), so did the amount of prosecutions in total. The two lines are neatly correlated for significant periods of time.

Note: total data presented here are slightly larger than in Zemskov’s (1990) original figures, also including sentences under the courts of Railways and Water Transport. Some conflicting data on sentences exist in the Russian archives, though they do not substantially deviate from what is presented here. For raw data, please contact the author. Sources: years 1940–1954: Mironenko et al. (2004, pp. 626–1927); years 1955–1956: GARF, f. 9492, op. 6s, d. 18, l. 20.

FIGURE 1. TOTAL AMOUNT OF SENTENCES FOR ILLEGAL LABOUR TURNOVER AND ABSENTEEISM, 1940–1956
except for a few years. The most significant divergence should be noted for the post-war period, when two new edicts on ‘theft of socialist property’ were promulgated and thus increased the absolute number of convictions (Zima 1996, chapter 4; Gorlizki 2001). The data on total convictions are also illustrative examples of the repression machinery under Stalin. It has been previously shown (Solomon 1996; Statiev 2010) how superiors were encouraged to show utmost zeal in the early stages of a legal campaign. Under such conditions, enforcement peaked in the short term, and then declined over time. There is, however, a second plausible explanation, which relates the use of coercion to the principal’s perceived balance of external and internal challenges. Under such conditions, one can expect coercion to increase and then decline as the threat abated (in this case, the threat of war). If this hypothesis holds, it implies that Stalin’s use of coercion was more predictable than his use of repression, where the timing of the Great Terror still remains a source of controversy among historians (Davies 2006). This suggestion is elaborated further below.

In conclusion, the three previous explanations for the labour edict of 26 June 1940 all have merit, although none of them can fully explain why the edict assumed its specific form. Stalin criminalised both absenteeism and turnover since, from the workers’ point of view, the two options were substitutes and allowed rent dissipation. With the new legislation, he ensured more compliance at the original level of effort or higher, but with a lower level of welfare for the workers. As long as the edicts were on the statutes, they were responsible for a dominant share of all convictions, where absenteeism in turn was by far the most common crime. In the next section, it is shown how the labour legislation further evolved during the war, with special emphasis on the edict on desertion from war industry.


FIGURE 2. TOTAL NUMBER OF CONVICTIONS AND CONVICTIONS FOR ILLEGAL LABOUR TURNOVER AND ABSENTEEISM AS A PERCENTAGE SHARE OF ALL CONVICTIONS, 1940–1955
Labour coercion at its peak: the edict of 26 December 1941

While the general Soviet mobilisation plans of the 1930s have been rather well researched in recent years (Ken 2002; Meliya 2004; Davies & Harrison 1997; Samuelson 2000; Lieberman 1983), attempts by authorities to regulate labour on the home front during the war have remained virtually unexplored. Articles on labour during the war have focused exclusively on the Gulag camps, a narrow focus considering the relatively small share of forced labour to the mobilisation effort (Kotkin 2000; Barnes 2000). Of special interest in this section is the edict of 26 December 1941, which equated unauthorised absence from war industry with desertion, punishable by up to eight years in a labour camp. The edict on desertion is counterintuitive in the sense that job changing was already a crime. However, as Solomon (1996, p. 313) has shown, the authorities remained dissatisfied with the outcome, considering the existing legislation to be an insufficient deterrent. The fact that war industry was thus subjected to increasing coercion is no coincidence and fits well with the explanation for the edicts elucidated above. The more productive (or prioritised) the industry, the more can we expect a dictatorship to apply coercive measures. In practical terms, considering that a significant share of industry was on a war footing, most cases of job changing would henceforth be tried in a military tribunal rather than a civilian court.

The following section is structured as follows. The first part attempts to concretise, using qualitative and descriptive sources, how the edict on desertion was enforced and what limitations enforcement faced. The second and penultimate parts extend this analysis with more aggregate and descriptive quantitative data. The last part concludes.

Enforcement

It is important to note that coercive legislation seems to have evolved under Stalin in at least two ways: changes in the level of coercion followed the perceived balance of external and internal challenges; changes in administrative procedures accrued if authorities believed that enforcement was sub-optimal. Interestingly, authorities were continuously amending procedures throughout the entire war and post-war period. Soon after the edict on desertion had been implemented, a new government resolution, dated 3 January 1942, instructed directors of all defence industries and their related enterprises to report cases of desertion to a military prosecutor within one day after a desertion had been established (in places with no military prosecutor, they were to report to a regional prosecutor). The prosecutor was then to bring the accused to a

7 Two complementary edicts also increased levels of coercion against absenteeism. The edict of 7 July 1941 stated that a worker convicted of absenteeism three times should be eligible for a prison sentence of between two and four months, or in other words they should be convicted in the same way as for wilfully leaving their job. On 12 November 1942, a third offence of absenteeism was equated with desertion if the last instance of it had been significant, and provided the worker was employed in war industry.

8 RGANI, f. 6, op. 6, d. 1487, l. 9, unpublished government resolution (signed by Andrey Voznesensky), no. 6, 3 January 1942. В порядке направления в военные трибунал дел о
military tribunal with the relevant evidence, within 10 days after receiving the case. The stipulated sentence for desertion was between five and eight years in a labour camp.

In practice, enforcement of the legislation was heavily affected by the conditions of total war. In early March the People’s Commissariat of Justice began reporting to the State Defence Committee (Государственный комитет обороны, ГКО)—the small group of selected leaders under the command of Stalin which in effect had replaced the Politburo during the war—on the handling of the edict on desertion. These reports help us identify the conditions which determined the enforcement of Stalin’s labour legislation. One important issue was the difficulties posed by the evacuation of industry from the western regions. Due to organisational problems, it was reported, ‘machinery was standing in the snow’ at the factory property, while some machinery parts had simply not arrived on time or had disappeared. As regards social aspects of labour, ‘the majority of all instances of desertion’ were from ‘the war industry of the Ural war region, [including] such regions as Sverdlovsk, Molotov and Chelyabinsk, where such a significant share of the evacuated war factories are kept’. Many deserters were young men from the occupied industry regions of Ukraine who had arrived ‘by foot, and whose clothing and shoes had been worn out. At the new place of work, no preparations for their arrival had been made’. Such conditions explain why managers had low incentives to enforce coercive legislation. When normal work conditions could not be met, they were confronted with a commitment problem. From their point of view, abandoning unbearable conditions was understandable. The result was administrative congestion, caused by delays in reporting.

An example mentioned in a Party Control Commission (hereafter PCC) report sent to the GKO on 1 March 1943 mentions the case of F. Vasil’kovskii, a moulder convicted twice of absenteeism, who on 21 August 1942 had abandoned his factory without management’s consent and was therefore categorised as a deserter. However, the factory manager had supplied the prosecutor with the necessary information only on 30 December, and the Military Tribunal in turn had received the report from the prosecutors only on 28 January 1943. The report underlined, that ‘as a result of this, a malicious violation of the edict took over five months to investigate’. A similar case from the same factory was that of F. Russkikh who had abandoned work on 13 August, but whose desertion was not reported until four months later. Factory managers, in other words, were not compliant by default—something authorities did not fail to notice. The report noted how about 1,172 persons had reportedly

\[\text{prestupleniyakh predusmotrennykh Ukazom Presidiyuma Verkhovnogo Soveta SSSR ot 26 dekabrya 1941 goda}.\]

\[\text{9GARF, f. 8131, op. 27, d. 969, ll. 27, 36.}\]

\[\text{10GARF, f. 8131, op. 27, d. 969, ll. 27, 36, containing secret reports from Bochkov to the GKO members Stalin, Molotov, Malenkov, Beriya and Voznesenskii, dated 3 March 1942 and 7 March 1942 (only to Voznesenskii).}\]

\[\text{11For more context, especially as regards social and living conditions during the war, see Filtzer (2010) and Kragh (2011).}\]

\[\text{12RGANI, f. 6, op. 6, d. 1487, ll. 4–5, Party Control Commission report to Stalin, Molotov, Andreev and Malenkov on 1 March 1943. This interesting file contains several different documents related to the edict on desertion.}\]
abandoned the strategic factory of Uralmashzavod (Sverdlovsk) over a period of four months. Out of these, only 448 persons had been sentenced to ‘deprivation of freedom’; thus somewhat more than half of all those who abandoned work wilfully were never prosecuted at all. These reports tell us that managers were either under too much strain to report violations, or opted for outright leniency (collusion). In any case, the outcome was the same, with workers avoiding actual penalisation.

On the other hand, the chaotic conditions during the war could also result in managers enforcing the edict on desertion too strictly. In such instances, prosecutors could sometimes reject the case. The PCC report noted that at ‘many factories, information on employees and their whereabouts exists in an extremely poor condition’. For these reasons, it was common that ‘factories supply the Procuracy with completely misleading information, so that workers, who had in fact been recruited to the Red Army or fallen ill, are charged with criminal responsibility’. Sometimes, prosecutors would also dismiss cases considered unjust. The report mentioned the case of a young worker, Dubovika, who had been forced to live at the factory because of shortages of housing and who therefore deserted. Apparently, his living conditions were found to have been so poor, that the ‘prosecutor rejected his case in excitement’. Many other instances of reported absenteeism can be explained by similar conditions, such as shortages of food (which then had to be found somewhere else) or transport breaking down; such conditions could put even compliant workers in conflict with the authorities.13

Archival documents provide a picture of a complex administrative situation. Factory managers were constrained by the conditions of war, resulting in legislation being enforced either too strictly or too leniently. Prosecutors faced similar circumstances. Reports note how they sometimes rejected certain cases, but would accept other unsubstantiated cases at face value, with the result that completely innocent people could be sent to a labour camp. A woman worker in Moscow, M. Kosykh, was sentenced to five years on 28 December. Both the prosecutor and militsiya had provided the military tribunal with information that she had deserted and had run away. However, she had in fact fallen ill and that was the reason for her non-appearance at the factory. Another worker at the same factory, A. Orlov, was sentenced to seven years, when in fact he had simply been transferred temporarily to another section.14 There were even instances when people who had died were convicted for desertion, simply because authorities had failed to investigate properly.15

As these examples suggest, agents at different administrative levels faced various incentive structures to comply with legislation which was costly to enforce. It is possible to identify these restraints in at least four different dimensions. First, as was also noted by General Prosecutor Viktor Mikhailovich Bochkov, factory managers and workers had incentives to collude, something which ‘seriously threatened to increase the amount of deserters … when the strengthening of labour discipline’

13RGANI, f. 6, op. 6, d. 1487, l. 66, secret report of the Aviation Industry on factory no. 26, dated 13 February 1943.
14RGANI, f. 6, op. 6, d. 1487, l. 5.
15RGANI, f. 6, op. 6, d. 1487, l. 36, secret NKVD military tribunal report, 20 January 1943.
continued to be ‘one of the most urgent tasks’. To comprehend this logic it needs to be remembered that factories needed as many workers as possible so as to maintain production, and managers therefore had incentives to collude with workers quite regardless of their background. Secondly, there was the difficulty of actually locating the accused deserters, a factor which created large backlogs of cases and administrative congestion. Thirdly, it was noted how militsiya employees falsified reports when suspects could not be found, or how they allowed suspects to remain in hiding. Either way, the information suggests that search costs for all agents involved in enforcement were too large. That is, efficient enforcement was not necessarily contingent on compliance or non-compliance of Stalin’s agents. Even the most loyal agent could find himself confronted with formidable hindrances to enforce the edict on desertion.

As long as the external threat of war persisted, the Soviet authorities therefore adapted legislative practices in order to simplify procedures. Firstly, the NKVD issued order no. 002375/00438/113ss, dated 28 October 1942, instructing organs of the militsiya—in case the accused could not be found—to transfer within five days all cases on desertion back to the procurator’s office for further redirection to an NKVD military tribunal, which then would revise the case, with or without the accused being present. This last aspect was decisive. In fact, the majority of all cases of desertion during the war came to be administered by the tribunals with the accused in absentia. Secondly, on 14 March 1943, a further decree also stipulated that responsibility for searches should be transferred from the militsiya to the NKVD. That is, authorities simplified procedures but also shifted responsibility for enforcement to agents considered more loyal. However, as was soon discovered, most workers who were convicted in absentia were never caught and thus evaded actual punishment.

Outcome of the edict on desertion

As described in the previous sections, Stalin’s coercive apparatus evolved in different trajectories. In the first step, legislation was streamlined in order to ensure compliance and reduce rent dissipation, culminating with the edict on desertion on 26 December 1941. In the second step, legislative practices had to be improved in order to ensure efficient enforcement. It may be asked therefore, how many sentences were actually passed for desertion?

Unfortunately, detailed data for the whole war period have not been found, but NKVD archival sources provide some interesting insights. They show that sentences for desertion were by no means negligible, and further suggest that the Soviet legal system seemed to emulate the well known feature of Soviet industry, of ‘storming’. At the beginning of the year, prosecutions were low and the system was systematically filled up by unresolved cases. More than half of all convicted workers in 1942 received

\[16\] GARF, f. 8131, op. 27, d. 969, l. 105, secret report from V. M. Bochkov to A. Ya. Vyshinskii on 20 March 1942.

\[17\] RGANI, f. 6, op. 6, d. 1487, ll. 3–4, quotes as in a Party Control Commission report, dated 3 March 1943.
their sentences in the last quarter of the year. A majority of those were in turn sentenced in absentia, and thus remained de facto unpunished. It illustrates how congestion became an integral aspect of the legal process.

A summary of the evolution of sentences by the different courts is provided in Table 2. It was earlier noted how the special edicts of April and May 1943 had made desertion from rail and water transport punishable by sentences of between three and 10 years. Such convictions—though negligible in context—were however possible already on the basis of the original edict of 26 December 1941, contrary to what was previously thought (Zemskov 1990).

The level of administrative congestion can be illustrated also with data on cases that were received but remained unprocessed. Such evidence exists for the Urals region, the key hub of the Soviet home front (Table 3). The data suggest that prosecutors and tribunals were able and willing to process only a minor share of their total case-load. Out of 53,240 cases received in 1942, only 35,120 (65.9%) had been processed and out of those, some 22,104 (62.9%) of the accused were not present when prosecuted. The inefficiency also seems to have been spread out in a relatively even fashion across the

### Table 2
**Number of Sentences Under the Edict of 26 December 1941 in Military Tribunals of the NKVD, the Red Army and Military Tribunals of Railways and Water Transport, 1942**

<table>
<thead>
<tr>
<th>Period of time</th>
<th>Military tribunal of the NKVD</th>
<th>Military tribunals of the Red Army</th>
<th>Military tribunals of transport</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All</td>
<td>In absentia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First quarter</td>
<td>4,280</td>
<td>2,566</td>
<td>3,006</td>
<td>7,446</td>
</tr>
<tr>
<td>Second quarter</td>
<td>6,268</td>
<td>2,531</td>
<td>2,056</td>
<td>8,470</td>
</tr>
<tr>
<td>Third quarter</td>
<td>23,629</td>
<td>13,061</td>
<td>12,629</td>
<td>36,359</td>
</tr>
<tr>
<td>October–November</td>
<td>24,091</td>
<td>11,882</td>
<td>11,920</td>
<td>38,344</td>
</tr>
<tr>
<td>December*</td>
<td>20,138</td>
<td>15,516</td>
<td>7,624</td>
<td>29,508</td>
</tr>
<tr>
<td>Total*</td>
<td>78,406</td>
<td>45,556 (58.1%)</td>
<td>37,235</td>
<td>120,307</td>
</tr>
</tbody>
</table>

Notes: *according to the archive source, data were not complete for December at the time the report was written. No further information is provided.

Source: RGANI, f. 6, op. 6, d. 1487, l. 29.

### Table 3
**Number of Sentences Under the Edict of 26 December 1941, in Military Tribunals of the NKVD in the Urals Region, 1942**

<table>
<thead>
<tr>
<th>Time period</th>
<th>Cases received</th>
<th>Cases processed</th>
<th>Of which convicted in absentia</th>
</tr>
</thead>
<tbody>
<tr>
<td>First quarter</td>
<td>3,187</td>
<td>1,831</td>
<td>1,090</td>
</tr>
<tr>
<td>Second quarter</td>
<td>5,292</td>
<td>2,597</td>
<td>1,060</td>
</tr>
<tr>
<td>Third quarter</td>
<td>23,458</td>
<td>15,358</td>
<td>9,143</td>
</tr>
<tr>
<td>Fourth quarter</td>
<td>21,303</td>
<td>15,334</td>
<td>10,811</td>
</tr>
<tr>
<td>Total</td>
<td>55,240</td>
<td>35,120</td>
<td>22,104</td>
</tr>
</tbody>
</table>

Source: RGANI, f. 6, op. 6, d. 1487, l. 17.
four quarters of the year, even though the total case-load increased significantly in the last two quarters of the year.

A sample survey of all those convicted in 1942 also illustrates some general characteristics of the average deserter. In a survey of 35,758 cases, there were 27,275 men (76.3%) and 8,483 women (23.7%); 10,942 persons were under 18 years of age (30.6%); and 14,089 were between 18 and 25 years of age (39.4%). Only a fraction of those convicted were party members or candidate members (3.6%), whereas 3,959 had been previously convicted (11.1%), typically for a previous labour disciplinary infraction. That is, the average deserter was not surprisingly male, young and with little work experience (perhaps conscripted from the countryside), which suggests that coercion was more easily applied against relatively unskilled labour. However, this group was probably more flexible and unfettered, making it easier for them to also evade possible punishment.

As regards the large share of *in absentia* sentences, statistics from the NKVD provide information on the share of those convicted *in absentia* who were located by authorities (Table 4). The data illustrate that the majority of those convicted was in fact never found. According to the NKVD, tribunals in major industrial hubs like the Urals and Volga regions were unable to locate more than 5% of all those convicted *in absentia* during 1942. That is, deserters who remained in hiding could be close to confident they would remain unpunished. Sometimes, as archival documents testify, workers did not even try hard to evade punishment, as they remained in the same town or even at the same factory after receiving a verdict (although perhaps they were unaware there was a verdict).

As long as the war situation remained, the regime attempted to circumvent non-compliance and their weak monitoring capabilities with a series of amendments to the original edict. Another response to this principal–agent dilemma was also to subject agents responsible for enforcement to additional coercive measures. A government resolution signed by Molotov in March 1943 stipulated that managers were to be held

<table>
<thead>
<tr>
<th>Military tribunal (by district)</th>
<th>All convicted in absentia</th>
<th>Amount of people convicted in absentia who were actually located</th>
<th>Percentage of those convicted in absentia who were actually located</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ural</td>
<td>22,104</td>
<td>1,422</td>
<td>5.1</td>
</tr>
<tr>
<td>Volga</td>
<td>12,004</td>
<td>646</td>
<td>5.3</td>
</tr>
<tr>
<td>Western-Siberian</td>
<td>3,534</td>
<td>143</td>
<td>4.4</td>
</tr>
<tr>
<td>Moscow</td>
<td>6,670</td>
<td>552</td>
<td>8.3</td>
</tr>
<tr>
<td>Khabarovsk</td>
<td>118</td>
<td>16</td>
<td>13.9</td>
</tr>
</tbody>
</table>

*Notes:* according to the archive source, data were not complete for December at the time the report was written. No further information is provided.

*Source:* RGANI, f. 6, op. 6, d. 1487, l. 31.

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18RGANI, f. 6, op. 6, d. 1487, l. 121.
legally responsible for not providing accurate information to authorities, or for holding 'criminally-bureaucratic relations towards living conditions for workers and clerks'. Factory managers were sentenced to up to three years in prison for neglect of newly arriving workers, production or evacuated machinery, though such instances seem to have been rare. A few were also sentenced for protecting absentees and deserters (Mironenko et al. 2004, p. 411). For example Gorbunov, head of the aluminium factory in Kemerovo Oblast’, was sentenced to 10 years for having falsified over 100 cases of desertion during the first years of the war. Police officers were also occasionally convicted of ‘criminally negligent attitudes towards the search for deserters’, typically by up to 10 years in prison, as were factory timekeepers who inaccurately recorded the presence of employed workers. Unfortunately, the statistical base of these cases is patchy, for which reason no systematic data can be provided.

Thus, the quantitative analysis of enforcement of the edict on desertion corroborates the more qualitative evidence provided above. The regime implemented simplified procedures and shifted responsibility to more loyal agents as congestion and non-compliance built up. Further coercive pressure was then applied also on agents, such as militsiya and factory managers, in order to induce swifter enforcement. However, actual punishment rates in 1942 remained low.

The war period 1941–1945

This section provides longitudinal data on convictions for desertion across the whole war period, illustrating the dynamics of the Soviet legal system at war. It shows how the edict on desertion was enforced and the potential reasons for its final relaxation.

From an economic point of view, a rational dictator would set an equilibrium level of coercion which maximises the amount of deserters punished, with the least amount of administrative congestion. To make a rational choice simply means to choose the most preferred option among different feasible alternatives. This would suggest that Stalin would allow for more simplified procedural methods if there were a signal that enforcement was inefficient or costly. An alternative theory could be that Stalin did not care for the actual punishment rate, and that the main target was prophylactic, expecting that draconian legislation would be a sufficient deterrent warranting its costs. Only an empirical analysis can provide any answers. Figure 3 below is crucial to an understanding of the workings of the edict on desertion. It shows yearly data from 1942 to 1946 in four steps: first, the number of cases received by the Procuracy; second, the number of instituted proceedings (investigations begun); third, the number of sentences sent to an NKVD military tribunal; and fourth, the number of sentences.

19RGANI, f. 6, op. 6, d. 1487, ll. 13–15, Sovnarkom decision ‘On the means to strengthen the struggle against wilful departure (desertion) of workers and clerks from enterprises in war industry’, 18 March 1943.

20GARF, f. 8131, op. 27, d. 969, ll. 28, 138. For example, director S.E. Obrant at the Kirov factory was convicted for ‘massive delays’ in dispatching necessary output and failing to ‘uphold labour discipline’.

21GARF, f. 8131, op. 27, d. 1797, ll. 38–40, SNK report to Molotov on desertion, 4 August 1944.

22GARF, f. 8131, op. 27, d. 1797, l. 157.
The figure illustrates an interesting aspect of the Soviet command structure. All agents except the NKVD military tribunals were to some extent non-compliant, sometimes by default (due to congestion), and sometimes because of organisational resistance (refusal to prosecute cases considered to be too coercive). The largest discrepancy in the figure is between cases sent to the Procuracy (1,883,028 cases in the period 1942–1945), and the amount of cases actually forwarded to an NKVD military tribunal (899,749 cases). Not surprisingly, the tribunals were compliant and convicted almost everyone, regardless of whether the accused was present or not. This is in clear contrast to the edict of 26 June 1940, under which cases were tried in civilian People’s Courts. As was shown by Solomon (1996), such courts could opt for leniency if the infraction was deemed just or the punishment considered disproportionate. This can explain why a rational dictator would increase coercion only if he could simultaneously minimise congestion and non-compliance, using more loyal agents such as the NKVD.

As the legal system required the participation of a multitude of various agents (enterprise managers, militsiya, prosecutors and the NKVD), enforcement would vary with their respective abilities to comply. Compared to the number of cases that reached the Procuracy from factory managers, actual convictions were low. The conviction rate (the ratio between cases received by the Procuracy to actual convictions in military tribunal) increased from 53.6% to 75.3% between 1942 and 1943, probably because of political pressure and the simplified procedures which had been introduced over time. From then however, the conviction rate declined to 30% in 1944, and 16.8% in 1945; this was probably the outcome of political relaxation towards the end of the war.

Note: statistics for 1946 do not include data on December. Sources: GARF, f. 8131, op. 32, d. 9, l. 116; Kragh (2011).

FIGURE 3. THE DEVELOPMENT OF CASES ON DESERTION (EDICT OF 26 DECEMBER 1941), 1942–1946
It is important to note the large share of convictions which never resulted in any de facto punishment because the deserters could not be found. Unfortunately, we have not been able to locate any corresponding yearly data on in absentia convictions, although some relevant clues do exist. The share of in absentia convictions was close to 63% in 1942. In the first two months of 1944, the corresponding figure was 76.8%. Thus, the higher the ratio of in absentia convictions, the lower was the real punishment rate; as the end of the war approached it became increasingly less costly to abandon one’s work. Not surprisingly, in the last two quarters of 1944 out of 201,389 arrested deserters, 52,483 had been sentenced in absentia once before for the same crime.23

There was also the potential for collusion among workers and factory managers who had a certain degree of discretion as regards reporting. We lack statistics for industry as a whole, but evidence from the important Ministry of Ferrous Metallurgy (steel and pig-iron) provides some clues. Their reported share of unauthorised labour turnover to all employed was 9.73% in 1942 and 11.2% in 1943. The majority of all departures during these years was due to sickness, invalidity or death. In 1944, unauthorised departures were around 19%, somewhat higher than in previous years, and primarily the result of workers being replaced by returning recruits from the front.24 In some regions or branches turnover rates were much higher and sometimes lower. The relevant implication however, is that the conviction rate seems to be related to the external threat of war, rather than the actual levels of unauthorised leaves. Further, managers could also report turnover in a second category, namely ‘by decision of the administration’. We know that unauthorised departures were often disguised in this category in peace time (Kragh 2009) and it is plausible that the practice existed also during the war. The share of departures in this category was around 8% of all employed in 1944, enough to provide managers with discretion to collude with workers.25

The fact that enforcement was sub-optimal does not imply, however, that coercion was insignificant during the war. First of all, the threat was always real; and if we assume that somewhere around 60% of all deserters remained unpunished, this still leaves us with about 307,000 people sent to the Gulag during the war period for abandoning work. If anything, we learn that the Soviet legal system was also arbitrary, since it produced a crime with no obvious criminals or victims. These examples relate to an interesting paradox suggested by Gregory and Harrison (2005): if a totalitarian society cannot function without repression, what should it do when repression no longer works?

There were two important reforms of the edict on desertion by the end of the war which may provide an answer: firstly, an option for courts to change indictments on desertion to absenteeism if the worker returned to his original place of work, and secondly a general amnesty to all those already sentenced in absentia, also upon condition they returned. This partial liberalisation was implemented on 28 December

23GARF, f. 8131, op. 32, d. 9, l. 117.
24RGAE, f. 8875, op. 46, d. 96, l. 10 and d. 118, l. 6, author’s calculations for 1944. I am grateful to Donald Filtzer for generously sharing these data.
25RGAE, f. 8875, op. 46, d. 118, l. 6.
1944. However, the amnesty covered only those who had been sentenced *in absentia* and not yet found. It remained silent on those who were already suffering in prison or in a labour camp. That is, the purpose was to release an administrative burden from authorities, not to conclude the campaign against job changing (Zemskov 1990; Sokolov 2004). Now, all workers who compliantly returned to their enterprises would have their indictments changed to absenteeism from desertion, or perhaps see the accusations dropped altogether. Further, from 1945 it was also no longer possible to prosecute willful leavers *in absentia* under the less coercive edict of 26 June 1940.26

The number of cases on desertion sent to the Procuracy decreased from 108,194 cases in July 1944 to 31,821 cases in December the same year. Former deserters began to return to their previous site of employment when information on the amnesty spread. An interesting illustration on the outcome of the edict is the fact that out of 205 amnesty deserters who returned to factory no. 60 in Frunze, 124 had in fact never left the town, and 72 had remained in the *oblast*.27 Not until 31 May 1948 was the edict abrogated completely, primarily because of the enormous reconstruction effort that remained after the war (Filtzer 2002).

**Conclusions**

In conclusion we can return to our original questions set out in the introduction: how was the legislation enforced, and what were the limits to its enforcement? This article identified four restraints on the enforcement of coercive labour legislation under Stalin. First, there was collusion at the enterprise level between managers and workers, and the former were also subject to a commitment problem which reduced coercion. Secondly, increased search costs for the *militsiya* could result in enforcement being either too lenient or too abusive, both alternatives being inefficient. Thirdly, there was administrative congestion in the Procuracy organs, which reduced efficiency through long delays. Fourthly, enforcement was mitigated because of the low punishment rate associated with the practice of *in absentia* convictions. An objective assessment of the costs of coercion is not possible, due to the difficulties in estimating economic indicators in planned economies. Looking at the available evidence, however, some conclusions about the factors that shaped the dictator’s actions may nevertheless be drawn.

The regime introduced simplified procedures and shifted responsibility for enforcement to more loyal agents as long as the external threat of war remained. Additional pressure was also imposed on agents considered insufficiently compliant (primarily managers and *militsiya*). Nevertheless, actual punishment rates remained low in relation to convictions and existing turnover rates in industry. Our conclusion is that Stalin attempted to find an optimal equilibrium which maximised enforcement

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26 GARF, f. 8131, op. 32, d. 9, l. 99. Decree entitled ‘Ob ustranenii nedostatkov v praktike primeneniya Ukaza Prezidiuma Verkhovnogo Soveta SSSR ot 26/6—1940 po delam o samovol’nom okhode rabochikh i sluzhashchikh s predpriyatii i iz uchrezhdenii’.

27 GARF, f. 8131, op. 37, d. 2271, l. 52, secret report to Malenkov, dated 13 April 1945.
with the lowest level of congestion possible, in order to ensure a stable level of effort. This strategy was applied as long as the perceived threat of war persisted, making the conclusion also congruent with Paul Gregory’s (2004, p. 84) model of coercion in the short term.

An important addition to previous research, we would suggest, is our identification of a relevant principal–agent dilemma that confronted Stalinist coercion. A full understanding of Stalinist coercion is possible only if the dictator’s restraints are taken into account. Wintrobe’s (1998) model of repression, assuming restraints to be irrelevant, is in the light of this too general to be useful. Various restraints were not only important for the outcome of coercion/repression—they in fact offer an invaluable key to understanding the dictator’s actions. Although the results presented in this article are not generally applicable, and important aspects have also been omitted (such as the regime’s use of ‘carrots’ and not only ‘sticks’), a potentially fruitful implication for future research on Stalinism could be to look for at least two relevant factors: economic and technological factors which limited the dictator’s actions regardless of his agents’ level of compliance, and political or judicial factors which put a downward pressure on enforcement, no matter what the dictator did to avoid it.

Why did the legislation on labour assume the specific form it did under Stalin? This article has suggested an economic rationale for the combined suppression of job changing and absenteeism. Previous research has explained the labour edicts primarily with reference to timing (the war), but it has not explained why coercion of labour assumed the form it did. As noted above, by suppressing job-changing, Stalin reduced the welfare of the workers by removing their alternative options, making them worse off. Under these conditions, it was increasingly efficient to suppress absenteeism as well, making it more costly for workers to withdraw effort. Stalin applied coercion broadly, as it was difficult in practice to know the distribution of the true amount of compliant compared with non-compliant agents. Stalin’s actions were restrained, and he could—according to our suggested interpretation—only increase coercion if he simultaneously introduced simplified methods (reducing the economic and technological restraints) or shifted responsibility to more loyal agents (reducing the political and judicial restraints). Evidence suggests that he did both, until the costs of coercion outweighed perceived benefits.

Finally, the data on the number of unpunished deserters also add new perspectives on the Soviet labour camps. Most academic discussion has hitherto focused on aspects where the NKVD statistics underestimate the total number of victims of repression (Conquest 1999; Wheatercroft 2000). The data on sentences for desertion show that there might equally be instances of overestimating certain figures. Or to put it more succinctly, the preceding analysis has shown that wartime data on sentences to labour camps do not necessarily represent reliable figures on the actual flow to the labour camp population. These conclusions do not fundamentally alter any previous perception of the scale of repression, but they do add to a fuller and more complete understanding of how Soviet jurisprudence worked in practice, not least during a situation of total war.

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