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The History of Forced Labour in Soviet Russia

Abstract. *The article is devoted to the history of forced labour and the realization of the duty to work in Soviet Russia. Duty to work was enshrined in all the Soviet constitutions and thus became a leitmotif for the era. Three main period are emphasized: the period of Military Communism (1918–1921), the War period, including pre war and post war times (1940–1948), during the Khrushchev Thaw (1961–1965), we'll briefly speak apart about forced labour in GULAG. The author made an analysis of official documents, implementing duty to work, statistic data, researches of contemporary and Soviet scholars. This historical review of forced labour in Russia makes us conclude that obligation to work (not only a moral one but backed by criminal or administrative responsibility) was a distinguishing feature of Soviet labour law. The idea was born even before the Soviet state in the writings of K. Marx and Lenin and existed until the collapse of USSR. During these years the enforcement of the duty to work differed considerably depending on the current needs of the State, of the economic conditions.*

Keywords: *soviet history, forced labour, labour conscription, Gulag, labour code, parasitism, criminal responsibility, mobilization, right for work, obligation to work.*

1. Introduction

The right to work and an absolute abolition of forced labour are enshrined in the fundamental international acts¹ and in the constitutions of developed countries. The right to work traditionally means not only the freedom to choose the type of activity, but also the freedom not to work. In this sense the

right to work exists in Russia only during last 2 decades. Art. 37 of the Constitution of the Russian Federations fixes the liberty of labour and prohibits forced labour. These common for developed countries words were extremely important for Russia as they meant total changes in lives and minds of people.

Duty to work was enshrined in all the Soviet constitutions² and thus became a leitmotif for the

¹ The Universal Declaration of Human Rights (art.4, 23), The International Covenant on Civil and Political Rights (art. 8), The European Convention on Human Rights (art. 4), ILO Forced Labour Convention (No.29)

² Art. 3 of the Constitution of the RSFSR in 1918, Art. 9 of the Constitution of the RSFSR in 1925, Art. 12 Constitution of the Soviet Union in 1936, Art. 59 of the Constitution of the RSFSR in 1978. The Russian legal database Consultant Plus.

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era. Depending on the political and economic circumstances this motive became more or less apparent. The most loudly, even deafening, it sounded in the period of Military Communism (1918–1921), during the War period (1940–1948), during the Khrushchev Thaw (1961–1965). Further we will successively deal with these periods emphasizing their main traits and we'll briefly speak apart about forced labour in GULAG.

2. *Forced labour under Military Communism (1918–1921)*

The duty to work was fixed in the first Constitution of the RSFSR adopted in 1918, after the revolution of 1917. It contained the rule “Who does not work — does not eat!”¹. Besides it included the norms on the labour conscription so we can consider this document to be the most rigorous Soviet constitution in comparison with the further ones.

Forced labour was initially assumed as a mean of changing of the society, when former “capitalists” named “parasites” had to work. The list of “parasites” was rather wide ranging from members of the royal family, owners of factories, to priests and private traders.² Thus, Trotsky believed that the bourgeoisie had to earn the right to go along with the working class to communism by fulfilling dirty work.³ Lenin proposed to struggle with parasitism on the local level with the use of various measures such as imprisonment, or execution.⁴

¹ It is interesting to note that this formulation was taken by the Bolsheviks, who denied God, from the Epistle of St. Paul to the Thessalonians. See Second Epistle of St. Paul to the Thessalonians, Ch. 3, Art. 10

² See Mikhaylovskaya I. B. (1999) Constitutions of the soviet period about the obligations of citizens// Educational workshops of the Moscow Helsinki Group: Sumery of materials / Editor: Bogoraz L. I. Moscow. Available at: <http://hrights.ru/text/bogoraz/> (accessed 20.06.2013) Mikhaylovskaya I. B. Konsti tutsii sovetskogo perioda ob obyazannostyakh grazhdan // Prosvetitel'skiye seminary Moskovskoy Khelsinskoy gruppy: Itogovyy sb. materialov / Sost. Bogoraz L. I.; Mosk. Khelsink. gruppy; In-t prav cheloveka. — M., 1999.

³ See Trotsky L. (1926) Works. Volume 17, part 1. Moscow-Leningrad, p. 207. Trotsky L. (1926) Sochineniya. Tom 17, chast 1. Moskva-Leningrad, s. 207.

⁴ See Lenin V. I. (1929), How to organize the competition?// Newspaper Pravda, № 17. Lenin V. I. Kak organizovat sorevnovaniye?// Pravda, № 17.

Historians⁵ suppose that forced labour was an essential link in the realization of socialism.⁶

The first Russian Code of labour laws⁷ was adopted in 1918 and contained norms on labour conscription, proclaimed for all persons aged 16–50 years. Within the next two years the regulations of labour conscription were widely developed⁸. In 1919 labour inspection was created, a prohibition on the rejection of the proposed work was declared.⁹ A large number of executive bodies of registration and distribution of the labour force was created, by the middle of 1919 their quantity was more than 300.¹⁰

Since 1919, with the growth of industrialization of the country, the enterprises' demand for workers considerably rose. According to the data of Department of registration and distribution of the labour force for 100 unemployed there were 92, 1 work positions in January 1919, 150.8 work

⁵ See for example: Ilyukhov A. A. (2004) The Soviet model of universal labour in 1918–1922, the / / Workers in Russia: historical experience and current situation / Editor: Churakova D. O. Editorial URSS, p. 182–198. Ilyukhov A. A. (2004) Sovetskaya model vseobshchego truda v 1918–1922 gg. // Rabochiye v Rossii: istoricheskiy opyt i sovremennoye polozheniye / Pod red. Churakova D. O., M., Editorial URSS, S. 182–198.

⁶ Must be noted that forced labour and establishment of industrial armies were supposed as conditions for achieving communism by Karl Marx and Friedrich Engels in 1848. See Marks K., Engels F. Manifest of Communist party 1848//Marks K., Engels F. Works. V. 4. Moscow, 1955. p. 419–459.

⁷ Code of labour laws of RSFSR (1918). The Russian legal database Consultant Plus.

⁸ Resolution of the Council of Workers' and Peasants' Defense “On natural labour and cartage conscriptions” (“Postanovleniye Soveta Raboche-Krestyanskoy oborony “O naturalnoy trudovoy i guzhevoy povinnosti»), 19.11.1919.// SU RSFSR. № 57.— art. 543; Decree of the Council of People's Commissars “On the order of universal labour conscription” (Postanovleniye SNK “O poryadke vseobshchey trudovoy povinnosti”), 5.02.1920 // SU RSFSR. № 8.— art. 49. Decree of the Council of People's Commissars “On the committees of universal labour conscription” (Postanovleniye SNK “O komitetakh po vseobshchey trudovoy povinnosti»), 5.02. 1920 // SU RSFSR. № 8.— art. 50;

⁹ Buryak Y. M. (2009) Labour relations in the early years of Soviet authorities (based on the materials of industrial areas of the Urals) Synopsis of thesis. Izhevsk, p. 17 (Buryak Y. M. (2009) Trudovie otnosheniya v pervie gody sovetskoi vlasti (na materialah promyshlennykh rayonov Urala) Avtoreferat dissertatsii na soiskaniye uchenoy stepeni kandidata istoricheskikh nauk. Izhevsk, S. 17).

¹⁰ Borisova L. V. (2006) Labour relations in Soviet Russia (1918–1924). Moscow, p. 23. Borisova L. V. Trudovyye otnosheniya v sovetskoy Rossii (1918–1924 gg.), M.: 2006. S. 23

positions in July 1919, and in 1920—167.8 work positions.¹ Such labour shortage was due to low wages in industry², workers tried to escape from towns to villages where they could work for food. Since 1919 labour legislation becomes tougher to provide labour force for industry: workers were assigned to enterprises. In autumn 1919 was adopted the Decree about disciplinary courts of the enterprises, these courts were entitled to sentence employees to imprisonment for committing disciplinary offense.³

The realization of labour conscription in the period from 1918 to 1921 was carried out by the state in the form of transferring working troops from one enterprise to another, the form of separate labour mobilization of workers, and by the militarization of various sectors of the economy, creation of industrial armies. The militarization of labour meant that workers of militarized sectors were announced soldiers, and leaving enterprise without permission was considered as desertion (and was punished severely). Enforcement was the main method of involving people to work, the authorities used raids, imprisonment, deprivation of rations and property.⁴

Low efficiency of forced labour in industry became apparent rather soon. Historians have noted that in the 1920–1921 began the crisis of forced labour⁵, which forced the government to change its policy in this area.

The decree⁶ eliminating Committees of universal labour conscription was enacted on the 24.03.1921. New Labour Code of the RSFSR⁷ adopted in 1922 didn't contain norms about forced labour, but in con-

formity with the Constitution fixed the duty to work. Thus there was always a possibility to return to severe measures of maintaining forced labour.

3. *Forced labour in GULAG*

The New Economic Policy launched in 1921 was based on the principle of economic incentives of workers instead of coercion. The period from 1922 to 1940 can be called as the time of relatively free labor. The relativity of this freedom becomes evident if refer to the dark side of Soviet reality, namely to the well-considered system of prisoners exploitation called The GULAG. It is traditionally believed that the birth of the GULAG was caused by failure to provide all the needs of wide industrialization with workforce.⁸

The system of the GULAG carried out important tasks: “re-education” of harmful elements of soviet society⁹, their isolation and their unpaid work for the benefit of socialism. The history of the GULAG¹⁰ begins from 1930, and by the beginning of 1940 it had included 53 the GULAG labor camps, 425 forced labor camps. The total quantity of prisoners of the GULAG was about 1668200 people, 34.1% of which were convicted of “counter-revolutionary activities” and particularly dangerous crimes against the order of administration.¹¹

⁸ Citing Alexander Solzhenitsyn: “As long as there was unemployment in the nation there was no feverish demand for prisoner manpower, and arrests took place not as a means of mobilizing labor but as a means of sweeping clean the road”. See Alexander Solzhenitsyn *The Gulag Archipelago Two (1918–1956: An Experiment in Literary Investigation III–IV)*, p. 71 http://archive.org/stream/The_GULAG_Archipelago_II#page/n1/mode/2up

⁹ In the essay written by Gorky in 1933 in support of the THE GULAG system after the official visit on the construction of Belamorkanal (about 126000 prisoners were occupied in the construction) we can find a phrase “human raw material is processed far more difficult than wood, stone or metal.” See Gorkiy M. *Pervyy opyt // Belomorsko-Baltiyskiy Kanal imeni Stalina. Istoriya stroitelstva / pod red. M. Gorkogo, L. Averbakha, S. Firina. M., 1998. S. 609–610.*

¹⁰ *Prikaz OGPU № 130/63 ot 25.04.1930, SU SSSR, 1930. № 22. C. 248, from October 1930 the name was changed for famous THE GULAG.*

¹¹ Borodkin L. I. *Ob effektivnosti lagernoy ekonomiki: stimulirovaniye truda v rannem THE GULAGe // Mobilizatsionnaya model ekonomiki: istoricheskiy opyt Rossii XX veka: sbornik materialov vsrossiyskoy nauchnoy konferentsii. 2009. S. 31*

¹ Borisova L. V. (2006), p. 24.

² According to Strumilin S. G. a monthly wage of a worker in 1920 was sufficient to buy food for 3 days. See Strumilin S. G. (1962) *Selected works. (Izbrannyye proizvedeniya)*. Moscow., 1962. P. 327. Cited from Ilyukhov A. A. *supra* note 4.

³ Decree of the Council of People's Commissars “On the disciplinary courts of comrades (provisions)” (*Dekret Soveta Narodnykh Komissarov O rabochikh distsiplinarnykh tovarishcheskikh sudakh (polozheniye)*) 14.11.1919// “*Izvestiya VZIK*” 16.11. 1919, № 257.

⁴ Ilyukhov A. A. *see supra* note 4, p. 198.

⁵ See Telenkova O. V. (2002) *Labour conscription during the Civil War: October 1917 — March 1921 (Trudovaya povinnost v gody grazhdanskoy voyny: Oktyabr 1917 — mart 1921) Synopsis of thesis. Smolensk, or see Borisova L. V. supra* note 9, p. 160.

⁶ SU RSFSR № 30.— St. 164.

⁷ Code of labour laws RSFSR (1922) Russian legal database Consultant plus.

The majority prisoners consisted of people who were convicted for crimes that are normally cannot be estimated as crimes, for example: unexcused absences from work, taking bread from a restaurant kitchen to feed one's children¹, or stealing of few ears of wheat from kolkhoz fields².

Prisoners in camps worked outdoors and in mines, in arid regions and the Arctic Circle, without adequate clothing, tools, shelter, food, or even clean water.³ Work was not interrupted neither during the strongest rains in summer nor in the extreme winter frosts. About 51,2% of Gulag prisoners didn't achieve the age of 30⁴ and thus could amount to productive workforce even in the mentioned above conditions of life.

The scholars note that the elaboration of large-scale and purposeful system of forced labor was finished in the 30th and was not much changed since that.⁵ In the period 1929–1931 the forced labor institutions were completely transferred on self-repayment conditions.⁶ Necessity to earn lead to the phenomena of the “lack of prisoners” demonstrated by some labour camps authorities in the telegrams sent to Moscow, asking for a larger

labour force⁷. Each prisoner had to work the “norm” of labour, that was not differentiated neither by his age nor skills. The scholars note that the average norm could be fulfilled only by physically strong healthy man with relevant skills. In average prisoners fulfilled only 60–70% the norm of labour and therefore received only 60–70% of rations.⁸

Correlation of the norm of fulfilled labour with the norm of rations was one of the incentives used to increase the productivity of forced labour in the camps. The prisoners' labour demonstrated much lower efficiency then it was supposed to be. Authorities of the camps had to invent a special system of stimulation of forced labour as intimidation was not enough. Researchers of Soviet Gulag system mentioned such incentives as differentiated pay that depended on the performance of work (although the level of pay was much lower than paid to free workers). There was also created the system of “credits” that was an opportunity to reduce the period of imprisonment for excellent labour productivity, but it did not apply to “political” prisoners. Prisoners who demonstrated a very high level of productivity were granted with a number of special benefits, including improved living conditions, special rations, etc.⁹

But still the application of these incentives was very limited, authorities generally treated workers as “consumable item” as it was constantly renewed by new prisoners. The main idea of labour within Gulag was vividly expressed by Neltaly Frenkel, head of the agricultural department at the Solovetsky camp and later for many years a senior Gulag administrator: “We must squeeze everything out of the prisoner in the first three months — after that we have no more use for him”¹⁰

Concluding this brief paragraph about labour within GULAG we must note that it allowed Soviet authorities to realize a breakthrough from

¹ GULAG: SOVIET PRISON CAMPS AND THEIR LEGACY By David Hosford, Pamela Kachurin and Thomas Lamont//A Project of the National Park Service and the National Resource Center for Russian, East European and Central Asian Studies, Harvard University. Available at: <http://gulaghistory.org/nps/downloads/gulag-curriculum.pdf>

² According to the CEC and Council of People's Commissars of the USSR Resolution “On the protection of property of state-owned enterprises, collective farms (kolkhoz) and cooperatives and public (socialist) property strengthening” issued on August 7, 1932 («Pravda», 8 08.1932), any theft of kolkhoz property had to be punished by death penalty or in case of attenuating circumstances — by 10 years of imprisonment.

³ GULAG: SOVIET PRISON CAMPS AND THEIR LEGACY see supra note 24.

⁴ See Table 2 in the J. Arch Getty, Gabor T. Rettersporn, Viktor N. Zemkov, “Victims of the Soviet Penal System in the Pre-war Years: a First Approach on the Basis of Archival Evidence”, *The American Historical Review*, v. 98 (Oct “93).

⁵ L. I. Borodkin, S. Ertts, The structure and stimulation of forced labor in the Gulag: Norillag, late 30's — early 50's (Struktura i stimulirovaniye prinuditel'nogo truda v GULAGE: Noril'lag, konets 30kh — nachalo 50kh gg.) // *Ekonomicheskaya istoria: Yearbook 2003*, Moscow, 2004. P.177–233

⁶ Garanzha S.A. The Corrective labor policy of the Soviet State in 1917–1934 (Ispravitel'no-trudovaya politika Sovetskogo gosudarstva): Synopsis of thesis. Moscow, 2012, p. 13.

⁷ See supra note 27, p. 1036.

⁸ Yakovlev B., Burzov A., Concentration Camps in the USSR. Institute for the Study of the History and Culture of the USSR, Munich, 1955. Available in Russian at: <http://lib.ru/POLITOLOG/lageri.txt> (accessed 2.11.2013).

⁹ L. I. Borodkin, S. Ertts see supra note 7, p. 233.

¹⁰ Cited from Kizny, (2004) *Gulag: Life and Death Inside the Soviet Concentration Camps*. N.Y: Firefly. p. 38

rural to industrial country by sacrificing millions of lives. Researchers underlined that the prisoners were used in projects of economic development that could not be carried out with the use of free labour¹. Soviet authorities till the death of Stalin estimated GULAG labour as one of the most important factors in the development of the national economy², though time demonstrated that this approach in fact consistently undermined State economy by direct and indirect influences upon birthrate, national health, culture.

4. Forced labour in the War times (1940–1948)

In the in the forties the Soviet authorities returned to the labour conscription, that could be easily deduced from the constitutional duty to work, enshrined in the Constitution of the USSR adopted in 1936.

The decree, criminalizing absenteeism³ and unauthorized changing of jobs, was the first document in this direction (enacted on the 26th of June 1940).

According to its' provisions employees could be sentenced to imprisonment for the period of 2–4 months for a voluntarily leave of the enterprise. Absence from work was punishable by corrective labour at the place of work for up to 6 months with retention of salary (25%). Besides the obligatory dismissal for absence from work was abrogated. The courts had to consider relevant cases during max 5 days and sentences had to be enforced immediately. Thus this decree factually attached workers to their enterprises⁴.

The State started gradual labour mobilization of the civilian population since the end of 1941. From December 26, 1941, all employees in the

defense and supply industries were effectively mobilized and treated as conscripted soldiers.⁵ Absences from work and malicious idleness were considered as “deserting from the labour front” and could mean sentences in the The GULAG of from five to eight years.⁶ In February 1942 women aged 16–45 and men aged 16–55 were mobilized, they were directed to work in the aviation, tank industries, in the metallurgical, chemical and fuel industries. In april 1942 these age ranges were expanded till 14–50 for women and 14–55 for men, according to the Decision of the CPC of the USSR on April 13, 1942 the mobilized were also sent for agricultural work in kolkhoz.⁷

In august 1942 forced labour was declared to be used also in firefighting, epidemic and natural disasters control, protection of objects⁸.

Forced labour was widely used even in the post-war period as there was an evident necessity to raise the country from the ruins. The following table⁹ with the data of number of persons convicted for disciplinary cases is very illustrative to understand the scope of forced labour during 1940–1952:

⁵ See Olga Kucherenko (2012) State v. Danila Kuz'mich: Soviet Desertion Laws and Industrial Child Labour during World War II // *The Russian Review* Volume 71, Issue 3, P. 392, 401. As writes Olga Kucherenko the plan of mobilizing labour concerned even adolescents, as according Decree of Supreme Soviet “About the state labour reserves of the USSR” October 2, 1940, the initial plan was to mobilize eight hundred thousand adolescents.

⁶ See Sokolov A. (2003) Forced Labour in Soviet Industry: The End of the 1930s to the Mid-1950s An Overview // *The Economics of Forced Labour: The Soviet The GULAG*. Hoover Press, 2003. P. 31 (Article on the soviet combining of different methods of labour motivation, and its' swinging between force and economic motivation).

⁷ Data from Goncharov G. A. (2006) LABOUR MOBILIZATION OF SOVIET CITIZENS DURING WORLD WAR II (1941–1945) BULLETIN OSU № 6/ 2006, volume 1, p. 184
Goncharov G. A. TRUDOVAYA MOBILIZATSIYA SOVETSKIKH GRAZHDAN V GODY VELIKOY OTECHESTVENNOY VOYNY (1941–1945) VESTNIK OGU № 6/ 2006 Tom 1, s. 184

⁸ See Seregina L. V. (2010) Labour law in the years of the Great Patriotic War // “*Journal of Russian Law*”, 2010, N 8. Seregina L. V. Trudovoye pravo v gody Velikoy Otechestvennoy voyny // “*Zhurnal rossiyskogo prava*”, 2010, N 8.

⁹ See supra Andrei Sokolov note 26, p. 28.

¹ Schwartz S. The system of slave labor in the Soviet Union, “*Sozialistichesky vestnik*”, No.5 (644), 1951, pp. 101–103.

² Sokolov A. Forced labor in the Soviet economy. 1930 — mid 1950s. // *Gulag: forced labor economics*. Moscow, 2005, p. 22, 27

³ According to the judicial practice even management's explicit permission to commit an act of absence from work without valid reason did not free the absentee from criminal liability. See Solomon M. Schwarz (1952) *Labour in the Soviet Union* Praeger, p. 110

⁴ Decree of the Presidium of the Supreme Soviet “On the transition to an eight hour work day, a seven day work week, and the prohibition of voluntary departures of workers from enterprises and institutions.” 26.06.1940. *Izvestiia*, June 27, 1940

Years	Convicted by courts for absenteeism and lateness of more than 20 min. (according to the law of 26 July 1940)	Convicted by military tribunals and courts for unauthorized leaving a workplace (according to martial law of December 1941)
1940	1.769.790	
1942	1.274.644	121.090
1944	893.242	321.008
1946	861.340	74.746
1948	564.590	
1950	513.891	
1952	147.885	

Thus it is evident that the enforcement of the Decree became almost rare in the late postwar period if compared with pre-war statistics. Donald Filtzer examined implementation of the decree in the further years and noted that its' enforcement had become haphazard after 1952, though it was officially repealed in April 1956.¹

Further period is traditionally called "liberalization of Soviet labour"². This relevantly free period finished in the 1961 in the time of so-called "Khrushchev thaw", when Stalin's cult of personality was already denounced and mass repressions were officially condemned, when illegally convicted people began to return home from camps.³

5. Forced labour during the Khrushchev Thaw (1961–1965) and afterwards

Against a background of "liberalization" of Soviet life in 1961 the Decree "On strengthening of the struggle against persons (idlers, parasites), evading socially useful work and leading anti-social parasitic way of life" was enacted. According to this document persons who were

¹ See Donald Filtzer (2002) *Soviet Workers and De-Stalinization: The Consolidation of the Modern System of Soviet Production Relations, 1953–1964*. Cambridge University Press, P. 37.

² See Donald Filtzer, p. 40.

³ 737,182 people were rehabilitated because of absence of corpus in the 1954–1961 (see Litvin A. *Russian historiography of the Great Terror (Rossiyskaya istoriografiya bolshogo terror)* // *Journal "Istoriya"* № 33/1999).

not willing to work or who received "unearned" income from the exploitation of land, vehicles, houses were deported to specially designated areas for the period 2–5 years with the confiscation of property and obligation of work at the place of settlement. It must be noted that these specially designated areas were generally situated in remote villages in the far north and obligatory work was always a heavy one.

Evaluation of this decree is not an easy task. On one side this document may seem even "humane" if compared with abovementioned decrees adopted in 1918 or 1940 that fixed criminal liability for disciplinary offenses. But on the other side it was perceived by people as a thunderclap because the society in the 60s differed from the society in the 20s or 40s. There was no more such fear, such obedience. Denouncement of Stalin's cult, the rehabilitation of political prisoners gave a hope for freedom to soviet people. After hard war and postwar times there was some revival in the air that pushed the development of Russian literature and science.

In these circumstances the decree against parasitism sounded particularly ominous. Some researchers believe that it was aimed to fight free-thinking by driving people in the obligatory labour clutches and by showing them their insignificance in comparison with the State.⁴

⁴ For example Donald Filtzer notices that the Edict was used as a blunt cudgel to repress dissidents thrown out of their jobs. See Donald Filtzer, note supra 28, p. 40.

We believe that this decree was supposed to return state policy to the classics of socialism, proclaiming universal obligation of work. Besides, it was aimed at suppression of private trade and freethinking people engaged in unofficial “intellectual” work. Sheila Fitzpatrick¹ researched the four years history of adoption of this decree and supposed that it targeted people who, regardless of whether they formally held a regular job, earned their living in the “second economy”, that contradicted the principles of socialist society.

The decree was executed with particular zeal in the first four years of its existence. During that time, about half a million of so-called parasites were revealed.²

It is interesting to note that official reports on the implementation of the decree contain not only references to the support and assistance of the population in identifying parasites, but also information on the errors committed by the courts. For example, there were cases of illegal deportation of disabled people and pregnant women convicted for parasitism.³

It is possible that the reduction of “zeal” after 1965 was due to the famous deportation from Leningrad of poet Joseph Brodsky⁴, who received the 1989 Nobel Prize for Literature. According to the sentence of the Leningrad court Joseph Brodsky who didn’t have any contract of employment and earned his living by writing poems and translating was convicted for parasitism in 1964 (must be noted that he was arrested long before the process). The poet was deported from Leningrad to a distant vil-

lage in the far north with compulsory physical labour for a term of five years. This process provoked a wide international condemnation and there was organized a campaign to make Soviet authorities release him.⁵

Despite such a scandalous world fame the Decree against parasitism remained in force until 7.08.1975 when it was officially abolished by The Decree of Presidium of the Supreme Soviet of RSFSR. The possibility of criminal persecution of so-called “parasits” (tuneyadez) remained till 1991.

In 1970 article 209 (1) of the Criminal Code of the RSFSR was adopted. It stipulated responsibility for the malicious refusal to comply with the decision on job placement. This article fixed the maximum term of imprisonment — 1 year. Soviet scholars wrote about the necessity of a stricter responsibility as the practice of enforcement of this article revealed insufficient efficiency of its measures for the struggle with “parasits”.⁶

New changes to the Criminal code of the RSFSR were made in 1975. New edition of the art. 209 two times increased the minimum and the maximum terms of imprisonment for parasitism and changed corpus delicti. According to this article people pursuing for a long time “parasitic way of life” were subject to criminal prosecution. The notion of “parasitic way of life” was not explained in the Criminal Code and was officially interpreted only in 1984 by Presidium of the

¹ Sheila Fitzpatrick (2006) *Social Parasites: How Tramps, Idle Youth, and Busy Entrepreneurs Impeded the Soviet March to Communism*, *Cahiers du monde russe et soviétique* 47:1–2, p. 377–408.

² Bogomolov A. (2012) *All parasites and dissidents — beyond 101st kilometer (Vseh tuneyadzev I dissidentov za 101 kilometr) // Newspaper “Komsomolskaya Pravda” 12.12.2012*, available at: <http://www.kp.ru/daily/25957/2898101/> (accessed on 30.05.2013).

³ Zhirnov E. *Instill useful fear (Vnushit polezny strah) // Journal “Kommersant vlast”, № 16 (920), 25.04.2011* available at: <http://www.kommersant.ru/doc/1618579>, accessed on 30.05.2013).

⁴ All information about deportation of Brodskij and the process was cited from biographical book of Lev Losev. See Losev Lev (2008) *Josef Brodskij. Molodaya gvardia*. Moscow.

⁵ It was a reaction to records of the trial spread in Europe, let me cite a piece of it:

JUDGE: And what is your profession? BRODSKY: Poet. Poet and translator. JUDGE: And who told you that you were a poet? Who assigned you that rank? BRODSKY: No one. (Non-confrontationally.) Who assigned me to the human race? JUDGE: And did you study for this? BRODSKY: For what? JUDGE: To become a poet? Did you try to attend a school where they train [poets]. where they teach... BRODSKY: I don’t think it comes from education. JUDGE: From what, then? BRODSKY: I think it’s... (at a loss)... from God.

Due to active interference of A. Akhmatova, D. Shostakovich and J. P. Sartre in 1965 the period of deportation was reduced and Brodsky returned to Leningrad.

⁶ Slobodkin Y. M. (1980) *The liability of persons conducting anti-social parasitic way of life // Jurisprudence, № 3. P. 78–81.* Slobodkin Y. M. (1980) *Otvetstvennost’ lits, vedushchikh antiobshchestvennyy paraziticheskiy obraz zhizni // Pravovedeniye.—1980.— № 3.— S. 78–81.*

Supreme Soviet of the RSFSR as a “prolonged, more than 4 consecutive months or more than 4 months in total during the year, living of adult able-bodied person on unearned income with evasion of socially useful work”.¹

Judicial comprehension of “unearned income” was very wide. According to statistics cited in the works of Soviet scholars about 14.5% of convicted earned their living by periodic works and services: handling, collecting mushrooms, providing one-time services, and 75% of convicted lived at the expense of parents, spouses or partners².

Interesting to note that “anti-parasites” activities were undertaken even in the period of “Perestroika”, that was aimed at restructuring of the Soviet political and economic system. The necessity of struggle with parasitism was mentioned between other most important goals of district inspectors of Militia.³ Chefs of militia reported a successful fulfillment of this task: about 660 thousands of idle persons were detected and placed to work in 1987.⁴

Gradually norms on obligation to work, on criminal responsibility for parasitism become out-of-date. In the period from 1986 to 1991 the conscious of Soviet people was changing together with the changes in politics and economy. Self-employment⁵ or creation of commercial or-

ganizations (co-operatives)⁶ that were prohibited during almost all the Soviet period — in the end of 80th were perceived as a norm of life.

In the changed political and economic conditions there was no logical place for comprehension of work as a duty. Moreover under economic and political crisis the State could not provide workplaces even for those who wished to work.

Criminal responsibility for parasitism was abolished on the 05.12.91 by the LAW of the RSFSR N 1982-I. Seven months earlier was adopted the Law “On the employment of population of Russia”, that fixed the right for labour and legal guarantees for unemployed. This law can be estimated as a last point in the history of forced labour in Russia.

6. Conclusions

This historical review of forced labour in Russia makes us conclude that obligation to work (not only a moral one but backed by criminal or administrative responsibility) was a distinguishing feature of Soviet labour law. The idea was born even before the Soviet state in the writings of K. Marx and Lenin and existed until the collapse of USSR. During these years the enforcement of the duty to work differed considerably depending on the current needs of the State, of the economic conditions. Reviewed history of forced labour in Russia taught new generations to estimate and respect free labour. This is why the formulation of modern Constitution, that was adopted only 2 years after the abolition of criminal responsibility for parasitism, doesn't admit even moral obligation of work⁷.

¹ Resolution of the Presidium of the Supreme Soviet of the RSFSR adopted 13 December 1984 “On the application of Article 209 of the Criminal Code of the RSFSR”.

² Pavlov V. (1985) Questions of criminal responsibility for parasitic way of life // Jurisprudence. Number 5. P. 23–28, Pavlov V.G. (1985) Voprosy ugolovnoy otvetstvennosti za vedeniye paraziticheskogo obraza zhizni // Pravovedeniye. № 5. S. 23–28.

³ Resolution of the Council of Ministers of the USSR 03.02.1987 N 136 “On measures on improvement of work of district inspectors of Militia”.

⁴ See Ogorodnikov V. V. (1988) Enhance the contribution of district inspectors of militia to combating crime and ensuring public safety (Povisit vklad uchastkovykh inspektorov militsii v borbu s prestupnostiu i obespechenie ohrany obshestvennogo poryadka) // Issues of improvement of work of district inspectors of militia. Collection. (Voprosy sovershenstvovaniya deyatelnosti uchastkovykh inspektorov militsii: Sbornik).— Moscow, GUOOP MVD SSSR, VNII MVD SSSR, p. 88

⁵ Law of the USSR “On self-employment” was adopted 19.11.1986 and fixed the possibility of self-employment only in workers' spare time (after the normal working day) and without the involvement of hired labor.

⁶ Law of the USSR N 8998-XI “On Cooperation”, adopted on 26.05.1988 stipulated establishment of “commercial” cooperatives that were entitled to hire employees.

⁷ There are European constitutions that still fix obligation to work. For example Spanish Constitution contains the following rule: “All Spanish people have the duty to work and the right to work” - Art. 35 Constitución Española 1978, Boletín Oficial del Estado núm. 311, de 29 de diciembre de 1978. Italian Constitution has the following provision: “Every citizen has the duty, according to capability and choice, to perform an activity or function that contributes to the material or spiritual progress of society” - art. 4 of the Italian constitution 1947 Gazzetta Ufficiale della Repubblica Italiana n. 298, edizione straordinaria, del 27 dicembre 1947.

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