



Andreas Hilger. *"Tod den Spionen!": Todesurteile sowjetischer Gerichte in der SBZ/DDR und in der Sowjetunion bis 1953.* Goettingen: V and R-unipress, 2006. 212 pp. EUR 23.90 (paper), ISBN 978-3-89971-286-5.



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The Soviet Penal System in the USSR and the SBZ/GDR

The history of the death penalty in Russia and the Soviet Union is an understudied subject. Recent discussions about reinstating the death penalty in contemporary Russia have caused scholars and policymakers alike to look back at the history of corporal punishment and legal issues surrounding it in Russian history. This edited volume takes this tendency a step further, breaking new ground by covering not only the Soviet penal system, but also the death sentences Soviet courts issued in the German Soviet Occupation Zone (SBZ, 1945-1949) and the German Democratic Republic (GDR).

The edited volume includes a detailed introduction by the editor, Andreas Hilger, and three research articles (including one by Hilger himself). Furthermore, the volume includes over thirty pages of translated documents and statistical analyses of death sentences issued and executed in the period covered. In the introduction, Hilger contextualizes the Soviet judicial actions against Germans within the history of the death penalty in the Soviet Union. Because of the abolishment of the death penalty in the Soviet Union on May 26, 1947 and the

reintroduction of it in 1950, there are two distinct time periods to consider. During the first, in addition to those sentenced to death for political crimes based on Article 58 of the Soviet Criminal Code, German war criminals were also frequently sentenced under Ukaz 43, defining collaborators and war criminals. In 1950-53, however, capital punishment was mostly used against alleged "spies" who were convicted for political misdemeanors on the basis of Article 58.

Over a ten-year period, from the last weeks of the Second World War in April 1945 until the end of Soviet jurisdiction over East German courts in October 1955, Hilger's research confirms 2,943 death sentences for Germans, among them 132 women. Joseph Stalin's death in 1953 significantly slowed political prosecutions (although they did not come to a complete stop) and the last death penalty case is dated January 20, 1954. Out of the documented death sentences, Hilger demonstrates that 2,223 were enforced and the prisoners executed. This is a more thorough estimate than earlier analyses have provided and speaks to the voluminous original research

that Hilger—and the two other contributors—have conducted. Newly accessible research collections in Russia were tapped for the analysis, most notably the Archives of the Presidium of the Supreme Soviet in the Soviet Union on the topic of clemency. While acknowledging that these sources are not unproblematic, Hilger may still be a bit too optimistic about the nature of the pleas for clemency—they do indeed represent the voices of the alleged criminals, but they are hardly completely unfiltered by the security organs, since these were the target audience of the letter-writers. The delicate nature of all Soviet sources, ranging from administrative to personal, should not be underestimated.

Nikita Petrov provides an overview over the ideology and methods behind the practice of the death penalty in the Soviet Union from the 1917 October Revolution until 1953. His detailed analysis shows that the decision-making processes were far from straightforward, and that the roles of the different ruling organs often overlapped. For example, the OGPU-NKVD (Joint State Political Directorate/People's Commissariat for Internal Affairs) often interacted with normal courts as they were also allowed to issue the death penalty, but very often members of the OGPU-NKVD were still involved in the pending execution of the verdict. Petrov also shows that, even if the same laws applied to foreigners as to Soviet citizens, in the early 1930s, fearing international reaction, the authorities were somewhat more careful in treating the cases of foreigners. Soviets thus generally informed the relevant foreign embassy of a pending death sentence, which could lead to mitigation of the sentence. This situation changed during the Second World War, when the war councils could confirm death sentences on the front without ever consulting higher powers. The last part of Petrov's chapter deals with the executions of Germans from the German Soviet Occupation Zone. For all the minute administrative detail in the chapter, this reviewer missed a clearer structure in terms of comparative issues: how did the Soviet death penalty affect foreigners and how did that change over time? Also, a clearer picture of what the consequences of the administrative inconsistencies related to the death penalty meant for the people involved would have been beneficial.

The sixteen-page analysis by Ol'ga Lavinskaja on clemency is the shortest article in the volume, but it adds a very interesting and important dimension to the topic. Although somewhat technical in its minute description of the process of seeking clemency, the description of the archival holdings and the processes involved with seeking clemency are valuable for those unfamiliar with the

type of documents available. In addition to describing the documents in detail, Lavinskaja also describes the administrative processes involved. Some of the more general descriptions of the death penalty are a bit redundant, as they have already been outlined in the previous articles, but the main focus is on the legal practices pertaining to clemency petitions. Missing here is an analysis of how the clemency process influenced those involved. Did it affect the death sentences in any way? How did it affect those sentenced more generally? What can the clemency petitions tell us about crime, punishment, and the Soviet legal structure in general? Admittedly, the chapter itself refers to newly available sources from the late Stalin era (p. 34); however, this reader still expected the description to add something to our view of the late Stalinist period, if not as a whole, then at least from a legal perspective.

In an aptly named chapter, "The Persecutional Paranoia of Criminal Justice" (*Strafjustiz im Verfolgungswahn*), Hilger comes closer to an analysis of the Soviet judicial system through a detailed look at the death sentences issued by Soviet courts in Germany from 1945-54. We learn that as of 1950 almost all Germans sentenced to death were secretly transported to Moscow, where they were executed, cremated, and their remains dumped in mass graves in the cemetery at the Donskoe Monastery. Families were rarely notified of the fate of the convicts, although as of 1955 they received a statement that their loved ones had been sentenced to ten years of camp labor and died within ten days of imprisonment. In addition to judicial aspects, the treatment of German prisoners and the use of the death penalty in the German Soviet Occupation Zone and in the German Democratic Republic was also a political instrument. Starting in June 1941, the prosecution of war criminals and violent criminals was a prominent theme in Soviet politics and propaganda. Soviet authorities saw the strong persecution of enemies as especially useful to strengthen morale amongst the Soviet people during times of incredible hardship. They thus encouraged a vengeful approach toward the Germans. Although this attitude softened somewhat with the postwar occupation of Germany, the negative sentiments towards Germans persisted. Indeed, until 1947, a third of the death sentences issued in Germany were on the basis of war crimes and/or connections with the National Socialist regime. The case studies that Hilger presents add a depth of analysis to the questions involving Soviet propaganda, paranoia, and the political persecutions that took place in the late Stalinist period, as well as people's reactions to the oppressions.

Overall, the volume provides a good overview of

careful and exhaustive primary research, which in and of itself is a great effort. It is, however, lacking in analysis and the coverage is unbalanced. It might have been worthwhile to devote a whole volume to the death penalty in the German Soviet Occupation Zone and another volume to the history of the death penalty in the Soviet Union. In that manner, the quantitative material presented could have been analyzed further; here it is offered to the reader without much interpretation. The quantitative data is nonetheless laudable, and future researchers dealing with the Soviet judicial system and the workings of the security organs in the German Soviet Occupation Zone and the GDR will have to consult this

work, valuable as it is in its presentation and description of archival collections. The potential role of this book thus somewhat makes up for the fact that it does not fully live up to its promise of adding to our general knowledge about Soviet-German/East German relationships. Finally, as the volume intended to look at how the Soviet state “exported justice and values” (p. 17), a comparative approach, including Poland for example, might have been of interest, so that one could argue for the need for three volumes on the topic. As it is, this volume on the death penalty in the Soviet Union, the German Soviet Occupation Zone, and the GDR is a good start that provides the basis for further necessary research.

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