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# USSR Report

POLITICAL AND SOCIOLOGICAL AFFAIRS

(FOUO 16/82)



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INTERNATIONAL

FOREIGN POLICY VIEWS OF U.S. NATIONAL SECURITY COUNCIL AIDE SCORED

Moscow VOPROSY ISTORII in Russian No 3, Mar 82 pp 27-42

[Article by N. V. Romanovskiy: "Richard Pipes -- Professional Anti-Soviet"]

[Excerpts] The political role of specialists on the USSR within the U.S. government machinery has increased significantly in recent years. Richard Pipes, the author of a number of works on the history of Russia and the USSR, has risen to the fairly high position of aide to the U.S. National Security Council. His political posture as a "vehement anticommunist from the academic world" is familiar to a broad range of Soviet people from numerous publications in the Soviet press. Historians also have on numerous occasions been forced to refute Pipes' attempts to "rewrite" history, whether it was the problems of formation of the USSR, the origin of the Saint Petersburg Union of Struggle for the Liberation of the Working Class, the history of the early period of the Russian social democratic movement, or the problems of the Soviet and Russian intelligentsia. The present article is concerned with the question: What kind of historian of our country is Pipes, and what are his views on the problems he considers?

Pipes' frank and hostile anti-Sovietism permeates his statements on issues of USSR foreign policy. This vehement anti-Soviet is truly at home in this area. The author began dealing with these problems in the early 1970's. At that time he was a professor emeritus at Harvard University and director of the Russian Research Center. In the United States he was considered a "prominent specialist" on Russian history. The scholar's academic position and reputation were subordinated to the objectives of vigorous political activity and backing up those circles who were not pleased by the processes of detente that appeared in the early 1970's, who needed to incite anti-Sovietism, spur on the arms race, and build up fear of "communist aggression." Pipes became a very active spokesman for the "anti-detente" school. Since the early 1970's Pipes has appeared more and more often in popular, far from academic, publications (army publications, ultraright publications, and publications directly linked to special services).<sup>65</sup> As an "expert" he takes part in committee work of the U.S. Congress,<sup>65</sup> attacks the policy of detente violently, and fights for a hard line toward the Soviet Union (the Soviet press has already pointed this out).

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In this cycle of publications by Pipes a large number of concrete issues, both large and small, concerning the international situation, military aspects of detente, and Soviet foreign policy have been touched in passing.

The position of the professional anti-Soviet was influenced both by the general situation in the world and by the situation in Sovietology circles involved with issues of Soviet foreign policy. It is common knowledge that in this area, in particular the question of the origin of the supposed aggressiveness of the Soviet Union (which is greatly exaggerated in the United States), two primary schools exist and compete with one another. The followers of one emphasize the "national" aspect ("Russian" motifs), while the others stress the "communist" principle.<sup>66</sup> The debate between them sometimes becomes quite bitter. It was that way, in particular, in the early 1950's, at the height of the "cold war," when Pipes' teacher M. Karpovich was drawn into the battle.<sup>67</sup> A dispute arose on these same problems in relation to Pipes' foreign policy views.<sup>68</sup> It is perfectly obvious that he is inclined to the "nationalistic" version, employing the following initial criteria: "Russian foreign policy," "Russian traditions," "Russian history," "Russian national character," and so on. But Pipes also demonstrates an ability to dodge and use conflicting evaluations.<sup>69</sup> Pipes' "nationalistic" premise is ill-founded if for no other reason than that the history of Russia is the history of a country of multiple nationalities. Limiting himself to the sphere of the ruling circles and their ideology, Pipes ignores the true creators of Russian history, the popular masses, the struggle of the working classes, and the struggle of the people for freedom, people's power, social justice, and the like. In general, he does not see the history of the people, of the "lower orders."

The same thing should also be said about Pipes' emphasis on the historical roots of Soviet foreign policy. "The roots of the Soviet regime go deep into Russian history, especially the history of the era before Peter," he emphasized in statements before the special U.S. Senate Committee on SALT, while starkly contrasting Russia to the west. In this way he constructs analogies between the foreign policy of Tsarism and the policies of the Soviet Union.

If we attempt to define the methodological Credo of Pipes in one word, it is anti-historicism. Pipes' schemes and analogies flagrantly distort historical reality. He resolutely rejects the idea that the October Revolution and the Soviet order broke with the traditions of old Russia, and the idea that the legacy of the autocracy cannot be applied as a key to interpreting modern times. In general he sees no difference at all between old Russia and the Soviet Union. "I believe that this idea is incorrect,"<sup>71</sup> he writes about the famous statement from the "Manifesto of the Communist Party," which characterizes socialist revolution as the "most decisive break" with the past.<sup>72</sup> Soviet historians have pointed out the anti-historical, anti-scientific nature of such parallels, which are very widespread in bourgeois historiography, many times.<sup>73</sup> The fact that Pipes "believes" in the succession of traditions between old Russia and the Soviet Union does not change the real state of affairs. The foreign policy of a particular state is determined by its social order. Our policy is a policy of peace and securing conditions for building communism.

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Pipes' preemptory, one-sided approach and refusal to consider objective reality are embodied fully in his foreign policy excursions into history. And they are followed by the set of irresponsible statements usually held in the spirit of the "cold war" on such exceptionally important aspects of Soviet foreign policy and Soviet-American relations as the level of armament, the ratio of forces between the USSR and the United States, the relationships between development of military hardware and foreign policy, international relations in Europe and on other continents, and much more. Pipes' views invariably correspond to the objectives and interests of the most aggressive circles of American imperialism.

Here is a typical example. The title of one of Pipes' articles speaks for itself: "Why does the Soviet Union think that it can wage and win a nuclear war?" (It is remarkable how this echoes the interests of the present U.S. Administration.) Pipes' reasoning is based on the same pseudohistorical analogies mixed with distorted figures on the Soviet armed forces. These fabrications have been solidly refuted from the Soviet side. In interviews with the newspaper PRAVDA and later the magazine DER SPIEGEL, and during his visit to West Germany, L. I. Brezhnev stated clearly and unambiguously, as did D. F. Ustinov in his report devoted to the 64th anniversary of Great October, that the Soviet Union resolutely opposes nuclear war, global or limited, and views such a military clash involving the use of nuclear weapons as a catastrophe for the human race in which there could be no winners and losers.<sup>74</sup> The inhumane character of statements about the possibility of nuclear war under contemporary conditions was emphasized with complete substantiation.

Pipes addresses his "studies" in the field of Soviet foreign policy to influential circles in Washington. He aspires to the role of mentor. He called one of his statements a "crash course in applied Russian history for those who make policy."<sup>75</sup> Pipes' irresponsibility is boundless. He bases his foreign policy assessments and conclusions on semianecdotal statements, foolish aphorisms, bare statements, and direct fabrications. Anti-Sovietism is the foundation of all his advice and recommendations. Pipes' "methodology," as we have seen, offers the broadest opportunity for fabrications and distortions. He exhorts the members of the SALT subcommittee to believe that the Russians, supposedly because of their national characteristics, have a general, historically inbred "aggressiveness,"<sup>76</sup> and that the Soviet leadership is trying to establish the "communist world" by force.<sup>77</sup> In his blindness Pipes declares that the Soviet order is "illegal,"<sup>78</sup> and not just in the historical sense but even in the legal sense. His statement that "the Soviet population on the whole lives worse than it did under Tsarism and in the early 1920's" is equally bare and unfounded.<sup>79</sup> He is a professional anti-Soviet, and a pseudoscholarly one. Pipes ignores the expression of the will of Soviet people and vast statistical data that testifies to a rise in the standard of living of Soviet people, successes in solving the housing problem, the steady rise in the level of education, the consolidation and development of socialist democracy, and the unity of the Communist Party and the Soviet people. Pipes' anti-Soviet fabrications and slander are aimed at justifying the aggressive foreign policy of the United States and sowing mistrust and hostility toward the USSR among ordinary Americans. Pipes is a historian who has turned into a professional

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anti-Soviet. This metamorphosis, it seems, is instructive for Sovietology. Outwardly this discipline resembles an iceberg: it gives the appearance of a scholarly, scientific, and objective discipline, but the underwater part is the main part, and it is tied with the establishment, with the imperialist special services, with the most aggressive representatives of the ruling classes, and with their policy that is directed against peace and detente, against peaceful coexistence between states with different social systems, with a policy that aims at social revenge and a global struggle against communism. The example of Pipes also shows other characteristics of this category of Sovietologists, such as their outmodedness, their refusal to consider the realities of the contemporary world, and their stubborn yearning to go back in history. Sovietology is a very dangerous discipline for the cause of peace, and the example of Pipes confirms this completely. Pipes' conceptions reflect the class interest of the enemies of socialism, the worldview, ideology, and politics of those representatives of this class which is leaving the historical scene who are ready to sacrifice the entire human race to prolong their domination. This is exactly why Pipes is ideally suited for the current U.S. administration. His hostile preaching is evidence of the renewed vigor of the aggressive, unprincipled imperialist circles.

## FOOTNOTES

64. See R. Pipes, "Russia's Mission, America's Destiny. The Premises of U.S. and Soviet Foreign Policy," ENCOUNTER, 1970, Vol 35, No 4; Pipes, "Why Russians Act Like Russians"; Pipes, "Soviet Foreign Policy: Background and Perspective," SURVEY, 1971, Vol 17, No 4; Pipes, "Why the Soviet Union Thinks It Could Fight and Win a Nuclear War," COMMENTARY, 1977, Vol 64, No 1; Pipes, "Soviet Global Strategy," COMMENTARY, 1980, Vol 69, No 4, etc.
65. R. Pipes, "International Negotiation. Some Operational Principles of Soviet Foreign Policy," Washington, 1972. This was Pipes' statement to the Senate Subcommittee on National Security and International Operations. The chairman of the subcommittee was the well-known senator H. Jackson. Pipes' "Why Russians Act Like Russians" was his statement to the Senate Special Subcommittee on SALT. Pipes was the chairman of Team B, formed in 1976 as a consulting committee for the President of the United States on the conduct of intelligence work abroad in order to develop a document on the strategic objectives of the USSR which would supplement and refine the report submitted by the CIA (COMMENTARY, 1977, Vol 64, No 1, p 21). We should also note Pipes' participation in the debate with former U.S. ambassador to the Soviet Union G. Kennan ("Encounter with Kennan. The Great Debate. Pipes, R. Mr. X's Revisions," London, 1979, pp 123-130, 165-167).
66. See Ye. Yu. Bougsh, "Mif ob 'Eksporte' Revolyutsii i Sovetskaya Vneshnyaya Politika" [The Myth of Exporting Revolution and Soviet Foreign Policy], Moscow, 1965; B. I. Marushkin, "Istoriya i Politika. Amerikanskaya Burzhuznaya Istoriografiya Sovetskogo Obschestva" [American Bourgeois

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- Historiography of Soviet Society], Moscow, 1969. pp 323-376; N. V. Zagladin, "American Bourgeois Ideas of Soviet Foreign Policy and Their Bankruptcy," VOPROSY ISTORII KPSS, 1978, No 11, and others.
67. See NEW YORK TIMES, 8 July 1951, p 8; R. Small-Stocki, "The Nationality Problem of the Soviet Union and Russian Communist Imperialism," Milwaukee, 1952, pp 346, 383-388.
  68. W. Krasnow, "Richard Pipes' Foreign Strategy: Anti-Soviet or Anti-Russian," RUSSIAN REVIEW, 1979, vol 38, No 2; R. Pipes, "Response to Wladislaw G. Krasnow"; J. Geran Pilon, "Letter to the Editors," RUSSIAN REVIEW, 1980, Vol 39, No 4.
  69. RUSSIAN REVIEW, 1980, Vol 39, No 4, p 536.
  70. R. Pipes, "Why Russians Act Like Russians," p 52; R. Pipes, "Mr. X's Revisions," p 126; R. Pipes, "Russia's Mission, America's Destiny," p 11.
  71. R. Pipes, "Response to Wladislaw G. Krasnow," p 193.
  72. K. Marx and F. Engels, "Soch." [Works], Vol 4, p 446.
  73. Marushkin, op. cit., pp 108-130.
  74. PRAVDA, 27 October and 3, 7, and 24 November, 1981.
  75. R. Pipes, "Response...", op. cit., p 192.
  76. R. Pipes, "International Negotiation," p 6.
  77. R. Pipes, "Russia's Mission...", op. cit., p 7; R. Pipes, "Why Russians...", op. cit., p 53; R. Pipes, "International Negotiations," p 2; R. Pipes, "Interview," U. S. NEWS AND WORLD REPORT, 1977, Vol 82, No 25, p 44; R. Pipes, "Soviet Global Strategy," p 31; U. S. NEWS AND WORLD REPORT, 1980, Vol 88, No 9, p 33.
  78. R. Pipes, "Why Russians...", op. cit., p 52; R. Pipes, "Soviet Global Strategy," p. 32; R. Pipes, "Mister X's Revisions," p 125.
  79. R. Pipes, "Why Russians...", op. cit., pp 52, 55.

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INTERNATIONAL

**'HYPERTROPHIED' ARMY ROLE IN PRC DUE TO DISTRUST OF MASS SPONTANEITY**

Moscow SOVETSKOYE GOSUDARSTVO I PRAVO in Russian No 3, Mar 82 pp 111-118

[Article by L. N. Gudoshnikov, sector chief at the Institute of the Far East of the USSR Academy of Sciences, doctor of juridical sciences, professor: "On the Political Regime in China"]

[Text] The petty bourgeois counter-revolution in China and the degeneration of the PRC into an aggressive social chauvinistic state and an accomplice of imperialism and reaction is one of the most tragic events of our day. In its time the formation of the PRC was greeted ecstatically by communists and by the progressive forces of the entire world. It had completed a long revolutionary process in the country, and many years of stubborn struggle against foreign imperialism and domestic reaction. The defeat and expulsion by the Soviet Army of the Japanese interventionists from Manchuria made it possible for the democratic forces of China, led by the communists, to create a solid revolutionary base with USSR assistance in the Northeast of the country. From here a powerful offensive by the revolutionary armies was deployed which led to the collapse of the reactionary Kuomintang regime that was supported by American imperialism and to the establishment of people's power on the entire territory of the country, with the exception of the province of Taiwan and several coastal islands where, with United States help, the Kuomintang clique dug in.

The process of the creation in China of a new statehood and of a popular democratic regime could have been substantially facilitated by the existence among the Chinese communists of many years of experience in the construction of people's power and, especially, by the possibility of making use of the comprehensive experience of the advanced socialist countries and, first of all, of the Soviet Union. Unfortunately, the Chinese people did not succeed in making full use of the experience of world socialism because at the end of the 1950's Mao Zedong's nationalistic line predominated in the Chinese leadership. As for the utilization of the experience of the liberated areas of China, it received a very one-sided development chiefly through the hypertrophy of the role of the army in the political structure of the country, while a great deal of the positive experience in democratic construction in these areas was later consigned to oblivion.

Nevertheless, the first seven-eight years of the existence of the PRC were connected with definite successes in the creation and functioning of political insti-

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tutions of the socialist type which had been consolidated in the 1954 PRC Constitution, the 1956 Charter of the CCP, the charter documents of the single front and other public organizations, and in a number of legislative and other normative acts. However, by themselves those institutions were not able to effectively oppose the "cultural revolution" which was carried out by the extremist wing of the Chinese leadership headed by Mao Zedong and which subordinated the armed forces to itself. This revolutionary change was possible because of a special position of the army in Chinese society and in the Chinese state.

In China, the army is not merely a part of the state apparatus, along, for example, with administrative agencies, the courts, and so forth, but the officially declared basis of the state. The army was long ago declared to be a model for all of society which is steadily being militarized. This position of the army is partially connected with its special role in the Chinese revolution: During the course of the long struggle of the armed revolution with the armed counter-revolution, the revolutionary army frequently became the creator of party and public organizations and of agencies of people's power. A centralized army organization of the revolutionary forces arose much earlier than the centralized state system. Beginning with the middle of the 1930's the top leadership of the CCP coincided in personnel with the command and political leadership of the army. The Military Council (Military Commission) of the CC of the CCP occupied the position of the leading body in the party hierarchy.<sup>1</sup> In addition, the position of the army in China was influenced by the militarist traditions of the past, a fact which has been admitted by the leaders of the CCP themselves. [1] But all of this in and of itself did not yet predetermine the preservation of the traditions of militarization in the administration of the country and in its life, including the army's special position in the state. The preservation of the special position of the army was a matter of interest, above all, for Mao Zedong who, like almost every petty bourgeois political leader, gravitated toward military methods of the administration of the state and society. The "cultural revolution" was a seizure of power in the country by the most extremist and chauvinist wing of the Chinese leadership which intended to make use of the enormous organizational and mobilization possibilities of the new system for the historically most rapid achievement of hegemonist Great Han ends. As a result of the "cultural revolution," popular democracy in China was in fact eliminated as a political regime and replaced by a military democratic dictatorship of the social chauvinistic Mao Zedong group.

At the same time, it should be noted that the "cultural revolution" was not a one-time act, but the completion of a process of the seizure of power by the above-named group. The process itself which reflected the struggle of two lines in the leadership of the CCP had begun at the end of the 1950's, but its prehistory goes back to the 1930's when Mao Zedong and his minions succeeded in striking the first serious blow against the party's internationalist forces. After the formation of the CCP Gao Gang was removed from office and then killed, and this was followed by a campaign of the slaughter of cadres in connection with the struggle against the "anti-party bloc of Gao Gang-Rao Shushi" (1953), the campaign of struggle against the so-called right-wing bourgeois elements (1957), and the punishment of Peng Dehua, Zhang Wentian, and others (1959). As a result, the internationalist forces in the CCP were greatly weakened.

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During the noisy political campaigns which followed one after another and which were accompanied by mass repressions, the Maoists in practice had demonstrated their hostility to the real power of the people, their distrust in its creative abilities and initiative and energy, and an open fear of the people's will. Beginning with the end of the 1950's there began to grow bureaucratic distortions in the state and party apparatus of the PRC which were expressed in an endeavor to militarize state and social life, to create a single hierarchical apparatus for the administration of state and society, nullify the role of representative bodies, emasculate the law, discredit the experience of the construction of socialism in the USSR and other socialist countries, and so forth. At the same time, although they were subjected to strong distortion, formally the basic political institutions of the PRC were preserved and could be used by forces in opposition to Mao Zedong.

This became especially clear when Mao Zedong entered into conflict with Liu Shaoqi and Deng Xiaoping who were trying to carry out a great power policy without the crazy ideas characteristic of Mao Zedong of the type of the failed "Great Leap Forward" (1958-1959) and with the use of rational methods of administration and economic management.<sup>2</sup> Most of the cadres of the local and central apparatus of the state, party, and public organizations were on the side of these leaders. Seeing that the real power was slipping out of his hands, Mao Zedong at the head of a group of close associates resorted to a monstrous action--the scrapping of the constitutional bodies of the state and the charter bodies of the CCP and of public organizations. This scrapping was carried out by "support troops of the leftists" who had been worked over psychologically in the Maoist spirit and youth shock detachments of pupils which had been created outside of the framework of the party and Komsomol, by young workers and employees--the Hongweibing ("Red Guards")--who had been corrupted under the influence of Maoist propaganda and detachments of the Tiaofan ("Rebels") which joined them at the end of 1966 and were active only at the first stage of the coup, later yielding their place to soldiers.

The purpose of the coup was to have wider reprisals against the real and potential (and sometimes imaginary) political opponents of Mao Zedong and his entourage. As a result of the coup, not only was a new political regime created, but also a new power mechanism which was alienated from society and in all of its elements obedient to the working group. The army was becoming its chief component part. The communist party was not eliminated altogether, but under the sign bearing its name a new political organization was created--the uncomplaining executor of the designs of the "Great Helmsman," as Mao Zedong began to be named at that time in the PRC official press. A similar fate was prepared for public organizations. Both with regard to the methods of its formation and to the methods of its work, the state apparatus became completely isolated from the people. But this is not all--the coup led to a change in the state's basic goal which previously had been formulated as the construction of a socialist society. Now, although the socialist slogans were not removed, the chief goal became the creation of a militarist power capable of making a claim at first to regional and, then, to world hegemony.

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A military bureaucratic regime was established in China which was characterized above all by the all-penetrating militarization of state and social life that manifested itself in the ruling elite having its basis in the army and in the training of the basic cadres of the power apparatus through the People's Liberation Army of China, in the spreading of the army system to labor processes, the militarization of education, the universal establishment of a military-command style in the work of state institutions and public organizations, and so forth. This regime was also characterized by a bureaucratic isolation from the masses, the complete ignoring of the will of the people, and an emphasis in the performance of administration on a vast "ganbu" strata--professional bureaucrats strictly subordinated on the vertical and selected through an especially established procedure.

The establishment of a military bureaucratic regime in China was facilitated by a number of factors. Cultural backwardness, the preservation of feudal and semi-feudal traditions, and also, to a certain extent, the ideological influence of militarist cliques which had been dominant for a long time, and the influence of China-centric ideas--all of this taken together facilitated the introduction of military bureaucratic methods of administering the country and the suppression and dispersal of democratic institutions.

At the same time, the establishment of a military bureaucratic dictatorship in China was not an inevitable consequence of the social conditions in which the People's Revolution had been victorious in that country; indeed, it contradicted the paths for the transformation of society which had been chosen by the Chinese people.

The consolidation and development of the gains of the revolution and rapid progress towards socialism could have been brought about by such factors as fidelity by the leadership of the CCP to Marxism-Leninism, a strengthening of the proletarian character of power, and close relations and fraternal friendship with the CPSU and USSR and with all of the socialist countries and Marxist-Leninist parties, and with the world socialist system. However, the operation of these factors was artificially cut short by Mao Zedong and his followers. The death of Mao Zedong, the departure from China's political scene of his closest entourage ("The Band of Four"), and definite changes in the life of the country and in its political system did not, unfortunately, lead to the restoration of the operation of these factors and, consequently, to a change in the political regime among whose basic criteria are the character of the party, its role and policies in society, the operational methods of state power, the real possibility for the use of their rights and freedoms by the workers, and the state's foreign policy orientation. [2]

Measures to create an effective apparatus for administering the state and society have become an important part of the domestic political course of the present Chinese leadership. In addition, the path has been chosen of the formal restoration of the basic institutions of the political system which existed in the early 1960's, with the simultaneous elimination of a number of state and public institutions which served Mao Zedong and his "orthodox" followers as weapons in their

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struggle for power and which were created by them during the course of or after the "cultural revolution"; for example, the "revolutionary committees," the united apparatus of the party committees and administrative agencies, "departments for the struggle against capitalist roaders" in the public security agencies, "schools of the Seventh of May," "theoretical detachments," the city "workers' militia," and so forth. It is necessary to observe that some of the tendencies of a return to the previous political system had already taken shape during Mao Zedong's life: Thus, already in 1969 the restoration had begun of the structure of the party whose committees and organizations, with the exception of those in the army, had been smashed during the period of the "cultural revolution"; in the early 1970's the elimination was begun of the "gongqianfa"--united punitive agencies of the time of the "cultural revolution" which combined the functions of security, procurator, and court agencies--and judicial agencies began to be restored; in 1973 trade union, women's, and youth organizations which had been dispersed in 1966 were restored to the provincial level, and so forth.

China's post-Mao Zedong leadership has accelerated this process and, at the same time, has resolutely eliminated all of the political institutions which were created by its "orthodox" opponents. By the beginning of the 1980's, in its organizational forms, the political system of the PRC had ceased to differ essentially from that which existed before the "cultural revolution." Of the component parts of the political system of the PRC, the greatest importance is being received by the state apparatus which has the responsibility for the basic part of the work to carry out the ambitious program of "four modernizations."<sup>3</sup> At the same time, this program has also been put at the center of the work of the CCP and of public organizations. The new Chinese legislation is also directed in the first place at its realization. [3]

A strengthening of the foundations of the political regime which is being formed is the basic content of the political-judicial processes which are taking place in China. Above all, this is being served by the measures of the Chinese leadership aimed at increasing the effectiveness of the state apparatus and strengthening the entire state machine and, especially, the agencies of security, of the procurator's office, and of the courts. This bureaucratic apparatus is formally based on definite legal norms which, in fact, serve as an external cover for the repressive essence of the regime. In practice, the chief criterion for the adoption by the political-judicial agencies of decisions continues to be the Maoist conception of the "correct resolution of contradictions within the people" which permits arbitrariness in determining who should be put in the category of "enemies." In establishing an alliance with the world imperialist bourgeoisie which is aimed against world socialism, the Chinese leaders are shifting their blow from the "remnants of the old exploiting classes" to "counter-revolutionary" and "enemy agents" among whom are usually numbered ideological and political opponents of the authorities, and also everybody who does not suit them. The trial of the "counter-revolutionary groups" of Ling Biao and Qiang Qi was a typical example of judicial reprisals and the gluing of arbitrary labels upon political opponents. [4]

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The repressive activities of the state apparatus are supplemented by corresponding actions by the armed forces which the post-Mao Zedong leadership also regards as the chief support of the regime. Official Chinese reports have spoken many times about the use of regular army forces and units of the People's Militia (民兵) to "instill order," and, particularly, to suppress protest actions against the policies of the authorities. At an All-Chinese Conference on the Establishment of Public Order in the Cities (November 1979) which was called by the Beijing leadership the "special role" of the army in "establishing order in the localities" was emphasized. [5] Concealing the punitive functions of the army with the slogan of "the unity of the army and the people," Chinese propaganda points to the necessity of making use of it in order to "consolidate a political situation of stability and solidarity" and in order to "overcome difficulties" in realizing the "four modernizations" program. [6] Translated from the language of propaganda, this means a more active use of the armed forces to suppress dissatisfaction with the actions of the Chinese leaders.

On the whole, the present Beijing regime is characterized by a shift from the amorphous Mao Zedong "line of the masses" to organized forms of carrying out repressions which are stipulated by legislative acts which, in the words of the Chinese press, are a "powerful weapon for striking against all counter-revolutionary and criminal elements." [7] At the same time, despite procedural norms which have been introduced in a formal manner, the political process of present-day China does not exclude punishment at mass kangaroo courts which represent a violation of the elementary norms of legality. During the present period especial attention is being devoted to the "regulation" of the agencies of public security from which the demand is being made that they "turn the punitive sword of the agencies of the dictatorship" against various kinds of people who are united by the labels of "counter-revolutionaries," "enemy agents," and also "class enemies." Criminals whose numbers, according to the official data, have increased compared to the beginning of the 1960's by 10 times are numbered by the Beijing leadership in the latter category.

During the course of this political maneuvering and struggle for power the Chinese elite made use in its interests of a widely advertised campaign for the "democratization" of political life. However, soon after the consolidation of the positions of one of the groups of Chinese leadership (the Deng Xiaoping group) a process of the intensive curtailment of formal democracy began. In fact, taking place in China is a strengthening of a far-flung system of all-embracing control by the state apparatus over society. In order to consolidate the regime use is being made of the previously existing "cultural-revolution" and newly formed security committees under the leadership of the agencies of public security and posts at enterprises and institutions, and population committees and groups which have been put under the control of neighborhood offices whose activities are also controlled by the agencies of public security. Thus, a mechanism for the control of the population is functioning which is analogous to the old Chinese and Kuomintang "baojia" system which was organized on the basis of mutual guaranty.

Simultaneously with the measures to strengthen the effectiveness of the state apparatus, including the punitive policy being carried out by it, the Beijing leadership has also taken definite measures with respect to the CCP.

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After the death of Mao Zedong and the overthrow of the "Four" of his closest henchmen, the Chinese leadership took certain steps to increase the party's effectiveness as an implement for the realization of its political program. These steps include a definite revival of the organizational life of the party, the reforming of its leading bodies, the restoration of the branch sections of the local party apparatus, greater attention to the issues of studies, and so forth. However, the basic mass of party members in fact do not take part in the activities of the party; this work is performed by narrow leading groups in the center and in the localities. Most of the members of the CCP are characterized by a state of ideological stagnation, passivity, disorientation, and a lack of understanding of the changes taking place. On the whole, the CCP at the present time is ill-matched organizationally and ideologically, and, as before, a political organization which is divided into factions and united and incited by nationalistic aspirations. Certain steps by the present Chinese leadership in the direction of the "democratization" of intra-party life, and a formal return to certain of the ideas of the Eighth CCP Congress (1956) should not be misleading. Neither organizationally nor politically does the CCP represent the vanguard of the working class. Even after the death of Mao Zedong, the leadership of this party proved to be incapable of returning to the ideological and political platform of Marxism-Leninism. [8]

Striving to expand the regime's social base and to attract wider strata of Chinese in the PRC and abroad into the realization of the "four modernizations" program, the Chinese leadership has galvanized the organization of a united front--the People's Political Consultation Council of China (PPCCC). The Beijing leaders gave it the task of uniting on a broad nationalistic platform "all of the forces which could be united." The nationalistic bloc which is being created on the basis of the organization of a united front has the task, according to the plans of the Beijing leaders, also of serving for the unification on the international arena "with all of the forces with which it is possible to unite in order to form the broadest united front of struggle against hegemonism." In fact, this means the incitement of hostility toward the Soviet Union, socialist Vietnam, and world socialism as a whole.

The new charter of the PPCCC which was adopted by the first session of its All-Chinese Committee of the Fifth Convocation (February-March 1978) has consolidated the course aimed at a broader representation of the Chinese bourgeoisie in the agencies of the united front and the allowance of an illusory political pluralism under the newly dragged out slogan of the "prolonged coexistence and mutual control" of the CCP and the so-called "democratic" parties. It is not accidental that the membership of the All-Chinese Committee of the PPCCC of the Fifth Convocation included a substantial number of representatives, who had been invited by the Beijing leadership, of foreign (also from Hong Kong and Macao) Chinese and "patriotic figures" who occupy half of the seats in the supreme body of the united front. At the same time, the mass public organizations (trade union, youth, and women's) were represented by only five percent of the delegates to the All-Chinese Committee of the PPCCC.

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At the second session of the All-Chinese Committee of the PPCCC which took place in June-July 1979 the framework of the "revolutionary united front"<sup>4</sup> was expanded through the inclusion in it of all Chinese, regardless of citizenship ("all who love their homeland"). It was taken even further to the right by the decisions of the Conference on the Work of the United Front which was held in August-September 1979. At the conference the front was declared to be "a broad political alliance of all socialist toilers, patriots who support socialism, and patriots who favor the reunification of the homeland." [9] The very name of the front was changed--it began to be called the "Revolutionary Patriotic Front." In addition, mention is no longer made of what had earlier been recorded regarding its being "under the leadership of the working class and based on the alliance of the working class and peasantry." Moreover, according to the new definition of the front's composition, in order to become a member of it it is not even necessary to acknowledge socialism as a political platform. The chief goal of this organization is becoming the search for contacts with the Taiwan administration and the enlistment in the "four modernizations" not only of the domestic, but also of the foreign Chinese bourgeoisie, the Chinese bourgeoisie of Hong Kong and Macao. The Beijing leaders are attempting through the united front to make use of its capital, experience, and knowledge for the realization of their ambitious programs. Serious modifications in the politics of the united front have led the Chinese leadership to the conclusion that it is necessary to review the charter of the PPCCC which was adopted in 1978. A commission for the development of a new charter was created at the third session of the All-Chinese Committee of the PPCCC in September 1980.

The modified policy of the united front is a part of a broad maneuver by the Chinese leadership to strengthen the social base of the regime. This maneuvering includes the removal of labels from the "black categories" of the population (for example, from the former landowners and kulaks), and a flirtation with the intelligentsia which is declared to be a "part of the proletariat." In the policies with respect to the working class and peasantry a reorientation toward its wealthier strata (skilled workers, wealthier peasants) is obvious. China's ruling elite is not orienting itself, as in the recent past, toward the pauperized masses of the urban and rural poor who are interested in equal distribution. These masses continue to be a destabilizing factor in the domestic political situation of the country.

This is all the more reason why the Chinese leadership is directing serious attention toward the organizations of mass support for the regime and the ideological brainwashing of the masses which under China's conditions are the trade unions, the youth, and women's organizations. At the same time, mass organizations which were engendered or galvanized by the "cultural revolution" have been removed from the political arena: For example, such organizations as the Hongweibings and Jiaofan, the "conferences of representatives of the revolutionary workers," and the "alliances of bottom middle and poor."

The effecting in the interests of the ruling elite of the restoration to the national level of the mass public organizations which existed before the "cultural



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revolution" has been accompanied by a criticism of the policies of the "Band of Four" with respect to these organizations. At the Ninth All-Chinese Congress of Trade Unions (October 1978) which took place more than 20 years after the convocation of the preceding congress, the All-Chinese Federation of Trade Unions which had been dissolved in December 1966 was recreated. The Maoist stamps in its documents were combined with the rejection of certain unpopular trade union work methods which had become implanted during the time of Mao Zedong, and by the restoration of the trade unions' tasks in organizing rest and improving the well-being of the workers.

However, in the chief things the present Chinese leaders are continuing Mao Zedong's course of the "politicalization" of the trade unions; that is, the subordination of all of their activities to a single task--the introduction among the masses of the ideology and politics of modified Maoism. An analysis of the directions of the present work of China's trade unions shows that in the basic spheres of their activities they remain in Maoist positions.

The interest on the part of the Chinese leadership in organizing relations with various strata and groups of the population, and its attempt to expand and consolidate social support for the regime has also been reflected in the materials of the congresses and activities of the women's and youth organizations.<sup>5</sup> This bears witness to attempts by the Beijing leadership to list these strata and groups in active participation in production work and public political activities under the slogan of the "creation of a mighty China." The Beijing leadership is imposing modified Maoism as the "theoretical" basis of the activities of public organizations and is attempting to consolidate the basic theses of the Maoist political course as their long-term program orientation. The public organizations of the PRC are now acting as transmitters of the chauvinist and hegemonist policy of Beijing.

As a result of the correction of a number of political and economic "excesses" of the Mao Zedong course, the present modified Maoist regime is growing stronger. Within the country its greatest strength is being used by the ruling elite for the realization of its ambitious programs, and outside of it in order to exacerbate the confrontation between China and the USSR and its allies and to deepen Beijing's military-political alliance with world imperialism. [10] Such is the foreign policy orientation of the Beijing regime.

On the whole, despite certain changes of a "facade" nature, the political regime in China essentially represents a modernized model of a military bureaucratic dictatorship. There is every reason to suppose that its repressive character will not only continue in the future, but will grow more cruel as the difficulties increase in implementing the Beijing leadership's ambitious plans connected with the creation of a mighty militarist power.

**FOOTNOTES**

1. There is good reason why, at the present time, the post of chairman of this body is occupied by the actual head of the Beijing regime Deng Xiaoping.

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2. As is clear from the materials which were published during the time of the "cultural revolution," Liu Shaoqi, in addition, did not agree with the policy open confrontation with the USSR.
3. The program of the attainment by China of the level of the advanced countries by the end of the 20th century is now recognized to be unrealistic in its initial formulation and has formally been reduced to the task of achieving a society of "modest sufficiency." The change in the formulation of the program has not been applied to the plans for the creation of a military potential.
4. In the 1950's the united front was called the People's Democratic Front.
5. The Fourth All-Chinese Congress of Women took place in Beijing 8-17 September 1978 (the previous congress--in September 1957); the 10th Congress of the Chinese Communist League of Youth took place on 16-26 October 1978 (the 9th Congress--in 1964); there were also congresses of the Federation of Chinese Youth and the Union of Chinese Students.

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**MISTAKES IN SOVIET LAW ENFORCEMENT ANALYZED**

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[Article by N. N. Voplenko, docent at the Volgograd Higher School of the USSR Ministry of Internal Affairs, candidate in juridical sciences: "The Reasons for Errors in the Application of Law"]

[Text] An improvement of the work of the agencies which apply the law is a necessary condition for a further strengthening of socialist legality. In this connection, Soviet juridical science is faced with the problem of a comprehensive study of the factors which determine legality and the effectiveness of the application of the norms of the law. One of its important aspects is the question of the reasons for and the conditions of the commission of errors in law application. In the literature it has received a definite treatment with regard to court and investigatory errors in criminal cases. [1, 2, 3] The fullest point of view on this issue has been stated by I. L. Petrukhin who distinguishes three groups of reasons for court errors and, correspondingly, three levels of knowing them: a) reasons for errors which are connected with violations of the requirements of material and procedural law on the level of principles and concrete norms; b) reasons for errors which are contained in the general conditions of the performance of court business and in the level of the training of judges, in the special characteristics of their awareness of the law, in their moral qualities, in the conditions of their life and work, the organization of the court system, the effectiveness of the activities of the participants in the trial, in the influence of legal science on juridical practice, in the degree of information support for the court system, and so forth; c) reasons which are rooted in the state of the general types of the guarantees of legality: economic, ideological, political, and juridical. [4]

One cannot but note the logical coherence and the internal harmony of the above-described view. At the same time, this conception is in need of a certain modernization regarding errors as a generic phenomenon in the sphere of law application. First of all, it is necessary to distinguish the causes and conditions, or factors, which determine errors. Causes are immediate juridical phenomena which give rise to an error and determine its character and place in the general system of legality violations. They could be: a failure to reach the truth in an investigation of the factual circumstances of a case, an incorrect selection and interpretation of the norms of material or procedural law, a verdict's lack of correspondence to the actual or legal basis of a case, and so forth. It is use-

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ful to call them the internal, or concrete, causes of errors in law application.

Conditions should be understood as the circumstances which are mediately connected with the errors which favor their emergence. They, as it were, create the general background and the circumstances under which the possibilities for an incorrect application of the law increase. The following may be numbered among such factors: the level of the professional training of the subjects of law application, their moral and political qualities, the specific conditions of their lives and work, the degree of the organization and effectiveness of the system of agencies, and so forth. These factors are the external causes of the errors in law application.

The dialectic of the interaction between the causes and conditions of law application errors consists in the fact that they are closely interconnected with one another and are able to move into one another. For example, an incorrect selection and analysis of a legal norm as the concrete internal cause of an erroneous application of law can in an individual case be connected with many conditions: a large work load for the law applier, shortcomings in the selection and disposition of cadres, a lack of specialization in work, the contradictoriness of legislation, and so forth. And, on the contrary, every condition which fosters the emergence of errors in law application can manifest itself and activate the action of several concrete causes depending upon the circumstances of the juridical case and the subjects of the activity. Thus, the lack of a stable juridical practice can be expressed in the following causes of errors in law application: an incorrect assembling and evaluation of proofs, the incorrect drawing up of the law application document, the erroneousness of qualification, and so forth. In studying this problem, all of this makes it possible, in our view, to use a single list of factors which determine errors in law application work.

A study of the special literature and of court and investigatory practice on the topic, discussions with those who apply the law, and questionnaire work with them have made it possible to compose and test during the course of a sociological study the following list of the most frequent causes and conditions of errors in law application: 1) lack of clarity and contradictoriness of legislation; 2) a lack of stable juridical practice; 3) insufficient juridical knowledge on the part of the law applier; 4) the counteraction of interested persons; 5) unfavorable work conditions; 6) shortcomings in the selection and disposition of cadres; 7) one-sidedness and incompleteness in the proof; 8) the complexity of the procedural demands upon individual juridical action; 9) a heavy work load; 10) the lack of specialization in work.

The purpose of the study was to establish the hierarchical importance of each of the above-named factors in the general system of the causes and conditions that promote the commission of errors in law application. Toward this end, law appliers were asked to designate with figures the degree of importance of each factor (first place, second, third, and so forth). Questionnaire work was per-

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formed on the investigatory apparatus of the Administration for Internal Affairs of Volgogradskaya Oblast, a group of investigators studying at the advanced training faculty of the Higher Investigatory School of the USSR Ministry of Internal Affairs (94 people), people's judges and members of the oblast court of Volgogradskaya Oblast, and also a group of people's judges from the Bashkir ASSR. In all, 327 law appliers (218 investigators and 109 judges) were questioned. Of course, in a study of this kind it is only possible to establish the subjective importance of each of the factors which determines law application errors. At the same time, the high competence of the respondents makes such replies extremely valuable.

In totalling up the results of the study it became clear that the subjective importance of each of the above-enumerated factors is determined on the basis of two criteria: the frequency with which the respondents mentioned or emphasized one or another cause of errors, and the ranking of all of the causes for errors in concrete figures. The point is that not all of the respondents named the 10 causes proposed by us, but frequently limited themselves to pointing to some of them. This resulted in the fact that the frequency of the causes noted by the law appliers does not correspond with the total number of respondents (327 people) and fluctuates from 103 to 244. As for the total sum which expresses the ranking of each of the 10 factors, it fluctuates from 498 to 610. As a result, the subjective importance of each of the factors is defined by a fraction whose numerator is the total amount of the ranking indicators, and whose denominator is the frequency with which each of the factors is mentioned. This makes it possible to deduce uniform indicators of the subjective importance for the law appliers of each of the 10 factors. They are obtained by dividing the total amount of subjective preferences by the number of times that each factor is mentioned.

A large work load is named by investigators and judges as one of the chief factors giving rise to errors in law application work. The idea that the quality of the work of law appliers is dependent upon the amount of their work load has already been expressed in the literature. Thus, according to data cited by V. N. Kudryavtsev, if among a group of judges who hear 7-10 cases a month there is an average of 1.04 annulled and 1.74 changed verdicts per year per judge, with a work load of 20 and more cases these figures increase to 2.31 and 12.96, respectively. [5] Data which establishes their employment in work in hours testifies to the large work load of law appliers.

During the survey of the working conditions of law appliers they were asked a question regarding their satisfaction with their work and their position. Most of those who replied expressed satisfaction with their work, taking note in it of elements of search, creativity, and social importance. However, of the 327 investigators and judges, 70 people (55 investigators and 15 judges) stated that their work did not satisfy them. Excessive work and a disproportionate work load for law appliers (46 people) were named as the basic reason. In this case, we are talking about investigators and judges who expressed a desire to transfer

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to other work. At the same time, many of the respondents who stated their satisfaction with their work took note of shortcomings in its organization, and, among them, a large work load figured in one of the first places.

The lack of a stable juridical practice occupies second place in the scale of factors which determine errors in the work of investigators and judges. This factor is derivative to a substantial degree from the ability and persistence of superior law application agencies in implementing the demands of unity in the understanding and application of legal norms. From a broader point of view, it is a component part of the stability of legal regulation and presupposes the relative stability of laws and of the practice of their application, and the continuity of the work methods of legal application agencies regardless of the replacement of concrete officials. [6] The fact that this factor proves to be in second place in its degree of importance for law appliers was something of a surprise, and this determines its importance.

The stability of law application practice manifests itself most vividly in the unity of the legal qualification of juridical cases of the same type. During the course of the study investigators and judges were asked to designate with figures the hierarchical importance of the factors which promote correct qualification. They singled out: 1) consultations with one's immediate chief; 2) the help of workmates; 3) the directive decrees of the plenums of Supreme Courts; 4) monographic literature; 5) commentaries; 6) departmental orders and instructions; 7) the procurator's opinion. It turned out that each of the above-enumerated factors is perceived differently by the investigators and judges. For example, for the investigators whose work position presupposes relationships of subordination in the investigatory apparatus and in relationships with the agencies of the procurator's office the greatest value is represented by such factors as: the influence of one's immediate chief, workmates, the directive decrees of the plenums of Supreme Courts, the opinion of the procurator, and commentaries. The judges, on the other hand, give first place to the role of the directive decrees of the plenums of Supreme Courts, and then to workmates, the immediate chief, and commentaries. The importance of help from the procurator in the correct qualification of juridical cases is clearly understated among judges.

Another important aspect in the establishment of a stable juridical practice is the experience of qualifying juridical cases on the level of oblast courts, the investigatory departments of the oblast administrations of internal affairs, and the oblast procurator's office. A concrete expression of the policy of these agencies in the sphere of law application is represented by their acts of control and supervision, concrete law application acts, and reviews of the practice of hearing and resolving individual categories of cases. For this reason, as additional causes of errors in law application, in addition to the proposed list, many judges name: "the formalism of the oblast court," "the unstable practice of the oblast court," and "over-insurance by rayon and oblast judges in matters of qualification." Of course, in such replies there can be felt the "age-old" purely psychological critical attitude of lower agencies toward superior ones; nevertheless, they demonstrate with sufficient accuracy the role of oblast law protection agencies in establishing stable juridical practice.

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Causes and Conditions of Errors in Law Application	Total Amount of Importance Frequency of Mention	Indicator of Factor's Importance
1. Large work load	<u>603</u> 244	2.4
2. Lack of a stable juridical practice	<u>523</u> 166	3.1
3. One-sidedness and incompleteness of the assemblage of proof	<u>537</u> 160	3.3
4. Vagueness, contradictoriness of legislation	<u>498</u> 145	3.4
5. Complexity of procedural demands upon individual juridical actions	<u>610</u> 153	3.9
6. Insufficient juridical knowledge on the part of the law applier	<u>545</u> 131	4.1
7. Unfavorable work conditions	<u>588</u> 136	4.3
8. Opposition of interested persons	<u>531</u> 117	4.5
9. Lack of work specialization	<u>575</u> 107	5.3
10. Shortcomings in the selection and disposition of cadres	<u>562</u> 103	5.4

One-sidedness and incompleteness in the assembling of proof as a reason for law application errors is placed in third place. This testifies, in our view, to a sufficiently high level of objectivity in the evaluation given by law appliers to the results of their own work. This cause, which is among the internal causes, has been treated repeatedly and in detail in the literature. [3, p 63; 7; 8] In daily practice the one-sidedness and incompleteness of proofs manifests itself in various concrete defects in the process of proof, and in an inability by the law applier to correctly analyze and evaluate the factual circumstances of a case.

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Fourth place for its degree of subjective importance was occupied by such a factor as the vagueness and contradictoriness of the legislation. In their replies to the question as to whether the legislation in effect contained imperfect norms, the investigators and judges demonstrated a quite high level of a critical attitude toward the law: Of the 327 respondents, only 46 expressed their full approval of the operating system of legal regulation, while the remainder (281) pointed to individual imperfections in the legislation which hinder effective work. A careful analysis of these replies provides grounds for critically evaluating them. The point is that most of the respondents only stated the existence of imperfect norms in the legislation; however, they did not point to concrete norms which could be characterized as obsolete, not useful, and so forth. In certain replies, one feels a desire to become free from certain procedural norms, and an endeavour to over-simplify the juridical procedural form. At the same time, many replies contain sensible proposals which have been tested by many years of practice on improving the system of legal regulation. This is witnessed, for example, by the critical analysis of the application of Articles 16 and 334 of the RSFSR Civil Code which are realized in a formal manner, and frequently in contradiction with the norms of morality. Attention is called to the lack of norms which regulate the procedure for interrogating an illiterate person, and also of norms: on halting criminal proceedings in a case as a result of the sickness of the victim which prevents a determination of the severity of the injury received by him; on verifying testimony at the site of an occurrence; and on the possibility of applying sanctions against defendants who do not appear for a court session. Note is taken of the imprecise and diffuse character of Article 206 of the RSFSR Criminal Code, of the difficulty in delimiting a qualification in accordance with Part 2 of Article 108, and Articles 102 and 103 of the RSFSR Criminal Code, and so forth.

The fifth place in the general hierarchy of causes of errors is assigned by the investigators and judges to such a factor as the "complexity of the procedural demands upon the performance of individual juridical actions." Note was taken above of the discovery during the course of the analysis of the attitude of law appliers to the legislation in effect of an aspiration to simplify the procedural form, and a desire to rid oneself of the rigid schedules for the performance of individual actions and of the complexities of procedure in so-called obvious juridical cases. This tendency was also confirmed from a documentary study of concrete errors of law application. Thus, 51 percent of the errors committed by investigators in the halting of criminal cases were expressed in important violations of procedural law. [9] While establishing the real importance of the problem of procedural form for the general dynamics of law application errors, we, nevertheless, do not believe that a simplification of juridical procedure is the only reliable and effective way to reduce errors. First of all, the law appliers themselves showed that they experience more difficulty in applying the norms of material law (175 people) than of procedural law (88 people). Secondly, the character of procedural difficulties is such that they decrease with an increase in the experience and professional expertise of the law appliers. Thirdly, any underestimation of the role of the procedural form and rejection of it means in practice a concession to legal nihilism and is capable of developing into violations of legality. For this reason, systematic



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studies by law appliers, a rise in the level of their professional expertise, the elimination of labor turnover, and the ensuring of the stability of legal regulation represent an important direction in decreasing the number of procedural errors.

Insufficient legal knowledge on the part of those who apply the law is in sixth place in the hierarchy of causes of errors. It is not difficult to see that this factor is closely connected with others, particularly, with the "vagueness and contradictoriness of the legislation," "the lack of stability in juridical practice," and others. If a law applier has an insufficient "baggage of knowledge," then the existing legislation will, of course, seem to him to be vague and contradictory, and the possibilities for the results of his work being influenced by other factors which determine errors grow. In evaluating the role of this factor a definite amount of self-criticism was demanded from the law appliers, since in their replies there was a tendency to give preference to objective conditions: work load, the instability of practice, shortcomings in the legislation, and so forth. All of this makes it possible to assume that the true importance of this factor in the system of causes of errors is much greater than the law appliers themselves believe.

Seventh place is assigned to unfavorable work conditions. This includes the social and individual psychological characteristics of the examination of juridical cases, organizational-work and housing and domestic shortcomings which hinder the effective realization of law application functions, and so forth. A concrete expression of these conditions might be nervousness in the relationships between associates, a lack of the technical means needed for successful work, personal troubles on the part of the workers, bad housing and domestic conditions, and so forth. Factors of this kind influence the quality of law application not directly, but indirectly, by creating the conditions for the commission of errors. In the questionnaire the investigators and judges classified the following among such conditions: poor work by the organizational and technical services and departments, unesthetic work places, a lack of coordination in the actions of different services, a lack of attention paid to young specialists, interference by superiors in the procedural independence of the investigator, and so forth.

Interesting information has been obtained as a result of questioning law appliers regarding their use of technical means. It turned out that investigators are more involved with technical means and make use of them more frequently and more variously than judges. Of 203 investigator respondents, 86 make use of technical means constantly, 107 use them sometimes, and only 10 people admitted that they managed without them. Of 105 judges, 73 replied that they do not use technical means, and only 32 said that they sometimes resort to them. This, in our view, is an indicator of a poor situation with the organization of labor in court agencies.

Providing workers punctually with legal information--the texts of normative acts, codes, commentaries, the decrees of plenums of Supreme Courts, departmental

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orders, instructions, and so forth--is also an important factor in creating normal conditions for the application of law. As the study has shown, this question has been solved best in the court agencies. Of 106 judges, 95 replied that they are provided with the necessary legal information, and only 11 noted shortcomings in information support. In the investigation agencies only 95 people out of 217 respondents evaluated the organization of legal information as satisfactory. I believe that the problem of punctually providing investigators with legal information has to be solved first of all by the USSR Ministry of Internal Affairs. In particular, it would be useful to create special legal information funds on the level of oblast investigatory administrations for newly hired investigators.

Eighth place in the hierarchy of causes of law application errors is occupied by such a factor as the opposition of interested persons: telephone calls, requests by relatives and acquaintances, and even "pressure" from leading workers for the purpose of a decision being adopted in which certain people are interested. Overcoming the intellectual, psychological, moral, and juridical obstacles which are created by witnesses, victims, the accused, and other individuals who are interested in the concrete outcome of a case is a frequent instance of such a situation. Let us note that no serious attention at all has been devoted to this phenomenon in science, although in the literature on court psychology there is mention of the extremely unfavorable conditions under which an investigator frequently has to work. [10] It is clear that not only investigators, but the majority of law appliers have occasion to come up against the opposition of interested persons. Overcoming this negative phenomenon goes beyond the framework of a purely psychological question, since the problem takes on a rather broad social importance. This is a result above all of the fact that the application of law is a powerful activity in the regulation of social, including personal, interests. Hence, the inevitability of overcoming conflicts and contradictions between the interests of different people. It would seem that this problem should attract the attention of such a direction of jurisprudence as the sociology of law. The study which has been conducted has shown that, in the opinion of investigators and judges, this factor causes more harm in the sphere of law application than the lack of specialization in work or shortcomings in the selection and disposition of cadres.

The lack of specialization in work as a factor which gives rise to errors in the application of law is in ninth place. The juridical literature has already taken note of the positive influence of specialization upon the quality of law application. [11, 12] The questionnaire, as a whole, confirmed this conclusion. At the same time, it testifies to the fact that law appliers do not see in a universal and all-embracing specialization a radical means for improving the quality of the examination and resolution of cases. The investigators and judges who opposed specialization motivated their position by the fact that specialization leads to "stereotypes" in work and narrows the professional interests of the law applier. Of 317 respondent investigators and judges, 250 favored the wide introduction of specialization, 61 were against, and 6 expressed an indifference to this matter. It is curious that judges were more resolute than investigators in their opposition to the idea of specialization: of 109 judges, 33 were against, while of 202 investigators, only 28 were opponents.

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The last and tenth place in the overall hierarchy of the causes of law application errors is occupied by shortcomings in the selection and disposition of cadres. I believe that this evaluation of this factor reflects the increased level of the training in recent years of cadres of law appliers, especially in the courts and investigatory apparatus. The high professional qualifications of the present-day law applier presupposes a constant improvement of knowledge and skills, a study of the new legislation, and a generalization of the practice of examining and resolving cases; that is, it demands systematic self-education, and also studies at special seminars, studies at advanced training courses, in graduate school, and so forth. In this respect, interesting replies were obtained from the investigators and judges to the question as to whether they wished to continue their education. Such a desire was expressed by 146 people out of 327 (111 investigators and 35 judges); 122 people (56 investigators and 66 judges) believed that the educational level reached by them was quite satisfactory, and 59 people did not reply. One is struck by the quite large number of judges who do not see any necessity for a further continuation of their studies. This is connected, obviously, with the age of the court workers (73 out of 109 have a work seniority of 10 and more years). Two people expressed a wish to enter graduate studies. As for the investigators, 20 stated they wished to enter the Academy of the Ministry of Internal Affairs, 17 graduate studies, and the rest were oriented toward studies in the advanced training system.

The problem of the selection and disposition of cadres of law appliers is not limited, of course, to increasing their education. Of great importance is professional selection on the basis of practical, political, moral, ideological, and psychological qualities, the creation of conditions for growth in work and the elimination of circumstances which give rise to labor turnover, and so forth. What has been said means that superior law application agencies must constantly give attention to a study of the above factors, and take measures to eliminate the negative consequences of the causes of errors. I believe that the question of the causes of errors in law application could become a special subject of discussion at a sitting of the Plenum of the USSR Supreme Court for the purpose of working out general recommendations.

The 10 basic above-examined factors which cause errors in the application of law belong chiefly to the so-called external conditions. But they have a tendency to be transformed into the internal concrete causes of errors. For this reason, the problem of the causes of law application errors has to be studied only in a complex of the external and internal factors which influence the application of law. It is not to be excluded that in the individual spheres of law application (social security, the administration of the economy, and so forth) there are specific causes of errors. The analysis of the phenomenon which has been undertaken in the present article could serve as a methodological "key" for the practice of branch special studies.

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DISTINCTIVE SIBERIAN-RUSSIAN LANGUAGE FOUND BY SCHOLAR

[Editorial Report] Moscow VOPROSY YAZYKOZNANIYA in Russian No 2, March-April 1982, carries on pp 81-89 an 8,000-word article by A.I. Fedorov titled "The Russian Language in Siberia." A linguistics specialist who works in Novosibirsk, Fedorov writes that "the Russian language in Siberia is the same Russian national language but one which has many distinctive aspects" mainly in its lexical fund but also in phonetics, morphology, and syntax. He suggests that this is the result of the lengthy contact between Russians and other groups living in Siberia. In the same issue of this journal, there is also a 2,700-word review of Fedorov's book SIBERIAN DIALECT PHRASEOLOGY. This review (pp 142-145) is by Leningrad scholar V.M. Mokiyeenko, who questions Fedorov's methodology and his conclusions.

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