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## **LYNCHING IN RUSSIAN COUNTRYSIDE (late XIX-early XX)**

Bezgin V.B.

Research actuality is due to the frequent attempts of extrajudicial killings of criminals in the country as a result of the citizens' law enforcement distrust, their doubt of deserved retribution.

Such phenomenon of legal life of the Russian countryside as a lynch mob is studied in the article on the basis of a wide range of archival and ethnographic sources. The author analyzes the crimes for which the perpetrators are arbitrarily subjected to massacre in the village. The role of the peasant community in the punishment implementation of criminals was found out. The causes of the stability of this tradition in rural society were set.

Lynching played an effective means of suppression of unlawful acts of the peasants. The collective nature of the spontaneously created killings of criminals was the result of mutual responsibility of community members and rural solidarity preservation condition. According to farmers gathering verdict gave legal force to massacre and left no doubt about the justice of the decision.

**Keywords:** village, the peasantry, the common law offense, lynching, horse stealing, theft, arson, punishment, gathering.

## САМОСУД В РУССКОЙ ДЕРЕВНЕ (конец XIX– начало XX века)

Безгин В.Б.

Актуальность темы исследования обусловлена участвовавшими в стране попытками внесудебных расправ над преступниками как следствие недоверия граждан правоохранительным органам, их сомнения в заслуженном возмездии.

В статье на основе широкого круга архивных и этнографических источников изучен такой феномен правовой жизни российской деревни как самосуд. Автором осуществлен анализ тех преступлений, за которые виновные подвергались в селе самочинной расправе. Выяснена роль крестьянской общины в процессе осуществления наказания преступников. Установлены причины устойчивости этой традиции в сельском социуме.

Самосуд выступал действенным средством пресечения противоправных действий крестьян. Коллективный характер самочинных расправ над преступниками был следствием круговой поруки общинников и условием сохранения сельской солидарности. Приговор схода придавал расправе, по мнению крестьян, законную силу и не оставлял сомнений в справедливости принятого решения.

**Ключевые слова:** деревня, крестьянство, обычное право, преступление, самосуд, конокрадство, воровство, поджог, наказание, сход.

Messages of modern media on the frequent attempts of lynching in the country are a disturbing trend. This is the evidence of citizens' doubts as to whether the law enforcement agencies are effective in tracking criminals and whether the courts judgments are just. According to contemporary sociological survey, over 80% of Russians do not believe that the government can curb crime, while 90% strongly approve of the practice of mob justice, especially for murderers, drug dealers, rapists and pedophiles [12]. Such state of public opinion determines the need to study this phenomenon in his-

torical context. The purpose of this paper is to provide an analysis of the practice of spontaneously created massacres of peasants, find out the motives of their actions, set a decision algorithm. To solve this problem the authors used a variety of sources, including case materials, the police officers' reports, newspaper reports and ethnographic information.

There are no special studies on mob justice in pre-revolutionary and Soviet historiography. Folk custom researchers tried to define the role of vigilante justice in the life of the village, but their works were mainly descriptive. Classification and examples of peasant mob justice were given by V.V. Tenishev in his research, performed on the materials of the Ethnographic Bureau [23]. According to the prerevolutionary period legal scholar I.G. Orshanskey, they (i.e. lynchings) were due to communal way of Russian village life and meet the people's notions of justice. [13] Expert on customary law and bibliographic index compiler on the issue E.I. Yakushkin considered lynching as a form of rural court, believing it to be a punishment for a crime [28]. Researchers of the Soviet era V.N. Chelidze, E. P. Busygin and others believed lynching to be original form of public punishment [3, 26]. From the standpoint of legal Russian peasant mentality T.V. Shatkovskaya has analyzed this phenomenon of legal customs [27]. Foreign historian S. Frank devoted his detailed article to the problem of the peasant mob, who treats it as a manifestation of popular culture [25]. Examining the phenomenon of "mob justice" in the revolutionary era and treating it as a form of social control the modern researcher T.I. Troshina comes to the conclusion that it served 'goals of preserving the social, intra-group solidarity support, encouragement to approved acts commitment and the manifestation of the desired collective behavior models' [24, p. 195].

According to customary law, the most serious crimes in the village were the horse-stealing and arson. According to farmers horse-stealing is a more dangerous crime than theft, excluding theft of church funds and utensils [28, p. 22]. According to a report from the Tver province, "People look at the horse-stealing as a serious offense because the horse to the peasant is so necessary that without it, he will go away" [17,

2004, v. 1, p. 484]. In the villages of the Kaluga province residents claimed that "a man without a horse is not the master, so in cases of horse theft they have taken all measures to find the stolen animals and to punish the guilty person" [17, 2005, v. 3, p. 185].

The victim saw the theft of his horse as an attack on him despite the official interpretation of such crimes by the criminal law. A man believed if the crime was directed against him, the punishment should be direct and immediate. He could not be sure that the offender would be punished at all, horse thieves cleverly hid and the county government could not often cope with this disaster on their own [17, 2005, v. 3, p. 236]

Lynching facts of horse thieves were marked by a majority of the pre-revolutionary Russian countryside researchers [15, p. 142, 23, p. 33, 18, p. 23, 14, p. 17]. The priest of the Orel province Karachevsky County Petrushkovo village Ptitsyn in his message from May 25, 1897, described the local vigilante justice, "Farmers victimize with thieves and horse thieves in their own way and can kill at all if he was caught in time and injuries are often inflicted to such people" [5, p. 586, Op. 1, file 114, p. 6]. The peasants were ruthless to horse thieves caught in the crime scene. Rural customs allowed immediate reprisals against the horse thieves. Here are some examples of mob justice. In the Kursk Province Oboyansk County Taneevka village "peasants once chased a thief who had stolen a horse, and having caught him in the woods they killed him" [2, 685 d, l. 6]. The resident of the same province Orlovsky county Kazinka village V. Bulgakov, June 30, 1898 reported in the Ethnographic Bureau: "The peasants treated horse thieves cruelly if they caught them with horses. They report to their local authorities rarely and mainly massacre by lynching, i.e. by beating them to death"[2, d 1215, p. 13]. The peasants of Red Hill village gave the horse thief a lesson and he died from beating with stakes. [11] In the Little Russian villages of Kursk province Rylskiy County the peasants inserted a klyuchka (hook, pulled out of the hay stack with) into the horse thief's anus or having stripped him naked the peasants tied him to a tree in the forest to be devoured by mosquitoes [1]. Cossacks mercilessly beat thieves with

fists, whips and sticks causing serious injuries, sometimes they put out their eyes. In the Don Cossack villages professional thieves and horse thieves were often beaten to death or cast into the water with a stone [8]. People expert E.T. Solovyov in his article about the crimes among the peasants (1900) gives examples where the horse thieves were caught, hammered nails into their head and driven wooden pins under the nails [21, p. 281]. The only thing that could save the horse thief or arsonist from death was self-incrimination in the murder. According to Customary Law peasants considered themselves not having the right to judge the sin (i.e. murder), and so passed the arrested thief into the hands of authorities.

As a rule the decision of vigilante justice was made at a gathering of householders aged 35-40 led by the village chief. The sentence was imposed without the knowledge of local authorities so that they do not prevent violence by its interference. Almost always convicted thief was put to death. For example, at the gathering the peasants of Samara province Grigoryevskaya village 3 December 1872 decided to catch Basil Andronov accused of horse-stealing and arson and deal with him. Under the leadership of the village chief he was found and killed. In the Kazan province a major thief was killed on the banks of the river by the village chief with iron scrap and buried in the sand by mutual peasant agreement. In the Saratov province six horse thieves were hanged and thrown into snow. Being caught red-handed horse thief was shot with a gun in the Vyatka province. In the Samara province the peasants did "round-ups on chestnuts" (i.e. horse-thieves), and when having found them they cast lots in order to find out the person who had to put secular gathering sentence in action [10, p. 30, 20, p. 16, 29, p. 19]. Even if the thief was not killed he was expected to be subjected to severe punishment. In the case of horse thieves' bringing to the rural municipality court that sentenced them to the maximum possible punishment - 20 strokes with rods [6, p. 107, 108]. A number of villages in the Saratov province were sentenced to 100 and 200 beats against the law [28, p. XII]. Such executions often result in the death penalty.

The existence of spontaneously created killings of criminals in the Russian village was due to the traditional peasant view of the right of "peace" to punish the guilty in spite of the prohibitions. The brutality of the peasant mob justice was aimed to inspire the community members with the fear of impending punishment, and thus to prevent the recurrence of such crimes. It is not just the existence of vigilante justice as archaic survival that we are talking about but also we are discussing the creation of a new rule of customary law in relation to specific participants and types of crimes.

The arsonists were massacred no less cruelly in the village. Fire for wooden buildings was a truly terrible disaster. The peasant household could be totally destroyed as a result of fire. Therefore, the villagers do not care to stand on ceremony with those who set fire in the village. If such an arsonist was arrested at the crime scene, then he was beaten so severely that he died [18, p. 101]. According to the correspondent of "Tambov Provincial Gazette" (1884), in Tambov County Korovino village a farmer, suspected of arson, was tied to the tail of a horse which then was driven a few hours [22]. Pre-revolutionary expert D.N. Zhbakov gives a mob example (1900) of local residents over an arsonist in the Grodno province Lepeshi village. He, in particular, says that the crowd during a fire caught a suspected arsonist and subjected him to terrible tortures: his eyes and the whole body were burned with a hot iron and then one peasant took an ax and cut off his head [7, p. 23].

The distinctive feature of the peasant mob tradition was its stability. Farmers using the destructive power of the fire in the fight against the hated landlords were formidable to those who set fire to their huts and property. In 1911, according to the Police Department in Tambov province Borisoglebsk County Rostosh village, the peasant Pastuhov, who was arrested for local rig arson, was beaten and thrown into the fire [5, p. 102, Op. d-4. , 1911, 449 d, l. 101ob]. In correspondence from the Tver province Krasnokholmsk County Muravyovo village in 1920 a description of the rural mob was given. Rural correspondent, an eyewitness of the event, described the massacre of local residents over Claudia Morozova, accused of an arson that destroyed half the village. Here is an excerpt from that letter. "There was a cry "Kill her!", and then the mad

crowd attacked Morozova with ecstatic screams and curses. The policeman could not help her and the wild lynching was done, even the kids followed their mothers in it. She was beaten by heels, logs, her hair was pulled, her clothes were torn. Women were more grievous in their attacks and children took an example with their mothers. Morozova was killed. But the crowd was not satisfied and the peasants spit on the body and then dragged her body so as to draw it in the pond " [16].

As mentioned above, the common law allows to lynch thieves. Typically, such a physical impact on the offender was of collective nature. Rural informant of the Novgorod province reported that "peasants lynched the thief caught in the crime scene: they beat him hardly and released" [17, 2009, v. 7, part 2, p. 618]. In one of the villages in the Yaroslavl province Podorvanskaya township there was a case of arbitrarily killing of a peasant who was caught while stealing canvases from the field. Unfortunately he was given fifty blows with an iron hammer on heels, so that he became legless for the whole life [17, 2005, Volume 2, Part 1, p. 527-528].

In cases of large scale theft (horses, cows, bags of flour or grain, etc.) the perpetrator was expected to be subjected to severe punishment. Examples drawn from periodicals of those years are various: for stealing a cow thief's teeth were knocked out with a hammer; thief was beaten unconsciously for stealing plough spades, then his belly was cut; for stealing honey thief's head was dropped into the water and held under water until he died; for stealing bread thieves were beaten and tied to the tails of horses riding them on the frozen field until the thieves died, the thief was found dead with his head smashed and with the stick inserted in his anus, the other end of the stick came out through the mouth, etc.

Peasants lynched thieves caught in the crime scene. The author of the review about the customs of the Orel province peasants at the end of the XIX century wrote that "criminals caught in the crime scene are being taken revenge - beaten, sometimes killed to death. Either the host or the neighbors beat them, "[5, p. 586, Op. 1, d 120 a, l. 6]. In December 1911 the Department of the Interior Ministry police received information that "in the Voronezh province Bogucharsk County Nicholskoye village three

peasants were committed lynch for burglary from a barn. One offender was killed, another was crippled, the third managed to escape. Six peasants were arrested for the lynching"[5, p. 102, Op. d-4. , 1911, 449 d, l. 104ob]. Lynching was not only the result of an emotional outburst, a manifestation of collective aggression, i.e. direct response to the crime occurred, but the action, delayed in time, not spontaneous and deliberate one. In the Voronezh Province Novokhopersk County Troitskoye village of April 13, 1911 peasants Mitasov and Popov were arrested for stealing of rye and flour from the mill. When escorting the criminals crowd of peasants were trying to fight them off with the guards so as to lynch thieves [5, p. 102, Op. d-4., 1911, 449 d, l. 52ob]. Interference of the authorities was considered by peasants as an annoying obstacle that would prevent a fair retribution.

Farmers were convinced of their right to administer vigilante justice, and the death of the offender as a result of such violence was not considered as a sin or a crime. The community was secretly burying a killed man in the course of a criminal mob, enrolling him in the list of the missing. There were cases when community was taking care of the wives and children of the executed peasants. Judicial authorities tried in vain to investigate the facts of mob justice, which became known to them. All the efforts of the police to clarify the circumstances of the incident, find the guilty persons were fruitless as a rule. It was very difficult to determine the guilty person due to the fact that all peasants' answers to investigator's questions were "beaten by the world" or they say, "Yes, we only wanted to give him a lesson. He died from fright "[2, 685 d, l. 6]. The few cases that came to court ended in acquittal which was issued by a jury of farmers [4, p. 31].

For less serious crimes, such as theft of clothes, shoes, food thieves were shamed on. Customary law provides unknown punishments to official regulations. One of these is an ashamed criminal custom, i.e. public executions humiliating his honor and dignity. Farmers' explanation of the existence of this custom is the fear of shame and notoriety [13, p. 104]. Rural naked thief was driven through the village with a stolen thing or straw clamp, while peasants were knocking on the buckets and pots [5, p. 586, Op. 1,

file 114, p. 6]. During this procession through the village everyone could strike offender. He was beaten in the neck and in the back so as he could not determine who beat him. After such public punishment thief was put in "a cold sell" and then handed over to the authorities [20, с. 15-16].

This form of punishment of the offender was of primarily symbolic. The community showed its power by symbolism and ritual of thief "driving" and warned the villagers that in the case of theft no one can escape of cars.

Collective criminal punishments in the mob were an effective means of maintaining the rural solidarity. The community strongly discourages debate, the manifestation of hostility between villagers, i.e. everything that could destroy social connections and unity of action. The villagers' participation in mob justice served as the ability to release aggression, rancor. Secular sentence preceding the lynching, attached to it legal force in the eyes of the peasants and made revenge of the victim to be less possible. Community lynching, unlike the peasants massacres, was an act of retribution which is based on the rule of law.

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#### **DATA ABOUT THE AUTHOR**

**Bezgin Vladimir Borisovich**, professor of "History and Philosophy", doctor of historical sciences

*Tambov State Technical University*

*106, Sovetskaya Str., Tambov, 392000, Russia*

*e-mail: vladyka62@mail.ru*

#### **ДАнные ОБ АВТОРЕ**

**Безгин Владимир Борисович**, профессор кафедры «История и философия», доктор исторических наук

*Тамбовский государственный технический университет*

*ул. Советская, д. 106, г. Тамбов, 392000, Россия*

*e-mail: vladyka62@mail.ru*