Criminal Prosecution of Homosexuals in the Soviet Union (1946-1991): Numbers and Discourses

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Abstract: In the first part of the paper, criminal prosecution of male homosexuals is discussed, represented by article ‘muzhelozhstvo’ of Criminal Codes of the Soviet Socialist republics. Figures for years 1946-1991 are published. Overall, the number of convicted exceeds 38,000 in 45 and a half years. As these statistics are incomplete for late 1940s – early 1950s, we have to add ‘no less than’ to this number, to underline that the exact number remains unknown. In the second part of the article, late 1960s case from Tbilisi is discussed. There, although police decided not to prosecute a group of lesbian women which was uncovered, police officers nevertheless intruded informally in private lives of these women. The intrusion resulted in a suicide of 19-year old woman. As we can see from both statistics and the individual case presented, women were not excluded from criminal prosecution of homosexuals in the Soviet Union (although women were prosecuted much less often than men). But, even when there were no legal charges made, police still intervened in private lives of lesbians. This contributes to the understanding of shared subjectivities of homosexual women and men as proposed by Arthur Clech.

Keywords: homosexuality, Soviet Union, homophobia, conviction statistics.
Criminal prosecution of homosexuals in the Soviet Union (1946-1991): numbers and discourses

Writing a history of homosexuality often turns into writing a history of homophobia. Information sources on the criminal prosecution of homosexuals are in many cases easily accessible and numerous enough to be the starting point for studying the history of homosexuality of virtually any period in any country in Europe. My research on the history of homosexuality in the Soviet Union could therefore not avoid studying and interpreting the sources that deal with the criminal prosecution of men (and, occasionally, women) for same-sex sexual activities. When doing archival research I realised that only rough estimations of the number of people sentenced in the Soviet Union for homosexual behaviour were published. So I decided to find more or less exact numbers and make these numbers public. I would also like to share my observations about the texts published by specialists in law and criminalistics during late Soviet Union decades. As the topic was discussed by me elsewhere, here I will concentrate on figures and texts omitted in my previous publications.

I would like to express my gratitude to Ira Roldugina (Moscow) who provided me with data from documents of the State Archive of the Russian Federation.

I will not concentrate here on the history of criminalisation of ‘muzhelozhstvo’ in the Russian Empire, its decriminalisation during the Great Russian Revolution in 1917 and its recriminalisation during Stalinist Thermidor in 1933-1934. This history is described by Dan Healey in detail.

Criminal Legislation of the USSR and Homosexuals

Different republics of the Soviet Union had different Criminal Codes. Although the differences were minor, they existed. I will take Belarusian Soviet Socialist Republic (BSSR) as an example.

The corresponding article, Article 235-1, was introduced into the Criminal Code of the Belarusian SSR on 30 April 1934. It reads as follows:

A male homosexual act (muzhelozhstvo) is punishable by imprisonment for a term of between three and five years.

A male homosexual act (muzhelozhstvo) committed with the use of physical violence or with the use of the dependent status of the victim is punishable by imprisonment for a term of between five and eight years.

Between 1960 and 1961 the Criminal Codes of all the Union Republics were changed. In the BSSR Criminal Code that came into force on 1 April 1961, the article was reformulated and renumbered. It also abolished the minimum punishment measure.

1 This paper was first presented at the conference Communist Homosexuality, 1945-1989 (Paris, February 2017). Later it was prepared for the publication in the conference volume; however, the book never materialised. Russian translation of this paper was published in Prajdzisvet online magazine earlier than the original paper in English: Уладзімір Валодзін, “Уголовное преследование гомосексуалов в СССР (1946—1991): цифры и дискурсы”, Прайдзісвет, №21, 15 студзеня 2019. Available online: http://prajdzisvet.org/articles/review/soviet-gays.html Alternatively available in Cadmus, the EUI research repository: http://hdl.handle.net/1814/60844


3 Throughout this text the Russian term ‘muzhelozhstvo’ is used; it is not to be confused with ‘sodomy’. Usually ‘muzhelozhstvo’ is translated into English as ‘sodomy’, but in Russian the word ‘sodomiya’ also exists, albeit with a rather different meaning. Traditionally the term ‘sodomiya’ was used to describe almost any kind of deviation from heteronormativity; most often it referred to bestiality. By contrast, the meaning of ‘muzhelozhstvo’ was very narrow; it was used to describe specifically anal sex between men. Other kinds of sexual encounters between men usually were not referred to as ‘muzhelozhstvo’. The word is used in quotation marks, as I want to distance myself from homophobic vocabulary.

4 Dan Healey, Homosexual Desire in Revolutionary Russia: The Regulation of Sexual and Gender Dissent, Chicago, 2001.

5 Крымінальны кодэкс БССР. Са змяненнямі на 1 чэрвеня 1935 года. Афіцыйны тэкст, Менск, 1935, с. 57.
Article 119. Male Homosexual Act (muzhelozhstvo)
A male homosexual act (muzhelozhstvo) shall be punished by imprisonment for a term of up to five years.
A male homosexual act (muzhelozhstvo) committed with the use of physical violence, threats or in relation to
a minor or with the use of the dependent status of the victim shall be punished by imprisonment for a term of
up to eight years.⁶

The numbers of the respective articles of the Criminal Code of the RSFSR (Russian Soviet Federative
Socialist Republic) were 154a (until 1960) and 121 (from 1961).

Soviet criminologists debated whether the age of consent was 18 or 16 years (it is 16 in present-day
Belarus). The legislation did not specify it, but it was implied that in accordance with the article, only
anal male sex (coitus per anum) could be punished. Mutual masturbation and oral sex acts were
nominally legal.

The sanction could vary depending on the Soviet Republic. For instance, the first part of Article 118
in the Estonian Soviet Socialist Republic (ESSR) provided for imprisonment for up to two years, while
the second part of Article 118 provided for deprivation of freedom for between two and six years with
exile for up to three years or without exile.⁷

**The number of people sentenced in the Soviet Union for ‘muzhelozhstvo’**

It is well-known that in the Soviet Union most statistics were kept secret. That goes for criminal
statistics as well. Before perestroika there were no published data on the total number of convictions,
but censorship allowed it to be announced that over the period between 1961 and 1973 convictions under
article 119 in the BSSR ranged from 0.02% to 0.7% of those convicted of crimes against the person.⁸

Statistics for convictions under the ‘muzhelozhstvo’ article were published by Teet Veispak in 1991 –
probably for the very first time in the history of the USSR. The figures related only to Estonia, covered
only the years 1960–1989 and came from the archive of the Ministry of Justice of the Republic of
Estonia.⁹

In his book *Homosexual Desire in Revolutionary Russia* Dan Healey includes a small appendix called
“How many victims of the antisodomy law?”¹⁰ In this supplement Healey gives archival statistical data
on the number of convictions for ‘muzhelozhstvo’ in the RSFSR for the period 1935–1950 (this
information is fragmentary and incomplete), and the number of convictions for ‘muzhelozhstvo’ in the
USSR and the RSFSR for 1961–1981. Dan Healey primarily used the statistics of the Ministry of Justice
of the USSR.

Using Dan Healey’s references to the State Archive of the Russian Federation (Gosudarstvennyj
Arkhir Rossiijskoj Federatsii, hereinafter referred to as GARF) we were able to find statistics on the
numbers convicted in the Soviet Union in general and all of the Union’s republics from 1946 to 1991.
Additionally, data on Belarus for 1946–1960 was verified by data from files of the Ministry of Justice
of the BSSR, which are stored in the National Archives of the Republic of Belarus (hereinafter referred
to as NARB). The crime statistics of the BSSR were declassified only up to and including 1960.

Information on the number of convictions under various articles of the Criminal Code can be obtained
from the completed forms №10 (until 1960) and №10а (from 1961). On these forms, which were made
in Moscow and were the same for the entire Soviet Union, there was a separate column for Article 154а

⁶ Кръмнинън кодекс Беларускай ССР (на беларускай і рускай мовах), Мінск, 1961, с. 46.
⁷ Teet Veispak, “Homosexuality in Estonia in the 20th Century: Ideological and Juridical Aspects”, *Sexual Minorities and
Society: the Changing Attitudes toward Homosexuality in the 20th Century Europe. Papers presented to the international
⁸ Іосиф Горелик і Іван Тышкевич, Вопросы уголовного права (Особенной части) в практике Верховного Суда БССР,
¹⁰ Healey, *Homosexual Desire in Revolutionary Russia*, p. 259-263.
of the Criminal Code of the RSFSR and the corresponding articles of the criminal codes of the other republics. In the reports on form №10 it is possible to see how many people were convicted in a given republic (or acquitted, or the proceedings against them that were discontinued) under whatever article. Moreover, in form №10 there is information about sentences, the social origin, gender and age of the convicts and the place of the ‘crime’ (city or village). The data for the years 1961–1991 are taken from the documents of form №10a. In these documents there are no data on the place of ‘crime’ (urban/rural), on the intended punishment, the age of the ‘criminals’ and the social groups from which they came.

From ‘gendered’ statistics it is evident that sometimes women were sentenced for ‘muzhelozhstvo’. For instance, two women were sentenced in 1951 in the USSR.\(^{11}\) In 1955, one woman was sentenced in Ukraine.\(^{12}\) As individual cases were not found by us, we only can only speculate on possible reasons for prosecution. One of probabilities is that women were prosecuted as ‘accomplices of a crime’.

The statistics do not distinguish between persons convicted under the first and second parts of Article 154a of the Criminal Code of the RSFSR (in other words, between consensual sex between adults on the one hand, and same-sex rape and sex with minors on the other). According to my rough estimations, the ratio is about 50/50, varying significantly over years and regions.

The figures on ‘muzhelozhstvo’ convictions in the USSR from 1961 to 1991 were published by me earlier, along with figures on Russia, Ukraine, Belarus, Lithuania and Moldova,\(^{13}\) but not the figures on all of the Union republics.

From the data in the table 1 it is evident that there were all-Union trends in the number of those convicted, but that in some Soviet republics over the years there is quite a significant deviation from these numbers. It is obvious that the number of those convicted depended on the attitude of the local authorities of the Ministry of Internal Affairs, the Prosecutor’s Office, the State Security Committee, and, perhaps, the party organs as well.

The available statistics suggest that in the 1940s and early 1950s there were much fewer convictions for ‘muzhelozhstvo’ than later. However, we have to keep in mind that these statistics do not include those sentenced by GULAG courts (which were separate from the Ministry of Justice system) and those sentenced by extrajudicial bodies (closely tied to the state security apparatus and the party).

One can see significant rising of convictions starting in 1957. During Brezhnev’s time, the number of convictions continued to rise, up to 1355 in 1974. The number of convicted for ‘muzhelozhstvo’ peaked during Andropov’s, Chernenko’s and early Gorbachev’s rule, with an absolute maximum of 1620 in 1985. Interestingly, in the years of Gorbachev’s perestroika the number of convicted persons did not decrease as fast as one would have expected it to, given the democratic rhetoric of the era. The inertia of the police, the prosecution and the courts was great enough to continue convicting under article ‘muzhelozhstvo’ even a few months before it was cancelled.

In some years it can be seen that the number of convicted persons increased significantly, but in the following years it went down. Perhaps it was the result of organized raids on homosexuals. Unfortunately, we cannot relate such raids to policy documents of the Ministry of Interior or the Communist Party. But the fact that such documents existed is beyond doubt. For example, in 1958, the Ministry of Internal Affairs of the RSFSR issued a special instruction on the fight against ‘muzhelozhstvo’, after which the number of prisoners held accountable for this article increased.\(^{14}\)

Overall, the number of convicted exceeds 38,000 in 45 and a half years. As these statistics are incomplete for late 1940s – early 1950s, we have to add ‘no less than’ to this number, to underline that

\(^{11}\) GARF, 9492/3/111, l. 40.
\(^{12}\) GARF, 9492/3/185, l. 12.
\(^{13}\) Valodzin et al., *Queer history of Belarus in the second half of the 20th century*, p. 24-26.
\(^{14}\) Unfortunately, it is not clear whether this directive applied only to places of confinement or to RSFSR as a whole: Dan Healey, *Russian Homophobia from Stalin to Sochi*, London, 2018, p. 42-43.
the exact number remains unknown. Apart from it, we do not have consistent and complete information on the 1930s.

Were women prosecuted for same-sex desire or not?

It is known that women were prosecuted in the Soviet Union for same-sex ‘seduction of minors’ (although, as Dan Healey has shown, 17-year-olds were considered ‘minors’). But here, consensual relations between adults are in question.

Previously I wrote on how the Soviet Union’s experts in law and criminology treated homosexual relations. To sum up the argument, there were several liberal lawyers (e. g. Pavel Osipov and Alexey Ignatov) and other specialists (e. g. sociologist Igor Kon) who in the 1970s advocated the decriminalisation of consensual sex between men. However, the bulk of experts (especially those connected to the Ministry of Interior) insisted on the necessity to prosecute ‘an intolerable kind of moral degeneration’. Most of these experts remained silent on the possibilities of prosecuting women.

I would like to elaborate on one particular case, the description of which I found in the book Sexual perversions and criminal responsibility by Boris Danielbek. A book written by the doctor of law was addressed to students of the Ministry of the Interior schools (future policemen) and employees of the same ministry (actual policemen). The book was intended ‘for office use only’.

Usually ‘Soviet’ law enforcement dealt with male homosexuality which was criminally punishable as ‘muzhelozhstvo’. But Mr. Danielbek devoted 5 pages (p. 103-108) of his book to female homosexuality (‘tribady’) as well. Danielbek warned that although tribady is not a felony according to our criminal law, it does not mean that we have to treat it indifferently. Sapphism, as a rule, is a consequence of a deep moral corruption (‘глубокое моральное разложение’) or psychopathy, therefore it is necessary to fight against all its manifestations by means of public influence (‘общественное воздействие’), carrying out of psychotherapeutic measures (‘проведение психотерапевтических мероприятий’) etc.

So, here is the case of a suicide of 19-year old G. in Tbilisi.

The police was informed that women systematically gather in a certain apartment and indulge in lesbian love. The flat was owned by V., a wife of a commercial worker (“жена торгового работника”). Investigation ascertained that the apartment was frequented by 7-8 women who engaged in intimate relations, but the owner of the apartment had no material or financial interest in it. Quite often she bought food and drinks for her guests herself. So there were no signs of den-keeping (“притоносодержательство”), therefore the criminal case was closed.

However, a “prophylactic measure” was taken: the stepfather of 19-year old G. was invited to the police station where he was informed that G. had been visiting the flat and became involved in ‘tribady’ by her 24-year old friend U. The stepfather decided to marry off G., and that was done. I have to note that the stepfather's decision to marry off G. (and especially its successful implementation) was rather specific to Georgia; it would have been less likely in other parts of the Soviet Union. During the wedding night G. committed suicide by throwing herself out of a window.

As subsequent investigations have shown, G. grew up as a quiet, obedient child, had good marks at school, but always avoided boys. After finishing high school she started to work as a secretary in an

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16 Valodzin et al., Queer history of Belarus in the second half of the 20th century, p. 13-18.
18 Борис Даниэльбек, Половые извращения и уголовная ответственность: Учебное пособие, Волгоград, 1972. (Для служебного пользования)
19 Даниэльбек, Половые извращения и уголовная ответственность, с. 104.
office where she made friends with U. who worked there as a book-keeper. G. frequently stayed for the night at her friend’s place, and soon she was seduced. U. had been married, but after one month of family life left her husband because of disgust for sex with men. Colleagues from the office were aware of a love affair between U. and G., but gave little significance to it. Danielbek notes:

Almost every adult person knows about muzhelozhstvo as a kind of perversion, but by no means everyone knows about lesbian love. It is explained not only by the low extent to which tribady has spread, but as well by the disregard towards sexual enlightenment of girls. It is absolutely evident that in case similar ‘amorousness’ of two men was noticed, it would make fellow-clerks alarmed. The same relationships between women passed without attention of the community (“общественность”), the timely intervention of which might prevent a future development of the ‘friendship’ in-between them and, consequently, the tragic outcome.20

So he removes responsibility for the death of the young woman away from police officers, her stepfather and husband, and claims that the indifference of her fellow-clerks towards lesbianism and incorrect upbringing were instead to blame.

Then Danielbek continues to discuss same-sex relations between women, citing old authors like Auguste Forel, Wilhelm Steckel and even Guy de Maupassant. More importantly, he quotes in length from the (otherwise unknown) work of E. Rakhimov On the issue of sexual perversions in correctional facilities of the Ministry of Internal Affairs for children (“К вопросу о половых извращениях в детских исправительно-воспитательных учреждениях МВД", Moscow, 1952).

The case was again discussed by Alexey Ignatov in his book Qualification of sex crimes; the book was also intended ‘for office use only’.21 Ignatov is otherwise known as a liberal. For instance, in the same book he advocated decriminalisation of sexual encounters between adult men.

But in this case, Ignatov insisted, Tbilisi police had to prosecute the owner of the flat where G., U. and other lesbians met.22 Article 226 of the RSFSR Criminal Code (1960) was understood by different lawyers in different ways. The article was called “Содержание притонов и сводничество” (“Den-keeping and procuration”) and included “содержание притонов разврата” (“keeping of dens of debauchery”) as one part. Ignatov underlined that ‘perverts’ had to be taken into account when speaking about dens: “Under contemporary conditions we ought to give wider definition to a den of debauchery as a premises which are systematically granted to different persons to satisfy their sexual needs both in natural and in perverted form”.23 Ignatov argued that an owner of a flat where other people met to have sex had to be punished irrespectively of whether he or she was paid or not.

The social danger of keeping a den of debauchery consists largely in the fact that conditions are created for mass depravity and disorderly sexual intercourse which undermine the fundamentals of socialist morality, and not so much in the fact that a keeper receives material gain. Keeping of dens of debauchery leads to demoralisation of youth (especially women) and often is directly linked to prostitution.

In a number of cases when dens of debauchery are created in which numerous persons are involved, a keeper does not have mercenary motives, does not aim at extraction of material gains, but wishes to participate in the organized mass depravity. Socially dangerous nature of denkeepers’ activities is not dependent on the motive by which a perpetrator was guided in his or her conduct.24

In line with Soviet Union official prudery Ignatov also insisted on punishing the owners of places where heterosexuals met to have casual sex. “Den-keeping” was punishable with up to 5 years of imprisonment.

Through this story we see one of the possible mechanisms for police harassment and even criminal prosecution of lesbians in the Soviet Union. It is quite obvious that possibilities to socialise and to find

20 Ibid, с. 105.
21 Алексей Игнатов, Квалификация половых преступлений, Москва, 1974. (Для служебного пользования)
22 Игнатов, Квалификация половых преступлений, с. 241-242.
23 Ibid, с. 238-239.
a safe location for sex were extremely limited for homosexuals (both women and men) in the Soviet Union. Small gatherings at private flats were one of very few options. But owners of such flats came under the threat of criminal prosecution.

Of course, when we now read about this case we ask ourselves: why those two men, G's stepfather and her husband, were not prosecuted for driving the young woman to suicide? Also, possibly, the husband should have been prosecuted for rape.

The RSFSR Criminal Code (1960) included Article 107 “Доведение до самоубийства” (“Driving to suicide”). However, the article stood idle when homosexual people were driven to suicide by their relatives or other members of society. Unfortunately, the situation is very similar still in some parts of Eastern Europe.

**Concluding remarks**

As we have seen from both statistics and the individual case presented, women were not excluded from criminal prosecution of homosexuals in the Soviet Union (although women were prosecuted much less often than men). Or, even when there were no legal charges made, police still intervened in the private lives of lesbians. This contributes to the understanding of shared subjectivities of homosexual women and men as proposed by Arthur Clech. Previously among scholars and activists who studied the fate of homosexuals in the Soviet Union there was an understanding that homosexual men were living under the threat of criminal prosecution and homosexual women – under the threat of psychiatric treatment. But now we can see more and more clearly that there was no strict divide between men (who were criminalised) and women (who were pathologised), for men were sent to psychiatric facilities as well, and women were not safe from going to prison or experiencing police harassment.

Decriminalisation of homosexual behaviour happened in the former union republics only after the collapse of the USSR (in Russia in 1993, in Belarus in 1994, in Georgia in 2000 etc.). Unfortunately, it did not happen in all of 15 countries (Uzbekistan and Turkmenistan still continue to prosecute men for same-sex relations). The decriminalisation did not lead to any kind of official apologies to victims of the homophobic legislation.

It is evident that victims of the homophobic law need to be rehabilitated and compensated for the years spent in prison because of their victimless ‘crimes’, as happened recently in Germany. However, the current Belarusian political regime, with its homophobic inclinations, gives little hope in this regard. In Russia the situation is even worse. (I will not speculate here about the Georgian situation which I do not know well enough). However, when we are unveiling documents on the number of people sentenced, we have this strategic aim in mind.

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Table 1. The number of people prosecuted for ‘muzhelozhstvo’ in the Soviet Union (1946—1991)

<table>
<thead>
<tr>
<th>Year</th>
<th>USSR</th>
<th>RSFSR</th>
<th>UkrSSR</th>
<th>BSSR</th>
<th>AzSSR</th>
<th>GSSR</th>
<th>ArmSSR</th>
<th>TurkSSR</th>
<th>UzSSR</th>
<th>TajSSR</th>
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<th>KirSSR</th>
<th>MSSR</th>
<th>LitSSR</th>
<th>LatSSR</th>
<th>Essr</th>
<th>KFSSR</th>
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<td>39</td>
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<td>1²⁹</td>
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<td>10</td>
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<td>6</td>
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²⁸ If one case from Belarus is added, the total number of convicted in 1946 equals 83, not 82.
³¹ The sum of numbers of convicted in the republics in 1950 equals 193, not 190.
³² The sum of numbers of convicted in the republics in 1951 equals 196, not 187.
The sum of numbers of convicted in the republics in 1953 equals 185, not 187.
Criminal prosecution of homosexuals in the Soviet Union (1946–1991): numbers and discourses

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[34] The sum of numbers of convicted in the republics in 1980 equals 1122, not 1119.

**Criminal prosecution of homosexuals in the Soviet Union (1946–1991): numbers and discourses**

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Abbreviations:
- USSR – Union of Soviet Socialist Republic
- RSFSR – Russian Soviet Federative Socialist Republic
- UkrSSR – Ukrainian Soviet Socialist Republic
- BSSR – Byelorussian Soviet Socialist Republic
- AzSSR – Azerbaijan Soviet Socialist Republic
- GSSR – Georgian Soviet Socialist Republic
- ArmSSR – Armenian Soviet Socialist Republic
- TurkSSR – Turkmen Soviet Socialist Republic
- UzSSR – Uzbek Soviet Socialist Republic
- TajSSR – Tajik Soviet Socialist Republic
- KazSSR – Kazakh Soviet Socialist Republic
- KirSSR – Kirghiz Soviet Socialist Republic
- KFSSR – Karelo-Finnish Soviet Socialist Republic
- MSSR – Moldavian Soviet Socialist Republic

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36 The sum of numbers of convicted in the republics in 1990 equals 736, not 732. The difference (4) is equal to the number of convicted in Estonia.

37 The abovementioned arithmetical mistakes of Moscow clerks make a difference of 21 person sentenced. If we take it into account, the final number is 38006.
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The European Commission supports the EUI through the European Union budget. This publication reflects the views only of the author(s), and the Commission cannot be held responsible for any use which may be made of the information contained therein.