

Summer 1939

Juvenile Delinquency Under the Soviets

Nathan Berman

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Nathan Berman, Juvenile Delinquency Under the Soviets, 30 *Am. Inst. Crim. L. & Criminology* 68 (1939-1940)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

JUVENILE DELINQUENCY UNDER THE SOVIETS

NATHAN BERMAN

The Soviet Union, especially during its early stages, constituted a dynamic composition of radical ideas and conservative institutions and interrelationships. The problem of juvenile delinquency is a case in point. Juvenile delinquency under the Soviets was a social phenomenon which had its roots deeply imbedded in the economic and social structure of old Russia. Statistics show that it had been on the upgrade ever since the beginning of the century. It continued to increase during the years of the war, civil strife, and foreign intervention, reaching the high peak during the year of 1921. While the problem itself remained unchanged in its form and intensity during the first years of Soviet existence, the Soviet approach to the problem was a striking contrast to that of the old order.

"The Soviets (Councils) of workers, peasants, soldiers and sailors," as the full title used to be known, came to power in Russia in November 1917. In January 1918, only a few weeks after the capture of power, and at a time when the fate of the new state was still very much in the balance, the Soviet government proclaimed, and immediately put into operation, a very important, child welfare law. It was the Magna Carta for the Russian, under-privileged child. It provided for the separation of juvenile offenders up to about 17 or 18 years of age to whom criminal prosecution could not be applied. They could not be tried by the People's Court nor committed to penal institutions. Instead, "Commissions for the affairs of juveniles" were set up to handle these juvenile cases. These Commissions consisted of a judge, a pedagogue and a physician. Their approach to the juvenile was not in terms of his offense but in terms of his personality make-up. The disposition was determined by the degree of the juvenile's "social neglect," physical condition and personality. Under no circumstances could the Commission commit juveniles to a penal institution, no matter how serious or felonious their offenses happen to be. These youthful offenders could be treated only along "medical-pedagogical" lines.

This approach to the young offender continued in operation for about seventeen years; thru the most trying years of Soviet existence, such as civil war, foreign intervention, the great famine of 1921, social dislocation and economic disorganization. In April 1935 a governmental decree ordered a sweeping reorganization in the field of juvenile delinquency. The Commissions were abolished. Juvenile offenders, 12 years of age and over, charged with major offenses were placed under the jurisdiction of the People's Court and thus, nominally at least, were made subject to criminal prosecution. It furthermore provided that all adults, found guilty of contributing to the delinquency of a minor, were to be sentenced to five years correctional labor. This decree was followed by another, more comprehensive one, issued a few weeks later. The latter provided for the extension and improvement of child-care facilities for creating additional and more adequate recreational and welfare centers, and called for more careful and intelligent understanding of the needs of children on the part of parents, educators and the community generally.

Space does not permit to set down all the official reasons and many more unofficial speculations tending to explain this drastic reorganization. This much appeared certain—that the government was visibly displeased with the existence of considerable numbers of youthful offenders during the second Five Year Plan at a time when, to quote from Stalin's speech setting up the Stakhanov movement in 1935, "life became better; life became joyous." The young offenders of the 30's, official commentators pointed out, were no more victims of scarcity of a ruined economy, but rather the product of indifference during a period of prosperity. This was witnessed by the fact that the great majority of those juveniles arrested in the Soviet Union in the 30's were living at home at the time of their arrest, had been attending school and were quite representative of the children of that particular period. Not objective social conditions, but faulty subjective attitudes were held responsible for lawlessness among the youth during the second Five-Year Plan. To meet this challenge the government felt that a more flexible and more dynamic judicial structure had to be set up.

The Courts which assumed jurisdiction over juvenile cases after April 1935 were either special branches or selected judges of the People's Courts designated to handle such cases. In form, these Courts were very much like the Courts in present-day Russia. They consisted of a presiding judge, two lay assistants, (drawn

from a panel submitted by shops, factories and other industrial units) a prosecutor and a public defender; (in juvenile cases the presence of a public defender was obligatory). When the occasion warranted, a psychiatrist would be called in and he or she would be present during the whole course of the proceedings, with right to participate in them.

The author went to the Soviet Union for the purpose of studying the subject of juvenile delinquency in the summer of 1935, shortly after the 1935 reorganization went into effect. In the course of the subsequent months of observation and study, he witnessed a good deal of fumbling and awkwardness which usually go with first steps, but he also noticed earnest and sincere intentions to improve the services. It appeared then, and is being borne out by up-to-date data, that while the judicial changes meant sacrifice of form, their prevention and treatment objectives remain the same. The Soviet youthful offender is generally still treated in accordance with his needs and is not punished for his misdeeds.

The 1935 reorganization is quite consistent with the Soviet Socialist philosophy. The Bolsheviki regard that generally "juvenile crime, like that of adults, in its origin and development, is the direct product of the structure of the capitalist society." Until the Five-Year plan got under way around 1930, the Soviet Union, while aiming at Socialism, actually had many of the ills and drawbacks which they generally attribute to the capitalist form of economy. Juvenile delinquency during that period was more or less accepted as the inevitable by-product of the existing economic conditions and the young offender was treated as a victim of such conditions. But with the abolition of unemployment, with the constant rise in the economic and cultural level of the people, the persistence of this problem was a thorn in the flesh of the Soviet philosophy of crime and delinquency. A thorough study of the problem in the 30's convinced the Soviet authorities that a young offender of this period was primarily a neglected or a wilfully misguided youth. The shift was thus made from viewing the problem as a consequence of social dislocation, to that of individual responsibility, or rather, individual irresponsibility. And so following the April, 1935, reorganization, whenever a juvenile delinquent was on trial, almost invariably there were adult co-defendants with him. The latter were usually parents or guardians who were either charged with neglect, an offense which carried a fine sentence, or with contributing to the delinquency of a minor, which

carried the heavy penalty of five years' involuntary labor. Thus, while theoretically the courts could treat the juvenile committing a more serious offense on a par with the adult offender, actually this has not been the rule. The young offender has been and still is treated on the basis of his "social neglect," while the adult on the other hand, if found guilty of contributing to the delinquency of a minor is ordinarily punished in accordance with the letter of the law.

The following incident well illustrates the approach of the Soviet court toward child defendants. The author witnessed a trial of two girls, about fourteen or fifteen years of age each, charged with petty thievery and delinquencies of various sorts. The trial had progressed to the point where the girls were about to be called to the witness stand. Shortly before that, the two girls whispered something to each other and when the judge called one of them to testify, she refused to do so, stating that she was hungry and wanted to be served first. The judge pleaded with her, appealed to her Socialist spirit, assuring her that if she cooperated soon everybody would adjourn for lunch, but the girl would not yield. The result was an adjournment.

It was of special interest to watch the court analyze a juvenile delinquency case. It was not merely a matter of establishing the guilt or innocence of the defendant. The court—the prosecution and the defense—tried to establish the type of adult co-defendants before them. Were these adult defendants just ignorant or malicious? Had they been in the past socially useful, or shiftless and lazy? Did they act on their own, or were they perchance anti-Soviet elements trying to undermine the Socialist order? The judicial approach, thus, was never a strictly legalistic one but always looked for the meaning or implication of an anti-social act. The court was also interested in the mentality or intelligence of the defendant. In arriving at a decision, the testimony of the psychiatrist, read in full in open Court, constituted an important factor. With crime, both adult and juvenile, on the downgrade, there seems to be a greater acceptance of psychological and psychiatric factors in crime and a greater emphasis on individual therapeutic approach.

It is, however, the correctional institution which embodies most graphically the Soviet criminological ideology. While there is a wide range of types of juvenile and adolescent correctional institutions in the Soviet Union, the following characteristics are present in various degrees in all of them:

Employment: There is work of a useful and productive nature for everybody in all correctional institutions, even in those where criminally mentally defectives are detailed. The inmates get paid for the work performed. In the more advanced institutions the pay is in accordance with prevailing union scale.

Self-Government: Some form of group participation in the life and affairs of the institutions is universal in the Soviet Union. All sorts of activities are fostered and stimulated and the extent of one's participation is an index of the degree of the individual's rehabilitation. In the case of the "open" Communes, every phase of the community's activities—industrial, educational, health and recreational—is in the hands of the inmates themselves. Even admissions and leaves are passed upon by committees composed entirely of members of the Communes.

Other Forms of Self-Expression: There are various forms of self-expression carried on by the inmates of Soviet correctional institutions. The most important one is the newspaper. There is either one posted on the wall at regular intervals, or a regular newspaper published and distributed within the community and outside of it. These papers are serious enterprises and deal with vital aspects of the life in the institution and in the country. Their contents range from self-criticism and criticism of the administration, to pep-talks about production, to general propaganda and literary contributions. Some very far-reaching reforms and improvements have been accomplished in many an institution thru the aid of articles or exposés which appeared in the institution newspaper. Other forms of expression are dramatics, music and particularly sports, which seemed to have swept the Soviet youth off their feet.

Discipline: Corporal punishment, including the bread and water diet, is strictly prohibited by law, which as far as one could determine, is being generally adhered to in practice. The most effective disciplinary method seems to be social pressure thru self-edited newspapers, general assemblies and various committees. Beside this, there is the denial of privileges and finally, a measure resorted to in extreme instances, a transfer to an institution of more rigid form of discipline.

The effect of the newspaper as a means of discipline is illustrated in the following instance: Among the students of a type of industrial school, there was one who stood out by his personal untidiness and general negligence. This conduct was severely criticized in an article written by one of the boys, which appeared

in one of the periodic issues of their wall newspaper, posted for everybody's reading. The author of the article was specific in naming his object of criticism and the forms of misconduct. No sooner was this paper posted when this article, together with the mat, disappeared. Since no one saw the act committed, no measures were taken to bring anyone to justice; but in the next issue, a cartoon appeared in the very same place where the previous article was, showing the culprit, knife in hand and a mean expression on his face, cutting up the newspaper. This cartoon did not disappear, and according to the various testimonies, a certain young man mended his ways radically.

The Soviet juvenile correctional institutions are operated by the Commissariat of Education, or the G.P.U. Division of the Commissariat of the Interior. The institutions under the Commissariat of Education resort a good deal to methods of psychology, psychiatry and modern pedagogy. The Communes under the Commissariat of the Interior depend most heavily upon self-government, personal initiative, and particularly, on productive labor. The Communes idea is unquestionably the last word in criminological courage and daring.

Space permits only a general reference to these unusual community-institutions for the wayward and criminal. The first one, Bolshevo, which is probably the most widely known, was organized in 1924 by the G.P.U. At present there are a number of these Communes all over the country. In 1936 Bolshevo had a population of about 10,000 people, one-third of whom were "inmates," the rest their immediate families and relatives. Bolshevo, as is true of the other Communes, is a modern village in every sense of the word. The right to vote and to hold office, however, is confined to the inmates only.

After the institution, what? In the case of the Communes, it is no problem at all for the simple reason that hardly any of the graduates care to leave the place. Of 1,000 "graduates," only 2% preferred to go elsewhere after being given a clean bill of health. As for the other institutions, nobody needs to leave the place without a suitable job, that is, a job suitable to his ability and needs. Such arrangements are made for him before he is ready to leave. Provisions are also made for those who care to study and vocationally train themselves. Among the graduates of the Soviet correctional institutions are doctors, scientists, musicians and professional people of note. Some of the directors of the Communes are former inmates

of these very institutions. All these started from the very bottom, and received their elementary and higher education while at the institution.

What about prevention? After all, regardless how successful a treatment program may be, it is the eradication of the entire evil that will prove decisive in the long run. One could deliver a long dissertation on this subject alone. Here too, only some of the highlights may be mentioned.

Education: Up to 14 years of age, education is compulsory in the Soviet Union. Beyond that, the government is encouraging higher education through direct subsidies and grants. They also have what is known as factory-schools for those who must work part time, as well as those who look for short cuts to industry. The point is, that no one needs to quit school for financial reasons.

Employment: The right to a job has been written into the Soviet constitution which has recently been adopted. There is a job or position for everybody with many jobs left unmanned. No youth needs to worry about what he will do after he graduates from school. Furthermore, such jobs as messenger work, running errands, newspaper selling or shoe-shining are reserved for those who reach the mature age of 50 or over. Youths are kept where they may be of greatest use to themselves and to society.

Crime publicity, stories about crime, their commission and detection, are kept out of the Soviet press and literature. The amount of space devoted to such events is only a few lines, stuck away in an inconspicuous corner, like the obituaries in our papers. Where some of our papers display crime and scandal, the Soviet papers play up industrial improvements, achievements in sport, and aviation. That is their propaganda.

The movies, too, are entirely free from pictures about gangsters and G-men, robbers and coppers. Their pictures are in the main of an educational and recreational nature in the best sense of the word. While they usually contain a pro-Soviet twist, they are never based on cheap sensationalism. The Soviet children's movies and theatre houses—and there is a growing number of them all over the country—are so far superior to our commercialized places of entertainment, that one has to see them to appreciate their character-building value.

Adding to these educational-recreational outlets, one ought to mention at least the extensive camps, national and cooperative,

which in addition to building the body, also mold the mind, again, in step with the customs and point of view of the land.

The Soviet youth is not a sort of casual, uninvited visitor in a society where he is expected to spend the rest of his life, as it is the case with young people elsewhere. From early childhood on he is told that everybody is "building socialism" and is shown how he can contribute his share. He may guide his younger brothers or sisters, the Octobrists, or try to set straight a wayward adult. The "we" feeling is constantly and generally emphasized. Thus, whereas, elsewhere, stealing generally means taking something from someone else, in the Soviet Union the impression the authorities try to give is that stealing is taking something that actually belongs to one's self. Considering the extent of opportunities for participation in communal life for all ages and sexes, this distinction is far from an illusion.

The "we" feeling does not only operate in relation to the delinquent alone. The community at large is offered opportunities to cooperate with the law enforcing agencies in the fight against lawlessness and crime. Most people in the Soviet Union contribute a few hours a week voluntary service in one capacity or another which they speak of as "social work." This may express itself in assisting the police to regulate traffic, aiding in the building of the magnificent subway system, cooperating at the juvenile centers (places of first detention for mild offenders), or tasks of similar nature. There are furthermore, the "comradely courts" a small body of people elected by neighbors of a given building or group of buildings where "clothes line" disputes and unbecoming conduct such as drunkenness and child neglect may be taken up and, if possible, settled out of court. In addition, such topics as child-care, public welfare, marriage and divorce, abortions and the like are widely discussed through the press by means of loud speakers in market places, at factory and shop-meetings and other media. If some Soviet citizens remain ignorant on these subjects, it is not because of lack of information.

Perhaps the most enviable feature of the Soviet juvenile delinquency program is the fine cooperation of forces concerned with the handling of the problem. There does not exist any artificial line of demarcation between those who study the problem in theory and between those who deal with it in practice. The Soviet government, local as well as federal, is aware of the need of the psychologist, psychiatrist, and criminologist as it is of a judge, prosecutor,

and law enforcing agents in general. Whatever difference of opinion that may exist—and there are such differences—the various points of view are aired out in the press, in the scientific journals and at conferences. The results of such discussions are published for workers in the field to familiarize themselves with. If these discussions are of general interest, they will find their way into the Soviet daily press. For a study of some of the shortcomings of the Soviet institutions there is no better place than the official press itself, for criticism and self criticism appear to be an integral part of the Soviet life.

The foregoing paragraphs constitute an attempt to cover considerable ground. In so doing, the author is mindful of the risk of generalizing where he should have been specific and of simplifying where concreteness was indicated. Its greatest drawback, however, is in what has been omitted. If space permitted, one should have shown how the Soviet program of rehabilitating the wayward and delinquent is so closely linked up with the Soviet approach to life in general. This approach to the law violator is primarily based on practical consideration. Because of this, the Soviet authorities undoubtedly agree with our former Attorney General, the Honorable Mr. Cummings, not only that “they all come out” but that they should come out not brutalized but “humanized,” fit and ready to take an active and useful part in society.