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SOVIET CRIMINOLOGY AFTER THE REVOLUTION*

LOUISE SHELLEY**

INTRODUCTION

Crime as a social problem was an important subject of research for Soviet scholars during the first two decades following the Russian Revolution. Extensive criminological research both of a statistical and of a theoretical nature flourished in the Soviet Union during the 1920's. The Soviet scholarship of this period differed significantly from the psychoanalytical and sociocultural schools that were emerging in the United States. The diversity and level of sophistication of crime research conducted by early Soviet researchers has been duplicated on a mass scale in the West only in the post-World War II period. Soviet research in the 1920's therefore is of interest not only to the specialist on Soviet society, but to all criminologists interested in the philosophical and historical development of their discipline.

The predominate topic of research was the personality of the offender. Scholars also studied such diversified problems as crime causation, the fight against criminality, penology, typology of criminals, and the effect of social and economic conditions of criminality. The majority of the research was thorough and of a high intellectual caliber. Original research was conducted on movies and crime, commission of crime by females, and the geography of criminality. Innovative research methods were used in studying the psychology of prisoners and penitentiary methods. Diaries and other writings were used to analyze the prison experience, and several experimental prisons themselves were established by different criminological research institutes to study the effects of incarceration on the convict.

This article discusses the analytical methodolo-

* Research on this article was completed at the Russian Institute, Columbia University and at the Criminal Law Department, Moscow State University. The majority of sources used in this article can be found outside the Soviet Union at the Library of Congress, Harvard University International Law Library, and the Library of the University of Paris. See Solomon, *A Selected Bibliography of Soviet Criminology*, 61 J. CRIM. L. & C. 393 (1970).

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gies and the actual criminological research of the first two decades following the 1917 Russian Revolution. The article argues that the first period of Soviet research on crime, 1917-36, provided great insight into the social history of the period, insights not readily available from other sources. The population movement, the changing roles of the sexes, urban and rural living conditions, and the changing family structure which resulted from the years of revolution and civil war were all discussed by scholars in terms of their impact on criminality. These social conditions, otherwise ignored in research of the period, were central to Soviet scholarship on crime patterns in those years. It is only by examining the primary topics of research and the actual studies themselves that one begins to understand early Soviet criminological scholarship.

RESEARCH METHODOLOGIES

Psychologists, psychiatrists, physicians; statisticians, and lawyers, each applying the methodology of his discipline to the study of crime, conducted criminological research in the Soviet Union during the 1920's. The anthropological school of criminology was based upon the belief that inherent physical traits of the individual are responsible for his criminality. On the other hand, psychologists and psychiatrists performing criminological research were concerned primarily with the motivation of the individual offender. These scholars focused on the mechanisms of human behavior in isolation from the social environment. Psychological profiles of different categories of criminals and the personality of the deviant offender were primary research focuses of scholars employing psychological and psychiatric methodology. The social-economic approach to crime and the factor theory of criminality concentrated their attentions on the social structure of society and its impact on the criminal activities of the individual offender. These studies carefully correlated social development and crime patterns and examined the effects of societal forces on different categories of offenders.¹

¹ See, e.g., Shirvindt, *O problemakh prestupnosti*, 1 PROBLEMY PRESTUPNOSTI 3 (1926); Gosudarstvennyi, *institut po izuchenii prestupnosti za 1924-1928 godu*, 2 ADMINISTRATIVNYI VESTNIK 52 (1939).

Researchers used data from a variety of sources in their analyses of the dynamics of criminality and the personality of the offender. Statistical data provided by the court, the police, and prison authorities and supplemented by personal interviews, field studies, and the written and artistic products of offenders served as the researchers' data base. Detailed data were also available from all republics, on the age, sex, social, financial, and residential patterns of arrested offenders. While certain institutes were aligned with one or the other of these methodologies, distinctions became blurred in the research of scholars affiliated with the different institutions conducting criminological research.

PERSONALITY OF THE OFFENDER AND OFFENDER TYPOLOGIES

Gertsenzon and Noi,² historians of Soviet criminology, contend that the study of the offender's personality predominated Soviet criminological research in the 1920's. The research on the personality of the offender was complex because it examined both the social and the psycho-physical traits of the individual. Such research required careful analysis of many aspects of the social, psychological, and biological traits of the offender which contributed to his criminal activities.³ These studies examined such general factors as the criminal's family background, educational background, professional and social status, and medical history, as well as such specific characteristics as the criminal's level of intoxication, psychological state, and financial status at the time of the offense.⁴ These studies of the offender's personality, which focused both on particular categories of offenders and on the multidimensional criminal, employed a variety of research methodologies. Such methodologies included the analysis of criminals' tattoos, writing, and artwork.

Deeply concerned by the uninterrupted growth in the murder rate after the revolution, criminolo-

gists throughout the Soviet Union devoted significant effort to understanding the personality and motivation of the murderer. *Results of Bio-Social Research on Murderers*, published in Rostov, analyzed murderers using such social variables as educational level, political and professional associations, social origin, living conditions, and residence.⁵ It also analyzed such biological variables as inheritance, skin construction,⁶ and the symmetry of the skull.⁷ The collection *Murder and Murderers* analyzed the behavior of the murderer in the same terms as the Rostov study. It concluded that most murderers were peasant youths between the ages of seventeen and thirty,⁸ who suffered from psychological illnesses as well as intellectual retardation and physical disorders. A similar study, *Murderers*, concluded that murder was a crime committed by the lower classes. In the countryside, murder resulted primarily from economic motivations, while in the city it resulted primarily from the primitive superstitions of displaced peasants.⁹ Research conducted in Byelorussia substantially corroborated these findings.¹⁰

Studies on embezzlers concluded that social conditions, the disruption of the economy, and the unavailability of goods, rather than the peculiarities of the human personality, were responsible for the increased frequency of embezzlement. The authors of *Embezzling and Embezzlers* discovered that a disproportionate percentage of these offenders were orphans unable to finish school. The authors hypothesized that the offenders' sense of deprivation, which was the product of these early life experiences, stimulated their later criminal activity.¹¹ The authors concluded that the offenders viewed embezzlement as a form of compensation for the difficulties they encountered in early life.¹² Less extensive, similar work was conducted on other categories of offenders such as thieves, prostitutes, and sexual offenders.¹³

⁵ V. BRAILOVSKII, *OPYT BIO-SOTSIAL'NOGO ISSLEDOVANIJA UBIITSY* 76 (1929).

⁶ *Id.* at 116-17.

⁷ *Id.* at 158.

⁸ UBIISTVA I UBIITSY 24 (E. Krasnushkin, G. Segal, & C. Feinberg eds. 1928).

⁹ *Id.* at 61.

¹⁰ Spasokukotskii, *Deiatel'nost gosudarstvennogo instituta po izuchniiu prestupnosti i prestupnika*, 4 PROBLEMY PRESTUPNOSTI 149 (1929).

¹¹ Ukshe, *Detstvo i semeinyi byt rastratchikov*, RASTRATY I RASTRATCHIKI 72 (1926).

¹² Petrova, *Individual'no-sotsial'nye faktory rastraty*, RASTRATY I RASTRATCHIKI 188 (1926).

¹³ See, e.g., Grodzinskii, *Privychnaia i professional'naia prestupnost'*, 12 VESTNIK SOVETSKOI IUSTITSII 336 (1924).

² Gertsenzon, an active scholar from 1920 to 1970, was the author of numerous books and articles. Some of his most distinguished works are *BOR'BAS PRESTUPNOST'IU V RSFSR* (1928), *PRESTUPNOST' I ALKOGOLIZM V RSFSR* (1930), and *UGOLOVNOE PRAVO I SOTSIOLOGIIA* (1970).

Noi, a contemporary criminal law scholar teaching at Saratov University, wrote on the history of Soviet criminology in his recent book *METODOLOGICHESKIE PROBLEMY SOVETSKOI KRIMINOLOGII* (1975).

³ Noi, *supra* note 2, at 41.

⁴ See, e.g., Iu. BEKHTEREV, *IZUCHEIE LICHNOSTI PRESTUPNIKA* (1928); M. Gernet, *PRESTUPNOST' I SAMOUBIISTVA VO VREMIA VOINY I POSLE NEE* (1927); *IZUCHEIE LICHNOSTI PRESTUPNIKA V SSSR I ZA GRANITSEI* (1925).

The 1920's was a period of such constant social change that profiles and typologies of offenders that were established lost their validity frequently within a few years. While the study of the personality of the offender, the principal subject of criminological research in the first half of the 1920's, was later followed in the West, the conclusions reached by Soviet scholars on the subject have not had similar lasting value.

PATTERNS OF CRIMINALITY

Scholars of the period were aware that crime was not an isolated problem but was rather a vital barometer of the inability of many Soviet citizens to adjust to the social upheaval of the period. Soviet criminologists of the 1920's believed that the patterns of criminality directly reflected social, economic, and political developments in the U.S.S.R. Studies of the character and of the quantity of criminality were examined in relation to the changing role of the sexes, population movement, the economic policies of the NEP, agricultural collectivization, and the destruction caused by the revolution and the Civil War. The observations of Soviet criminologists on the nature of the crime in a rapidly changing society made this scholarship of lasting value.

Criminologists correlated observed patterns of criminality with early developments in Soviet society. They focused on the effects of war, famine, and the first years of the NEP on crime and the population. After the revolution and during the civil war, the overall amount of violent crime increased and the economic crimes of speculation and theft of personal and state property rose dramatically. Criminologists thought that the famine of 1921 and the introduction of the NEP in 1922 had their greatest impact on economic crimes rather than violent offenses, although some analysts observed an increase in both categories of criminality. Criminologists failed to agree on the manner in which famine and the NEP effected different economic crimes.

Overall trends in crime were easily observable. Generally, researchers of the period agreed that crime reached its peak in 1924, declined until the end of the 1920's,¹⁴ and then rose when the state added political opponents to the ranks of the criminal population. The most characteristic feature of

crime in the first half of the 1920's was its rural nature. One researcher found a correlation between the degree of urbanization and the level of crime¹⁵ and the type of crime in city and country. He observed that the higher the level of urbanization, the greater the level of economic crimes.¹⁶ Additionally, women's contribution to criminality was greater in the urban environment than in the rural.

While the difficult adjustment of the population to societal changes resulted in the increase of many categories of crime, some stability was noted as the 1920's progressed. In the middle of the decade, theft, swindling, and premeditated murder remained at stable rates.¹⁷ Despite this stabilization, the crime rate remained high in the Soviet Union. While the difficulties of assembling and reporting the full range of offenses resulted in an artificially low crime rate for the nation, the overall reported crime rate was still considerable—168.8 offenses per 10,000 persons.¹⁸

Statisticians correlated the shifts in criminality with population shifts and political developments in urban and rural settings. Statistical analysis on the geography of crime was not limited to comparisons of urban and rural patterns of crime commission. An important aspect of the statistical study of the geography of crime was the analysis made of the location of crime within a specific environment. In Moscow, researchers focused on the location of crime within the city.¹⁹ In another study, Leningrad researchers theorized that the location of the city close to the border contributed to the presence of more serious forms of crime than were found in other areas of the Soviet Union. They reasoned that Leningrad's proximity to the border facilitated escape.²⁰

The analyses of crime patterns of women were among the most unusual and advanced criminological research produced in the period. The increased awareness of the role of women in Soviet society, combined with the unprecedented rise in women's contributions to total crime commission resulted in significant discussion of female criminality. Valuable insights into the relationship be-

¹⁵ Rodin, *supra* note 14, at 91.

¹⁶ *Id.* at 99.

¹⁷ See, e.g., M. GERNET, *PRESTUPNOST' ZA GRANITSEI I V SSSR* (1931).

¹⁸ Gosudarstvennyi institut, *Kharakter dvizheniia prestupnosti za 1924-1928 gody*, 2 ADMINISTRATIVNYI VESTNIK 56 (1930).

¹⁹ See, e.g., *PRESTUPNYI MIR MOSKVI* (M. Gernet ed. 1924).

²⁰ Uchevatov, *Prestupnost' v leningradskoi gubernii v 1923g*, 8-10 RABOCHII SUB 87 (1924).

¹⁴ See, e.g., Tarnovski, *Dvizhenie prestupnosti za 1922-1923 gg*, 28 *EZHENEDEL'NIK SOVETSKOI IUSTITSII* 647 (1924); Rodin, *Gorodskaiia i sel'skaia prestupnost'*, 2-3 *PRAVO I ZHIZN* 94 (1926).

tween the role of women in society and the level and type of their criminality were provided by early Soviet criminologists. As early as 1923, Rodin noticed an increase in the crime rates for women. Female criminality generally was of an economic rather than a political nature.²¹ Rodin observed that while the criminality of women had increased, it had not diversified.²² Soviet women, like their prerevolutionary predecessors, were convicted primarily of crimes against the person, property crimes, and administrative offenses. M.N. Gernet found that the crime rate for women had doubled since the prerevolutionary period.²³ Unlike Rodin, Gernet stressed that the criminality of women had not only increased in number but had diversified in form.²⁴ According to Gernet, women committed more violent crimes and, for the first time, were committing embezzlement, forgery, and bribery.

Gernet's commentary on female criminality was highly sophisticated for its time because it related the dynamics of female crime commission to the changing role of women in society. Gernet attributed the increased participation of women in the illegal production of alcohol to their search for new forms of financial support, resulting from the destruction of their traditional livelihood by the revolution and civil war. Furthermore, the increased exposure to violence and the availability of weapons also explained the increased participation of women in violent crimes.

Penological questions received continued study throughout the 1920's. Scholars examined the prison experience and studied inmates of penal institutions. Gernet's *Notes of Prison Psychology* was based on the journals, memoirs, and writings of both Russian and Western intellectuals whom the state imprisoned. Gernet explored the psychology²⁵ of the incarcerated individual as well as the subculture of prison. His psychological observations focused on the experiences of educated people and, therefore, did not always represent the feelings of ordinary inmates.

A unique study of prison inmates was conducted simultaneously with the population census of 1926. The study addressed questions of recidivism, lit-

eracy, occupation, social position, and the age of offenders.

In 1926, the new criminal law code substituted the term "social defense" for the term "punishment." Many scholars at criminological institutions, inspired by the new terminology, developed alternatives to punishment. As a result, experimental penitentiaries were established in Moscow and Saratov. The programs were distinguished by their introduction of nonpunitive programs such as medical treatment and social-pedagogical measures for adult and juvenile offenders.²⁶ Psychiatrists, psychologists, and sociologists²⁷ worked together in these experimental penitentiaries. There they devoted special attention to the mentally ill and the addicted criminal. By examining the effect of the regimen and of the educational, work, psychiatric, and medical-pedagogical programs on the prisoners, recommendations were made for modifications of institutional policies.²⁸

INNOVATIVE RESEARCH TOPICS

Soviet scholars not only kept abreast of the criminological developments of their time, they also pioneered new areas of criminological research. In addition to their innovative research on the psychology of the offender and on penology, criminologists in the U.S.S.R. pioneered the discipline of victimology by suggesting that the victim of violent crimes might share partial responsibility for the offense. Researchers explored the victim's share in criminal culpability and studied means for adjusting legal responsibility for the crime.²⁹ Although they developed a broad conceptualization of the problem, they failed to study the numerous implications of their hypotheses.

Soviet research on the effects of movies on criminality preceded Western research on the subject by a decade. As a result of these studies, five Leningrad researchers, in an unprecedented discussion of the effect of films on crime, developed guidelines for future cinematic policy.³⁰ These scholars criticized the glorification of negative heroes, overemphasis on sexuality, and thematic

²⁶ *Id.* at 299; Bekhterev, *Eksperimental'nyi penitentsiarnyi institut*, 6 SOVETSKOE PRAVO 122 (1926).

²⁷ Spasokukotskii, *Deiatel'nost' gosudarstvennogo instituta po izucheniuiu prestupnosti i prestupnika*, 3 PROBLEMY PRESTUPNOSTI 241 (1928).

²⁸ Bekhterev, *supra* note 26, at 122.

²⁹ Spasokukotskii, *Deiatel'nost' gosudarstvennogo instituta po izucheniuiu prestupnosti i prestupnika*, 2 PROBLEMY PRESTUPNOSTI 243 (1927).

³⁰ *Kino i prestupnost'*, 8-9 RABOCHII SUD 730 (1928).

²¹ Rodin, *Prestupnost' muzhchin, zhenshchin i nesovershennoletnikh v 1922 godu*, 79 BULLETEN TSENTRAL'NOGO STATISTICHESKOGO UPRAVLENIIA 70 (1922).

²² *Id.* at 67.

²³ Gernet, *supra* note 4, at 135.

²⁴ *Id.* at 134-35.

²⁵ Gernet, *Ocherki tiuremnoi psikhologii*, 3 PRAVO I ZHIZN' 65 (1922).

presentations of Soviet films of the period. They reached three resolutions. First, there should be greater supervision of children's movie attendance. Second, movies should be used to propagandize Soviet law. Third, extraordinary caution must be applied to the depiction of crime, sensationalism, and sexuality on the movie screen.³¹

Much of the pioneering criminological research of early Soviet scholars stopped after the introduction of the politicized 1926 criminal code.³² While research on the fight against crime in the first half of the 1920's included materials on crime prevention and the context in which the offense was committed, studies on the subject after 1926 were much narrower. The books and journals, published after the adoption of the 1926 code, primarily focused on political crimes to the exclusion of more traditional forms of crime.³³

REPRESSION OF CRIMINALITY

With the politicization of criminology in the 1930's, researchers turned their attention to the purge of the state's political enemies. Detailed discussions of the fight against political and economic crimes predominated academic scholarship. Books and leading journals interpreted criminality primarily in political terms and neglected analyses of the motivations for crime commission, the character of the offender or the level of criminality. The articles and books of the period justified the means of repression employed against kulaks, wealthy peasants who were the primary victims of Stalin's collectivization campaigns; speculators, the remnants of capitalist society; and the Central Asian and Caucasian nationalities who adhered to their outlawed native Moslem traditions.³⁴

Beginning in 1929, Stalin simultaneously launched an intensive drive for collectivization of agriculture and a campaign against the kulak opposition. The secret police were responsible for implementing the program by minimizing opposition. They sought legal scholarship to justify their purges of the kulaks. Scholars responded, justifying the mass extermination of the kulaks with articles cataloguing the generally high rate of criminality among kulaks and their reputed terrorist acts of

murder, arson, and assault against workers, members of collective farms, and teachers.³⁵

In 1929 and again in the late 1930's, numerous articles focused on the fight against vestigial crimes that existed outside the Slavic population of the Soviet Union. The criminal code proscribed many of the tribal customs pertaining to marriage and sexual relations. Articles commented on the vestigial crimes conducted against the private lives of women in the Moslem societies of Central Asia and the Caucasus.³⁶ Scholars were confident that with time these vestigial practices would disappear,³⁷ but in the interim they believed that these crimes should be the focus of a well-organized abolition campaign. Soviet officials were committed to the repression of the religious and cultural practices of Central Asia and the Caucasus because they believed that political dominance over these non-Slavic peoples was possible only through the destruction of Moslem traditions.

The increased discussion of the fight against crime in the 1930's was not motivated by a desire to control deviant behavior, but was the result of politically inspired policy decisions. The arrest of Soviet Moslems and the liquidation of numerous kulaks and speculators represented a purge of political opposition rather than control of actual criminality. The criminological establishment, by discussing these politically motivated arrests in scholarly terms, helped legitimize repressive policies at the expense of serious criminological scholarship.

CONCLUSION

Significant intellectual scholarship on crime and the subsequent misuse of criminological scholarship occurred during the first two decades of the Soviet period. From 1917-36, original and penetrating research on crime focused on the criminal within the context of his society. Progress was made in statistical, theoretical, and penological studies of criminality. Though scholars did not employ the sophisticated statistical techniques used by modern Western scholars, they were careful to base their conclusions on methodologically sound research. With Stalin's ascent to power, criminological re-

³¹ *Id.* at 732.

³² Solomon, *Soviet Criminology: Its Demise and Rebirth, 1928-1963*, 1 *SOVIET UNION* 127 (1974).

³³ See *KLASSOVARIA BOR'BA I PRESTUPNOST'* (E. Shirvindt ed. 1930) and the journal *KLASSOVAIA BOR'BA NA SOVREMENNOM ETAPE* (1933).

³⁴ See Shirvindt, *supra* note 33; Mitrichev, *Spekuliatsiia i bor'ba s rei*, 2 *PROBLEMY UGOLOVNOI POLITIKI* 85 (1936).

³⁵ Lebedev, *Bor'ba s kulakskimi terrorom v zapadnoi oblasti*, 6 *SOVETSKAIA IUSTITSIA* 8 (1930).

³⁶ Digufov, *Bor'ba s bytovymi prestupleniami v avtomnykh oblastiakh*, 2 *EZHENEDELNIK SOVETSHOI IUSTITSII* 57 (1929).

³⁷ Makarov, *Bytovoie prestupleniia na severnom kavkaze*, 18 *EZHENEDELNIK SOVETSKOI IUSTITSII* 413 (1929).

search suffered as it became a propaganda tool for the government. Stalin not only politicized the existing criminological research, he impaired the methodological foundation for the later development of criminology.

In the first years after the 1917 revolution, when Soviet criminologists were allowed to pursue their research without impediments, they achieved a stature at least the equal of that of their colleagues in western countries. However, significant crimi-

nological scholarship terminated as the Soviet criminal justice system and Soviet criminologists were pressed into service as ideological supporters of the repression of political opponents of the Soviet regime. This examination of the history of early Soviet criminology raises serious questions concerning contemporary Marxist claims that socialism leads to a progressive legal system and improved criminology which better serves the interests of the masses.