

**Explaining and Preventing Crime in the Soviet 1970s:  
the Institute of Criminology and  
*Problems in the (American) War on Crime***

*Rhiannon Dowling*

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Rhiannon Dowling is a PhD Candidate in the Department of History  
at the University of California, Berkeley.

**Abstract:** This paper explores the changing conversation about crime in the Soviet academy during the Brezhnev era. In the early 1960s, scholars spoke of crime as a capitalist phenomenon that would be eliminated as socialism matured into communism. As a result, criminologists always showed an interest in crime studies from the paragon of capitalism, the United States. Yet as the 1970s wore on, and crime in the Soviet Union appeared to be far from extinction, the Soviets' interest in the analogous problems of their cold war rival took on a new character. I argue that their attention to the American crime problem not only allowed the Soviet scholars to openly discuss aspects of criminal justice and the war on crime that the two countries had in common without upsetting Soviet authorities; it also allowed them to develop a transnational professional identity as scholars which both affirmed Soviet ideology and transcended it.

## **Explaining and Preventing Crime in the Soviet 1970s: the Institute of Criminology and *Problems in the (American) War on Crime***

Crime in the Soviet Union was an issue that attracted as much interest as it did trepidation for all of the more than seven decades of the country's existence. In the initial years after the 1917 revolution, crime was counted among the many holdovers from the nascent capitalism of the old regime, exacerbated by social upheaval and civil war. Then, in the years of the New Economic Policy (1921-1928), crime of all sorts (along with the legal codes that governed its definition) was tolerated and explained as a temporary product of the break in socialist construction that the country was forced to take in order to recover after the Civil War. With Stalin's rise to power and declaration that socialism had been built, the crimes that drew the most official attention were connected to 'counter-revolution,' loosely and arbitrarily defined, and formed the legal foundation for the mass executions and terror that later came to define the era.

After Stalin's death, the harbinger of 'thaw'-era reforms was Khrushchev's gulag amnesty of 1953. In an early attempt to check the unprecedented explosion of incarceration rates reached under Stalin, the new leader released millions of prisoners serving time for criminal (not political) offenses.<sup>1</sup> To deal with this population influx, legal experts and party officials dreamed up myriad community-based projects for rehabilitation and reintegration of former inmates, and it became a top priority of the new government to understand the causes of crime and to eradicate criminality once and for all. How, officials and scholars asked themselves, could crime and criminals continue to exist in a society in which capitalist economic and social relations—long understood to be the root causes of crime—had been effectively eliminated? Their answers illuminated the harsh realities of Soviet life, and pointed to the need for more patience and time to effect change both in society and in wayward individuals. Yet by the mid-60s, the "soft line" approach that officials adopted early in the Khrushchev era was replaced with a hard line focus on tough sentencing for offenders. It had turned out that criminals were more difficult to reform, and Soviet society less

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<sup>1</sup> Miriam Dobson, *Khrushchev's Cold Summer: Gulag Returnees, Crime, and the Fate of Reform After Stalin* (Ithaca: Cornell University Press, 2009), 5, 9.

welcoming of them, than anticipated in the optimistic years of the ‘thaw.’<sup>2</sup>

With very few exceptions, Soviet historiography does not mention the problem of crime again until after 1985, when Gorbachev came to power and began to release contemporary crime statistics.<sup>3</sup> After that point, rampant crime became a prominent feature of any discussion of Soviet and early post-Soviet society.<sup>4</sup> For many this proved the hypocrisy and decrepitude of the Soviet system itself; for others it proved the dire consequences of its destruction.

There is a noticeable lacuna in the history of Soviet crime where the 1970s are concerned. These years in the Soviet Union are known as a time in which economic stagnation and the political bankruptcy of the socialist regime reached their nadir. However, they also represent a high point in international cooperation for the Soviet Union, particularly with the West. This was likewise an era in which ‘wars’ on crime began to occupy a much more prominent place in official policy and rhetoric. And while the accepted, to the point of being by then trite, explanation for crime’s existence remained linked to holdovers from capitalism and influences from the outside capitalist world, crime scholars during this period began to work more closely with their “bourgeois” colleagues: participating in international organizations and conferences, and conducting joint studies with them, as well as reading their work, and making foreign crime problems the subjects of their own work.

This paper focuses on the writings of researchers at the All-union Institute for the Study and Prevention of Crime (Institute of Criminology) under the State Procuracy. The formation of this institute in 1963 established criminology as a policy science whose researchers were to inform

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<sup>2</sup> *Ibid.*, 10-14, 238-239.

<sup>3</sup> Additional studies of crime and criminal justice in the Khrushchev era include Jeffrey Hardy, *Khrushchev’s Gulag: The Evolution of Punishment in the Post-Stalin Soviet Union, 1953-1964* (Ann Arbor: UMI, 2011), and Brian LaPierre, *Hooligans in Khrushchev’s Russia: Defining, Policing, and Producing Deviance during the Thaw* (Madison, Wisconsin: University of Wisconsin Press, 2012). Discussions of crime and criminology after 1964 can be found in Peter Juviler, “Crime and its Study,” in Henry W. Morton, Rudolf L. Tokes, and John N. Hazard, *Soviet Politics and Society in the 1970s* (New York: The Free Press, 1974), 220-223; William A. Clark, *Crime and Punishment in Soviet Officialdom: Combatting Corruption in the Political Elite, 1965-1990* (Armonk, NY: M. E. Sharpe, 1993); Yuri Feofanov, *Politics and Justice in Russia: Major Trials of the Post-Stalin Era* (Armonk, N.Y.: M. E. Sharpe, 1996); Walter Connor, *Deviance in Soviet Society; Crime, Delinquency, and Alcoholism* (New York: Columbia University Press, 1972).

<sup>4</sup> See for example: Tawnia Sanford, “The Creation of Criminal Russia,” *Canadian Slavonic Papers / Revue Canadienne des Slavistes*, Vol. 41, No. 3/4 (September-December 1999), pp. 391-413; and Eliot Borenstein, *Overkill: Sex and Violence in Contemporary Russian Popular Culture* (Ithaca: Cornell University Press, 2007).

Soviet criminal law, and crime prevention programs.<sup>5</sup> Arguably, theirs was an institution, formed at the end of Khrushchev's tenure, which persisted in maintaining the optimism and naiveté of the 'thaw' long past its end and far into Brezhnev-era stagnation. Throughout this period, scholars in the Institute of Criminology continued to publish theoretical and practical works which affirmed the Marxist-Leninist foundations of their field: insisting that crime was, in fact, slowly declining in the Soviet Union with the eradication of capitalist economic relations; that the Soviet criminal justice system was oriented towards re-education and that this strategy was effectively rehabilitating criminals into good Soviet citizens; and that for both of these reasons Soviet criminal justice was far superior to that of bourgeois capitalist countries.<sup>6</sup>

It is this last point that I will explore in this paper. Because of the fact that these criminologists continued to reaffirm 'thaw'-era ideological positions about crime in the Soviet Union long past the point where evidence could support them, their voices are generally ignored by historians attempting to uncover the realities of crime and the state reaction to it in the Khrushchev and Brezhnev eras. This paper is an attempt to take another look at their positions in light of the fact that these same scholars, ideologically hamstrung though they appeared to be in the 1970s, not only managed to have an influence on the criminal policies of Brezhnev regime, but also remained leaders in their fields through the fall of the Soviet Union and establishment of the post-Soviet order. I argue that not only did these scholars continue to advocate humanist legal reforms long after the end of the 'thaw,' but that the opportunities they had in the 1970s to read and interact with their peers in the West and particularly in the U.S. allowed them to develop and articulate critiques of both bourgeois and Soviet criminal justice and to form a corporate identity which both affirmed Soviet ideology and transcended it. I try to show that attention to and explorations of the crime problems of the American "enemy" in the 1970s allowed these Soviet scholars to address the problems of their own society while still maintaining not only ideological orthodoxy but also a sense of superiority over their ideological and geopolitical competitor.

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<sup>5</sup> Connor, *Deviance in Soviet Society*, 33.

<sup>6</sup> See for example, *Kriminologiya* (Moskva: Iuridicheskaiia literatura, 1968).

The field of Soviet criminology first emerged after the revolution, and throughout the 1920s the diversity and quality of Soviet criminological thought and research matched and even surpassed that of its western counterparts.<sup>7</sup> Its practitioners, many of whom came from the social sciences in the imperial academy, worked throughout the first decade of the Soviet Union's existence with little interference from the new Soviet state. After 1925, their work won the support of the law enforcement authorities and the ministry of higher education, and their main center became the State Institute for the Study of Crime and the Criminal under the NKVD. In criminology, as in other social and human sciences, Marxism had not yet been codified into a rigid dogma, and there were still debates about its application to the study of man and society. For criminologists, there was a materialist and a voluntarist side to these debates; the first stressed the inevitability of crime and held that immanent laws of human behavior could be discovered, but not modified. Crime, for the materialists, contained a major genetic component. The voluntarist school of thought, on the other hand, was made up of scholars who focused on the role of consciousness and ideas in causing crime. They held that intervention could change criminal behavior, and that dialectical materialism could play a role in altering the thought processes that produced crime.<sup>8</sup>

Some scholars of the Soviet Union argue that the tendency towards voluntarist explanations for crime began a somewhat hostile takeover of the criminological field at the end of the 1920s.<sup>9</sup> Attacks on the "biologists" in crime studies were couched in the rhetoric of class struggle, with many scholars accusing them of resurrecting the bourgeois determinism of 19th century Italian positivist Cesare Lombroso, whose anthropological work on criminality explained the phenomenon as a congenital defect in certain individuals, rather than an inexorable product of bourgeois property relations.<sup>10</sup>

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<sup>7</sup> Louise Shelley, "Soviet Criminology: Its Birth and Demise, 1917–1936," *Slavic Review* 38, no. 4 (December 1979): 614-626.

<sup>8</sup> Connor, *Deviance in Soviet Society*, 27-32.

<sup>9</sup> *Ibid.*, Bauer, *The New Man in Soviet Psychology* (Cambridge, Harvard University Press, 1952); Alexander Erlich, *The Soviet Industrialization Debate, 1924-28* (Cambridge: Harvard University Press, 1960). Louise Shelly, "Soviet Criminology: Its Birth and Demise, 1917–1936," *Slavic Review* 38, no. 4 (December 1979); Peter H. Solomon Jr., "Soviet Criminology: Its Demise and Rebirth, 1928–1965," *Soviet Union* 1, no. 2 (1974): 122–40.

<sup>10</sup> Francis Cullen and Robert Agnew, *Criminological Theory: Past to Present (Essential Readings)*, 3rd edition (Los Angeles, CA: Roxbury, 2006), 8-9.

The dominant line in the Soviet academy increasingly came to emphasize the social determinants of crime—a position which reflected the legal ideology behind the 1922 Soviet criminal code. This code was supposed to provide the framework for revolutionary justice, which purportedly differed from bourgeois justice in that it stressed the educative function of criminal law over the punitive, and was not so rigid as to be unable to evolve with the changes in the political and social system wrought by the ongoing building of socialism. In theory, the justice system would gradually be loosened from the confines of the written law, which was considered to be a tool of oppression by the ruling class, and turned over to the discretion of judges and ultimately to the Soviet people.<sup>11</sup> In the study of crime as well as in the administration of justice, it was essential that man be understood to be corrigible. Likewise, a living and mutable legal system was thought to be a better means towards the end of correcting wayward citizens than an inflexible legal code.

Not long afterward, however, Stalinist amendments ossified the criminal code as the new official rhetoric declared socialism built, and proclaimed the need for stability in the law. Debates in the academy about the nature of crime were also gradually curtailed, and the “revolutionary” theory of law increasingly criticized from on high.<sup>12</sup> The field of criminology’s concomitant “emasculatation” owed to the reformism implicit in its continued existence, but also, Peter Solomon contends, to the fact of its irrelevance to the greatest perceived problem for the Stalinist policing and justice organs: the elimination of class enemies.<sup>13</sup>

For these reasons, researchers were virtually silent about issues of criminality throughout the 1930s, 1940s, and much of the 1950s. Yet at the very beginning of the ‘thaw’ era of legal and

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<sup>11</sup> Connor, *Deviance in Soviet Society*, 27-32; John N. Hazard, *Law and Social Change in the U.S.S.R.* (publ. under the auspices of the London Institute of World Affairs, 1953), 87-91; Harold J. Berman, *Justice in the U.S.S.R.: an Interpretation of Soviet Law* (Cambridge: Harvard University Press, 1963), 24-28.

<sup>12</sup> Shelley, “Soviet Criminology,” 622.

<sup>13</sup> Solomon, “Soviet Criminology,” 127-28; A. A. Gertsenzon, “Aktualn’nye problemy teorii sovetskoi kriminologii,” *Voprosy bor’by s prestupnost’iu* 6 (1967), 7; later Soviet criminologists, like Gertsenzon, when writing about the history of their field, stressed the bio-psychological inclinations of early Soviet research on crime, and attributed its demise to this tendency’s ideological fall from grace. Recent works on Soviet human sciences point out, however, that while objective research on criminality was ended under Stalin, the work of scientists of crime was used to bolster Stalinist criminal policy—oriented towards the suppression of class and political enemies—and drew heavily from the bio-psychological school of criminological thought so maligned by marxist criminologists; see Daniel Beer, *Renovating Russia: the Human Sciences and the Fate of Liberal Modernity, 1880-1930* (Ithaca: Cornell University Press, 2008), 168; Kenneth Pinnow, *Lost to the Collective: Suicide and the Promise of Soviet Socialism, 1921-1929* (Ithaca : Cornell University Press, 2010), 234.

social reforms precipitated by the death of Stalin, institutes for the study of crime and correction were reopened, and debates about the causes of crime restarted. This time, however, there were fewer disagreements among the major figures in the field over the ideological assumptions upon which their work should be based.<sup>14</sup> Biological and psychological explanations for criminality were rejected wholesale by the leading criminological research institutes, and any research which entertained the possibility of inherent criminality was denounced as bourgeois neolombrosianism.<sup>15</sup> Though criminologists after Stalin (some of whom had survived from the pre-Stalinist days) sought to distance themselves from the “biologists” of the early years, they saved their harshest critiques for bourgeois criminologists abroad.

In fact, an essential element of the ‘thaw’-era criminologists’ professional self-definition was their difference from the bourgeois criminologists of the United States and Western Europe. They critiqued their western counterparts on a few basic grounds. First, western researchers maintained what the Soviets considered a neolombrosian focus on the personality of the individual offender tantamount to presuming criminality was inherent and not societally determined. “In bourgeois criminology,” according to a major criminology textbook from 1968, “several different schools of thought, to a greater or lesser degree, connect crime to biological characteristics which are passed on genetically...Such affirmations of the innate character of criminality or the predisposition of an individual to crime which inevitably come from ‘natural scientific’ conceptions on the part of criminologists, lead to the most reactionary legal measures and government policies.”<sup>16</sup>

In addition to its alleged focus on the biological and hereditary causes of crime (a critique easy enough to dismiss in light of the variety of positions to be found in contemporary American debates), according to Soviet scholars, “bourgeois criminology presumed the eternal nature of

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<sup>14</sup> Solomon, “Soviet Criminology.”

<sup>15</sup> Peter Solomon, “Specialists in Soviet Policy Making: Criminologists and Criminal Policy in the 1960’s” (master’s thesis, Columbia University, 1973), 34-35. Solomon asserts that, while biological explanations were rejected on ideological grounds, the accompanying ban on the psychological study of criminal behavior was only an inheritance from the past that many 1960s criminologists would fight to overcome. A. A. Gertsenzon, “Aktualn’ye problemy teorii sovetskoi kriminologii,” *Voprosy bor’by s prestupnost’iu* 6 (1967), 10-11. Gertsenzon writes that criminologists learned from the 20s when lombrosianism and bourgeois sociology had a particularly pernicious effect on the first growth of the field, and that even in 1967 it is not impossible that bourgeois influences could re-emerge in the work of his colleagues.

<sup>16</sup> *Kriminologiia*, 24-25.



crime, of the impossibility of eradicating it...” and the fact of its “allegedly existing in any social system...”<sup>17</sup> Soviet criminologists, on the other hand, saw crime as an unavoidable product of capitalist relations alone; for them, it was only in a society of inevitable class antagonisms that crime was inevitable. Under the conditions of socialism the end of crime was inevitable, and its eradication facilitated by socialist law-makers and scholars of crime and the methods they devised for preventing it.<sup>18</sup> The main problem for Soviet scholars and officials was not to manage crime as a permanent aspect of society; their job was to explain why the inevitable reduction in crime that should come with the development of socialist justice and the consciousness of the Soviet people was happening unevenly, with some places and some crimes slower to disappear than others.

In these discussions, the definition of crime was rarely problematized; Soviet crime scholars for the most part accepted the definition of crime laid out in the Criminal Code of 1960 and saw all violations of the laws alike as expressions of anti-social impulses, albeit with major differences among individual criminals and types of crime.<sup>19</sup> It was surprising to Soviet criminologists in the 1960s that, in the western academy, there was even disagreement about the very definition of crime. They saw that in American and Western European discussions of crime it had a relative meaning, not necessarily connected to the strict legal definition. This lack of an overall united opinion on the content and the breadth of the subject that they studied led western criminologists to “disconnects in investigations, unnecessary repetition, collisions and eclecticism,” according to their Soviet colleagues. This was a product of the fact that there was no one public good in the conditions of capitalism, defined as it was by class antagonism.<sup>20</sup> Conversely, in Soviet society crime could be defined in terms of illegality, because the Soviet criminal code was created in the interests of the entire population of Soviet people, and not just those of the ruling class.

Another common critique of western criminology was that its practitioners worked in the

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<sup>17</sup> *Kriminologiya*, 15, 28.

<sup>18</sup> V. K. Zvirbul', "O sotsial'no-istoricheskom aspekte issledovaniia prichin prestupnosti (stat'ia pervaiia)," *Voprosy bor'by s prestupnost'iu* 9 (1969), 17.

<sup>19</sup> Iu. D. Bluvshstein, "Lichnost' prestupnika kak predmet kriminologicheskogo issledovaniia," *Voprosy bor'by s prestupnost'iu* 13 (1971), 3-21.

<sup>20</sup> S. B. Alimov, "Nekotorye prolemy issledovaniia antiobshchestvennogo povedeniia v sovremennoi amerikanskoii kriminologii," *Voprosy bor'by s prestupnost'iu* 12 (1970), 192-193.

academy, independently from the practices of law-making, corrections, and law enforcement. In the Soviet Union, on the other hand, criminology had much more practical impact because of its relationship to the administration of justice and the police. Whereas criminology in the U.S. and Britain was housed institutionally in Sociology departments, and in much of Western Europe in Law departments, in the Soviet Union the main research organizations were in state universities and institutes connected to criminal justice and law enforcement. Peter Solomon contends that when criminology was revived after Stalin's death, it was expected to be ideologically compatible with Marxist theory, but that the field did arguably benefit from the Soviet government's dependence upon it to help in its crusade to eliminate crime. Soviet criminologists gave up some ideological control for the chance to directly influence government policy. While relatively independent from the government ideologically, the trade-off for western criminologists, according to Solomon, was that they were only able to "influence[...] the administration of criminal justice tangentially and... mobilize[...] only small experimental programs of crime prevention."<sup>21</sup>

More than anything, Soviet criminologists criticized their western colleagues for their blindness to the real cause of crime: the contradictions in the capitalist system which thrives on inequality, greed and competitiveness. For the Soviet scholars, crime had a comprehensible and universal cause, and this was capitalist social and economic relations. According to the authors of the 1968 criminology textbook, the economic base of capitalism, as well as its superstructure, by its very nature begets the social reasons for crime, and crime grows in quality and quantity in proportion with the growth of the general crisis of capitalism.<sup>22</sup>

Crime in the Soviet Union had long been thought to result from either "holdovers" from pre-revolutionary Russia, or from influences coming from the outside bourgeois countries.<sup>23</sup> In either

<sup>21</sup> *Kriminologiya*, (Moskva: Iuridicheskaya literatura, 1968), 16; Solomon, "Specialists in Soviet Policy Making," 2, 19-21.

<sup>22</sup> *Kriminologiya*, 11.

<sup>23</sup> "Leninskie idei o putiakh preodoleniia antiobshchestvennykh iavlenii v sotsialisticheskom obshchestve," *Voprosy bor'by s prestupnost'iu* 11 (1970), 46; A. B. Sakharov and L. A. Boloshina, "Obshcheteoreticheskie problemy kriminologii," (Theoretical problems of criminology), *Voprosy bor'by s prestupnost'iu* 20 (1974), 16; see also Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, policing, and producing deviance during the Thaw* (Madison, Wisconsin: University of Wisconsin Press, 2012), Kindle Edition, chap. 1; and Sharon Kowalsky, *Deviant Women: Female crime and criminology in revolutionary Russia, 1880-1930* (DeKalb, Ill: Northern Illinois University Press, 1999), 16; Kowalsky points out that this was particularly true of the early Soviet understanding of crime among women, whose physiological cycles (which they considered to be the source of particularly 'feminine' crimes like

case, tendencies defined as capitalist or bourgeois were found to persist within Soviet communities, households, and individuals, despite the elimination of capitalist or bourgeois economic relations. Throughout many periods in Soviet history these “holdovers” were thought to express themselves in immoral individual behaviors defined in various ways at various times. These could include what were called parasitic tendencies, alcoholism and drug addiction, lusting after money, and sexual licentiousness.<sup>24</sup> Because of the perceived connection between crime and immoral behavior, popular involvement in finding and controlling individuals with potential criminal proclivities was very important to criminologists and law enforcement officials.

Arguably this was the case from the beginning of the Soviet Union’s existence, but this tendency developed its late Soviet form during the Khrushchev era.<sup>25</sup> Attempting to combine a return to pre-Stalinist legal thought (which stressed public administration of justice) with the stability of the law as interpreted by professional jurists, Khrushchev introduced measures which placed the responsibility of discovering, trying, and rehabilitating petty law-breakers (often legally and popularly referred to as “hooligans”) in the hands of their own communities and places of employment.<sup>26</sup> This led to the emergence of things like comrades’ courts and the *druzhiny* (people’s auxiliary police); all operated by citizen activists who would presumably do a better job than the police of apprehending and reforming offenders. These programs were justified in part by an understanding of antisocial behavior, which sought its sources in inappropriate upbringing or negative local social influences. Both of these could potentially be counteracted by positive or corrective social controls from the law-breaker’s community. Corrective measures could include increased workloads or public shaming for the perpetrator, as well as censure for his or her family or supervisors—both of whom were thought to be responsible for the behavior of their charges.<sup>27</sup>

As the 1960s wore on, the increasing amount of attention paid to the role of the “microsphere”

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infanticide) were linked to pre-Revolutionary morality and traditions.

<sup>24</sup> A. A. Gertsenzon, “Aktual’nye problemy teorii sovetskoi kriminologii,” *Voprosy Bor’by s Prestupnost’iu* 6 (1967), 23-24.

<sup>25</sup> See Miriam Dobson, *Khrushchev’s Cold Summer: Gulag returnees, crime, and the fate of reform after Stalin* (Ithaca: Cornell University Press, 2009); LaPierre, *Hooligans in Khrushchev’s Russia*, ch 4.

<sup>26</sup> Dobson, *Khrushchev’s Cold Summer*; LaPierre, *Hooligans in Khrushchev’s Russia*, ch 4.

<sup>27</sup> LaPierre, *Hooligans in Khrushchev’s Russia*, ch 4, conclusion.

of the family and community in producing criminals, and the willingness of the authorities to recognize the persistent problem of recidivism, seemed to imply a shift away from discussing crime as a phenomenon foreign to socialist society. It was nonetheless important for criminologists to stress that, while crime might have been firmly rooted within the domestic social order (and its causes to be found in the domestic sphere), in contrast to the U.S., there was no organized crime in the Soviet Union. There were recidivists in the Soviet Union; there were petty hooligans; but there were no professional criminals, and habitual crime could not be called a mass phenomenon. A crime was a mistake that a Soviet citizen made for lack of proper training and influences, not a way of life or a permanent state.

For this, criminologists thanked not only the absence of capitalist economic relations, but innovations in criminal law, procedure, and scholarship, as well as unprecedented popular involvement in the justice process (via the comrades' courts and the *druzhiny*). It was part of responsible socialist citizenship not to allow another Soviet person to stumble and to prevent him from committing a crime or repeating criminal behavior. This approach nonetheless did not exclude harsh punishments for those people who did commit serious crimes and stubbornly refused to follow Soviet laws.<sup>28</sup>

Historians of the Soviet Union argue that harsh punishments were ever more broadly applied as the Khrushchev era came to a close as part of a popular and political backlash against the so-called soft line, humane, or community-based approach to criminal justice implemented after Stalin's death.<sup>29</sup> These historians, along with contemporary western observers, have noted that the authorities often seemed willing to punish law-breakers harshly and blame family or community influences for their behavior without considering the role played by the broader Soviet social and political system.<sup>30</sup> This tendency was amplified in public discussions in popular magazines and newspapers, which began to demonize law-breakers and hooligans as the Brezhnev era wore on,

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<sup>28</sup> I. I. Karpets, "Vvdenie," *Voprosy Bor'by s Prestupnost'iu* 6 (1967), 4-5.

<sup>29</sup> LaPierre, *Hooligans in Khrushchev's Russia*, ch 5; Miriam Dobson, "'Show the Bandit-Enemies No Mercy!': Amnesty, Criminality and Public Response in 1953," in *Dilemmas of de-Stalinization: Negotiating Cultural and Social Change in the Khrushchev era*, Polly Jones, ed. (London: Routledge, 2005).

<sup>30</sup> See Conor, *Deviance in Soviet Society*; Lapierre, *Hooligans in Khrushchev's Russia*; Dobson, *Khrushchev's Cold Summer*.

with rhetoric reminiscent of the World War II-era treatment of Germans. As one victim of assault claimed at a public meeting, for example, “the hooligan is a beast and he doesn’t care whether you are young or a woman or whether you are a child. We must destroy such beasts.”<sup>31</sup>

Arguably, a focus on the inhumanity of criminal elements was useful to the political authorities because it diverted attention from their failure to live up to the ideals of socialist criminal justice (including humane rehabilitation of law-breakers and the inevitable disappearance of crime) that had so recently been touted as the new order of the post-Stalin era. Though this type of militant rhetoric may have taken hold in parts of the population and been encouraged by the political leadership throughout the 1970s, the criminologists at the Institute of Criminology did not follow suit. On the contrary, they not only persisted in calling for a focus on re-education and rehabilitation in criminal justice and reiterated a fundamental faith in man’s ability to reform, but they also criticized the failure of the population to grasp these basic Marxist-Leninist concepts.

Two of the most influential criminologists of the post-Stalin era, Igor’ Karpets and Vladimir Kudriavtsev, articulated this position in 1970 in response to a letter published in *Literaturnaia gazeta* (Literary newspaper) in which a concerned citizen questioned the need for prisons in the socialist state, since both crime and criminals should have no place in socialism, and therefore should presumably both be “disposed of” as quickly as possible by whatever means necessary. The scholars responded that this opinion is very far from the “humanist principles of Lenin that have their expression in the Soviet laws,” and that the Soviet courts are the primary arbiters of guilt and of appropriate punishments according to these laws. They also stressed, however, that “punishment in Soviet criminal justice is peculiar in that it contains both compulsion and education.”<sup>32</sup>

As the 1970s progressed, criminologists working in the Institute of Criminology under the State Procuracy continued to reiterate these fundamental tenets of Soviet criminal justice in their writings. They were nonetheless faced with the problem of explaining how, in a country that had ostensibly eliminated bourgeois economic and social relations, and with a justice system which

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<sup>31</sup> LaPierre, *Hooligans in Khrushchev’s Russia*, ch 5.

<sup>32</sup> I. I. Karpets and V. N. Kudriavtsev, “Leninskie idei o printsipakh organizatsii i zadachakh sovetskogo suda,” *Voprosy bor’by s prestupnost’iu* 11 (1970), 69.

purported to be geared towards re-education, crime persisted and was not, as predicted by Marx and Lenin, disappearing.

They continued to claim, as they had in the 1960s, that Marxist-Leninist philosophy did not predict the immediate disappearance of crime and other holdovers from the old order, but that their disappearance would be gradual and uneven, and that this is what one saw in the 1970s.

Yet at the same time, they began to focus on American law-makers and scholars, criticizing them for doing the very thing that Soviet policy-makers and administrators had increasingly done since the early Khrushchev era: calling for harsh punishments over rehabilitation, blaming the microsphere of the family and immediate community, and failing to consider the role of the overall conditions in society that produced crime. Valerii Shupilov wrote in 1972 that the crisis of bourgeois criminology was leading its scholars to try to re-establish the theoretical basis of the science, but that they kept getting stuck on the fundamental differences between criminals and noncriminals. At an earlier stage of the field's development they looked for these causes in biological characteristics, but now they made the equally grievous mistake of focusing only on the ill effects of the microsphere as the causes of crime.<sup>33</sup>

Throughout the 1970s, Soviet criminologists would continue to critique their American counterparts for problems and ways of thinking that the American criminal justice system and its practitioners held in common with those of the Soviet Union (in practice, if not in theory). To do so, they began to use the words and findings of American scholars themselves rather than the writings of Marx, Engels, and Lenin, as they had earlier. Marx, Engels, and Lenin did not disappear from these scholars' analyses; yet, by the 1970s, American scholars appeared to their Soviet counterparts to be more aware of the inherent social and economic contradictions within their own society and more critical of the structures of power which created crime than they had been before. Greater attention to the arguments and ideas of their colleagues in the American academy gave the Soviet scholars a way to develop a transnational identity based on a shared professional ethos without relinquishing their own sense of Soviet specialness. At the same time,

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<sup>33</sup> V. P. Shupilov, "O burzhuaznykh teoriiakh pravosoznaniia i 'avtonomnosti' pravogo myshlenie", *Voprosy bor'by s prestupnost'iu* 17 (1972), 192.

an increased focus on and interest in the problems of American crime and criminal justice allowed these scholars to air arguments and ideas which would not otherwise have made it into the pages of their own criminology journal—one which was arguably most closely connected to the ministries of justice and law enforcement.<sup>34</sup>

In particular, two discussions of American crime and criminal justice in the pages of *Problems in the war on crime* illustrate the complex function that such discussions could perform for the Soviet scholars. In their critiques of the roles of the defense lawyer and the prosecutor in U.S. criminal trials and of the inadvertent function of U.S. prisons as “schools for criminals,” Soviet criminologists could indirectly address analogous problems in Soviet society. They could do this while simultaneously affirming their own professional affinity with their western colleagues without undermining their moral and ideological claims to socialist superiority.

As was noted before, one element fundamental to Soviet criminologists’ understanding of their own system was its orientation towards education and rehabilitation rather than incarceration and punishment. The system was also understood by many Soviet jurists and outside observers to favor the interests of the collective, or society—as embodied by the state—over the rights or interests of the individual.<sup>35</sup> The role of the advocates, or defense lawyers, in the Soviet system was therefore rather problematic, since they were charged with defending their clients as effectively as possible rather than acting in the interests of the state.<sup>36</sup> This had been a point of contention among jurists since the beginning of the Soviet justice system, with some calling for a reduced role for the advocate, and others (mostly the advocates themselves) arguing that their powers should be expanded to counteract those of the procurator (and hence the state against the individual).<sup>37</sup> These debates initially took place openly among scholars, law-makers and professionals during

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<sup>34</sup> Connor, *Deviance in Soviet Society*, 249; Peter Solomon emphasizes that the influence of the political authorities would have been limited to economic and political pressure—degrees of which existed for social scientist everywhere—rather than direct orders or threats: Peter Solomon, “Soviet Criminology: The Effects of Post-Stalin Politics on a Social Science,” (PhD diss., Columbia University, 1967), 56-57.

<sup>35</sup> V. M. Chkhikvadze, *The Soviet State and Law*, (Moscow: Progress Publisher, 1969), 320-322.

<sup>36</sup> Donald D. Barry and Harold J. Berman, “The Jurists,” in *Interest Groups in Soviet Politics*, eds. H. Gordon Skilling and Franklyn Griffiths. (Princeton, NJ: Princeton University Press, 1973): 291-333, 302.

<sup>37</sup> Eugene Huskey, *Russian Lawyers and the Soviet State: The Origins and Development of the Soviet Bar, 1917-1939* (Princeton, N.J.: Princeton University Press, 1986), 214.



the reorganization of the justice system after Stalin's death. As was common practice, however, once decisions were made and the criminal and civil codes and fundamental principles (guidelines for legal codes in the republics) were written, there was very little public disagreement over their contents. As a western scholar observed in 1973, "it remains the principal task of the Soviet legal profession to rationalize and systematize and propagandize the legal order which the party leadership proclaims."<sup>38</sup>

Part of this legal order was a distinct limitation on the powers of the defense, which could only participate in the trial of the accused, not in the preliminary investigation—the domain of the procurator and the court authorities. Though many jurists opposed this rule on both professional and legal grounds, debates about it were minimal.<sup>39</sup> A discussion of the consequences of this imbalance in power between the procurator and the defense would have been a particularly ill fit for the pages of *Problems in the war on crime*, published as it was under the auspices of the State Procuracy, which had an interest in retaining its own expansive powers. Yet, in 1971 Inga Mikhailovskaia wrote that some American criminologists had in recent years begun to suggest that the role of the advocate (the criminal defendant) should be to study the personality of the accused and help with his correction rather than simply to argue for his innocence. Though she does not say so explicitly, this idea very much resembles the way that the role of the advocate in the Soviet system was justified. In response to this proposal, however, Mikhailovskaia quotes Arnold Trebach—then Chief of the Administration of Justice Section, United States Commission on Civil Rights—as saying that it is impossible for an advocate to be concerned with a client's "correction" while at the same time providing an effective defense and protecting his or her constitutional rights.

Mikhailovskaia then goes on to describe the problems with the prosecutor in the American system, which she claims stem from the fact that this office has more access to the collection of evidence than does the defense. The prosecutor, she says, is given more power to achieve procedural victory since he or she is allowed to change the scope and character of the charge in exchange for

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<sup>38</sup> Barry and Berman, "The Jurists," 331; I. B. Mikailovskaia, "Protsessual'noe polozhenie prokurora i advokata v ugovolnom protsesse SShA," *Voprosy bor'by s prestupnost'iu* 14 (1971), 180-182.

<sup>39</sup> James O. Finckenauer, *Russian Youth: Law, Deviance, and the Pursuit of Freedom*, (New Brunswick, N.J.: Transaction Publishers, 1995), 54-55.



an admission of guilt, or to drop charges altogether. This, she claims, leads to the effective absence of procedural equality between the defense and the prosecution, since the prosecutor is not just one side of the adversarial relationship, but a quasi-court unto itself.<sup>40</sup> Whether or not this represents an accurate critique of the U.S. justice system in the early 1970s, it clearly resembles one strand of thinking about the Soviet system that had been effectively silenced for almost a decade. Soviet advocates had long argued that the presumption of innocence that their clients ostensibly enjoyed was nullified by the fact that their accusers controlled the preliminary investigation, and the defense had little say over what evidence was introduced into the trial.

Another problem that had emerged in the course of the Brezhnev era was the tendency of jails and prisons not to reform offenders but to instead serve as training grounds for future crime (whether through the victimization or the tutelage of newer prisoners by more hardened criminals). The problem of recidivism had plagued legal and prison reformers in the Soviet Union since the early ‘thaw’ era, when millions of detainees (initially criminal offenders) were released from prison during amnesties, and many ended up right back in state custody.<sup>41</sup> Most crime scholars of these years continued to emphasize what they saw as the Leninist foundations of the Soviet criminal justice system, a core value of which was an emphasis on re-education and rehabilitation.

At the same time, these scholars did recognize the problems with the hard line approach to criminal justice that took hold in the late-1960s and 1970s; they just focused on these problems in the U.S. justice system. In one article from 1972 about local (county and city) jails in the U.S., the author cited a federal prison inspector as saying that detainees were often not separated according to age, crime, or social danger in these jail, and because of this: “they become schools for vice and crime.” He also quoted the director of the Bureau of Juvenile Affairs, William Sheridan, who raises a concern shared by many legal scholars and advocates that juveniles were often sent to these places of detention “not having committed practically any real crime,” and in the process came into contact with adults who have an extremely negative effect on them. “There is hardly a single

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<sup>40</sup> I. B. Mikailovskaia, “Protsessual’noe polozhenie prokurora i advokata v ugovnom protsesse SShA,” 182.

<sup>41</sup> Dobson, *Khrushchev’s Cold Summer*: LaPierre, *Hooligans in Khrushchev’s Russia*; Finckenauer, *Russian Youth*, 43-54

work written by American penologists in which the catastrophic condition of county and municipal jails is not indicated.”<sup>42</sup> This led the author to a broader indictment of the hard line approach to criminal justice; even though the Nixon administration continued to trumpet the slogans of “law and order” and “cracking down” on crime, not only had the number of prisoners not decreased by 1972, it had notably increased.<sup>43</sup>

What is striking about both of these cases is not only that these scholars were discussing problems that the Soviet criminal justice system shared with that of the U.S. in unvarnished terms, but also that they were grounding their critiques in the words of their western colleagues. What began to emerge in these writings in the early 1970s was a sense of respect and fellow-feeling for their professional counterparts in the West, in spite of their self-proclaimed fundamental differences. Throughout the 1970s and well into the 1980s, Soviet criminologists were not only reading the work of their bourgeois counterparts and commenting on their common problems but also conducting collaborative research projects and participating in international conferences.<sup>44</sup>

Some western criminologists explain this change as a product of a didactic process through which the Soviets learned superior theories and methods gradually through contact with and study of the work of their western counterparts.<sup>45</sup> The Soviet scientists, on the other hand, did not necessarily see the purposes of strengthening international ties this way. On the occasion of the tenth anniversary of the Institute of Criminology, director Kudriavtsev noted that its members belonged to the two major international criminological organizations and actively participated in their congresses, conferences, and symposia, and collaborated in their work with progressive scholarly and scientific institutes of the capitalist countries. “An important part of the work of the institute” was “propagandizing the advances of Soviet science,” as well as “battling reactionary conceptions in questions of crime, criminality, and measures in the war on crime.”<sup>46</sup> Another scholar

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<sup>42</sup> V. P. Shupilov, “Mestnye tiur'my i pro'ektu o vvedenii preventivnogo zakliucheniia v SShA”, *Voprosy bor'by s prestupnost'iu* 16 (1972), 145, 142.

<sup>43</sup> *Ibid.*, 151.

<sup>44</sup> See V.K. Zvirbul', “O Sotsial'no-istoricheskome aspekte issledovaniia,” 10-11.

<sup>45</sup> Connor, *Deviance in Soviet Society*, 15; Finckenauer, *Soviet Youth*, xiii.

<sup>46</sup> V. N. Kudriavtsev, “Vsesoiuznomu institutu po izucheniiu prichin i razrabotke mer preduprezhdeniia prestupnosti—10 let”, *Voprosy bor'by s prestupnost'iu* 20 (1974).

writing in 1975 said that “the increased contact with representatives of bourgeois states helps to publicize abroad the truth of socialism, revealing its humane system for fighting crime, where the main direction is towards prevention.”<sup>47</sup>

Even though this was something of an official cliché—that international cooperation was a way to propagandize the achievements of Soviet society and Soviet science—it is not unreasonable to think that Soviet criminologists sought a measure of mutual respect and professional recognition among their western colleagues. Likewise, it is evident that in the process they began to identify more with the problems and critiques leveled by the western scholars vis-à-vis their own system. An increased interest in the problem of crime and the science of crime prevention in America helped them to achieve this sense of international collegial identity.

There are several reasons for this. America was an obvious choice for Soviet critique not only because of the proliferation of literature on crime in the U.S. at the time, but also because the extent and seriousness of the American crime problem made it an issue that Soviet scientists could afford to explore in detail using the words of American scholars without upsetting ideological orthodoxy. The worse things were in America, the better for Soviet authorities at a time when internal and international critiques of Soviet human rights abuses—especially in penal practices—were growing in scope and intensity.<sup>48</sup>

In the process of exploring the problem of American crime, Soviet criminologists also took advantage of the diversity of opinion and the strength of the critiques of American society among American criminologists, to explore viewpoints, methods, and theories not otherwise available to them.<sup>49</sup> With regard to issues like the comparative power of the defense and prosecution, and the tendency of jails and prisons to harden rather than reform criminals, discussions of the U.S. in the pages of *Questions in the war on crime* were used to explore problems common to the U.S. and

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<sup>47</sup> V. K. Zvirbul', "Problema prestupnosti v svete bor'by sotsialisticheskoi i burzhuznoi ideologii," *Voprosy bor'by s prestupnost'iu* 23 (1975), 14.

<sup>48</sup> See United States, *Abuse of Psychiatry for Political Repression in the Soviet Union. Hearing, Ninety-Second Congress, Second Session* (Washington: U.S. Govt. Print. Off, 1972); Zhores A. Medvedev, and Roy Aleksandrovich Medvedev, *A Question of Madness* (New York: Knopf, 1971); Frederick Barghoorn, *Détente and the Democratic Movement in the USSR* (New York: Free Press, 1976).

<sup>49</sup> S. B. Alimov, "Nekotorye problemy issledovaniia antiobshchestvennogo povedeniia v sovremennoi amerikanskoii kriminologii" *Voprosy bor'by s prestupnost'iu* 12 (1970), 193-204.

the Soviet Union that were not otherwise addressed so openly. In so doing, Soviet criminologists evinced a sense of common cause with their American counterparts, since both found themselves frustrated with the state and the population as they attempted to fight and inform a professional and enlightened war on crime.

Exploring the capitalist world and its failings while touting the international cooperation and involvement of Soviet scholars in diverse foreign professional organizations was nothing new for those scholars by the 1970s. From the moment that the Institute of Criminology was formed in 1963, it included a sector for cooperation with analogous foreign organizations, and a section of its quarterly journal was set aside for studies of and from legal scholars 'abroad.'<sup>50</sup> And yet the work of the Soviet scholars and their institute deserves closer examination in part because of the problems and opportunities that their studies of capitalist criminality produced for them over the course of the Brezhnev era. When these scholars spoke publicly about the shortcomings of Soviet criminal justice and proposed legal reforms during *perestroika*, their authority rested not only on decades of close observation of the truth behind the rhetoric of the Soviet legal system but also on a fairly well-developed understanding of the truth *of* some of the Soviet rhetoric with respect to crime and injustice in the capitalist world. Crime had failed to wither away with capitalism in the Soviet Union, and the world's most purportedly progressive and democratic justice system was frequently anything but. And yet, knowledge of the flaws in American justice, both in theory and practice, would temper and inform the Soviet scholars' thinking as they attempted to fix what was wrong without destroying what was right.

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<sup>50</sup> GARF (State Archive of the Russian Federation) F. 9523 o. 1 d. 81 Prokuratura SSSR Vsesoiuznii institut po izucheniiu prichin i razrabotke mer preduprezhdeniia prestupnostil. 21, 27.

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