

In the aftermath of the Russian Revolution(s) that brought about the end of the tsarist period all of the nation's laws were effectively repealed. After a period of lawlessness and civil war it was time for the new and unlikely power in charge, the Bolshevik Party, to create a new law code. It took several attempts before the central core of the legal code of the Soviet Union was developed, with what was technically the most liberal constitution in the world supposedly taking effect just in time for the 1939 World's Fair. From this international peacocking competition comes a curious artifact of Soviet propaganda; a pamphlet attributed to the head of the secret police, A. Vishynsky. Every statistic in the pamphlet is scrupulously massaged to present an appealing face to the readers from capitalist nations in the midst of the Great Depression; however it cannot help but expose some of the weaknesses and worries already appearing in the Soviet system. A foreign reader might puzzle over the length of the section devoted to juvenile delinquency, theft of public property, or spontaneous confessions by former criminals.<sup>1</sup> Overall "Crime Recedes in the USSR" is a triumphant, crowing refrain of the Marxist talking point that in a communist utopia crime would cease to occur, as money and private property are at the root of all crime.

Unfortunately, there was something rotten in the Soviet state. Crime continued to occur, and neither the state nor its apparatus of crime and punishment withered away as Marx and Engels had predicted. As such, the new Soviet power spent part of the next several decades constructing and enforcing new crimes, varieties of criminal, and criminalities. Yakov Gillinsky, a former Soviet criminologist from the 1960s on, summarizes the phases of soviet criminological theory as consisting of a pre-revolutionary sociological/economic model, followed by an immediate post-revolutionary model assuming crime would simply cease on its own, with any

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<sup>1</sup> A. Vishinsky, *Crime Recedes in the USSR*. Moscow: Foreign Languages Publishing House, 1939:16-21.

residual crime being the result of individual moral failings. The entire field was officially proscribed under Stalin, until Khrushchev's Thaw made overt work possible again. After a brief catching-up period two competing theories on the origins of crime emerged, one portraying crime as a bourgeoisie/capitalist hangover and the other a return to a sociological/economical approach. The final phase of Soviet Criminology was the result of perestroika, as the field picked up more international approaches through criminological conferences with international attendees when the sociological/economic model secured hegemony.<sup>2</sup> In some cases of rape, at least in the 1920s and 30s, a third theory was debated in which the crime was the result of mental illness, though this was contested by everyone from psychiatrists to procurators.<sup>3</sup> With this in mind, most crimes in the Soviet period could be roughly grouped as crimes against the social body or crimes against the communist party. Of course, as these categories are being applied after the fact some crimes defy neat categorization, and these will be explored in the third section of this essay. Though a large swath of Soviet crime history will be discussed some of the essay is focused on the Khrushchev era. There are two main reasons for this, the first is that crime in the Khrushchev era is especially well studied as compared with the period immediately before it when criminology as a field was suppressed by Stalin. While individual case studies could be pursued (such as the rape cases mentioned above) during that time any work within the Soviet Union had to toe a careful ideological line due to the intermittent purges. It is also the time period by which the triumphalist pamphlet predicted that crime would have ended, whether those in charge sincerely believed in the possibility of this outcome or not. A brief caveat, I have chosen not to include any specific statistics in this essay as truly accurate Soviet crime statistics

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<sup>2</sup> Yakov Gillinsky, "Soviet and post-Soviet Russian criminology – an insider's reflections," *International Journal of Comparative and Applied Criminal Justice*, 2017, 41:114-115.

<sup>3</sup> Dan Healy, "Early Soviet Forensic Psychiatric Approaches to Sex Crime, 1917–1934" *Madness and the mad in Russian culture*. University of Toronto Press, 2007: 162-165.

are almost certainly nonexistent given the combination of the quota system's distortions and the staggering depth of misinformation and information suppression which took place between the multiple, interlocking bureaucracies which made up the Soviet government, Communist Party, and KGB.<sup>4</sup>

It is important to differentiate here that in the Soviet legal code there was effectively no such thing as a crime exclusively against an individual. While one citizen might commit a crime against another citizen this was still considered a crime against the collective as a whole as well as the wronged individual. This makes sense as a stance for an ostensibly Marxist state to take, particularly early on when the Soviet Union was still marketing itself to the West during the Great Depression. As such, the category of crimes against society was created to be exceptionally broad. It included offenses directly against other individuals like murder, crimes against morality like homosexuality, and crimes against the social collective such as distributing anti-Soviet propaganda. While there was tremendous regional variation in the prosecution of different crimes and the penalties involved this had as much to do with the central Soviet state's baffling hesitance to create or disseminate jurisprudence as biased or bribed judges. In general, most legal decisions were "[O]ften left to individual Soviet bureaucrats, who had the final word on everything and often had the power to dismiss the most well-conceived and substantiated draft law on the grounds of personal distaste without any explanation or further comment."<sup>5</sup> As such, in the example of the Soviet law against male homosexuality sporadic debate over whether or not to eliminate or revise the statute, as several of the republics would, were stifled by individual members of the MVD who simply declared homosexuality an undermining of the

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<sup>4</sup> Several of my sources here make extensive use of statistics, I don't dispute their methods, broad conclusions, or intentions but I lack the background and archival access to assess the exact accuracy of these numbers.

<sup>5</sup>Rustam Alexander, "Soviet Legal and Criminological Debates on the Decriminalization of Homosexuality (1965–75)" *Slavic Review* 77, no. 1, Spring 2018:50.

ambiguously defined notion of Soviet morality.<sup>6</sup> To pick at another social issue, after Stalin's 1936 Family Code recriminalized abortion it was classified as a crime not against morality, as it is often considered in the West, but against the social collective as in further exacerbated the Soviet Union's growing demographic crisis.<sup>7</sup> Looking more specifically at violent crimes which we tend to think of as interpersonal, with a clearly distinguishable victim, tended to be swept under the criminal category of 'malicious hooliganism' whenever possible,<sup>8</sup> though no amount of statistical subterfuge was ever able to conceal the broadly rising level of violence by the 1980s.<sup>9</sup> It is also worth noting that while accurate numbers are virtually impossible to come by a large percentage of those arrested for almost any given crime (excepting embezzlement) were drunk, either at the time of their arrest or the time at which the crime had occurred.<sup>10</sup> Hooliganism itself, malicious or otherwise, was a strange hybrid form of crime with long roots, which will be further examined later in this essay.

During the Stalinist era and its repetitive purges crimes against the Communist party could be committed by anyone. This was part of what made the purges so unpredictable, as anyone could be hauled in by the secret police for somehow undermining the party. During this time period the levels of persecution fluctuated, however in her study looking at a single crime, anti-Soviet agitation, Sarah Davies summarizes the general trends thusly: "Local procurators

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<sup>6</sup> Ibid: 43-51, see also Sarah Davies, "The Crime of "Anti-Soviet Agitation" in the Soviet Union in the 1930's." *Cahiers du Monde russe*, Jan. - Jun., 1998, Vol. 39, No. 1/2, Les années 30: Nouvelles directions de la recherche (Jan. - Jun., 1998): 164.

<sup>7</sup> Susan Solomon, "The Soviet Legalization of Abortion in German Medical Discourse: A Study of the Use of Selective Perceptions in Cross-Cultural Scientific Relations" *Social Studies of Science*, Vol. 22, No. 3 (Aug., 1992): 474-475.

<sup>8</sup> Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance during the Thaw*, University of Wisconsin Press, 2012: 17-58.

<sup>9</sup> W.E. Butler, "CRIME IN THE SOVIET UNION: Early Glimpses of the True Story." *The British Journal of Criminology*, Spring 1992, Vol. 32, No. 2 (Spring 1992):148.

<sup>10</sup> Ibid, see also Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance during the Thaw*, University of Wisconsin Press, 2012:53.

were more likely to respond to their regional party secretary than to a directive from the USSR Procurator. Nor did they always understand the instructions from the center. Also, in some cases they may have chosen deliberately to interpret them in their own way.”<sup>11</sup> After Stalin’s death brought the purges to an end, crimes against the communist party became a special case, as they could generally only be committed by party members, and had a separate disciplinary system in place. Specifically, for an extended period of time the Communist Party had to first expel a member before they could face outside legal proceedings.<sup>12</sup> The problem has been demonstrated to have peaked under Stalin in the post-war period, however it most likely continued on to some degree well past then again because of ambiguous instructions or abstinent law enforcement. Crimes against the party were not political crimes as we generally think of them. In this specific historical context any crime committed by a communist party or Komsomol member was a crime against the party, and not any other identifiable victim. Party members not only had their own courts and systems of punishment (or subversion of punishment)<sup>13</sup>, but they were uniquely positioned to take advantage of one of the Soviet legal system’s most peculiar aspects, the personal petition. One of the main methods available to Soviet citizens generally, and party members in particular, to alter the course of justice was petitioning the highest member of the party whose name they knew.<sup>14</sup> This could mean a leader like Khrushchev or the head of their raion or anyone in between. Curiously, in the face of several efforts to close this avenue, sending a personal petition to a leader making one’s personal narrative into an acceptable tale of struggle,

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<sup>11</sup> Sarah Davies, “The Crime of “Anti-Soviet Agitation” in the Soviet Union in the 1930’s.” *Cahiers du Monde russe* , Jan. - Jun., 1998, Vol. 39, No. 1/2, Les années 30: Nouvelles directions de la recherche (Jan. - Jun., 1998): 164.

<sup>12</sup> Juliet Cadiot and John Angell, “Equal Before the Law? Soviet Justice, Criminal Proceedings against Communist Party Members, and the Legal Landscape in the USSR from 1945 to 1953.” *Jahrbücher für Geschichte Osteuropas* , 2013, Neue Folge, Bd. 61, H. 2, Themenschwerpunkt: Law and Justice in Wartime and Postwar Stalinism (2013): 249-251.

<sup>13</sup> Ibid: 256-261.

<sup>14</sup> Miriam Dobson, *Khrushchev's cold summer: Gulag returnees, crime, and the fate of reform after Stalin*. Cornell University Press, 2009: 50-78; Steven V Brittner “Local Soviets, Public Order, and Welfare after Stalin: Appeals from Moscow's Kiev Raion.” *The Russian Review* , Apr., 2003, Vol. 62, No. 2 (Apr, 2003): 281-293.

atonement, and maligning in the socialist realist style remained a key way of correcting for any perceived legal injustice for the entirety of the Soviet Union's existence.<sup>15</sup> Party membership also made one eligible, under Khrushchev, to become a part of the vigilante brigades sent into the street to defeat Hooliganism, and in the process to commit many acts of interpersonal violence which ironically would have otherwise fallen under the dreaded label of hooliganism in the process.<sup>16</sup>

Hooliganism provides an interesting case study in crimes which were against an individual, society as a whole, and the party simultaneously. It was a crime against an individual in that many things prosecuted as hooliganism were violent interpersonal acts, it was a crime against society in its legal definition which in one form or another stretched back deep into tsarist times, and it was a crime against the party in that public safety brigades composed of Communist Party members were delegated to police and punish it. The definition of this particularly Russian crime is not, as one British criminologist working in the early 1990s claimed, a narrow one. "Despite its use in the popular British press, the term in the Russian language has a highly specific definition laid down in Article 206 of the RSFSR Criminal Code: 'Intentional actions flagrantly violating public order and expressing a clear disrespect for society'. The Criminal Code distinguishes among petty, ordinary, malicious, and especially malicious hooliganism."<sup>17</sup> This definition, and its various subcategories, is as bafflingly vague in Soviet jurisprudence as it is to the modern reader, as evidenced and explored quite thoroughly by Brian LaPierre in

*Hooligans Under Khrushchev*. Not only was the definition of the Crime exceedingly vague, but

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<sup>15</sup> Steven V Brittner, "Local Soviets, Public Order, and Welfare after Stalin: Appeals from Moscow's Kiev Raion." *The Russian Review*, Apr., 2003, Vol. 62, No. 2 (Apr, 2003): 293; <sup>15</sup> Miriam Dobson, *Khrushchev's cold summer: Gulag returnees, crime, and the fate of reform after Stalin*. Cornell University Press, 2009: 53-64.

<sup>16</sup> Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance during the Thaw*. University of Wisconsin Press, 2012: 132-167.

<sup>17</sup> W.E. Butler, "CRIME IN THE SOVIET UNION: Early Glimpses of the True Story." *The British Journal of Criminology*, Spring 1992, Vol. 32, No. 2 (Spring 1992): 151.

it developed into three poorly delimited sub-types: malicious, simple, and petty, none of which were fully explored or settled before the creation of new categories.<sup>18</sup> So what, exactly, was hooliganism? Some of the many things for which a person could be charged with it include spousal abuse, drunkenly criticizing political leaders, stabbing a woman for refusing an invitation to dance together, and sometimes wearing an unpopular cut of trousers.<sup>19</sup> It is also difficult to define because the category underwent so much legal change through time in the Soviet period. The legal charge was little-used during Stalin's time in power, unsurprisingly given that what would later be classed as hooliganism could then be a much more serious crime against the party. What began, both before and after the purges, as a form of crime committed primarily by drunken men in public places was variously made a crime which could be perpetrated in private spaces, a crime which could be as minor as swearing in public, a crime which could be policed by volunteer brigades of Komsomol members, and a crime which should be punished by a few days in jail.<sup>20</sup> It was often several of these things simultaneously, as the legal precedent allowing vigilante justice coincided temporally with the *gumanost*/humane "soft line" on criminals which reduced punishments. Some of these changes may have been made in an attempt to save the state some money by developing more extensive community self-policing and self-punishment, though they are sometimes framed as totalitarianizing measures. The softer sentences for all crimes, and hooliganism in particular proved to be very unpopular and were ended quickly.<sup>21</sup>

So what does all of this, some of which took place after "Crime Recedes in the USSR", have to do with the claims made in the pamphlet? Primarily it reflects the fact that the

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<sup>18</sup> Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance during the Thaw*. University of Wisconsin Press, 2012: 28-33.

<sup>19</sup> Brian LaPierre, *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance during the Thaw*. University of Wisconsin Press, 2012: 165, 62, 155.

<sup>20</sup> *Ibid*: 199-207.

<sup>21</sup> *Ibid*: 175-178; see also Miriam Dobson, *Khrushchev's cold summer: Gulag returnees, crime, and the fate of reform after Stalin*. Cornell University Press, 2009: 161-175.

construction of crime and criminality is not an instant action, but rather a process. Many of the loose ends inadvertently highlighted by Vyshinsky's writing did come to be serious problems for the USSR later. Juvenile delinquency was a perennial focus of the state's ire. Many of the problems like hooliganism which seemed to spontaneously appear under Khrushchev were actually longstanding issues which had simply been suppressed or reclassified under Stalin<sup>22</sup>

Arguably, the overall trend of crime in the Soviet Union was from triumphant confidence that it could be engineered away, to attempts to conceal its existence from onlookers, to attempts to expose it so that it could be more heavily policed. The pamphlet also sets the stage for the struggle to ideologically explain crime which continued to grow and change over time, which is why this essay covers criminological issues in the Soviet Union from the 1920s until the mid-1960s in some detail.<sup>23</sup> "Crime Recedes in the USSR" had predicted that crime would either have ended or have become so rare as to be considered a form of mental disorder by the 1960s, however this did not prove to be the case. The Soviet leadership may or may not have ever believed that they could actually eliminate crime as Marxism predicted, however by the time when the pamphlet was written they were doing their utmost to make it disappear one way or another. As Soviet criminology continued to develop criminal prosecution bifurcated into two main branches; crimes against the society or its constituent members and crimes against the Communist Party itself. Crimes against property, per se, were re-classified as crimes against the social body so as to better obscure their continued existence to outside observers. Some crimes, such as hooliganism, about which so much research has been done, blurred the lines between categories, doing so more or less severely depending on who was in charge of the country at the

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<sup>22</sup> Miriam Dobson, *Khrushchev's cold summer: Gulag returnees, crime, and the fate of reform after Stalin*. Cornell University Press, 2009:24-26.

<sup>23</sup> Yakov Gillinsky, "Soviet and post-Soviet Russian criminology – an insider's reflections," *International Journal of Comparative and Applied Criminal Justice*, 2017, 41:3, 113-115.



time. The gap between the two main types of crime was temporally sensitive, growing wider during the optimistic 1920s, nearly vanishing under Stalin, and then growing wider again under Khrushchev's Thaw. This is hardly unexpected, as a phenomenon as diverse as crime can never be fully captured by a simple binary. Overall, what I have tried to do here is simply to illustrate some of the approaches to constructing, policing, and maintaining categories of crime, criminals, and criminality in the Soviet Union. Hopefully the messiness and dynamism of the Soviet legal system has come through. It could not be summarized simply or monolithically, because of this it provides a rich field for further study.

## Bibliography:

Vyshinsky, A. *Crime Recedes in the USSR*. Moscow: Foreign Languages Publishing House, 1939.

LaPierre, Brian. *Hooligans in Khrushchev's Russia: Defining, Policing, and Producing Deviance during the Thaw*. University of Wisconsin Press, 2012.

Dobson, Miriam. *Khrushchev's cold summer: Gulag returnees, crime, and the fate of reform after Stalin*. Cornell University Press, 2009.

Healy, Dan. "Early Soviet Forensic Psychiatric Approaches to Sex Crime, 1917–1934" *Madness and the mad in Russian culture*. University of Toronto Press, 2007.

Yakov Gilinskiy (2017) "Soviet and post-Soviet Russian criminology – an insider's reflections." *International Journal of Comparative and Applied Criminal Justice*, 41:3, 113-122, DOI: 10.1080/01924036.2017.1336734

Cadiot, Juliet and John Angell. "Equal Before the Law? Soviet Justice, Criminal Proceedings against Communist Party Members, and the Legal Landscape in the USSR from 1945 to 1953." *Jahrbücher für Geschichte Osteuropas*, 2013, Neue Folge, Bd. 61, H. 2, Themenschwerpunkt: Law and Justice in Wartime and Postwar Stalinism (2013), pp. 249-269.

Davies, Sarah "The Crime of "Anti-Soviet Agitation" in the Soviet Union in the 1930's." *Cahiers du Monde russe*, Jan. - Jun., 1998, Vol. 39, No. 1/2, Les années 30: Nouvelles directions de la recherche (Jan. - Jun., 1998), pp. 149-167.

Bittner, Steven V. "Local Soviets, Public Order, and Welfare after Stalin: Appeals from Moscow's Kiev Raion." *The Russian Review*, Apr., 2003, Vol. 62, No. 2 (Apr, 2003), pp. 281-293.

Alexander, Rustam. "Soviet Legal and Criminological Debates on the Decriminalization of Homosexuality (1965–75)" *Slavic Review* 77, no. 1 (Spring 2018) 30-52.

Solomon, Susan. "The Soviet Legalization of Abortion in German Medical Discourse: A Study of the Use of Selective Perceptions in Cross-Cultural Scientific Relations" *Social Studies of Science*, Vol. 22, No. 3 (Aug., 1992), pp. 455-485.

Butler, W.E. "CRIME IN THE SOVIET UNION: Early Glimpses of the True Story." *The British Journal of Criminology*, Spring 1992, Vol. 32, No. 2 (Spring 1992), pp. 144-159.