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Unique contributions of the Union of Soviet Socialist Republics toward the prevention of crime and the rehabilitation of criminals.

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UNIQUE CONTRIBUTIONS OF THE UNION OF SOVIET SOCI-
ALIST REPUBLICS TOWARD THE PREVENTION OF CRIME
AND THE REHABILITATION OF CRIMINALS

by

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INTRODUCTION

One of the most serious social problems in the United States is the question of crime. Ruthless and merciless kidnapping, racketeering, bootlegging, murder, and lynching has gained for America the distinctive reputation of being known as the most lawless country in the world. President Herbert Hoover declared in his inaugural address on March 4, 1929, that the greatest danger confronting the American people was the increase in crime, and the growing disregard and disobedience of law. To combat this and aid in its correction he appointed a national commission for "searching investigation of the whole structure of our Federal System of jurisprudence, to include the method of enforcement of the Eighteenth Amendment and the causes of abuse under it."¹

A study of the fourteen volumes of the Wickersham Reports makes mournful reading. One learns that "the criminal is the end result of a long series of social causes."² Great poverty and dependence, poor housing conditions, inadequate open-air play facilities, unemployment

1. Cf. B. Guiteau, "The History of the United States"
p. 704

2. National Commission on Law Observance and Enforcement
Vol. XIII, p. 116

and lack of economic security are obvious causes of crime. Agreeing with Victor Hugo that "society stands in the dock-
et with every criminal"; the commission maintains that
"responsibility for crime rests upon society."

In their Report on Penal Institutions the com-
mission notes that in a year nearly 400,000 pass through
the gates of 3,000 institutions, including chain gangs.
This is in striking contrast to the 17,000 criminals con-
fined in the 36 prisons of England and Wales.³ The United
States spends \$30,000,000 a year, or \$350 for each inmate,
for the upkeep of her penal institutions. The buildings
cost over \$100,000,000. \$247,000,000 are spent annually
for law enforcement in large cities, and \$3,900,000 a year
for armored cars; the "war tanks" used against the crimi-
nals. The commission is unable even to estimate the total
cost of crime, immediate or ultimate.⁴

The Commission finds our prisons overcrowded,
many of them with the obsolete cell block system. There is
insufficient work and many prisoners are maintained in idle-
ness. The percentage of prisoners employed in productive
labor has declined. The principal causes for this decline
are poor management, the inertia of government officials
and overcrowding, due to the long sentences and the increase
of crime. Many of the guards are unqualified and underpaid.

3.Cf. Sherwood Eddy, "Russia Today", p. 95
4.Cf. National Commission on Law Observance and Enforce-
ment, Vol. XII, p. 69

The Commission reports that the prisoners let out on the lease system are frequently cruelly treated by private contractors.

The Commission discovers that the sanitary and health conditions in many institutions are unsatisfactory and inadequate. The insane, feebleminded, tubercular, drug addicts and venereally diseased are often not isolated from the others, and fail to receive their required medical treatment. The Commission sums up: "We conclude that the present prison system is antiquated and inefficient. It does not reform the criminal. It does not protect society. There is reason to believe that it contributes to the increase of crime by hardening the prisoner..... The present system of prison discipline is traditional, antiquated, unintelligent, and not infrequently cruel and inhuman..... There is no national plan." ⁵ President Taft is more than justified in making the statement: "The administration of the criminal law in this country is a disgrace to our civilization."

An obvious obstacle to law enforcement is the connection between local police forces, powerful politicians and criminal elements. Organized crime could not exist if it were not fostered by corrupt politicians and corrupt police. Concern for their own selfish advancement, desire to taste the forbidden fruits of wealth, social privilege and special favors force the politicians to be lukewarm in their

efforts to restrain the Al Capones' and Torrios. Indeed, it is this very element of "leading citizens" who support and aid the criminal rackets. As Al Capone himself has said: "All I ever did was to sell beer and whiskey to out best people. All I ever did was to supply a demand which is pretty popular. Why, the very groups that make my trade good are the ones that yell the loudest about me. Some of the leading judges use the stuff." ⁶ There can be no effective battle waged against crime when its patrons can profitably enjoy the spoils. Mr. Medalie, Federal District Attorney for New York, says; "The gangs are part of the machinery for municipal control, and not until politics are divorced from municipal affairs shall we get rid of gangsters."

The problem of crime is becoming yet more acute during the depression. The activities of the kidnapper and the ganster have at last aroused even the apathetic citizen. He has become alarmed at the prevalence of crime in this country; he has recognized the fact that the number of young criminals has greatly increased. He is beginning to realize that not only is our penal system failing to reform the law-breaker, but our social conditions are breeding others. He knows that vast sums of money are spent in apprehending and incarcerating the prisoner. He is seriously and sincerely concerned about this and wonders whether it would not be

6.Cf.Edw. D. Sullivan, "Rattling the Cup on Chicago Crime"
Ch. XlII

better to spend this money in working out adequate plans for the restorations of the offender to useful citizenship. This idea seems reasonable to him, yet he hesitates, doubtfully. Can criminals become useful citizens? He has the right to question this for in no other country in the world is there a larger proportion of repeaters than in the United States where 48% of our captured criminals are such.⁷

As a citizen of the United States confronted with the crime situation existant here, I ask myself what I can do to fulfill my duty in protecting society, and at the same time in aiding the lawbreaker to become a useful citizen. As a student of sociology, I have chosen to examine closely a system of penology that works effectively in another country, Soviet Russia, with the hope that we may find a solution to what Mark Prentiss calls "today the greatest outstanding menace in America": crime.

⁷. Cf. Sherwood Eddy, "Russia Today" p. 98

THE SOVIET THEORY OF CRIME

THREE MAIN SCHOOLS OF THOUGHT CONCERNING CRIME

In order to comprehend the theory of crime accepted in the Soviet Union today, it is necessary to know the underlying ideology of Marxism. According to Marx, Engels, and their modern interpreter, Lenin, crime is the product of the economic system; it is caused by the exploitation of one class by another. Therefore, with the realization of a classless society crime will disappear. This theory which seems simple enough, nevertheless requires clarification, for the attainment of a classless society is not quite so simple as the statement sounds.

For many centuries man has attempted to account for the phenomenon of crime and has tried to establish some method of punishment that would control even if not eliminate it. Anti-social acts have been committed as long as society itself has existed. Banishments, curses, and death were the penalties inflicted upon those who broke the law in the earliest stages of society. Up to very recent years punishment in the form of undecipherable cruelties and torture were dealt out to those who transgressed. Despite this, crime grew and criminals increased as civilization became more complex.

What makes man commit these acts which are against

the mores of the group in which he lives, especially when he knows he must account for them? Many answers have been given to this question. Within rather recent years three theories have attempted to establish the causes, and have laid out measures of punishment designed to protect law-abiding society from the criminal. Thought was later given to aid the transgressor in his readjustment. Before discussing the rejection of these theories by Soviet Russia, it will be enlightening to glance briefly at them.

The classical school has as its chief concept the doctrine of "free will" in the commission of crime. A man is a criminal because he chose to be one. Circumstances had nothing to do with it. Thus, if two persons commit the same act, they should be given the same punishment. The French Code of 1791 put this theory into practice, listing a large number of transgressions and providing for each a set penalty. The difficulties arising from this unwieldy code became apparent when it was put to practice. How are unlisted acts to be punished? Is a child or an insane man to receive the same penalty as a normal adult? The Code obviously needed the modifications which were sought by the Neo-Classical School. While this School still recognized the theory of free will and individual responsibility on the part of one transgressing the law, it did decide that in view of evidences being submitted by biologists, doctors, and other scientists, that every person was not free to choose, and was thus

not responsible for his behavior. There might be insanity or imbecility, for example, to account for an act. However, it was necessary to establish that the accused was in such a mental state at the time of the crime. This theory is incorporated today in the practice of our criminal courts.

With the development of the modern sciences, psychiatry and psychology, the Anthropological School with Lombroso as its initial spokesman, entered with its explanation to account for the criminal. This theory, reacting against the classical and neo-classical, swung far in the other direction. Why did the criminal commit his crime? Because he was born with certain stigmata that prevented his following other lines of behavior. He had no choice in the matter. Lombroso gave weight to his arguments with facts and figures. He made an extensive study of criminals in Italian prisons and finally concluded that criminals were born with definite atavistic characteristics. However, in his later works he concluded that only one-third of all criminals belonged to this group. Having to account for the remaining two-thirds, he placed part of this number in the insane group, and the rest in a category which he termed "criminaloid". In this latter group, Lombroso recognized types who were not "born" criminals but developed so through accident. This was a progressive step for it introduced the role of social influences on crime. Lombroso pointed the way to the theory of the Positivist School which is prominent with us today. This School recognizes biological

causes and adds to them the results of various social environments, maintaining that it is the interaction of biological and environmental factors which produce the criminal.

SOVIET REJECTION OF THESE THEORIES

The Soviet criminal theory rejects all the above-mentioned and asserts that crime is caused by the exploitation of one class by another. The attitude which accounts for such behavior, they insist, has evolved over a period that has lasted since the state became an instrument in the hands of a ruling class to force a weaker one into submission by making "laws" to protect its own interests, and punishing those who transgressed one of these "laws". It is the ultimate aim of the Soviet Union to achieve a classless society, and with it, they maintain, the disappearance of crime.

To understand fully the meaning of the doctrine, it will be clarifying to state the Marxian interpretation of history. According to this belief, there has been a continuous evolution of society toward the establishment of worldwide Communism. But in this evolution, which has been going on since historical time and before, there emerged at one stage of the process an organization through which the stronger element came to rule the weaker and make its members submit to its will. The state was the instrument through which they effected this. From that time on, the interests of the class in power have been protected by rules as laws and those

who break them, or commit some act not in accord with these interests of the ruling class, are guilty of a crime. Thus, the Marxian formula asserts that the state is an organ of oppression of one class by another; that it sets up an order which legalizes and consolidates this oppression modifying the conflict of classes. Since the state is an organ of class domination, and crime is the commission of an act against the interests of the ruling class, a criminal code would be the formulation of penalties imposed for such acts. Communists assume that when the stage is reached wherein there is no domination of one class by another, it would logically seem that there would be no need of a criminal code.

The Soviet Union has a criminal code, however, and recognizes the existence of crime. Nevertheless, in their theory this is not a contradiction. In the first place there is one class in power now, and the commission of an act against those in authority, the proletariat, does constitute a serious and major crime. This is naturally to be expected in accordance with their theory. But what of the group of criminals who come from the working class itself?

They have had their ideas molded as a result of long centuries of class struggle, and their point of view cannot be changed at once. Every effort is made by policy resulting from this theory to change their "social conscience" by education while they serve their sentence, but even with that effort it is certain that many of the older genera-

tion will not be won over to the new way of thinking. Thus they concentrate on the youth who come in contact with the law, as will be seen in a later section devoted to the youth.

But crime, the Russians maintain, will disappear, except in isolated instances, as the need for the state vanishes. The Commissar of Justice of the USSR, N. Krylanko, says: "Only under Communism will the state become wholly superfluous, for then there will be no one to suppress in the sense of waging a systematic class struggle against a definite part of the population."¹

Criminal repression will exist as long as the state itself is necessary, but for the present a communistic society is a thing of the future. Even when it is extant there will still be some who will commit acts of a criminal nature, but they will be of such infrequency that there will be no need of penal restriction.

It will be easier to understand the theory that permits the final disappearance of crime if the legal definition contained in their code is given. Then one can predict that, with the consolidation of power of the government and with the removal of the remaining opposition, there can possibly be such a situation:²

1. M. Callcott, "Russian Justice", p. 17
2. Criminal Code, Part 3, Article 6

"A socially dangerous act is deemed every act of commission or omission, directed against the Soviet regime, or one which violates the order established by the workers' and peasants' government for the period of time pending transition to a Communist regime."

Note: An act which, although formally falling within one of the articles of the special section of the present code, is free from socially dangerous characteristics, owing to its obvious insignificance or absence of harmful consequences, is not a crime."

It can be seen that crime in Russia consists mainly of those acts directed against the state by class enemies; or those desiring to hamper socialist construction. In this situation those acts defined as criminal would tend generally have an economic basis. This would substantiate the theory that recognizes no other motive for a crime than the economic. If in the communist state everyone would receive according to his needs, as they insist he will, then the economic motive for crime would be eliminated.

But what about other crimes, such as those motivated by rage or jealousy? The theory answers that such crimes, in the person not ill and requiring medical instead of penal treatment, are rare and usually constitute one crime in a person's career. For example, the man who murders his wife in a jealous rage would most probably later be a good citizen who would never again commit such an excessive act. However, in a person not mentally deranged, this would be a rare occurrence because of the liberality of Soviet marriage and divorce laws, which, by offering the ready possi-

bility of intelligent solution to marital incompatibility, thereby eliminate the underlying causes of such crimes.

It should be noted in this regard that the maximum penalty for any crime, including murder, is a sentence of ten years. The only exception from this rule involves acts of or intent to kill which are associated with banditry. Long sentences are considered neither humane nor constructive. If a man has committed such a serious act as banditry or robbery with firearms, he is likely to receive a death sentence unless there are extenuating circumstances such as the youth of the offender. For other crimes the shorter sentence is held to be more conducive to reformation.

Let us review the chief types of crime against which the penal provisions are directed. Dr. Callcott makes reference to the pamphlet "Revolutionary Law" by N. Krylenko in which the four main categories of criminal law are described.

First, there are the laws safeguarding the dictatorship of the proletariat. In this group are contained all provisions for punishing acts of a counter-revolutionary nature; this first group is directed against such things as activities of the Kulaks contrary to governmental order, against speculation, wrecking, theft, bribery, pilfering and squandering.

In the second category we find the laws which protect the interests of the working masses. These are

varied in nature. Punishment is here provided for officials who fail to fulfill the pledges of the government as to general food supply and living conditions. Protection is given also against excessive fine or punishment of the people. There are provisions against undue severity in accomplishing collectivization; Stalin favors persuasion to coercion. In this division, also, would fall the law providing punishment for acts of violence committed on one's own person.

Laws regulating the interrelations between various social strata of the working classes are found in the third category. This division consists of the laws on Soviet trade and is directed against any act that contributes to the squandering of goods, or disposition of unwanted articles by forcing a customer to buy such along with his other purchases, or any other act by trade bodies which interferes with the rights of the people.

The fourth category consists of laws punishing non-observance of regulations concerning business accounting and fulfilment of plans by the various economic organizations.

"These categories of law," writes N. Krylenko, "exhaust the fundamental questions that comprehend every aspect of our economic and social life." At this phase in the development of their socialist state, they recognize the necessity for the provisions contained in their penal code. Criminal repression will not disappear until the full realization of the Communist State, the Russians declare, but then

people will gradually accustom themselves in observing the elementary known rules of social life without the special apparatus of coercion, the state. How long this process will take, they do not prophesy. While the theorists expect that by the end of the second five-year plan, class distinctions will disappear for the most part, criminal repression will still remain to combat those few remnants of the old order which will linger on for some time. They emphasize that they have no magic wand for clearing all this suddenly and completely from the consciousness of the people. Crime and criminal repression come at one stage in evolution--the beginning of the domination of one class by another--and they will vanish at another stage--the appearance of the highest phase of Communism.

A theory is only a theory, and when it deals with human beings there is no accuracy of prophecy. Yet it may be mentioned here that, according to Assistant Attorney General Vishinsky, the number of prisoners convicted of such familiar crimes as theft, murder, arson, robbery, rape, and the like, has decreased by almost one-third since the days just before the revolution. When we are reminded that little constructive work has been done until the last few years, this impressive diminution in crime seems to substantiate their theory.

REVIEW OF CRIMINAL REPRESSION SINCE
THE REVOLUTION

The section on theory leads us now into a discussion of fact. Whether or not a classless society will be achieved no one can know; but it is certain that at the moment crime and criminal repression do exist in the USSR. Although our concern is with the present program of crime prevention and rehabilitation of criminals, a review of the situation since the revolution will offer us a comprehensive perspective.

Three basic aspects of the proletarian dictatorship must necessarily be considered in connection with crime repression. First, the utilization of the power of the proletariat for the crushing of its exploiters and for the defense of the country; hence the enemies of the state must be crushed. Secondly, the utilization of the power of the proletariat for the final separation of the toiling masses from the bourgeoisie, for the attraction of the masses to the cause of socialist construction, and for state leadership of these masses by the proletariat; hence, the discipline and control of the toiling masses themselves. Thirdly, the utilization of the power of the proletariat for the organization of forces, for the abolition of classes, and for the transition to a society without classes, to a society without state; hence the socialist construction.

Considering first the crushing of those who op-

pose the order of government or hinder its development, we find the methods of coercion varying from leniency and toleration in the beginning of the Revolution, through the frightful years of the Cheka reign, to the more severe activities of the OGPU in recent times. Shortly after the Revolution in May, 1918, all those persons held for political crimes were set free by an act of general amnesty. The results of this liberality were rather serious for the rule of the proletariat, since those released determined to overthrow the new and, as yet, not too firmly seated government. Among these was the renowned General Krasnow who organized the White Guard Cossacks and caused considerable trouble to the Soviets.

Such a policy of clemency had necessarily to end if the Soviet government was to be kept alive. When next it had political prisoners in hand, it acted differently. Stalin defends later severe measures towards these prisoners in an interview with Ludwig in 1932. "Soon it transpired that such leniency was only undermining the strength of the authority of the Soviets. We committed a mistake in showing such leniency towards the enemies of the working class. If we repeated this mistake any further, we would have committed a crime towards the working class. We would have betrayed its interest. And this became perfectly clear very soon. It became very sure that the greater our leniency towards our enemies, the greater their resistance."³

Leniency was no part of their program thereafter. Lenin holds the class enemies themselves responsible for the so-called Red Terror established against them. "You have yourselves to blame, friends!" The urban bourgeoisie and the rural Kulaks comprised the elements against which this repression was directed. There was a tremendous increase of criminals from these two classes in the early years of the proletarian state. In their combined efforts they proved to be a great hindrance to the Soviet cause, and aided by those waverers within the working class who were influenced to counter-revolutionary activities, they became a grave menace. The Communists considered it necessary to deal mercilessly with them; this the Soviet administration did not fail to do.

Notwithstanding the let-up in the counter-revolutionary activities on the initiation of the New Economic Policy, fighting the class enemy remained practically the same even through the era of NEP (later the OGPU, as it became the joint organization of all the republics), the full title of which is the United State Political Administration. The method now underwent an important change as can be noted from Lenin's words. "To the extent that the basic purpose of authority becomes not military crushing but administrative, the typical manifestation of crushing and coercion will become not the method of shooting on the spot, but trial in court."⁴ He, himself, not fond of the methods he felt they had to use,

seized the first opportunity afforded by an end of civil war to advance a revolutionary legality which the Communist Party had already been trying to establish.

The Criminal Code which was written in 1922, along with the Code for Criminal Procedure, paved the way for an enlargement of orderly court procedure. The provisions of the Code did not give greater leniency but legalized measures that had already been practiced.

The phase of violence against the Kulaks was entering a modified state. Since the State could not kill all of its class enemies and certainly would not find it profitable to fill innumerable prisons with them, there developed a new approach to the problem. Actually, the idea was not new because it had been present since the earliest days of the Revolution. The Civil War had so disrupted the development of any program, however, that this influence was not properly felt until later.

This new approach was by means of educating and training these offenders so that they might be released as useful workers in a state so greatly in need of all the man power it could rally. Authorities based their plans on the belief that even class enemies might reform under proper guidance and become loyal citizens. They are told that in five years they can achieve civil rights if they really apply themselves to constructive work. More than 10,000 have already received their civil rights before the end of the allotted time. As

for the convicts from among the loyal masses, the program for crime repression had as its fundamental purpose the training of these as useful citizens. The USSR has a practical theory as to how this might be done; its translation into government policy was a most significant development and led directly to the constructive attitude one finds in present-day treatment of prisoners in the Soviet Union.

As early as December, 1917, Lenin sent instructions to the Revolutionary Tribunal in which he urged that repressive measures take the form of corrective labor tasks, and that the harmful element be dealt with in a reformatory way. Shooting was abolished by a decree dated October 28, 1917, and Decree No. 3 of July 20, 1918, provided that anyone sentenced to a three month period should be sent to a compulsory labor camp and should not be guarded while serving the term. In the Ural region and Siberia, prisons were replaced by working homes where study was combined with work.

In March, 1919, the Communist Party adopted as a distinctive feature of its program the following plank: "Our courts have already led to a cardinal change in the character of punishment, resulting on a large scale in conditional punishment, substituting compulsory labor with retention of liberty for imprisonment, replacing the prison by educational institutions, and allowing the possibility for the factor and time by comradely courts. The Communist Party, while urging further development of the court in this direction, should aim for

the ultimate substitution of the system of punishment by a system of measures of educational character."⁶

Various other decrees were adopted furthering this principle of reformation through education and discipline. In 1919 a similar decree established a Distribution Committee composed of specialists--psychiatrists, educators, etc.--who were to determine by a study of the background, personality and physical condition of the convict what prison would be best suited to him. To refer again to the volume edited by Vishinsky, we find a statement (page 20) that the practice of any penal treatment tending to degrade the prisoner was forbidden by a decree of July 23, 1918. This principle is now incorporated in the Criminal Code, Article 9, which reads: "Measures of social defense may not have for their purpose the infliction of physical pain or the degradation of human dignity, as they do not contemplate the purposes of retribution and penalty." In connection with this principle the Soviet Government presents to penal administrators and guards a handbook entitled, "What the Prison Personnel Should Know". This handbook instructs the guards that "the Soviet Government cannot look upon the criminal as upon an enemy who is to be subdued or as upon a sinner who must be brought to a state of penitence by humiliating punishment..... The purpose of imprisonment is not to cause pain to the man but to re-educate him.... It has been

6. Assistant Attorney General, A.J. Vishinsky, "From Prisons to Educational Institutions" ; p.31

repeatedly shown that men have been condemned as criminals in consequence of their neglected education, of their poor upbringing and of their hard and cheerless life.... Prison attendants should act as older brothers to such prisoners..... They should not employ coarse or insulting language but act with calmness, with restraint and impartiality. Prisoners should not be handcuffed or made to wear chains. They should not be deprived of food or thrown into solitary confinement. Corporal punishment in any form is forbidden and attendants violating this rule should at once be handed over to the authorities for trial." ⁷ There is a companion volume, "What Every prisoner Should Know", which informs the prisoner of his right of complaint against unjust treatment by the guards. No other country has given such freedom and status to its prisoners. The entire penal system strives to substitute science for force.

The present-day approach to crime repression in the USSR is, then, through educational and correctional labor. The extreme penalty of death is given in only three cases: crimes against the State, military crimes, and armed robbery in which death occurs. From 1926 to 1930 the percentage sentenced to death was less than 0.1. ⁸ The educational program holds for all others, even for political prisoners.

7. Quoted by Elias Tobenkin in Stalin's Ladder, pp. 242-244, ²⁷⁷

8. A. J. Estrin, "The Development of Soviet Criminal Policy", p. 229

Soviet jurisprudence is thus based not on restrictive measures alone but on corrective, educational and cultural ones. The authorities seek to use labor that is constructive to character and useful economically, and not the kind that brings indignity and resentment when resorted to as primitive--or disciplinary measures.

The sentence is designed to be as brief as possible. In the USSR it is not necessary that a prisoner serve more than one-third of his sentence in order to be released on parole, but his release is based solely on the condition of his fitness for return to society. The Observation Commission, whose duty it is to determine the time of such release, is required by law to inform itself in intimate detail of the condition of training and education of the prisoner, of his personal characteristics and attitude towards society. They are thus able to judge with a high degree of accuracy, when a prisoner is ready for release. If the figures they give on recidivism, 18 per cent for men and 21 per cent for women,⁹ are accurate, then they may be said to judge well indeed.

The program of compulsory education for those among the toiling element who are imprisoned is the chief weapon of the state in its fight against crime. As will be shown in later pages, the prisons are equipped with a variety of devices for carrying out this work. The whole criminal law reflects this attitude towards crime repression on the part of the Communist Party. The evolution of this code since its establish-

ment in 1922, by a multitude of amendments and two almost new writings, reflects interestingly the needs and purposes of the state in various phases of its development. It is divided into a general and special part, and although the general part is appended to this thesis, let us glance briefly at its various divisions.

The first section is devoted to the purposes of criminal legislation. The second deals with the extent of operation of the code. The third lists the general principles of the penal policy. Section four is concerned with the measures of social defense measures of correctional character applied. The last section is devoted to conditional sentences and release on probation.

Since the adoption of the code in 1922 there have been two important amendments. In 1926 when numerous changes were made, the chief feature was a more lenient application of penalties. This was at the time of reconstruction, when the development of the socialist state took on greater emphasis and education as a method of penal treatment was considered one of its chief tools. By the amendments of 1928, deprivation of liberty was limited to sentences of one year and more. Previous to this time sentences of even one day had entailed deprivation of liberty. In short-term sentences the aim is now to provide supervision to the convicted person in place of work, and permit him to retain his liberty.

The entire concept of punishment is abolished in

the 1926 edition of the Criminal Code. The official concept is not of retribution or any infliction of pain or even of "just reward". From this time on the term "punishment" is not used; the term used is "measure of social defense".

The measures of social defense now provided by the Criminal Code are divided into three categories: first are the measures of judicial and correctional character; second, measures of social defense of medical character; and third, measures of social defense of medical and pedagogical character.

The measure of social defense of judicial and correctional character contained in the Collection of Acts of May 20, 1930, are enumerated as follows:

- (a) The offender is proclaimed enemy of the toilers and is at the same time deprived of the citizenship of the constituent republic and thereby of the citizenship of the Union of USSR and must be necessarily expelled from its confines.
- (b) Imprisonment in common prisons.
- (c) Imprisonment in corrective labor camps in remote localities of the Union of the USSR.
- (d) Compulsory labor without confinement.
- (e) Forfeiture of political and separate civil rights.
- (f) Removal from the confines of the BSESR or from the territory of a specified locality with compulsory settlement in other localities or without same, or coupled with the prohibition to reside in definite localities, or without such prohibition.
- (g) Removal from the confines of the Union of the USSR for a certain period.
- (h) Dismissal from office coupled with prohibition of occupying a certain post or without any such prohibition.
- (i) Prohibition to engage in certain activities or industry.
- (j) Public censure.
- (k) Confiscation of property--complete or partial.

- (l) A fine expressed in money.
- (m) Imposition of the duty to make good the damage caused by the culprit.
- (n) Warning.

In addition, there is the use of public censure as a repressive measure. This is defined as a "public expression of condemnation in the name of the court." It must be published through the press and may be either the only penalty given or may be added to another. The use of warning is also practiced in cases where the accused is acquitted but by his conduct gives "every reason to fear commitment of crimes by him in the future." By this means a preventive effort is attempted.

It might be said in summary that while severe measures still exist and are used in regard to counter-revolutionary activities or crimes against the state, the emphasis in the penal program is decidedly upon educational measures for rehabilitating the criminal as a useful member of the socialist state. The development of this policy is one of the outstanding achievements of the Soviet government.

THE COMPOSITION OF THE CRIMINAL GROUP

The question naturally arises, who commits the crimes? Immediately following the Revolution, the foremost concern in regard to the crime situation was the suppression of those acts which jeopardized the authority of the Soviet government. But as the program of socialist construction went forward, as the administration secured firmer control of the

political situation, a noticeable change was apparent in the type of prisoner. Counter-revolutionary organizations had been practically eradicated; the Kulak war, though still going on had lost much of its force, and the residue of the convict population became more similar to that of other countries. There was a change in the social composition of the group. Instead of a majority of an otherwise honest group of middle class agrarians whose crimes consisted in efforts to overthrow the government, there was a rising percentage of ordinary criminals. This does not mean that the government is no longer confronted with a great number of crimes against the state by the bourgeoisie and Kulak class; but it is noticeable that the other type of crimes is being given more attention, and that programs of treatment are designed to apply to that problem.

Considering both sexes, the age at which criminal acts are most frequently committed is twenty-four years. The curve descends sharply to forty and in a slower fashion from forty to sixty. Official figures give the age group of fourteen to eighteen years as committing 2.5 per cent of all crimes, eighteen to twenty-four as being responsible for 25 per cent, and twenty-four and above for the remaining. The crimes committed by the first group are almost entirely theft; in the second group there is a great variety, but hooliganism is predominant; in the third class are found all kinds of law-breaking.

The term "hooliganism" is unfamiliar to us and requires a brief explanation. It covers a multitude of crimes. If one suddenly strikes a passer-by on the street without cause, such an act is hooliganism. Unmotivated acts, or deeds not logically accounted for might define the term. The charge corresponds roughly to our "disorderly conduct", except that the acts committed may be of a more serious nature.

In a comparison of the crimes committed by male and female transgressors, one notes that the female is responsible for more minor crimes than the male. In one type of crime, hooliganism, the male is in the majority with a percentage of 27.4 as compared with 2.8 for females; but in all other groups the woman is far in the lead.

In crimes carrying sentences of more than one year, however, the men take the lead again. A table taken from Vishinsky's volume shows clearly to what point women exceed
 11
 in crime.

Length of sentence	Per cent. of male	Per cent. of female
Up to 3 months	8.7	18.3
From 3 to 6 months	11.6	20.1
From 6 months to a year	16.8	21.0
From 1 year to 2 years	21.1	17.1
From 2 years to 3 years	13.6	11.1
From 3 years to 5 years	14.6	7.9
From 5 years to 10 years	12.6	4.5

As is to be expected, the social composition of the criminal group in the USSR differs from that of the capitalist countries. In the crimes committed against the state the guilty are largely those of the bourgeois and Kulak classes

11.A.J.Vishinsky, "From Prisons to Educational Institutions"

who still struggle against the socialist order. The workers constitute the major portion of persons committing other types of crime. Professor Gernet divides them into owners of property or employers, and workers. In theft we have a 12.2 percentage for the first class, and 21.9 for the second; the corresponding figures for banditry are .8 and 1.7; for murder 1.6 and 2.4; for hooliganism 9.3 percent for the first and 11.4 per cent for the second. The situation is reversed in regard to crime against the person, wherein the first group has a percentage of 10.5 and the 7.1.¹²

There is some substantiation of the theory of the economic basis of crime in the fact that the curve for crime and unemployment fall and rise together. Russia claims to have no unemployment problem now, but there are some who do not want to work. In every country an idle hand is always to be found. The USSR also has her misfits, dregs and those who fall by the wayside for a variety of causes. It is from this group that a large part of the Soviet Union's criminals come.

THE JUDICIAL SYSTEM IN THE SOVIET UNION

THE COURTS

The evolution of the Russian courts to their present form represents one of the most interesting developments in the country. It has been the aim of the Soviet regime to

12. Cf. M. Gernet, "Crime Abroad and in the USSR", p.167

have the working class take part in carrying out the laws of the land. As early as 1918 Lenin expressed the principle that every citizen must be placed in such conditions that he will be able to take part in discussing the laws of the state, in the choosing of his representatives, and in the carrying out of the laws of the state. The Communists claim that their policy of political education has moved steadily toward the fulfilment of this plan. The use of jurors and the method of their annual selection, which strives to bring a great number into jury service, furnish a means whereby active participation in the administration and discussion of laws is being carried out. Another is the use of comradesly courts conducted by the people of the village or factory.

Two recent events have increased greatly the responsibility of the courts in the establishment of strict legality. The first was the meeting of the first All-Union Conference of Jurors in April, 1934, which brought forward many recommendations seeking to attain a higher quality of work on the part of the courts, prosecution, and correctional labor institutions. It recommended openness in all trial proceedings; and emphasized again the necessity of constructive sentences. It placed responsibility for crime prevention on its courts. The tribunal has not only the duty of pronouncing sentence of guilt on a person, but it must also discover the reasons for the circumstance of the crime. It is one of the fundamental principles of the administration of Soviet crimi-

nal law that the responsibility for the fullness and correctness of both investigation and verdict in the course of the trial rests on the court, and it may take any action on its own initiative to secure such ends.

The second act of significance was the reorganization of the OGPU by the formation of the Commissariat of Home Affairs. The OGPU was incorporated into the All-Union People's Commissariat of Home Affairs as the Administration of State Safety, and its judicial functions have been abolished. The significance of this is apparent. Cases once disposed of by this organization now pass through the courts, and the popular pictures the world held of secret midnight trials will have to be laid aside. Russia advanced another step in the administration of criminal law.

Therefore, as an important instrument in the accomplishment of the socialist society which is the goal of the people, the function of the court is first to subdue the enemies that would undermine progress towards this goal, and second to aid in giving discipline and control to those of the working class who are not strong enough on their own account. Added to that, it is an organ of prevention.

The People's Court is at the very bottom of the judicial system. Its jurisdiction may include any case against property or person not calling for a death sentence, although actually the more serious cases go to the higher courts. It has additional functions, being a member of the observation

commission which supervises the correctional labor policy at the local penitentiary or correctional labor institution. It has an administrative function, also, when the judge decides whether the evidence gathered in a preliminary investigation is sufficient to warrant court proceedings.

The People's Court is presided over in trials by a judge and two jurors who have most of the responsibilities and rights of the judge, and may, therefore, be called co-judges. The judges are elected by the local Soviet and may be recalled for sufficient cause either by the same body or by the Commissar of Justice. This provision for impeachability is one of the fundamental principles of organization of the Soviet courts.

The judges of these lower courts are members of the working class. The qualifications of the office are that, in addition to being from among the laborers, the judge must have a record of two years of responsible work in state or workers' and peasants' trade unions, or party organization of the workers, or of three years of practical work in organs of Soviet justice in the capacity at least of judicial investigator.

The jurors are elected by factory committees, Red Army sections, and village Soviets. There are no specific qualifications except the right to vote. But there is the restriction that any person expelled from a social or professional organization for a disgraceful offense or conduct, loses his right to become a juror for three years thereafter. The

names of candidates for jurors are posted and warranted objections may be presented to the election committee. When the names of elected jurors are sent to the commission, the latter apportions them to serve in the various courts.

During the six days of absence from work in the act of performing this duty, the worker retains his place and wage of employment. Although the jurors have no specific preparation for their task, there are conferences and evening classes which help acquaint them with the work.

The second step in the judicature leads us to the Regional Court. It supervises the work of the People's judges, handles cases appealed from the lower court, and is a court of original jurisdiction for the more serious crimes. All cases of appeal are heard by three judges, but in cases of original jurisdiction there is the one judge and two co-judges, just as in the lower court.

The judges of the Regional Court are elected by the Regional Executive Committee from a list of names submitted by the Commissar of Justice. Their term of office is one year. Their qualifications call for service in a judicial capacity for a period of three years in a position not lower than the People's Court.

There is next in the system the Supreme Courts of the seven republics which act both as organs of judicial control for all courts of the territory, as courts of appeal from the lower courts, and of courts of original jurisdiction

in more serious cases. The judges of these courts are elected by the Central Executive Committees of the respective republics.

The Supreme Court of the USSR is at the top of the judicial system. This is the organ of highest judicial supervision acting as a court of appeals of all cases from the various lower courts. Its judges are elected by the Central Executive Committee of the USSR for a one year term; they must have had at least three years' service as judges of the People's Court. Only for the most important cases in the Union is the Supreme Court of the USSR a court of original jurisdiction. One such case familiar to most of us was the Metropolitan-Vickers case in which a group of Englishmen were accused of sabotage.

Mention is last given to the village public courts and the comradesly courts of factories. These courts are of, by, and for the people. At a meeting of the workers of a given village a chairman and ten or more members are elected to sit as a court. These comradesly courts are free from any judicial rules. They are under the supervision of the People's Courts; their purpose is to encourage the interest of large masses of people in handling such violations of laws as occur in factory or village. Among such problems would be found indolence, drunkenness, violation of labor discipline, and disorganization of production in the factory. The penalties imposed include public censure with announcement in the

wall-newspaper, public warning, limited fines, and temporary expulsion from the trade union.

A review of the basic principles of organization of the Soviet Courts will bring this discussion to an end. In the first place, the administration of justice is in the hands of the workers. The judges are popularly elected and held accountable before the electors. Secondly, the judges are representatives of the workers and are called upon to carry out the policy of the working class. This emphasizes the concept of class distinction prevalent not only in the government, but also in the administration of justice in the USSR. It must, moreover, be remembered that judges are impeachable. A third principle is the process of trial under the supervision of a body of three people, one judge and two co-judges, a system which assures the majority to the people's jurors.

THE PROSECUTION AND DEFENSE

The functions of the prosecution in the Soviet Union are quite different from those in our country. The prosecutor does not have a glamorous role in the Russian judicial trial. He, as well as the defending attorney, is a mere assistant to the court, aiding it in getting at the truth of the affair before them. The lack of importance of the prosecutor is demonstrated by his frequent absence from the trial in the People's Court. It is not usual in this lower tribunal for either prosecutor or defense lawyer to be in attendance, although, at times, they do appear. But there is no

place in the system for the ingenious display of a game of wits between attorneys, as there is neither a jury such as ours, nor anyone upon whom an emotional impression could be made. There is really no great need in the ordinary cases for an attorney on either side. The court has both the power and responsibility to see that all evidence is placed before it. The story is unraveled, the witness tells the tale without instructions to answer "yes" or "no" to questions put to him. The trial takes the form of an informal narrative, interrupted by pertinent questions by judge or jurors or other parties to the case.

What, then, are the functions of the prosecutor?

The following list of duties is cited by Dr. Calcott.¹³

(1) To supervise on behalf of the State the legality of the actions of all administrative organs, economic institutions, public and private organizations, and private persons, by instituting criminal proceedings against guilty persons and by protesting against decisions infringing upon the laws.

(2) To observe directly the activities of investigation organs, criminal inquiry organs, and also the activity of organs of OGPU.

(3) To prosecute in court.

(4) To see to the proper treatment of inmates in homes of correction.

It is interesting to examine the duties of the prosecutor in preparing and conducting a case at trial. When the militia or any other agents present material evidence of crime, the prosecution begins to function. While the proceedings are in the preliminary stage, the position of the prose-

cution is quite different from what it is later. He is now concerned with learning the truth of the situation and not with "fastening" guilt upon someone for an act of which the latter may be innocent but for which there nevertheless, must be a conviction. Thus, in the preliminary examination he is not an accuser. He is in full charge and the chief of all that takes place. He does not seek evidence of guilt at this time any more than he attempts to establish innocence. He gathers all available data and then makes his decision as to whether or not the case is to go on. Once he has come to the conclusion that the indictment is sufficiently well founded and the accused becomes the defendant in the judicial trial, his position is changed.

He is now the prosecutor in the trial. He believes the defendant guilty and urges some measure of punishment in his speech. But so intent is he still on obtaining justice that he may cease his prosecution if he decides that he has made an error in the preliminary examination. It is his duty not only to do this but also to convince the court that he is correct in his action.

If the court is to fulfill the slogan of the Socialist State in providing equality of opportunity and privileges to all, then the rights of the defendant must be protected. Adequate aid must be given to the accused. The Advocacy Act of 1922 created the "collegium" of lawyers, making its members responsible for the legal aid of the party held for

trial. No lawyer may defend in court unless he is a member of the "collegium" or bar. The qualifications required of the members consist of a higher juridical education or the successful completion of a prescribed examination and at least two years' service in a judiciary position within the Soviet Union. The collegium has no authority over the fees to be paid by clients. That lies in the hands of the Commissariat of Justice, which sets up a fee schedule dependent upon the complexity of the case and the ability of the defendant to pay. The poor are defended without charge, while workers pay a small fee.

Provision of defense in court is not the only function of the members of the collegium. They visit factories and other centers, delivering lectures on law and acquainting the masses with their legal rights and duties. Such activity serves as a means of preventing crime since it acquaints the individual citizen with the law and simultaneously emphasizes the advantages of its observance.

In harmony with the desire of the state to protect the people, the law provides specifically that on all occasions when a prosecutor appears for the state, there must also be a counsel for the defendant. If the latter has not been able to obtain one or is unable to pay, the court arranges the appointment of a counsel for him. Once the defense counsel is in charge of the case, he may see his client as often as he desires for as long as is necessary, without the

presence of any attendant. He has the right to advise the defendant during the entire trial. He has the right to the last word and he not only makes the final plea but he questions witnesses after the prosecution.

The defendant himself, has specific rights and safeguards. First, there is the matter of the preliminary trial. A suspect may be kept in custody by the militia no longer than twenty-four hours unless the prosecutor gives permission for the man to be held. Within fourteen days there must be either release or sufficient evidence to hold him. Nor may he be kept in jail while his trial is put off from day to day. The maximum time permitted for the preliminary work and the actual commencement of trial is one month. In the meantime, the accused will have secured his counsel.

In one month's time a public trial is held. The public trial is one of the principles of criminal procedure in the Soviet courts. Through publicity the Russians hope to accomplish both the education of the people and the control of the court by them. As the case opens, the presiding judge explains to the defendant his rights to make use of all the material, to examine and cross-examine witnesses, and to make any statement he desires at any stage of the trial. These things he may do even though he is represented by counsel, for the state believes it is to its own interest to see that the accused has every opportunity to be treated fairly. One cannot fail to be impressed with the fact that sincere at-

tempts are made to administer justice in the court procedure of the USSR.

REHABILITATION BY PRODUCTIVE WORK

The policy of the Soviet government in the treatment of prisoners has won wide acclaim from critics here and abroad. M. Herriot of France, on visiting the Kharkov Labor Commune, declared, "I am not a communist. I am an old man,"¹⁴ and then launched into warm praise of the system in use there. Sherwood Eddy describes it as being "in many respects the most humane, the most scientific and the most successful of any in the world."¹⁵ According to John L. Gillin it is "the most forward looking in the world, a daring experiment in penology deserving most careful study."¹⁶ After visiting Russia D. N. Pritt, K.C., of England said with regard to prisons: "Everything that Russia has recently done is what English reformers have preached for years with unflagging¹⁷ courage."

What is the nature of this system which inspires words of such great praise from these men? As we have already learned, confinement in Russia has no punitive purpose. Its aim is rather to reform erring individuals and prevent their doing harm to society. Hence, prisons become correc-

14. Quoted by M. Callcott, "Russian Justice", p.159

15. Sherwood Eddy, "Russia Today", p.79

16. Jerome Davies, "The New Russia", pp.236,240

17. D.N. Pritt, "Twelve Studies in Soviet Russia", p.175

tional institutions with a program intended to influence the wrong doer in three basic directions. First, he is taught to perform socially useful work. Secondly, he is educated politically, and finally he is encouraged to participate in the public activities of the other prisoners.

In practice these three methods of influence are carried out in the following fashion. The convict works under the same conditions and with the same protections that he would enjoy in outside labor. His hours are seven or eight a day depending upon the nature of his work, and he is granted weekly a forty-two hour rest period. One of the most constructive features of this labor is that it forms a part of the Five-Year Plan. The prisoner who is constantly reminded of this knows that a part of the success of the Five-Year Plan depends on the quality and intensity of his production. He is made to feel that he labors on a par with workers outside, that he is useful in the economic plan of the nation. This spurs him on to do his share. Some of the prisoners go further. They form themselves into shock-brigades and try to exceed their scheduled output. The morning after the State Planning Commission sends the schedule to the prison factory, the shock-brigades meet and draw up a counter schedule. If they succeed in increasing the output, they continue to strive to increase it still further. Should they fall behind their schedule, they assemble to discuss the causes which upset their plan. If the cause happened to be a delayed deliv-

ery of raw material from another department, the shock-brigadiers lodge a complaint to the management, so that necessary steps can be taken to hasten delivery. In short, the shock-brigades make it their duty to carry out the schedule as efficiently and rapidly as possible in order to accelerate the further development of the country.

The workers in institutions receive wages, for there is no unpaid labor in the Soviet system. However, they do not receive as high a salary as the regular free laborer, but neither are their expenses as great. They pay no fee for maintenance! No restrictions are made regarding the spending of their earnings. They may purchase extra food or clothing, or the income may be used to support their families.

Labor is not compulsory. A prisoner may or may not work and still receive maintenance. Practically none are idle, however, since refusal to work entails the loss of most privileges.

Education is the second principle stressed in the policy of correctional institutions. Although the teaching of principles of government and economics is considered foremost in importance, the elimination of illiteracy is the essential function of the schools present in every state institution. Advanced courses are provided for the more educated prisoners and even university classes are held in the evening for those wishing to attend. Comprising the educational staff are both teachers from outside and some selected from qualified inmates.

In addition, the prison administrators frequently invite lecturers who discuss subjects of a specialized nature. Admission to these lectures is open to all without restriction.

Prisoners are not merely urged to take advantage of the libraries and reading-rooms found in each labor colony; the allotment of a definite amount of time to books, newspapers and periodicals is obligatory.

One of the most interesting phases of the educational program is the encouragement of creative art work under the supervision of the cultural club. Convicts write and produce their own plays, stage concerts and hold entertainments. This work does a great deal for the creation and maintenance of comradely spirit among the inmates.

The purpose of the correctional institutions is realized most fully in the vocational training which is offered. Courses are given in the most varied of trades and branches of craftsmanship. The unskilled worker is here transformed into a man equipped with specialized information and skill in a particular line. As soon as he leaves the institution, a position is waiting for him, for nowhere in the world is there such great demand for skilled workers as in the Soviet Union. The following figures are given by the People's Commissariat of Justice, showing how the number of prisoners in the professional school has increased. In 1931 the polytechnic classes contained 77,000 prisoners in the RSFSR. Of these, 6,500 finished the course in six to eighteen months. At the end of 1932 more

than 10,000 further prisoners were turned out as qualified workers. By 1934, 24,000 prisoners had received technical training.¹⁸ The Soviet Government is convinced that salvation for the individual lies in this direction. Every man and woman sentenced for law-breaking must be so fitted to earn a livelihood that he will be less likely to transgress again.

The promotion of public activities among the prisoners accounts for some of the most valuable rehabilitation work done in the correctional institutions. It helps develop and strengthen the social consciousness of the individual. It changes him from an anti-social being to an active and useful member of society. Many instruments aid in this reformation. There is first the general meeting. This may be held for a variety of reasons: the formation of social organizations, the election of a representative, or the celebration of a revolutionary event. The prisoners establish their own rules of procedure and make whatever proposals are appropriate. The general meetings take care of all interests common to the entire group. To smaller specialized groups are left the activities connected with more limited interests. For example, the production club holds conferences wherein are settled all questions relating to production. The members discuss improvements in the industrial plan, quota fulfilment, financial matters or any other problem logically related to production. This procedure helps to stimulate interest in socially useful channels, arouses a sense of responsibility and awakens recognition of

one's individual value.

One of the most outstanding achievements in regard to the activities among the inmates is the development of the comradely courts. This court consists solely of prisoners, has as its duties the maintenance of order, the supervision of educational work and the administration of disciplinary measures. It judges all house offenses such as shirking of work or lessons, damaging of shop equipment, laxity in observance of sanitary and health regulations, use of indecent language and destruction of books.

The court is composed of a chairman and two jurors elected at a general meeting. The penalties which they impose are as follows:

- (1) Reprimand.
- (2) Censure.
- (3) Censure with strict warning.
- (4) Censure with publication in local newspapers.
- (5) Limitation of visits by friends from outside for a period of not more than one month.
- (6) Application to supervisory committee for transfer to another prison with a stricter regime.
- (7) Application for withholding all probation, and early release during a certain period of not more than one month after maturing.
- (8) Application for withholding vacation.
- (9) Application for either partial or complete non-discounting of working days.
- (10) Restitution of damage done.

Should the court judge the offender too severely, the warden has the power of altering the penalty.

Wall-newspapers are a feature of the USSR with which

most of us are familiar. They are to be found in all factories, all institutions, and every labor camp. In the prison they carry news of political or educational nature, items of interest to prison life and grievances the prisoners have found with the factory, the officials and their comrades. Their criticisms are subject to the censorship of the wall-newspaper editorial board, a body composed entirely of prisoners elected to this position at the general meetings. Every criticism that is any way justifiable is accepted for publication. If no notice is taken of these criticisms, they appear again in stronger form in the next issue. In most cases officials take them seriously, especially as they are subject to inquiries by the People's Commissariat of Justice. The following examples, chosen from Miss Von Koerber's Book, "Soviet Russia Fights Crime", illustrates the types of criticisms found in prison wall-newspapers. Before presenting the criticisms, the author makes this statement: "In the selection which follows, I have intentionally chosen very sharp criticisms, in order to show how freely the prisoners express their opinions."²⁰

Sokolniki Prison Wall-newspaper, September 1932

WHO HOLDS UP THE WORK OF THE HERCULES
FACTORY

The machine repair shop holds up the work of the Hercules factory, as the parts of the machines ordered are not delivered on time. One department has had to stop work for some days because there were no screws. The mechanic has demanded them three times, and last time Comrade Korubussin went himself, but with no re-

sult. Such things cannot continue. We await a definite answer.

"THOSE WAITING."

Taganka Wall-newspaper, September 1932

DISGRACEFUL BEHAVIOUR OF SO-CALLED
SHOCK-BRIGADIER

The worker, Vlasov, is very careless. His bench is always untidy, and he never puts it tidy when he has finished work. He scarcely bothers about the schedule and the quality of his work means nothing to him. The only thing that concerns him is that his day's work is counted, and he "spits on every else". He has even said as much. The examining commission should bear this in mind.

"A WORKER."

Shock-brigadier trooper Kusniezov is the hero of the day. He is so lazy that he has developed sleeping-sickness. He sleeps like a log and can't get up in time to go to work punctually. When one tries to wake him, one only hears snoring under the balnkets. There is a Russian proverb which says: "Work is not a bear, it won't even run into the woods"; but you, Kusniezov, where will you run to?

"IVAN"

From the Wall-newspaper, "Speed and Quality",
Sverdlovsk, 25 August 1932

Work amongst the illiterate and the uneducated in Sverdlovsk prison has, so far, been insufficient. In July, only four hours' work was done. There is no statement of the number of illiterates and insufficiently educated. The political education department of the prison management has drawn the attention of the activists to sabotage against the carrying out of this most important task. As a result an examination was held. It then appeared that in all the prisons there were 170 illiterates. The leaders of the groups were elected, proper working conditions were arranged and the necessary school books procured. But this reform did not last long. The most influential of the illiterates--Bierdinski, Poschiakov, and others--often missed the lessons and undermined the enthusiasm of the rest. Those who have been sabotaging the fight against illiteracy were turned over to the comrades' court, which examined their guilt, and punished them by withdrawing their prospects of early release. The decision of the comrades' court has been of assistance.

Work among the illiterates is now proceeding.

Taganka, September 1932

A FEW WORDS ABOUT THE DENTIST

Three days ago I went to the dentist. The senior of our group put me on the register but I got no attention. I have toothache and beg the editorial to help me.

"SIKORSKI"

The editor of the wall-newspaper is not under the supervision of any official. No one is allowed to open the letters sent to him. Thus is the anonymity of the writer assured.

All possible privileges are granted to the man deprived of his liberty. In accordance with the principle that no condition designed to degrade the convict may be permitted, penal authorities forbid the practice of corporal punishment, the use of chains, deprivation of food, and solitary confinement. Prisoners wear their own clothes, may talk freely, smoke and walk about anywhere they wish in the labor colonies. They may write and receive letters without restrictions. For the man who has proved himself a good worker, a leave of fourteen days in the year is granted. He may go wherever he likes on this vacation and his good behavior is placed entirely on his honor. A prisoner may obtain a leave at any time in case of an emergency.

The peasant or collective farmer is granted still more liberal terms. Should he be needed for field labor, he is given a leave for the full three-months period of the sea-

son. If he breaks no law during this leave, the three months are deducted from his sentence.

In addition to receiving this leave and vacation, the prisoner may shorten his time of sentence if he wishes. This is made possible first by the practice of counting two days' productive work equivalent to three days' detention. Secondly, the Observation Committee judge when a prisoner is fit to be restored to society, after he has served the minimum one-third, of his sentence.

It appears that every policy practiced in the institutions is directed towards rehabilitation of the prisoner. This is the expressed purpose of the Soviet Penal system. How well it has accomplished this goal may be illustrated in a description of the Bolshevo labor commune.

THE BOLSHEVO COMMUNITY

Bolshevo is a large village, a community of hardened young criminals who are there to make a new start in life. How and why did this community originate?

At the end of the Civil War and during the Volga famine, wandering hordes of children, confirmed in criminal habits, presented a very grave problem to the government authorities. What was to be done with these children between the ages of fourteen and sixteen? The authorities feared to put them in the prisons lest this treatment make them even worse; They could not be placed in children's institutions since they

were too far advanced in crime and, thus, a source of danger to the children already there.

In the midst of this perplexity, the groping for some plan, Felix Dzerzhinsky, the original head of the GPU offered a solution, namely, the Bolshevo Labor Commune. In 1924 the GPU established this institution for young delinquents.

At first there were great difficulties. Some of the children accustomed to stealing could not break away from the habit. A crucial moment appeared when several youths attempted to rob the store-house. They were caught and the director was faced with the problem of how to punish them. Minor punishments, such as had been inflicted until then, would be of no value in this case. The use of force, on the other hand, might lead to open revolt. Then at a public meeting, one of the teachers suggested the bold measure of entrusting the keys to the boys. The success of this measure was apparent immediately after its adoption. For the first time in their lives the young people were trusted; what a contrast to their expectations! Instead of receiving blows, suffering deprivation of food, being isolated, punished, harshly mishandled, the incredulous youngsters enjoyed complete freedom. The boys were told they could leave if they wished; but if they desired to become educated, useful men, let them stay here where they will receive help. About sixteen percent of these wild, undisciplined young criminals did leave. But many returned and asked to be taken back. So new and thrilling a feeling was this that they

anxiously strived to cooperate with the authorities.

The young ex-criminals were soon permitted to establish a system of self-government in the colony. They elect several commissions to take charge of various departments and the chairmen of all commissions form a body of their own called the Conflict Commission. This Commission decides upon disciplinary measures and penalties for infringement of rules. Serious cases, however, are referred to the democratic general assembly of the members of the commune. Five older officials act as friendly advisors in this self-governing community. There are also eighteen teachers, instructors in various trade trades.

Bolshevo is located in a beautiful pine woods about two hours' motor ride from Moscow. There are no armed guards, no walls, no fences, no guns, no means of confinement for the boys to be seen. It appears to be a great industrial village. The inmates have a large farm, trade schools, machine shops, a metal workshop, and huge factories where sports articles are made. These articles--skis, skates, boxing gloves, footballs, tennis rackets, sport shoes--are famed for their excellent quality. A town and a community are being constructed around the colony in which the young men may settle permanently, if they so desire, at the expiration of their sentences. Apart from new buildings, the colony is almost self-supporting. Each man is allowed to choose some congenial or useful form of labor. All are paid wages according to their skill, with an

average wage the equivalent of over fifty dollars a month. The directors and some of the instructors receive more than two hundred a month. After three years the worker is admitted to the trade union and restored to full citizenship. He may then have the coveted honor of entering the Communist Party. Maxim Gorky reports that between 1927 and 1931, 163 inmates had had their civil and social rights restored by the Soviet authorities. Of these 163 persons 17 had joined the Red Army, 105 had become members of the Communist Youth's league, and 11²¹ had become members of the Communist Party.

Over a period of ten years the eighteen original inmates have increased to over two thousand. The new members have been carefully selected from the prisoners in other institutions by a Selection Committee composed of inmates of Bolshevo. A record of good behavior in the correctional institutions qualifies the prisoner for transference to the colony. Today there are over two hundred girls and women in the community. About four hundred inmates who are married--choosing a partner from the commune or outside--live in an apartment house provided for them and their families.

The members of the colony have their own savings bank and bank accounts. They have their own cooperative store and a multiplicity of organizations, interest groups and circles. Over five hundred belong to these circles. The latter consist of five bands and orchestras, a glee club, a dramatic

club, voluntary educational classes, sports clubs and numerous entertainments.

It will be interesting to join Miss von Koerber in her visit to Bolshevo. She is inspecting the colony accompanied by an inmate.²²

We went along the wide streets of the colony and everywhere we met members who gave the teacher a friendly greeting. Beautiful airy buildings, large gardens, and tennis courts, it all looked ideal. I wondered if the results were really so remarkable or was it only an illusion.....

We went into a block of flats....A mother with her children round her sat on a bench by the door. I wanted to see some of the flats and was readily let in. I noticed a slender youth.

"Do you live here?" I asked him.

"Yes. Would you like to see my flat? Unfortunately my wife isn't here; she is convalescing in the Crimea, but you shall see our child."

In a fairly large room was a large bed. By its side was a white cot, and by the window there a baby grand piano. I looked more carefully at the young man; he had small, clear-cut features and the delicate hands of an intellectual. I asked whether the piano belonged to the community and if he played. "No," he said, "we bought it for my wife. She plays." He answered as if it were the most usual thing in the world. Then he took his two-year-old daughter on his knee and told me of his life.

Emil Petrovitch Kaminski had had an unhappy youth. His mother died when he was a baby. His father married again and his stepmother could not bear him. No one bothered about him. When his father went to the war he was left to himself. He learnt nothing and at the age of ten he had already got into bad company. There was no work for him during the civil war so he volunteered for the Red Army, but was refused as he was under age. He wandered around doing nothing, and at last joined a group of bank-note forgers, with whom he "worked" for two years. He was arrested in 1925 and condemned to ten years' imprisonment. Two years later the Bolshevo commission found him, at the age of twenty, and took him into the community. That was six years ago.

"How long do members stay here?" I asked.

"Do you mean how long shall I stay? Many of us stay for good. We have a wide field of activity and want to help other 'incorrigibles'. I am an engineer. I was trained in the community technical school, and I want the community to have the benefit of my work. Every member stays from two to three years. It takes that time to learn a trade and to get on a firm footing again. Today I am a free man. My sentence has been wiped out. But it is no easy matter. One is discharged at the end of three years, but the stigma of having been in prison remains. A year or two after dismissal, the community applies to the government to have the sentence removed from the records." He added proudly: "Now I am a member of the trade union."

The little girl grew impatient and begged her father to play with her, so we got up to go and he showed us to the door.

.....Then I waited for a young instructor, a former delinquent, who wanted to show me around. He was called Alexander Artemovitch Bironski, and managed three community houses of 200 men. He came punctually as arranged.

"Let us sit in the Red Corner," he suggested. "Then we shall be able to talk undisturbed."

.....He told me cheerfully, and without a trace of remorse, of his varied life. He came from a worker's family and was twenty-seven years old. He lost his father when he was two. His mother had to work and had little time to look after him. At the age of four he was sent to his grandfather. He went to school and learnt easily. When he was fourteen his mother took him to Moscow, where he became an errand-boy. This boring work did not please him and he tried to find amusement in the company of friends. One of them was the son of an inn-keeper, whose mother had no money and could neither pay for cinema tickets nor sweets, so the children stole in order to be able to enjoy the coveted pleasures.

When he was fifteen he and his friends trained as pickpockets and led a life of crime. During the Revolution and the civil war they went on stealing undisturbed. No one had time to bother with stray children. Later on he was repeatedly arrested, and in 1920 he was put into a reformatory and then sent to prison. He escaped from everywhere. He dug a hole under the floor of his cell, and one time he climbed up the chimney. He was determined not to serve his sentence.

I interrupted the vivid story. "Did it never occur to you," I said, "that you might lead a different sort of life?"

"Yes, sometimes, when I had stolen a lot in the trams, I thought: 'Perhaps you will be in prison again to-night'; but as soon as I was drinking with my comrades I forgot everything. Do you know, that if in those days anyone had told me I should ever live honestly and work, I should have spat in his face. In 1925 I even said to the members of the community who wanted me to join: 'You must all be mad to give up your freedom.' I first joined the community in 1927, but I had no intention of staying. I only wanted to have a look round. The first seven months that I was here I always thought: 'I'll escape to-morrow'; and then in the evening I put it off. The machine kept me here. They had actually given me one of the best machines, and I could not leave it. Otherwise it was very hard at the beginning. I was so bored. I missed my adventurous life and being a constant danger."

"Did one of the instructors take special interest in you?" I asked.

Alexander ran his hands through his fair hair: "Yes, Nikolayev. You spoke to him this morning. He has been here since the beginning and knows every one of us. He looked after each one. He never spoke severely to me; that would only have made me rebellious. He gave me the machine, and after seven months he gradually began to interest me in communal work. I know that he asked every morning: 'Is he still here?' He was pleased when I threw myself into the work and did not notice how the time went."

He told me with obvious pride of his many responsible positions, and of his capacity for work. He had also invented something and had been given a bonus. He made his way to the top in the shock-brigade work, in competitions, in everything in fact, till they made him an instructor.

After having visited this community, one cannot but feel assured that a new humanity is truly being reclaimed in this Rehabilitation Colony of Bolshevo.

SOKOLNIKI

It cannot be said that all prisoners in the USSR live in happy communities, out in the open sunshine and surrounded by beautiful pine woods. Well known is the fact that

the housing situation all over the Soviet Union is acute; the Russians say that it is to be expected that prisons also share in this shortage. They have as yet been unable to erect as many of the new type of correctional institutions as are needed. Thus we find some prisons of Czarist days, such as Sokolniki, still being used.

Shortage of buildings is not the only cause for the use of closed prisons. Article 28 of the Criminal Code says: "In exceptional cases, when the court recognizes that the person condemned to three or more years imprisonment is obviously unfit for physical labor or owing to the degree of his social danger need not be sent to the corrective-labor camp, the court has the right to substitute a common prison for a camp by specially decreeing so in its sentence."²³

Sokolniki has the atmosphere of a penitentiary. Surrounding the building is a fifteen feet stone wall on which a soldier keeps watch day and night. Additional guards may be seen on duty about the court. Despite such appearances, however, this prison operates under a policy identical to that of the labor communes. There is freedom of movement, (in this instance restricted within the wall, except during leaves); prisoners move about, sit on the benches or wander on the path at will. They talk freely to one another; they enjoy the usual club activities and social interests. They assemble in general meetings, elect the various committees, and discipline

themselves in the comradely court.

There is work for all in the factories and shops. The prisoners labor diligently and willingly for they are aware that they, too, participate in the successful completion of the Plan and actively aid the nation's economic life. Sokolniki, as do the other institutions, exists only in order to awaken and develop the social consciousness of the inmates so that they may be released to society as useful citizens.

Thus it is that although the building reminds one of the ordinary prison seen everywhere in the world, it is to be doubted whether the spirit which prevails in Sokolniki can be achieved in the penitentiaries of many other countries. The Soviet penal system tends rather to create new men than to manufacture professional criminals.

THE JUVENILE DELINQUENT

One of the most brilliant achievements of the Soviet Union is in the sphere of child and set him in the midst of the whole system, to occupy the first place of regard, the chief consideration in everything. The Russians believe that children must be the chief consideration in every law and plan. They must have the best milk, the most nourishing food, the most humane and scientific care. So much has been said and written on the care of the child in Russia that it is unnecessary to elaborate here; nevertheless, it is striking to recall Sherwood Eddy's words: "No people in the world have a

greater natural wealth of affection for their children than the Russians, and no system gives more recognition to their importance.²⁴"

The concern and attention given to the delinquent in the USSR is no less than that shown towards the normal child. As a matter of fact, the policy of training the young lawbreaker cannot be separated from the general plan of juvenile training. Whenever possible, the delinquent child is sent to schools which in no way differ from those attended by the non-criminal child. His protection and training constitute one of the uppermost duties of practically every branch of government.

"The Road to Life", a cinema familiar to us all, offers an excellent illustration both of the problem the Besprisorinis (waifs and strays) presented to the Soviet government and the program used to reform them. It is interesting to know the cause for these bands of wandering children in Russia.

During the civil war and the war of intervention, the Soviet Union was in a constant state of unrest. There were English troops in the Baku oil-fields, American and Japanese in the Far East, German in the Ukraine, and Polish in White Russia. Added to this, the country suffered the Volga famine in 1921. For eight years Russia was in a state of chaos. Hundreds of thousands of families had to take flight, parents lost their children, children could not find parents in the crowds. It was inevitable that many a thousand became

24. Sherwood Eddy, "Russia Today", p.100

wandering children. They crowded in the railway stations, rode the rails from place to place, congregated in any available place, apprenticed themselves to bandits and thieves, and were so depraved by street life that they became most hardened criminals.

As early as January, 1918, only two months after the October Revolution, the government attempted to deal with the Besprisornis. The Council of People's Commissars issued a decree establishing Commissions for cases of minors. These commissions, with their powers greatly increased, exist now, also to take charge of juvenile delinquents. They were able to make but little progress in checking the vagrants until the end of the civil war in 1921. In one year about 540,000 wanderers were collected in the USSR. Children were snatched from the streets, stations, trains, and were taken to "collector", as the homes established for their care by the GPU were called. Here they were bathed, dressed, fed, given mental and physical examinations, divided into different categories, and then turned over to the Commission for the Cases of Minors.

The Commission is an educational organization not a children's court. Its task is to teach the juvenile delinquent to become socially useful; hence, the members composing the Commission are chosen from those professions contributing appropriately to this end. The chairman must be a capable teacher experienced in dealing with children or with juvenile delinquents. In addition to the chairman, there is a member re-

presenting the local department of public education, a physician from the local health department, a judge from the People's Court, an investigation educator, a member of the Komso-mol, a representative of the Society of the Friends of Children, and representative of the local trade union organization.

The Commission deals with cases of all delinquents between the ages of eight and sixteen. Minors between the ages of sixteen and eighteen are subject to the jurisdiction of the court; children under eight years of age are never called before the Commission.

A few of the measures taken in the cases of children up to sixteen are the following:

- 1) Placing the child in the care of a family.
- 2) Providing a guardian for the child.
- 3) Finding work for the child.
- 4) Returning the child to city of his birth.
- 5) Placing the child in an educational institution.
- 6) Sending the child to a medical or medico-pedagogical institution.
- 7) Helping the child to join a children's club.
- 8) Warning the child.
- 9) Placing the child in the care of an investigating educator.

Although the cases of juvenile offenders between the ages of sixteen and eighteen are tried by the courts, the measures applied are very similar to those used for the young-

er children. Only when the circumstances of the crime convince the court that these terms will be inadequate may the minor be sentenced to deprivation of liberty. The sentence is reduced, furthermore, to one-third of what would be imposed on an adult committing the same deed. A death sentence may never be given to either child or adult.

At the time of their organization the institutions for delinquents, while educational in nature, were without a definite social goal; they were not adequately prepared or equipped to change the youths into productive and useful citizens. At the present time there is a network of children's homes leading the child from training directly into the industrial life of the USSR in such a manner, the Russians declare, that no way is left open to his return to a criminal life.

The Five Year Plan with its extensive program of industrialization and agricultural collectivization created a great need for trained workmen. This urgent need provided those in charge of juvenile delinquents with a definite program. Training took on a new purpose with specific ends in view and with specified jobs to fill. The government wished the offenders to become active participators in the economic plan of the USSR.

To accomplish this purpose, the children's homes were merged with the factory apprenticeship schools attached to the factories in cities. The homes in rural communities

were connected in like manner with state farms. Such associations afforded places for training skilled workers.

The direction of the homes lay in the hands of the Commissariat of Education. These homes are centers for the training of non-delinquent as well as the delinquent children. Neither guards nor coercive methods are used. Their task is to "combine teaching with productive labor upon such a basis that the whole social productive labor of the pupils was to be subordinated to the academic and educational aims of the school."²⁵

From these schools the youths move directly into the stream of factory workers and take their place in the productive life of the Union.

There is a second type of institution used for the child who requires more restrictive treatment. Though it is likewise a system of schools connected with the factories and state farms similar to the first system just discussed, the second type is used for offenders only and liberty is restricted. Yet, there is hardly a tinge of prison atmosphere in these schools since the use of bars, locks, and prison regime are forbidden.

The character of the training is educational just as it had been in the others, but, the offender may not leave the school until he has served the term of sentence. He may have vacations, however, go out in group hikes, and enjoy the sum-

mer camps as do other pupils.

The inmates arrange their own schedule and discipline themselves by means of a system of self-government. They devote four hours to industrial training, four hours to study, and three to club activities. When their term of sentence is completed, they return to society as highly skilled workers.

The third type of institution provided for the most criminal types of juvenile delinquents had already been described as a remarkable achievement. The inmates of the labor communes, such as Bolshevo, are delinquents with long criminal records. They had been sent repeatedly before the Commission for Cases of Minors, and had served many terms in juvenile institutions. Their cases seemed hopeless until the bold experiment instituted at the labor communes proved to be a success. So satisfied were the authorities with the achievement of the First Labor Commune, Bolshevo, that they soon established others. A second colony at Zwenigorod and another at Kharkov are smaller but communes of a similar nature.

The steady decline of the percentage of juvenile delinquents seems to indicate that the fight waged by the authorities against juvenile crime is successful. In 1928, thirty-six per cent of the total number of persons convicted for crime in the USSR were juveniles. In 1931, this figure dropped to twenty-eight per cent. ²⁶ Another indication of the success

lies in the absence of the wandering army of youths. At the present time there are few such vagrant youths in the Soviet Union.

CONCLUSION

Many are the persons who have been highly impressed with the Russian penal system. They believe it is a distinct contribution, offering a progressive approach to effective crime repression. It was attempted in this thesis to provide a basis for this belief.

It would be helpful in conclusion, to summarize the principles which govern Russian penology in its attempt to prevent crime and rehabilitate the criminal. The principles might be stated as follows:

1. The belief that an individual can be re-educated, re-conditioned, and reclaimed in the correct environment.
2. Trust in each criminal to stimulate him, bring his best to the fore, and produce the desired response.
3. Healthy occupation as a powerful rehabilitating force, especially work of a useful, congenial, and creative type, adequately paid for and rewarded with the quicker return to society.
4. System of self-government and discipline imposed

by the democratically elected organizations of the inmates themselves that they may feel the justice of the penalties since they were imposed upon them by fellow members.

5. System of technical education planned to teach each criminal a useful trade that he may return as a useful member of society as quickly as possible.
6. Development of self-expression in a system of education and recreation by means of voluntary active participation in clubs, study classes, interest groups, orchestras, dramatics and entertainments.
7. Provision of a normal environment within the institution through freedom of movement, social intercourse, parole and vacations.
8. Maximum ten year sentence, for it is believed that long, hopeless sentences are not conducive to reformation.
9. Provision for normal sex relations through annual vacations of two to four weeks or twelve monthly visits to the home, and by permission to marry and make the home in the institution, family life being recognized as a great incentive to rehabilitation.
10. Full restoration to society after release without

the handicap of a criminal record.

11. Elimination of incorrigibles after every method made to correct them fails.
12. Pure medico-educational treatment for juveniles with technical training releasing him into a waiting job.
13. Inclusion of the institutions in the general economic program so that the inmates may feel his "oneness" with the general economic life of the USSR.

Doubtless there are abuses and imperfections in the Soviet penal system. The authorities admit that they have not yet realized their ideals in many respects. Assistant Attorney Vishinsky says: "I warn you of its shortcomings."²⁷ Despite this, the administration of justice as practiced in Russia offers many valuable ideas which other countries might advantageously adopt. It tends to reform the prisoner, not to harden him; it gives the inmate faith rather than disillusionment in the system. It does not degrade him with third degree tactics, isolate him, make him resentful, hopeless, sullen; instead it raises him to the ranks of useful citizenship with carefully planned environment, education, and training. It develops his self-respect, awakens self-criticism, rouses his social consciousness and spurs him on to correct his faults. Here is truly a system of prevention of crime and reformation of the criminal. The USSR has features that American penology

27. M. Callcott, "Russian Justice", p. 234

might well adopt.

THE CRIMINAL CODE OF THE RSFSR

GENERAL SECTION

Part I

THE AIMS OF PENAL LEGISLATION OF THE RSFSR

1. The penal legislation of the RSFSR pursues the task of protecting the socialist state of workers and peasants and the regime established therein from socially dangerous acts (crimes) by applying to persons committing them measures of social protection set out in the present code.

Part II

EXTENT OF OPERATION OF THE CRIMINAL CODE

2. The provisions of the present code extend to all citizens of the RSFSR, who have committed socially dangerous acts within the territory of the USSR, as well as beyond the boundaries of the USSR, in case they are detained within the territory of the RSFSR.

3. Citizens of other constituent republics are in accordance with the RSFSR laws liable to be prosecuted for crimes committed within the territory of the RSFSR as well as outside the boundaries of the USSR, if they had been detained and subjected to trial or investigation within the RSFSR territory.

For crimes committed within the territory of the Union, citizens of the constituent republics are liable according to the laws of the locality where they committed the crime.

4. For crimes committed within the territory of the USSR foreigners are liable according to the laws of the locality where the crime was committed.

5. The question of the criminal liability of foreign nationals enjoying the right of extritoriality shall be decided in each individual case by diplomatic means.

Part III

GENERAL PRINCIPLES OF THE PENAL POLICY OF THE RSFSR

6. A socially dangerous act is any act of commission or omission directed against the Soviet regime, or one which violates the order established by the workers' and peasants' government for the period of time pending a transition to a communist regime.

Note: An act, which although formally falling within one of the articles of the special section of the present code is free from socially dangerous characteristics owing to its obvious insignificance or absence of harmful consequences, is not a crime.

7. In regard to persons who commit socially dangerous acts or who are dangerous owing to their connections with criminal circles, measures of social protection of judicial-corrective, medical, or medical-educational nature are applied.

8. In the event of the concrete act, which at the time it was committed was a crime in accordance with Article 6 of the present code, but by the time it was investigated or examined in court lost its socially dangerous character owing to a change in the criminal law, or owing to the mere change in the social-political conditions, or in case the person who committed it cannot, in the opinion of the court be regarded as socially dangerous at the time indicated, then such an act does not entail the application of a measure of social protection to the person who committed it.

9. Measures of social protection are applied for the following purposes:

(a) To prevent the commission of further crimes by persons who have committed them.

(b) To exercise influence over other unstable elements of the community.

(c) To adapt the offender to the conditions of the social life of the state of the toilers.

The measures of social protection cannot have for their purpose the infliction of physical suffering or the degradation of human dignity and they do not pursue the object of retribution or punishment.

10. With regard to persons who have committed socially dangerous acts, methods of social protection of a judicial-corrective nature are applied only in cases when these persons

(a) Acted carelessly, i.e., did not foresee the effects of their acts--although they should have foreseen them--or recklessly hoped to avert the effects of their acts.

(b) Acted knowingly, i.e., foresaw the socially dangerous effect of their acts, desired these consequences, or knowingly allowed such effects to take place.

11. Measures of social protection of judicial-corrective nature are not to be applied in the case of persons who have committed a crime while suffering from chronic mental diseases, or while temporarily insane, or in general in such a state of deranged health as to be incapable of realizing their acts or of controlling them. Neither are these measures to be applied to persons, who although at the time they committed a crime were in possession of their mental faculties, nevertheless suffered from mental derangement by

The time sentence was pronounced.

Measures of social protection which are applied to these persons are confined to those of a medical nature.

Note: The present article does not apply to persons who have committed a crime in a state of intoxication.

12. The measure of social protection of judicial-corrective nature are not applied in the case of minors up to the age of 16. When regarding the latter, the Commission of Juvenile Offenders finds it possible to confine itself to measures of social protection of a medical and educational nature. Oct. 30, 1929 *1

13. Measures of social protection are not applied to persons who have committed acts foreseen by the penal laws, if the court establishes that these acts were committed by them in a state of necessary defense against attempts at the Soviet rule, or at the body or rights of a person defending himself or another person, provided there was no excess of the limits of self-defense.

Measures of social protection are not applied when the same acts were committed in order to avert a danger, which under the given circumstances were unavertable by any other means, provided the harm thereby caused was less serious than the harm averted. June 6, 1927. *2

14. Criminal prosecution may not take place

(a) when ten years have elapsed from the time of the commission of the crime, for which the court may inflict a penalty of not more than five years' imprisonment.

(b) when five years have elapsed since the time the crime for which the court may impose a penalty of not more than five years had been committed.

(c) when three years have elapsed since the perpetration of the crime, for which a court may sentence the sentence the criminal to not more than one year's imprisonment, or when the law provides a more lenient measure of social protection than imprisonment.

The principle of remoteness is applied when in the course of the corresponding period of time no proceedings were instituted in connection with the given case. The period of remoteness is interrupted when the person who committed a crime within the corresponding period of remoteness commits another similar or not less serious crime, or evades judicial examination or investigation. In such cases the periods of remoteness begin to run from the date of the perpetration of the second offense or from the date of the resumption of the interrupted proceedings, June 6, 1927. *3

*1 Collection of Acts, 1929, No.82, Article 796

*2 Collection of Acts, 1927, No.49, Article 330

*3 Collection of Acts, 1927, No.49, Article 330

Note 1: In cases of criminal prosecutions for counter-revolutionary crimes the application of the principle of remoteness is left to the discretion of the court in each individual case. However, if the court does not find it possible to apply the principle of remoteness, and sentences a person to be shot for such a crime, such sentence must necessarily be commuted to the proclamation that the person accused is an enemy of the toilers coupled with the forfeiture of the citizenship of the USSR, and exile from the confines of the USSR forever or imprisonment for a period of not less than two years. June 6, 1927. *4

Note 2: The periods of remoteness laid down in the present article do not apply to acts prosecuted by way of administrative action according to the present code, and the infliction of punishments for such acts can take place only within one month from the date they were committed. June 6, 1927 *5

Note 3: In regard to persons criminally prosecuted for active participation in acts, and active struggle against the working class and the revolutionary movement, committed while holding responsible or secret posts under the Tsarist regime, or under counter-revolutionary governments during the civil war, the application of the principle of remoteness and the question of commuting capital punishment by shooting are left to the discretion of the court. June 6, 1927 *6

15. A sentence of conviction shall not be carried into effect if it was not carried into effect within ten years from the date of the passing of the sentence.

16. In case a certain socially dangerous act is not directly foreseen by the present code, the grounds and limits of liability for such acts are determined in accordance with those articles of the code which foree crimes most closely approximating them.

17. The measures of social protection of a judicial-corrective nature are applicable equally to persons who have committed the crime--participants as well as their accomplices--instigators and abettors.

Instigators are persons who induced the commission of the crime.

Abettors are persons who assisted in the carrying out of the crime by means of advice, indications, providing of means and removal of obstacles, or by means of concealing the criminal or the traces of crime.

18. The measures of social protection of judicial-corrective nature are determined for each of the accomplices according to the degree of their participation in the given

*4 Collection of Acts, 1927, No.49, Article 330

*5 Collection of Acts, 1927, No.49, Article 330

*6 Collection of Acts, 1927, No.49, Article 330

crime, as well as according to the degree of danger of the crime, and of the person who took part in it.

The failure to report a crime that has been committed, or is being planned, entails the application of the measures of social defense of judicial-corrective nature only in cases specially designated in the present code.

19. An attempt to commit a crime, as well as acts preparatory to a crime, which take the form of finding or adapting weapons and means, and creating conditions favorable for a crime, are prosecuted on the same basis as a crime which has actually been committed. In such cases, the court, when selecting the measures of social protection of a judicial-corrective nature, must be guided by the degree of danger of the person who has committed the crime or the preparatory act. The court must also examine how far the preparations for the crime went, and how near the consequences were to the act as well as the causes owing to which the crime was not completed.

In case the crime was not committed owing to the persons intending to commit it having voluntarily renounced it, the court fixes a corresponding measure of social defense for those acts which were in fact committed by the person who attempted or prepared to commit the crime.

Part IV

ON THE MEASURES OF SOCIAL PROTECTION APPLIED UNDER THE CRIMINAL CODE WITH REGARD TO PERSONS WHO HAVE COMMITTED CRIMES

20. The following are the measures of social protection of a judicial corrective nature:

(a) The offender is proclaimed enemy of the toilers and is at the same time deprived of the citizenship of the constituent republic and thereby of the citizenship of the USSR and must be necessarily expelled from its confines.

(b) Imprisonment in corrective labor camps in remote localities of the USSR.

(c) Imprisonment in common prisons.

(d) Compulsory labor without confinement.

(e) Forfeiture of political and separate civil rights.

(f) Removal from the confines of the USSR for a certain period.

(g) Removal from the confines of the RSFSR or from the territory of a specified locality with compulsory settlement in other localities or without same, or coupled with the prohibition to reside in definite localities, or without such prohibition.

(h) Dismissal from office coupled with prohibition of occupying a certain post or without any such prohibition.

(i) Prohibition to engage in certain activities or industry.

(j) Public censure.

(k) Confiscation of property--complete or partial.
 (l) Afine expressed in money.
 (m) Imposition of the duty to make good the damage
 caused by the culprit.

(n) Warning. May 20, 1930 *7

21. Execution by shooting is applied for the purpose of combating the gravest kinds of crimes, threatening the foundations of Soviet rule, and of Soviet regime, pending the abolition of that punishment by the Central Executive Committee of the USSR, in cases specially indicated in the articles of the present Code, as an exceptional measure for the protection of the state of the toilers.

22. Persons who have not reached the age of 18 at the time the crime was committed and women in a state of pregnancy cannot be condemned to shooting.

23. The principal measures of social protection of a judicial-corrective nature applied with regard to persons who have committed crimes, consist in proclaiming them enemies of the toilers with the consequences following such measure, imprisonment, and compulsory labor without confinement.

The other measures of social protection set out in Article 20, except warning and the confiscation of property, may be decreed either as independent measures or be combined with the basic ones as supplementary measures. The confiscation of property as a supplementary measure of social protection may be imposed by the court only in cases specified in the articles of the present Code. May 20, 1930 *8

24. The following are measures of social protection of a medical measure:

(a) Compulsory medical treatment.
 (b) Placing a person in a hospital coupled with isolation.

25. The following are measures of social protection of a medical education kind:

(a) Delivery of a minor into the charge of his parents, adopters, guardians, relatives, provided the aforementioned are able to support him, or to other persons or institutions. December 20, 1927 *9

26. Measures of social protection of a medical-educational and medical nature may be applied by the court in case it recognizes that the application of measures of social protection of a judicial-corrective kind does not fit the given case; or they may be applied in addition to the latter, if moreover the measures of social protection of a medical-pedagogical and pedagogical kind have not been applied by the judicial inquiry organs.

27. The proclamation of a person as enemy of toilers

*7 Collections of Acts, 1930, No.26, Article 344

*8 Collection of Acts, 1930 No. 26, Article 344

*9 Collection of Acts, 1927 No. 4, Article 38

and expulsion from the confines of the USSR with the forfeiture of the citizenship of a constituent republic, and thereby of the citizenship of the USSR may only be applied for an unlimited period. June 6, 1927 *10

28. Imprisonment may be imposed for a period of between one and ten years.

Imprisonment for a period under three years is served in common prisons. Imprisonment for periods of three years and more is served in corrective-labor camps.

In exceptional cases, when the court recognizes that the person condemned to three or more years' imprisonment is obviously unfit for physical labor, or owing to the degree of his social danger need not be sent to the corrective-labor camp, the court has the right to substitute a common prison for a camp by specially decreeing so in its sentence. May 20, 1930. *11

Note 1: Persons who are uninterruptedly serving in the units of the Workers' and Peasants' Red Army, and who are in the cadres either as privates or junior commanders, serving for a definite period, are sentenced in peace time, instead of to imprisonment without forfeiture of rights for two months to one year, to serve for a like period in the military corrective units of the Workers' and Peasants' Red Army, and instead of imprisonment for a period up to two months, to arrest for a like period, served in a manner prescribed for the disciplinary arrest of persons in military service.

In exceptional cases, by special decree of the court in each individual case, the same measures may be applied to the above-mentioned persons also for common crimes.

Persons in military service of the middle, senior, highest and junior commanding personnel of the Workers' and Peasants' Red Army, who remain in the cadres after serving the required period in the army, and who have been sentenced to imprisonment without forfeiture of rights for a period up to one year, in case of dismissal from the ranks of the Workers' and Peasants' Red Army, serve their term indicated in the sentences by doing compulsory labor according to the general rules. November 30, 1930. *12

Note 2: When the Workers' and Peasants' Red Army passes to the state of war, persons in the military service who are in military-corrective units are dispatched to the active army, and the subsequent serving of the measure of social protection imposed on them is postponed until after the termination of military operations.

*10 Collection of Acts, 1927, No.49, Article 330

*11 Collection of Acts, 1930, No.61, Article 344

*12 Collection of Acts, 1930, No.127, Article 749

A sentence condemning a soldier in time of war to imprisonment without forfeiture of rights may, by decree of the court which passed that sentence, be postponed until after the termination of military operations, on condition that the convicted person joins the active army.

With regard to persons in military service mentioned in the first and second parts of the above note, who while in the ranks of active army have proved themselves staunch defenders of the USSR, the court which passed the sentence may, on the petition of the competent military authorities, release the convicted person from the measure of social protection. October 1, 1928.*13 November 30, 1930, *14

29. The period of preliminary detention, and also the time spent in confinement from the moment the sentence was passed pending its coming into force must obligatorily be reckoned as part of the period of detention decreed by the court.

In case the court applies a measure of social protection of a judicial-corrective kind other than imprisonment, it has the right to take into consideration the period of detention previous of the trial and accordingly mitigate the measure of social protection chosen by it, or to resolve not to apply to the defendant the measure of social protection set out in the sentence.

With regard to persons sentenced to compulsory labor each day of preliminary detention is credited as three days of compulsory labor.

30. Compulsory labor without imprisonment may be imposed for a period ranging from one day to one year.

Note: Compulsory labor without imprisonment is not applied to the middle, senior, highest and junior commanders of the Workers' and Peasants' Red Army, who are in the cadres and have completed their term of service, and also to persons in military service who belong to the cadres of privates and junior commanders of the Workers' and Peasants' Red Army during their appointed period of service. In place of compulsory labor the above-mentioned persons in military service are sentenced to arrest for a period not exceeding two months, which is served in a manner prescribed for persons in a military service under disciplinary arrest, November 30, 1930. *15

31. Forfeiture of political and separate civil rights consists of the deprivation of:

- (a) elective franchise both active and passive
- (b) the right to occupy elective posts in public organizations
- (c) the right to occupy certain specified state offices

*13 Collection of Acts, 1928, No.127, Article 816

*14 Collection of Acts, 1930, No.61, Article 749

*15 Collection of Acts, 1930, No.61, Article 749

(d) the right to the titles of distinction
 (e) parental rights
 (f) right to pensions paid by way of social insurance and to unemployment relief paid by way of social insurance.

Forfeiture of rights may be prescribed both fully--so as to cover all the above-mentioned rights--and partially, in respect of their separate categories.

Forfeiture of parental rights may be prescribed by the court, only if it has been proven that this right has been abused by the convicted person.

Forfeiture of pension may be prescribed by the court only in the following cases:

- (a) conviction for the commission of state crimes (part 1 of the Special Section)
- (b) conviction for the commission of crimes prompted by greed to imprisonment or to exile with a compulsory residence in other localities (as the basic measure of social protection)
- (c) The prescription of the confiscation of the entire property as supplementary measure of social protection.
- (d) conviction in time of peace for military crimes, falling under articles of 193(3), 193(4), 193(7), 193(9), 193(12), 193(17), 193(20), 193(28), of the present Code, and in time of war, for any of the crimes falling under Chapter LX of the Criminal Code (on crimes by persons in military service) June 30, 1930 *16 November 20, 1930 *17

32. Forfeiture of rights cannot be prescribed for a period exceeding five years.

In case this measure of social protection is prescribed as one supplementary to imprisonment, forfeiture of rights extends to the entire period of imprisonment served plus a period determined by the sentence.

33. Forfeiture of rights, foreseen by paragraphs a-c of Article 31 is accompanied by the forfeiture of the orders of the USSR, and of the orders of the RSFSR. In such cases the court is obliged, after the sentence comes into force, to present a petition to that effect to the Presidium of the Central Executive Committee, as the case may be.

Forfeiture of the other marks of distinction and of distinctive titles, is effected by sentence of the Court. August 20, 1930. *18

34. Forfeiture of rights may be decreed by the court both as a supplementary and as an independent measure of social protection.

When imposing a sentence of over one year's imprisonment, the court is obliged to discuss the question of the forfeiture of the convicted person's rights.

*16 Collection of Acts, 1930, No.30, Article 388

*17 Collection of Acts, 1930, No.62, Article 763

*18 Collection of Acts, 1930, No.42, Article 505

Forfeiture of rights cannot be combined with conditional conviction or with public censure. December 6, 1929 *19

35. Removal from the territory of the RSFSR or from the territory of a specified locality with compulsory settlement or with prohibition to reside in other localities or without these limitations, coupled with compulsory labor or without compulsory labor, may be applied by the court with regard to those convicted persons, who, in the opinion of the court, it would be socially dangerous to leave in the given locality.

The removal from the territory of the RSFSR or from the boundaries of a separate locality with an obligatory residence in other localities is prescribed for a period of three to ten years. This measure, as a supplementary one, can only be prescribed for a period not exceeding five years. The removal from the territory of the RSFSR, or from the territory of a specified locality with compulsory residence in other localities, coupled with compulsory labor, may only be prescribed as a basic measure of social protection. Removal from the territory of the RSFSR, or from the territory of a specified locality with prohibition to reside in certain localities, or without this restrictive provision is prescribed for a period of one to five years.

In case one of these measures is decreed by the court as a supplementary one to imprisonment, the period of this supplementary measure begins to run from the date of the release of the prisoner.

Persons sentenced to the removal from the territory of a specified locality with compulsory settlement in some other locality in order to serve their terms of imprisonment in corrective-labor camps, after serving their term of imprisonment, settle in the district of the camp pending the period when they will be allotted land for which they will be allowed a free choice of their residence, or else they must be provided with paid work.

Removal from the RSFSR territory, as well as removal from any specified locality whatever form it takes cannot be applied to persons under sixteen. May 20, 1930 *20

36. Remove from the confines of the USSR or RSFSR for a definite period of time; may take place only in a manner specially provided by federal legislation. Removal from the confines of a specified locality with compulsory settlement in other localities may be applied by the court only in cases of conviction for crimes specified by Articles 58(2), 58(14), 59(2), Part 1, 59(21), 59(302), 59(3-b), 59(7), 59(8), Part 1 59(9), 59(3), Part 111 73(1), 74 Part 11 104, 107, 116, Part 11 117, Part 11 118, 129, 129-a, 136, 140, Part 11, 153, Part 11 155, 162, b, c, and e, 164, Part 11, 165, Part 111 166, 167, 169, Part 11, 173, 175 and Parts 11 and 111.

*19 Collection of Acts, 1930, No. 87-88, Article 854
*20 Collection of Acts, 1930, No. 9, Article 102

Places in which compulsory settlement may be prescribed are determined as follows: With regard to persons condemned to exile without compulsory labor by the chief administration of militia at the Council of People's Commissars of the RSFSR, by agreement with the People's Commissariat of Justice of the RSFSR; and with regard to persons condemned to exile with compulsory labor, by the People's Commissariat of Justice of the RSFSR. February 15, 1931.*21 May 30, 1931.*22

37. Removal from office may be applied in case the court deems it impossible to leave the condemned person at the post he occupied at the time of his conviction, or at the time he committed the crime. It may be accompanied by a prohibition to occupy a certain post, such prohibition not to last over five years.

38. Prohibition to follow a certain activity or industry is applied by the court for a period not to exceed five years in cases where the court shall consider it impossible, owing to the ascertained abuses by the person convicted while he was engaged in his profession or industry, to allow him to continue same further.

In particular, the court has the right to prohibit the person convicted to undertake any responsibilities with regard to furnishing labor and material to State institutions, to enter into contracts with State and public enterprises and institutions, to manage trade or commission enterprises either in his own name or on behalf of other persons.

39. Public censure consists of the public expression of condemnation to the person condemned declared in the name of the court.

40. Confiscation of property is the compulsory and uncompensated alienation in favor of the State of the whole property of a convicted person, or of a proportion thereof exactly defined by the court, such property being either entirely owned by him, or constituting a share in common property.

Articles of domestic use and indispensable to the condemned person and his family, the stock and tools required for small-scale peasant industry or agricultural production, and serving as a means of existence for him and his family, are not subject to confiscation.

Foodstuffs and sums of money left at the disposal of the convicted person and members of his family, may not, according to valuation in their totality, be less than the average three-months' wages of a worker or that locality in respect to each member of the family.

The stock of tools indispensable to a convicted person for his professional work may be confiscated only in case the court decrees that he shall be deprived of the right of exercising such profession.

*21 Collection of Acts, 1931, No. 9, Article 102

*22 Collection of Acts, 1931, No. 27, Article 247

Note: In kulak households only the property mentioned in Articles 1-9 of the List of Kinds of Property on which execution may not be levied in respect of arrears of taxes, customs duties, and dues, is not liable to confiscation. November 20, 1930 *23 and *24

41. When property is confiscated, the State shall not answer for the debts and liabilities of the convicted person, if such had been contracted after the taking of steps by the investigation or judicial organs to protect the property, and without the consent of these organs.

In regard to claims subject to gratification out of the confiscated property, the State answers only within the limits of the assets, while in regard to priority of gratification of claims the rules shall be observed that are laid down in Articles 99 and 101 of the Civil Code and 266 of the Code of Civil Procedure of RSFSR published April 10, 1930

42. A fine is a money penalty imposed by the court within the limits established by separate articles of the present Code, and when applied as an additional measure, the fine shall be imposed at the discretion of the court.

In all cases a fine shall be imposed in conformity to the property status of the convicted.

In determining the fine, the court may decide to substitute, in the event of non-payment, by compulsory work without deprivation of liberty at the rate of one month compulsory labor for 100 rubles fine. No substitution of deprivation of liberty for a fine or vice shall be allowed.

Articles of property that are not subject to confiscation may not be taken in payment of a fine.

43. The caution is applied by the court only when a verdict of acquittal is given, if the court considers that the behavior of the acquitted gives ground, nevertheless, to fear that he might commit the crime in the future.

44. The obligation to repair the damage is imposed upon the convicted in those cases when the court finds it expedient that the convicted shall eliminate the consequences of the violation of the law committed by him, or of the damage caused by him to the plaintiff.

This measure of social defense, however, may not exceed by its severity the measure of social defense given as the basic penalty in the verdict.

*23 Collection of Acts, 1929, Nos. 89-90, Article 924

*24 Collection of Acts, 1930, No. 62, Article 763

Section V

ON MEASURES OF SOCIAL DEFENSE OF JUDICO-CORRECTIONAL CHARACTER AND THEIR IMPOSITION BY COURT

45. In imposing a measure of social protection of judic-correctional character the court shall be guided by:

(a) the provisions of the general section of the present code

(b) the limits indicated in the article of the Special Section which provides a penalty for a given kind of crime

(c) The Socialist conception of law, taking into consideration the social danger of the crime committed, the circumstances of the case, and the personality of the defendant

46. The crimes foreseen by the present code are divided into:

(a) Crimes directed against the foundations of the Soviet system established by the authority of Workers and Peasants in the USSR, such crimes being consequently considered the more dangerous, and

(b) All other crimes.

For crimes of the first category the Code Lays down the limit below which the court may not go in imposing a measure of social defense of judic-correctional character.

On all other crimes the Code lays down only the maximum limit of penalty to be imposed by the court.

47. The basic question to be settled in each separate case is the question of the social danger of the crime that has been tried.

An aggravating factor in this respect, when determining one or the other measure of social protection foreseen by the Code, is:

(a) Committing a crime in order to restore the rule of the bourgeoisie.

(b) Possibility of causing harm to the interests of the State, of the toilers by committing the crime, although the crime itself was not immediately directed against the interests of the State or of the toilers.

(c) Committing of a crime by a group or a band.

(d) Committing a crime by a person who already committed a crime before, except in cases when a given person is considered as not having been tried before, or when a long time, in a judicial sense, has passed since the committing of the first crime, or since the conviction of it. *25 The court however, depending on the character of the first crime, may not consider it as an aggravating factor.

(e) Committing a crime for selfish or base motives.

(f) Committing a crime with particular cruelty,

violence, sickness, or in regard to persons subordinated to the criminal or materially dependent on him, or particularly helpless on account of age, or other circumstances.

48. Extenuating circumstances in the imposition of one or another measure of social defense or when a crime has been committed:

(a) Although exceeding the limits of self-defense yet for the protection of Soviet law, revolutionary law, or the personality and right of the party defending himself or another person

(b) For the first time

(c) For motives other than selfishness or base desires

(d) Under the influence of threats, compulsion, or official or material dependence

(e) Under the influence of strong mental agitation

(f) In a state of hunger or distress, or under the influence of severe personal or family conditions

(g) Due to ignorance, lack of consciousness, or an accidental chain of circumstances

(h) By a person under age, or by a woman in a state of pregnancy

49. If the crime committed by the defendant contains the symptoms of several crimes, as well as in the case of the defendant having committed several crimes for which he has not been sentenced, the court, having defined the measure of social defense for each crime separately, finally imposes the penalty according to the article which provides for the gravest of the crimes committed by the defendant and the severest measure of social defense.

50. If a minor (16-20) is sentenced to deprivation of liberty or compulsory labor, the term must be reduced by one-third as compared with the term of an adult sentenced under the same article. At all events the term of the sentence of a minor shall not exceed one-half the maximum laid down by the present Code for a given crime.

51. In the event when, in view of exceptional circumstances of the case, the court finds it necessary to impose a measure of social defense below the lowest limit indicated in a corresponding article of the present Code, or to apply another, less stringent measure of social defense that is not indicated in the article, the court may also depart from the article, but the motives of such departure from the code must be clearly stated in the verdict.

The same rule applies in those cases when the court finds that the defendant at the time of the trial is not socially dangerous and no measure of social defense is imposed on him by the court.

52. The right of either complete or partial release of the condemned person from the application of measures of social defense, under sentences of all judicial organs of RSFSR, except cases foreseen in the present Code, constitutes

the exclusive prerogative of the presidium of the All-Russian Central Executive Committee.

Section VI

ON CONDITIONAL SENTENCES AND CONDITIONAL AND EARLY RELEASE

53. If the court finds that the degree of social danger of the defendant does not call either for his isolation, or for the imposition of compulsory labor, it may impose a conditional sentence.

In such cases the court decides not to execute the verdict if within a stated period the convicted person will not commit a fresh crime of equal gravity. This period may not be less than one year and not more than ten years.

Note: If a fine or property requisition is added to deprivation of liberty or compulsory labor, the fine is imposed irrespective of the conditional nature of the basic verdict.

54. In the event of the committing of a crime by the conditionally condemned during the probation period the court has the right either to add the conditioned measure of social defense given by the second verdict. In the first case, the total term of deprivation of liberty must not exceed ten years, and the total term of compulsory labor must not exceed one year.

55. The following persons shall be held free from previous convictions:

- (a) Persons acquitted by the court
- (b) Persons conditionally sentenced, who did not commit a crime of equal gravity during the probation period given by the court.
- (c) Persons sentenced to deprivation of liberty for terms of not more than three months, or to any other minor measure of social defense, who in the course of three years after serving the first sentence, did not commit a fresh crime or persons sentenced to deprivation of liberty for a period of more than six months if they committed no fresh crime of equal gravity in the course of six years.

56. If persons sentenced to terms of social defense show reformation, they may be released before the end of the term imposed by the verdict of the court.

Conditional early release consists either in abstaining from further serving of the sentence, or in substituting a milder form of social defense. The manner of application of conditional early release is laid down by the Correctional Labor Code of RSFSR.

In regard to persons serving sentences in correctional labor camps, conditional early release is applied in the form of transferring the convict to free settlement in the district of the given camp for the rest of his sentence.

If the conditionally-released person should commit

a fresh crime of equal gravity during the unexpired time of his sentence, the latter is added to the measure of social defense imposed by the court for the new crime, while the total term of deprivation of liberty may not exceed ten years and the total term of compulsory labor may not exceed one year.

57. Persons under age, sentenced to deprivation of liberty and placed in industrial homes for minors, remain there until fully corrected, but not later than reaching the age of 18. If, by the time of reaching this age, the sentence has not yet expired, they may be given early discharge.

Minors, in regard to whom early discharge should be deemed impossible, shall either remain in the same industrial home, or shall be transferred to other industrial homes or colonies on the grounds laid down by the correctional labor code of RSFSR.

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