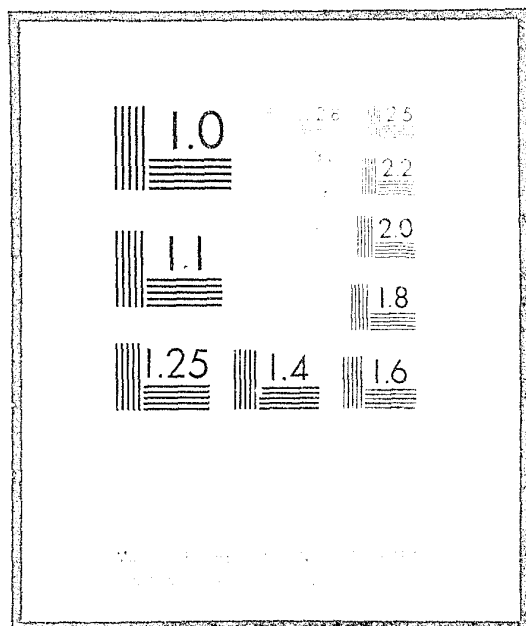


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## RECENT CONTRIBUTIONS TO SOVIET CRIMINOLOGY



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**RECENT CONTRIBUTIONS  
TO SOVIET CRIMINOLOGY**

Papers Collected by the All-Union Institute  
for the Study of the Causes and Elaboration  
of Measures for the Prevention of Crime



Publication No. 8  
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## INTRODUCTION

The United Nations Social Defence Research Institute is pleased to present this selection of recent scientific writings from the Soviet Union on crime, crime prevention and crime control.

The articles were chosen by the All-Union Institute for the Study of the Causes and Elaboration of Measures for the Prevention of Crime in Moscow, and were adapted by the authors for publication in the present volume. The Moscow Institute, with a scientific staff that includes specialists in law, sociology, criminology, criminalistics and information, maintains close working relations with research institutes in the various Republics of the Union; it was therefore in an ideal position to select current and representative materials for publication in English.

Little is known outside the Slavic language area about the Soviet scientific production in our particular field. Both the Moscow Institute and ourselves considered it desirable, therefore, to break through this language barrier with a composite publication in English relating to issues which are also of direct concern to scholars and policy makers outside the Soviet Union. We very much hope that other publications will follow.

Perceptions and definitions of deviant behaviour, ways of coping with it, research perspectives and methods are to a large extent conditioned by the social, economic and political environment. Pre-revolutionary Russia, the revolution and subsequent development of Soviet society,

and the socialist system define the context in which crime and crime control in the Soviet Union must be seen. The contributors to this volume recognize this by stressing the historical perspective and socio-economic conceptual parameters in their analysis of current phenomena, and in proposing control approaches that focus particularly on prevention and rehabilitation through social and educational intervention.

These perspectives are not alien to criminologists in other parts of the world; indeed, the materials, hypotheses and conclusions of Soviet scholars will readily find counterparts among their foreign colleagues. But beyond the identification of familiar ideas and experience, we hope the differences in context and response to it will enrich current understanding and promote novel avenues of exploration. Hopefully this publication will provide the impetus for a continuing cross-cultural dialogue and for future exchanges of experience and expertise.

PEIDER KÖNZ  
Director

Rome, October 1974

## MAIN APPROACHES TO THE STUDY OF CRIMINALITY \*

by A.A. HERTSENZON

A systematic study of criminality and its causes for the purpose of taking preventive measures must reveal those organizational structures that would be of help to state bodies and the Soviet public in exposing and removing the concrete causes and conditions conducive to the commission of crime.

1. *The first approach to the study of criminality is systematic examination both of circumstances conducive to the commission of crime and of the personality of the offender, in order that preventive measures can be taken in concrete criminal cases.*

Implementing the demands of law, the organs of inquiry (investigator, procurator, judge) should, during investigation and trial, reveal the causes and conditions which promoted commission of the crime and take measures to eliminate them.

It is quite obvious that all the data necessary for crime prevention should as a rule be collected at the stages of inquiry, preliminary investigation and trial of a concrete

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\* *Vvedenie v sovetskuyu kriminologiu* (Introduction to Soviet Criminology), ch. V, sec. 2, Moscow, 1965.

criminal case. One can scarcely expect these data to be collected by the investigator or court outside the frames of their main operative work. These data are sufficiently reflected in the ordinary processes of investigation and trial. It is then necessary to adopt a suitable method for data collection and summary, which the preventive recommendation will later rest upon.

It is very important that there be a common organizing principle that the organ of inquiry, the investigator and the court can follow in the process of inquiry, preliminary and judicial investigation. Such a principle is necessary to the most complete exposure of the causes and conditions conducive to crime, without crime investigation itself becoming overcomplicated, and to avoid discovering at the end of the investigation that these causes and conditions were not exposed in full and that additional investigation is necessary.

*Corpus delicti* is one such principle. At present one can scarcely say that he knows a practitioner (an investigator or judge) who does not face the necessity of establishing *corpus delicti* in all its elements. Every official of investigation in his proposal and every judge in his opinion must in accordance with the law reflect all the data necessary to establish *corpus delicti*; they must describe the facts of the crime, and the surrounding circumstances, the author of the crime and the mental element. Thus, the proposal and the opinion should contain with proper completeness all the relevant data for establishing *corpus delicti* and for its correct characterization. And these very data are also of primary significance for the exposure of the causes and conditions conducive to crime. Thus the investigator and the judge, following the principle of *corpus delicti*, will be able to cope with both the task of defining the crime and also that of exposing its causes and conditions.

Of course, the notion of *corpus delicti* does not necessarily include everything required for the prevention of

crime. Depending on the character of the crime and on the entirety of other circumstances, different information may become necessary. For example, more detailed description of the circumstances which is of no significance for definition of the crime, may be very important for the exposure of its underlying causes; or a more detailed description of the offender's personality and his motives may be important. But the use of *corpus delicti* (i.e. of particular crimes such as embezzlement, bribery, murder, theft) as an organizing principle provides that very reference point which allows investigators and judges to collect simultaneously proofs of crime and the necessary data on causes and conditions conducive to crime.

In some cases, particularly when there are a large number of crimes of the same type in the same area, information on causes and conditions can be gathered mainly through various special inquiries. In this respect examination of the offender's life conditions (housing conditions, social environment, mode of life, etc.) may be of great benefit. It may be equally necessary to inquire at this place of work in order to find out his professional qualification there, his attitude toward work and his duties, his associates' appraisal of him, etc. Analogous inquiries at the place where the offender studied may also be of great significance. Finally, more extensive character inquiries going beyond the context of the particular case may reveal many of the general conditions conducive to the commission of the particular crime. Such extensive combined inquiries could comprise examination of the ways educational and cultural work is conducted at the enterprise, the kolkhoz, the sovkhos or the educational institution where the offender worked or studied; the state of the struggle against alcoholism, petty hooliganism and other antisocial acts at the place of residence, work or study; the situation in supply of the population with consumer goods, etc. Depending on the character of the committed crime, some other inves-

tigations may be necessary. All of them must be conducted with the participation of the most active, socially minded citizens. The very fact of their participation in such inquiries is of great preventive value. These active citizens know local conditions and people who live under them quite well and may point out the best measures for the elimination of the causes and conditions conducive to crime.

A rational way of arranging the information collected for the exposition and elimination of the causes and conditions conducive to crime is of considerable importance. Most of the information is contained in the materials of the case, but scattered among different documents. Some of it is included in pretrial rulings and other documents of procedural significance. This creates certain difficulties for the agencies of inquiry and investigation, the procuracy, and the court in considering direct causes and conditions of crime.

Considering this in light of the experience of many procurators and investigators suggests that what is needed is a special document or form containing findings about the causes and conditions conducive to crime, to be maintained for every offender from the moment of instituting proceedings against him up to the moment of sentencing. All the data included in the form should be taken from the materials of the case and be in strict correspondence with them. Moreover, the most important data included in the form should have references to the corresponding pages of the case materials. The form should be designed in such a way that it could be filled in by the official conducting the investigation, or by the judge as he collects the necessary data.

Such a form might serve as a very important source for conclusions by the inquiry agency, the investigator, the procurator or the judge about the causes and conditions conducive to crime. The conclusions should be clearly stated and the form signed by the corresponding official.

The form could also serve as an important source for proposals to the relevant enterprises, offices and organizations, as well as for the special rulings of the court.

Certain difficulties would arise in the elaboration of the questions the form should help answer. Obviously the questions should vary according to the peculiarities of different categories of crime.

2. *The second approach to the study of criminality and its causes and the elaboration of preventive measures is study at the level of the single social unit* (that is at separate plants or factories, kolkhozes, department stores, houses and communal services, housing microdistricts). Here all the crimes committed in the unit as well as offences committed outside of it but by its members, are studied. Such a study allows the whole complex of preventive measures to be conceived and translated into reality with regard for concrete local conditions. It promotes the mobilization of public opinion for the struggle against crimes and other socially dangerous manifestations. The study of criminality at the unit level can render effective assistance to the police, the procuracy and the court, as well as to other state bodies and the public in eradicating conditions in the unit that conduce to the commission of crime. Finally, such a study is of great scientific value.

Experience shows that the study of crime at the unit level requires considerable efforts on the part of the persons conducting the study. But these efforts are fully compensated by the results which may be attained. The organs of the state and party control as well as police, investigators, procurators and judges, may initiate and sponsor such studies. The greatest possible number of the most active members of the Party should of course be encouraged to participate, on the bases both of membership in the unit and of competence in fields relevant to the study.



The study of crime at the unit level consists first of all in the exposition of all the materials that the police, procuracy and court have about crimes and other socially dangerous actions, committed in the given unit or by its members.

Then it is necessary to study in detail every criminal case, to examine every offender, to have talks with people acquainted with the offender by mutual work or by the place of residence, to examine the conditions of life and work, steadily revealing those causes and conditions which were conducive to commission of the crime or offence. It is necessary to use here special methods, in particular, questionnaires and surveys.

After generalization of these materials and while working out the complex of concrete preventive measures and looking forward to their implementation, it is necessary to discuss them together with active members of the unit. Then it is important, after a period of time, to conduct follow-up studies in the same unit to determine the extent of implementation of preventive measures and the degree of their effectiveness.

The study of criminality and the elaboration of preventive measures at the unit level have, of course, great practical significance and they should by all means be encouraged as concrete forms of combating crime with broad-scale participation of the public.

While elaborating special methods of study and of crime prevention in the unit it is necessary on one hand to maintain an appropriate scientific level, and on the other to make the methods understandable to the wide circle of study participants. It is necessary then that the method be applied in conformity with the peculiarities of particular units: industrial, commercial, agricultural, etc.

3. *The study of criminality by sector of the national economy, state administration and culture is the third ap-*

*proach to the study of criminality and the elaboration of preventive measures.*

Organizing such a study is of great practical importance. It should be said that in the statistical materials of the procuracy and of the court the categories of crimes and offenders corresponding to the main economic sectors are registered separately. For example, in the procuracy's statistics such crimes as stealing in state commerce, in consumers' co-operative societies, in rail, air, water transport, at industrial enterprises, in building organizations, in sovkhozes, in kolkhozes, in budgetary institutions are all recorded separately. Court statistics register convictions for misappropriation in an even more detailed way. But the fact of detailed recording in the criminal statistics is only a point of departure for the deeper study of criminality and its causes in connexion with the national economy. That is why the study should first of all embrace the wider range of crimes such as malfeasance and economic crimes, and not limit itself to the stealing of social and state property. Then, this study should embrace the whole complex of questions characterizing crimes in the different economic sectors. Finally, and this is a decisive point, systems of preventive measures should be worked out specifically for this or that field of national economy or state administration.

Developing crime investigation methods and preventive measures for particular economic sectors is highly complicated and requires great attention. The first stage of the study of criminality by economic sector consists in a detailed knowledge of criminal statistics, allows one to acquaint oneself with the state of criminality in the various areas of the national economy (distribution of kinds of crime, characteristics of offenders, measures of punishment, etc.). But the statistical materials are rather limited, so it is necessary to use more complex means for a deeper study,

particularly to reveal causes and conditions conducive to crime.

The second stage consists in comprehensive or selective studies of criminal cases by type of crime and economic sector. This requires special forms or questionnaires (for both crimes and criminals), which will reflect the most important data on the crime and on the personality of the offender. The questionnaire will also include information on the causes and conditions conducive to crime, since this will be available from the materials of the criminal case.

Statistical processing of the questionnaires allows delineation of the criminal situation in particular economic sectors. It indicates the areas most affected by crime, the degree of damage, the circumstances most conducive to these crimes, the characteristics of the criminals, etc.

A survey of the situation in one or even several units conducted in accordance with an established programme is the third stage of the study. Such a survey indicates the most typical causes and conditions conducive to crimes and allows one to particularize the general conclusions which have been drawn on the basis of the summarized study of criminal case materials.

The fourth stage consists in the elaboration of preventive measures applicable to particular types of crimes and to the various economic sectors. During elaboration of preventive measures investigators' proposals and special rulings of the court concerning the elimination of the causes and conditions conducive to crime may be of great help.

4. *The fourth approach consists in the study of particular types of crime, their causes and preventive measures.* By that we mean the study of such crimes as murder, rape, assault, robbery, theft as well as stealing of state and social property, bribery, speculation. In such a study of

particular types of crime principal attention is paid to the most typical traits of these crimes and persons committing them, to the exposure of the typical causes conducive to their commission, etc.

5. *The fifth approach to the study of criminality is through the study of particular problems.* These problems may be, for example, recidivism, its causes and preventive measures; or juvenile delinquency, its causes and preventive measures; or crimes due to alcoholism and their preventive measures.

Here the complex problem is the focus through which the totality of questions connected with causation and prevention is viewed. For example, if studying recidivism, first of all, the peculiarities of particular repeated crimes (e.g., theft, murder, hooliganism) are elucidated; then the personalities of recidivists are outlined; punishment practices and the experience of serving a sentence are analysed; the peculiarities of collective-labour regimes for recidivists and the conditions under which individuals having served the sentence find themselves are investigated. Special attention is paid to the causes for which the person having served the sentence reverts to crime. The study should produce recommendations for measures directed to the reduction and eventual elimination of recidivism.

The methods of studying recidivism comprise the devices that have been mentioned above (the study of statistics, of criminal cases and convicts, the use of surveys).

An even wider complex of questions is embraced by the problems of juvenile delinquency and crime due to alcoholism. When studying these problems, much non-legal material is used. Information must be got from the fields of pedagogy and medicine, from statistics on alcohol consumption, materials on the activity of medical and administrative bodies, etc. That is why the methodology of

criminal studies and of development of preventive measures relating to particular problems requires careful formulation.

6. *The study of criminality and elaboration of preventive measures in a territorial context is the sixth approach.* Here we mean complex study on the scale of a district, town, region, or union republic. Such study is of great practical importance for the state organs combating crime as well as for public organizations participating in the struggle. The territorial study begins with criminal statistics and goes on to use all of the methods discussed above.

For the study of criminality, its causes and methods of control on the scale of a particular district or several regions, it is necessary to:

- (a) discover the general state and dynamics of crime, using for the purpose statistical reports of police, procuracy and court;
- (b) determine the crime rate;
- (c) study criminality at the level of the separate units most affected by it;
- (d) examine the records of a fairly large number of criminal cases distributed among the main categories of crimes;
- (e) study convicted offenders through personal interviews, becoming familiar with the conditions of their work and life;
- (f) discover concrete causes and conditions conducive to the commission of crime;
- (g) summarize practical activities of state organs and of the public in the field of crime prevention both in particular criminal cases and generally;

- (b) work out a general scheme of preventive measures, having considered the possibilities together with active members of the Party and the soviet.

Studies in different regions should take similar form, allowing comparison of criminality levels and characteristics among regions. This has the great practical value of allowing the areas most affected by a particular crime to be delineated, the causes to be identified, and the complex of preventive measures to be worked out accordingly.

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## THE STRUCTURE OF CRIMINALITY AND SOCIAL CHANGE

by V.N. KUDRYAVTSEV

The complex investigation of contemporary processes of social development is of particular importance for criminology. It is essential that this research extend broadly in order that the character and content of the relationship between criminality and other social phenomena be revealed and that the present-day state of criminality, its dynamics, "geography" and trends be not simply stated but explained, offering a reliable theoretical basis for preventive work.

For the present it is necessary quickly to pass on to elaborate a general theory of the correlations of criminality and various aspects of the life of society, and to consider the role of large socio-economic and other phenomena of social life in combating the antisocial behaviour of people.

It would be incorrect to say that Soviet criminologists have not worked sufficiently on the formulation of such a general theory of criminology. Here it is appropriate to mention the work of a number of scholars, particularly A. A. Hertsenzon, I.I. Karpets, N.F. Kuznetsova, A.B. Sakharov, A.S. Shlyapochnikov, A.M. Yakovlev. But the task is complicated and will demand much more effort. It is necessary not only to reveal those social processes which influence the dynamics (increase and reduction) of antisocial

phenomena, but to detect the concrete "mechanisms" of this relationship. One of the prerequisites of such analysis is the study of the structure of criminality and its changes in relation to the processes of social development.

### *The Socio-psychological Structure of Criminality*

The "structure of criminality" is usually said to be a qualitative characteristic defined by a set of indices (7, p. 69; 8, p. 178). Every structure that is "a relatively stable manner of organizing the elements of a system" (2, p. 284; cf. 6, p. 47) can have as many and various indices as the system itself is complex. The study of the structure of criminality from various angles makes it possible to reveal its various sides, to detect different connexions and correlations (8, p. 178; 14, pp. 185-86).

One of the possible bases for classifying structural differences in criminality is by social and psychological characteristics of criminal behaviour, particularly the motives and aims of the offenders. Distorted ideas of social values and responsibilities, philistine attitudes and habits characteristic of many criminals cannot but find a more or less proportionate expression in the motives and particular aims pursued when they commit crimes (19). The intentions and motives of criminal behaviour can to a certain degree serve as a "mirror" of the character and life aspirations of the most backward members of society.

Let us look from this point of view at the life aims and interests of offenders as projected in the crimes committed. We shall see that these aims and interests are not identical. In the general structure of criminality the most significant categories are two groups of intentional crimes: crimes from mercenary motives and crimes of violence (7, pp. 118 ff.). It should be pointed out that this division does not correspond to the classification of crimes in criminal law as reflected in the chapters of the Special Part

of the Criminal Code. The criminological group of mercenary crimes includes not only stealing socialist property, theft, open stealing, assault with intent to rob and swindling, but also bribery, speculation, violation of the rules of currency transactions and all other crimes from mercenary motives including for instance murder from mercenary motives. In defining this group we are interested not in the victim, not in the *modus operandi*, nor in the damage caused, but in the subjective cause of the crime, that is in the motive that guided the criminal. In the same way we shall include in the group of violent crimes those that are committed from motives of personal dislike, revenge, jealousy and hooliganism, but not from mercenary, political or other motives. Therefore this group does not include, for example, murder from mercenary motives or assault with intent to rob.

The inner psychological structure of each of these groups of crimes is different. Most important for the characterization of crimes from mercenary motives are such categories as desires, interests, opportunities as well as motives, aims, means. The analysis of crimes from mercenary motives is closely connected with the study of socio-economic relations in society, with desires and the opportunities for their fulfilment, with notions of a proper standard of living and the permissible means to attain it.

The desires and interests satisfied when crimes from mercenary motives are committed are several. Tentatively it is possible to single out: (a) material interests connected with the satisfaction of "natural" life requirements; (b) socially conditioned material interests including prestige interests (to own expensive clothes, articles of luxury); (c) material interests of a perverted nature (for example, to acquire the means for systematic drinking).

Investigative and trial practice as well as numerous criminological studies have shown that the overwhelming majority of mercenary crimes today are by no means com-

mitted to satisfy elementary material needs. Thus in one study only 3.7 per cent of thefts committed by adolescents were connected with material want in the family, that mainly of a temporary nature (15). S.S. Stepichev (7, p. 433) gives similar data for adults.

The mercenary aims of offenders are only outwardly similar to the material interests of the general population and are most often connected with the satisfaction of demands which though socially conditioned have a hypertrophied or perverted nature. In a considerable number of cases this is connected with the expenses of heavy drinking. According to A.A. Hertsenzon (7, p. 331) the proportion of thieves who drank systematically was 58 per cent, of robbers, 67 per cent. According to S.S. Stepichev (7, p. 434) nearly 60 per cent of those convicted for robbery and robbery with violence committed these crimes in order to get money for drinking.

An important element in the process of coming to a decision is the determination of the means to attain one's aim. In this respect the psychology of a person committing a crime from mercenary motives is basically different from that of the general population. An honest citizen does not spend money only on food, clothes and living quarters. But no matter what material aims he strives for the means for their attainment would in the end always be his working activity. In contrast to the criminal he chooses lawful, rightful means. It is the choice of illegal means for the satisfaction of one's material demands that converts a mercenary act into crime.

The psychological characteristics of the so-called violent crimes (hooliganism, murder from motives which lie in the circumstances of everyday life, rape, physical injuries, etc.) have their own specifics. The commission of such a crime is often not a means to gain any rational aim, but is in a certain sense an "aim in itself". Violent aggressive behaviour is here an abnormal attempt to manifest one's

"ego" contrary to the interests of the community. A similar example is theft by adolescents, not from mercenary motives but as a "challenge" to the community and as a peculiar form of self-assertion. Such motivation, characteristic for many criminals committing violent crimes, is indicative of deep personality conflicts which call for criminological and socio-psychological research.

The division of crimes into mercenary and violent is by all means tentative. It is also possible to single out in the socio-psychological structure of criminality other categories of persons distinguished by the motives and aims of their behaviour. Highly characteristic are especially dangerous recidivists and juvenile delinquents. People committing careless and other crimes should also be considered in a separate category. It should be noted, however, that all these groups have a less important place than the mercenary and the violent in the structure of criminality.

### *Social Changes and Motives*

Attitudes of criminal psychology, as a special case of ordinary mentality, are inevitably connected with the social, economic and other processes taking place in society, although they often reflect these processes in a perverted, abnormal way. For an effective organization of preventive work it is necessary to perceive clearly the character of this relationship and the particular behavioural reactions of offenders to social changes. It is especially important to know how criminality will change in connexion with the development of the scientific-technical revolution. Will the number of antisocial acts grow or should it diminish? What structural changes will take place in the course of this process?

These questions, which are earnestly discussed by Western criminologists, by all means deserve attention,

although for different reason than the bourgeois writers discuss.

In a working paper (17, p. 5) prepared by the Secretariat for the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Kyoto, 1970) it was stated, "Crime occurs and seems to increase with the acceleration of change or development. It can be regarded as an unintended outgrowth or side-effect of such development." The authors of the document quoted relate the growth of criminality which takes place in a number of countries directly to urbanization, industrialization, migration and technological development as a whole.

The progress of science and technology does influence the behaviour of people, including antisocial behaviour. But this influence is not single and unvarying, it is diverse and multiform. Secondly, and most importantly, it is always refracted through the social organization of the particular society.

It is not the novelties and inventions of technology that change people's behaviour, including that of offenders. That arises in the first place from social conditions in the society, which not only undergo changes in the course of the development of science and technology but for their part influence this development by impeding or accelerating it. In socialist countries where social conditions change in accordance with the demands of social progress the scientific and technological revolution cannot produce antisocial phenomena: on the contrary, it has a beneficent influence.

It is known that the scientific and technical revolution means an increase in the technical equipment of the national economy, the introduction of new techniques, etc. A criminologist should bear in mind that these processes can make his task more complicated in one way (for instance rising numbers of cars increase the chances of auto accidents), but even the strictly technical aspect of the contemporary scientific and technical revolution has at least two

sides: it complicates the task of combating technology-based criminality, but it also makes the work of the agencies of justice easier by providing them with new technical means. But the technical aspect of change is not the main one: in our country it is combined with social development. This means that it is accompanied by material changes in social relations and in the cultural level and psychology of the people. It is these changes that influence first the choice of ends and the means of attaining them and consequently the content and development of human activity.

In what way can accomplished and foreseen changes connected with the scientific-technical revolution alter the structure of antisocial phenomena? That social changes have an impact on the group of mercenary crimes seems sufficiently established. Though neither the direct nor more distant aims of this category of offenders can be equated with the material needs and interests of the main mass of citizens, there is still psychological relatedness among different sections of the population. Therefore if society as a whole — and first of all its vanguard — formulates and really ensures the high ideals of a comprehensive and harmonious development of man and not the aims of profit and material success, this inevitably (though not immediately) influences the psychology of all sections of society including the most backward. In its turn this leads to changes in the structure of criminality, particularly to the decrease of the percentage of crimes from mercenary motives.

In tsarist Russia at the beginning of the twentieth century property crimes amounted to at least 83 per cent of cases taken to justices of the peace (10, pp. 169-70). As far as motives can be judged from criminal statistics, the percentage of property crimes in the general structure of crime in the United States, Great Britain and other capitalist countries is approximately the same, and the number of these crimes as well as of crime as a whole continues to increase (18, pp. 57, 90; 16, pp. 2-7; 4,



p. 105). In the socialist countries we have a different picture. In the context of a general decrease in criminality, mercenary crimes constitute 53 per cent of all reported crime in Poland (12, p. 574), 44 per cent in Czechoslovakia (3, p. 114), and 39 per cent in Hungary (5, pp. 16 ff.). In the Soviet Union these numbers fluctuate in the same region (7, pp. 117-19). There exists a definite correlation between the consistent implementation of the economic and ideological principles of socialism and the reduction of the percentage of mercenary offences in socialist countries. Subsequent social and scientific-technical development in the socialist countries will contribute to the continuation of this tendency. "The main task of the five-year plan," state the Directives of the Twenty-Fourth Congress of the Communist Party of the Soviet Union, "is to ensure a considerable rise in the material and cultural level of the life of the people on the basis of high rates of development of socialist production, of increase of its efficiency, of scientific and technical progress and of continuing growth of the productivity of labour." The fulfilment of this task cannot but have a positive effect on the structure of motives, aims and the means for their attainment, and therefore on the behaviour of citizens. It is quite understandable that in conditions of planned growth of the real income of the population, and increasing allocation of social funds to consumption, the assured stability of state prices correspondingly weakens the motives for committing such crimes as speculation or bribery.

The correlation between social and economic processes and the state of criminality is by no means a simple one. It is only gradually that economic development influences the psychology of the backward part of the population, whereas the growth of the material living standard in itself, without the appropriate changes in the cultural level and the consciousness of citizens, can even lead to the resurrec-

tion of philistine survivals connected with the possession of things, with the pursuit of "prestige" values, etc.

That is why in the sphere of combating mercenary crimes as well as other offences, it is impossible to hope that things will adjust by themselves. It is imperative that state bodies and broad segments of the population intervene energetically against the stagnant philistine psychology. This presupposes the activation of ideological education directed against money-grubbing, gain, profit and other philistine aspirations. It requires a broad strengthening of incentives, moral as well as material, to labour, and an unflinching, inevitable application of state compulsory measures against rogues and plunderers of national property. No less important in the conditions of scientific-technical revolution is strict control in all economic sectors over expenditure of the ever-increasing quantity of material values. Thus while the prognosis of the battle against mercenary crimes is as a whole optimistic, it is necessary to bear in mind that the success of this work can be achieved only with increasing activity. As is known, any social regularity manifests itself not apart from but in connexion with and through the appropriate activity of the people. In the sphere of combating criminality there is no exception from this principle.

The correlation between social, scientific and technical development on the one hand and the dynamics of violent crime on the other appears to be much more complex. Violent crimes do not always belong to the category of "rational" deeds; in an overwhelming number of cases they are not planned beforehand but are committed on the spur of the moment. Their motives are not directly related to the system of economic values; often these motives depend on a particular life situation and are determined by the criminal's psychological characteristics to a greater degree than are motives for other kinds of crime. A social psychology that has formed in the course of a generation needs more than a mere ten years for its reorientation.

It should be borne in mind that conflict situations can appear in the most varied social and economic conditions, and this to a considerable degree explains the fact that in spite of radical changes in the social structure, the level of violent crime remains rather high.

This of course does not mean that these are non-class crimes, with a biological or some other "natural" character. Basically, aggressive behaviour is the manifestation of petty-bourgeois looseness, anarchism, lack of discipline. It has common roots with individualism, which has been the outcome of the exploiter society and its antagonistic contradictions. Therefore in the socialist countries we in the first place very seldom witness such wild manifestations of individualism as in the capitalist countries; and secondly the overall rate of violent crime is considerably lower than in capitalist countries. Thus in the United States (18, pp. 6-7) in 1968 there were 6.8 murders per 100,000 population (1969: 7.2), and in the Federal Republic of Germany (4, p. 105) the rate in 1967 was 3.2, but in Poland (12, p. 574) in 1968 it amounted to 1.2 and in the German Democratic Republic (9, p. 412) only 0.8.

In what way can the scientific-technical revolution have any impact on this category of crimes? To answer this question it is first necessary to note the personality characteristics of the offenders committing violent crimes. It is known for instance that the educational and cultural level of these persons is extremely low. According to A. F. Pobegailo's data (11, pp. 41 ff.), 84.2 per cent of those convicted of murder in the Rostov region had not completed the obligatory eight years of school, 93.3 per cent had not taken any part in social activity and nine per cent did not have any definite job. No less significant are the moral and psychological characteristics of such criminals. Estonian criminologists P.A. Beilinson and Y.M. Livshiz have studied a group of more than 700 persons who were guilty of acts of hooliganism or committed grave crimes against

the person. On the question of their attitude towards their social duty 24 per cent of those who committed crimes against the person answered, "I am indifferent towards social life." Twenty per cent of those convicted for hooliganism declared that to their mind work is a burden and they try as far as possible to avoid it. The same proportion admitted that they feel indifferent or hostile towards their family. Nearly 30 per cent said that they liked "delights that go sharp on the nerves" and "intense sensations"; in this connexion the majority declared that they often try to produce excitement by artificial means, including consumption of alcoholic beverages. The last statement is borne out by statistics: 80 per cent of murders and 90 per cent of acts of hooliganism are committed in a state of drunkenness.

The social changes of socialist society will by no means contribute to the preservation of such attitudes and habits. It is known that the scientific-technical revolution brings qualitative changes in the technology of production, in energetics, in the tools of labour, in managerial organization, in the nature of work. It does and will make ever growing demands on the organization and discipline of the participants in the process of social production and, consequently, of the population at large. The situation of the bearers of the psychology of petty-bourgeois dissoluteness becomes more and more difficult. Antisocial conduct will come into ever sharper contradiction with the demands of social and technical development.

Offences against the norms and rules of the socialist community, for instance hooliganism, are in a certain way related to the rapid processes of migration of population, breaking up of the traditional style of rural life, and change in moral and cultural values. The following figures (13) illustrate the scale of these social processes: during the 57 years from 1913 to 1970 the proportion of city dwellers in our country has more than tripled, from 18 to 56 per cent.

It is however important to stress the point that the negative consequences of the grandiose social processes connected with the development of the country are transient, whereas the leading tendency is positive and it will acquire ever greater importance. In the process of communist construction the class structure of society develops towards homogeneity, a strengthening of the political and moral unity of the Soviet people occurs, and the level of consciousness and the cultural level of the working people rise. L.I. Brezhnev, in his report (1, p. 31) at the great meeting that marked the centenary of Lenin's birth, emphasized the following: "The policy of the party, of the Soviet state, is that on the basis of contemporary technology and science the character of the work of the peasant and that of the worker draw nearer and nearer, that the mode of life of the village become more comfortable, that the cultural level of country life rise. All this in practice leads to a gradual elimination of the differences that lie in the social-economic sphere and the sphere of culture and everyday life between town and village, between the working class and the peasantry."

Preventive influence on the social and psychological processes connected with the commission of violent crimes is possible in two directions. The first is a continuously rising level of political activity and culture among the population, the education of working people in the spirit of social discipline. The planned extension of measures directed toward the further development of social consciousness is an essential measure.

The second direction is the elimination of conflict situations in everyday community life and the establishment of favourable working and living conditions and a normal psychological atmosphere in the collective of enterprises, at school, in the family. This is especially important for those sections of the population that are affected by migration,

change of profession, the breaking up of former social-psychological relations. It is of particular importance to take this into consideration with young people, who in the course of their moral and social development must quickly adapt themselves to the new demands of scientific-technical progress. A decisive struggle must be carried on against drunkenness and drug addiction; it is indispensable that there be real inevitability in the application of criminal punishment and measures of social pressure to those who commit offences against law and order. It is the same with violent crimes as with other offences — they will not disappear by themselves if everyday and concrete efforts are not made to this end.

#### *Planning the Struggle Against Criminality*

The psychology of criminals which is revealed in behavioural aims and motivations takes shape spontaneously in spite of the efforts of socialist society. But notwithstanding that criminality is a spontaneous process, it can be analysed statistically and predicted scientifically and the campaign against criminality can and must be planned and organized. There are all the opportunities for this available in our country. In the same way that one lays plans to wipe out infectious disease or to combat vermin, the way can be paved to a scientifically substantiated, complex system of economic, social, cultural and administrative measures to combat antisocial behaviour.

The embryo of criminological planning can be found in those towns and districts of our country where purposeful preventive work is being conducted. Such planning, however, is mostly of a departmental character and is usually restricted to legal, cultural and educational measures (lectures, organization of check-ups and inspections, improvement of the functions of juridical agencies, etc.). We would

like to suggest something different. In view of the fact that criminality is directly connected with social, economic, psychological and other processes in the life of society, genuine criminological planning as a part of the general national planning must provide for an adequate influence on all these processes. Acquiring comprehensive information on the character and tendencies of different spheres of social life, analysing such phenomena as the development of economic relations and change in the population structure, in demand and consumption and in the relation between housing projects and construction plans for cultural and social purposes, criminologists must actively influence the working out of national economic plans by formulating relevant recommendations.

It appears at present that the theoretical and practical prerequisites for the development of complex plans for combating criminality gradually develop first at the level of region and republic and later at the national level. Based on the study of the dynamics of criminality over a long period, such plans must provide for the long-term social, economic, cultural, educational and legal measures that are indispensable to eliminating criminality. An important place must be provided for state and social measures to combat alcoholism and drug addiction.

For such a plan to be elaborated and put into practice it is necessary to further study the "mechanism" of the correlation between criminality and those social factors which can be influenced in the process of social development. It is at these factors that the plan providing for a consequential elimination of crimes must be aimed. And although we have a general impression of the impact that a number of demographic, social-psychological and socio-economic phenomena have on criminality (for instance, the growth of cities, the rising of employment, migration of population, etc.) these studies remain at present fragmen-

tary and not sufficiently concrete for practical use. The duty of Soviet criminology is to overcome this lag more quickly.

In the general system of planned measures a place must be made for the activity of juridical bodies — procuracy, courts, police — which play an important role in eliminating antisocial phenomena. But the problems of scientific study of this activity and particularly of the continuous increase of its effectiveness deviate from the theme of this paper and need to be considered independently.

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THE SOCIAL AND HISTORICAL DIMENSION  
IN THE STUDY OF THE CAUSES OF CRIMINALITY \*

by V.K. ZVIRBUL

Criminality is a complex phenomenon with many characteristics. Since we do not propose to analyse all, we would like to examine retrospectively the socio-legal nature of criminality — which we consider to be the necessary premise for the natural development of this social phenomenon — and possible ways of eliminating it.

Guided by this thesis one should select from the whole mass of descriptive characteristics those most significant ones that together expose the socio-legal nature of criminality. Among them are included only those that characterize criminality from the point of view of its nature, its likeness to and its distinctions from other social phenomena.

Criminality as a social phenomenon is in the category of gross breaches of the rules and orders of social intercourse.

The origin of such breaches of the rules of social intercourse is historically connected with the appearance of private property, with the division of society into antagonistic classes, with the exploitation of man by man.

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"We know," Lenin wrote (15, vol. 33, p. 91), "that the fundamental social cause of excesses that consist in the violation of rules of social intercourse is the exploitation of the people, their want and their poverty. With the removal of this chief cause, excesses will inevitably begin to 'wither away'."

The definition of criminality as a social phenomenon reveals its origin, its social characteristics and thereby helps to apprehend the general laws of social development. But such a definition by itself does not indicate those decisive features which distinguish criminality from similar social phenomena. The distinction lies in the fact that in a class society the notion of criminality formulated by the ruling class includes only the actions prohibited by that class under the threat of criminal punishment.

It is the features characterizing criminality as a legal category of class society that distinguish it among other social phenomena related to breaches of the rules of social intercourse. That is why in defining criminality one should not limit himself to the formula of a "socially and historically conditioned phenomenon" (13, p. 9).

"The socio-legal nature of criminality" implies that every socio-economic formation, every political system has its own peculiar laws of development along with general ones. Thus criminality is a historical category as well, and revealing its laws presupposes a historical approach to its development as a socio-legal phenomenon. The historical approach predetermines that the study of the ways the causes of criminality manifest themselves be closely connected with the laws of development of the socio-economic systems and with the historical peculiarities of social development in the countries studied.

Criminality in pre-revolutionary Russia bore many traits in common with criminality in any bourgeois society. But at the same time the dynamics and the character of

crime had their own peculiarities due to the concrete historical conditions of social development of Russia.

An extremely low economic level, a continuous process of ruin for the bulk of the peasantry forcing extraordinarily low welfare standards for this overwhelming majority of the population, material insecurity, famine, poverty of the oppressed classes — these are the direct causes for most of the crime. It is not by chance that in the period 1901-1908 crimes against property constituted 60 per cent of the total crimes.

Year after year crimes of this kind were increasing: thefts increased more than 30 per cent between 1908 and 1913. War devastation, famine, speculation, devaluation of money — all this caused a new increase of criminality, and of crimes against property in particular. Extremely low cultural level and mass illiteracy also served as catalysts for the increase of crimes against the person.

The particular cause of the increase in crimes against the person was the growth in drinking. The dependence may be traced when the data on crimes against the person and on alcohol consumption are compared.

During the period of 1900-1913 criminality in Russia more than doubled. At the time of the call-up to military service in 1914-1915 there was a slight decrease in criminal convictions, but there was a new increase of crime beginning with 1916 (7, pp. 14-16). In connexion with such facts as demoralization of a part of the army, presence of a rather large number of armed deserters and of criminals released from prison, this increase intensified during the first months of 1917. The increase of criminality was influenced by the fact that the extremely bad position of working people became still worse.

Historical analysis of criminality during the period of transition from capitalism to socialism indicates that famine, the poverty of the people, low cultural level, growth of alcohol drinking, and complete disorder in the economic

field of pre-revolutionary Russia left imprints on the dynamics, state and structure of criminality in the USSR. Criminality of this transitional period reflected the process of decay of the old society, which consisted in the resistance of the overthrown exploiter classes, and the elements of petty-bourgeois anarchism, private-ownership ideology, and customs and traditions of bourgeois society, by which rather large masses of working people were infected. \*

The advent of the working class to political power in October of 1917, nationalization of large-scale industry, of land, of railways and banks, establishing the state monopoly of foreign trade, all these signified not only the victory of socialist revolution in Russia, but were also the first steps in the history of mankind toward the elimination of the principal cause of criminality.

The process took different courses depending on the actual historical situation and changes which occurred in the economic, social and political structure of the society that was building socialism. This dependence is seen quite clearly through analysis of the dynamics and state of criminality during the periods of:

(a) civil war and repulsing of the imperialist intervention;

(b) transition to the new economic policy (NEP) with the purpose of restoring the economy of the country;

(c) large-scale building up of socialism (industrialization, reconstruction of agriculture on a socialist basis, completion of the socialist reconstruction of the national economy and the victory of socialism in the USSR).

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\* The fundamental analysis of the causes of criminality of the period of formation of socialism was given by Lenin in "The Immediate Tasks of Soviet Power" (14, pp. 195-96).

In connexion with the defects in the organization and registration of the data on criminality, and with the cessation of their publication in the middle 1930s, it seems to be rather difficult to give a detailed analysis of the dynamics and state of criminality in the USSR. But the existing materials and studies of E.M. Volkov, M.N. Hernet, A.A. Hertsenzon, S.S. Ostroumov, A.A. Piontkovsky, A.S. Shlyapochnikov let us give an answer to the question of the causes and main trends in the dynamics and the state of criminality.

The period of civil war and repulsion of imperialist intervention is characterized by the high proportion of political crimes. "Imperialist intervention and the attacks of the White Guard hordes merged into one flow with counter-revolutionary revolts and plots of socialist-revolutionaries, Mensheviks and remnants of bourgeois parties. The overthrown exploiter classes and international imperialism were ardent fighters against the new social system. They brought innumerable disasters and sufferings to our people" (4, p. 10).

The increase of crimes against social intercourse which began in the first pre-war decade continued during this period (7, pp. 16-17) and was furthered by the storm of petty-bourgeois anarchy.

The material circumstances of Russian working people, bad as they already were, became extremely hard after the First World War, which had been unleashed by the White Guards, and the foreign intervention. National income per capita in tsarist Russia was two thirds less than in Germany, less than one fourth that in England, and only about 15 per cent of per capita income in the USA. The First World War caused a reduction of the national income by more than one fourth. After the period of foreign intervention and civil war national income was 40 per cent less than before the war (19, pp. 4-5).



Famine and poverty were the immediate causes of many crimes and robberies (6, p. 74). The difficult material situation of working people was exploited by criminal elements for purposes of profit. In the years 1917-1922 speculation and illegal selling of the goods rationed at that time was on the increase.

The victory in the civil war and socio-economic measures of the NEP period which followed influenced the causes, state and dynamics of criminality. Stabilization of the economic situation determined a reduction in property crimes (7, p. 24). The defeat of the united forces of world capitalism and the utter crushing of the internal counter-revolution brought a reduction in political crimes and a change in character. Now the overthrown exploiter classes showed their resistance mainly through economic counter-revolution, that is by sabotage, diversions, interference with commerce and the state machinery (22, pp. 51-52). Other kinds of crime were still influenced by unemployment, agrarian overpopulation, child homelessness (33, p. 324), low standards of welfare. The corrupting influence of the private-ownership psychology on the less stable of Soviet employees can be clearly traced. And this had its immediate influence on the growth of the number of malfeasances.

Material social and economic changes took place in the period of full-scale construction of socialism. By the middle of the 1930s, privately owned means of production were entirely displaced by socialist ones. The share of the socialist means of production in gross industrial output constituted 99.8 per cent, and in agriculture, 98.5 per cent. The exploiter classes which in 1913 constituted 16.3 per cent of the whole population, constituted only 4.6 per cent in 1928, and by the middle of the thirties were eliminated. The places of small owners (individual peasants) and artisans working by themselves, who constituted three fourths of the population in 1923, were taken by collective farmers (kolkhozniks) and artisans in

co-operatives who comprised 57.9 per cent of the population (2, p. 11).

In 1913 workers and employees (including those family members who were not working) constituted one sixth of the whole population; by the middle of the thirties, their proportion was 36.2 per cent. The elimination of unemployment by the middle of 1931 (during the first four years of the first Five-Year Plan the Soviet state ensured 12 million additional jobs) meant the disappearance of the declassed elements, and this had a wholesome effect on the reduction of professional crime, as well as crimes against the person. Thus between 1929 and 1934 the number of persons convicted for manslaughter was reduced by 20 per cent (28, p. 92). Elimination of child neglect caused a reduction of juvenile delinquency. However, the share of crimes against socialist property and against the rules of social intercourse increased (i.e., the share of crimes caused by petty-bourgeois, private-ownership psychology and egoistic neglect to observe the rules of intercourse established in the interests of the overwhelming majority of the society).

With the victory of the new socio-economic formation the principal causes of criminality — private ownership, the division of society into antagonistic classes, and exploitation — were removed. Elimination of the principal cause created the objective basis for the dying out of the resulting social conditions, which beget conflicts between the individual and society. Some of these conditions (unemployment, poverty) disappear during the transition from capitalism to socialism, others during the construction of communism.

The victory of socialism meant the appearance of a new objective possibility for reduction and elimination of criminality. The translation of this possibility into reality is a very complex process, which constitutes part of the development and strengthening of socialist ideology and the new socialist morality.

People, the material force in the building of socialism, were the individuals whose consciousness, moral habits, rules of intercourse had mainly been formed under capitalism. Lenin emphasized many times (15, vol. 36, pp. 408-09, vol. 37, p. 449, vol. 41, p. 400) that even the working class retains much from the traditional psychology of capitalist society.

Social consciousness took different shapes for different strata of the population. Some embraced new ways very quickly, others were stable, conservative. Under the influence of socio-economic transformation new political convictions are formed soonest, while morals, habits, customs and traditions of living change far more slowly. In the USSR the process of formation of the new socialist conscience was complicated by the fact that a considerable part of the population was in one way or another bound up with private ownership.

The working class was increasing in number mainly at the expense of this part of the population. Quantitative change did not mean the completion, but the beginning of qualitative growth of the social structure and the reflection of this process in the minds of people. Overtthrow of the domination of private property in the country and reconstruction of the rural economy were activities in full conformity with the laws of the development of socialism, but they had some costs. These manifested themselves in the social instability of certain individuals converted to another class. This caused ambivalence in their individual consciousness which combined both socialist and private-ownership elements.

The rates of realization of the objective potentialities of socialism depended on concrete historical conditions in the state. The victory of socialism was gained at a time of tense international conditions and was jeopardized by the possibility of imperialist aggression, which soon resulted in the war unleashed by German fascism. As a result of

the huge damage caused by the war, all socio-economic reforms were delayed. Hitlerian hordes destroyed goods worth about 700 billion roubles, ruined more than 70 thousand towns, settlements and villages, and rendered 25 million people homeless. The nation lost more than 30 per cent of its wealth (4, p. 21; 2, pp. 20-21).

It was not only economic damage that the war brought. Many children lost their parents. This produced negative effects on their education and upbringing. About 70 per cent of the juvenile delinquents of the first post-war years were orphans or semi-orphans (mainly because of the circumstances of war time). Up to 70 per cent of thefts by juveniles were committed because of material difficulties (18, p. 84). A study of a group of persons who committed heinous crimes showed that the fathers of 64 per cent of them had perished during the war. (The study was conducted by the group of associates headed by professor A.A. Hertsenzon of the former Research Institute of Criminalistics. Similar data about the influence of negative war consequences on criminality were given by A.B. Sakharov (25, p. 97).)

After winning the war, the Soviet people proceeded to fulfilling the plans of peaceful construction, which resulted in the final and complete victory of socialism in the USSR and the creation of the world's socialist system (4, p. 25). Social, economic and political arrangements accomplished at that time caused a considerable reduction of crime and important changes took place in the structure of criminality: (a) the sharp reduction of grave crimes against the state; (b) the decrease of professional and almost complete elimination of organized crime; (c) the reduction of malfeasance and some of the crimes with mercenary motives.

The victory of socialism created social, economic, political and moral prerequisites for transition to the construction of communist society.

Solution of the tasks of constructing communism, creation of the material and technical bases for communism, formation of communist attitudes of the new man — all this will lead to the elimination of the causes of crimes. "The growth of material well-being, of cultural level, of consciousness of working people — this creates all the conditions for the elimination of crime" (11, p. 106).

During the period of development of our society ideas, customs and traditions that sustain antisocial attitudes and habits are retained both by continuity of consciousness and conservatism of social psychology and by the fact that they find a basis in the "remnants of the past" — in economics, in mode of life, in culture and other spheres of social life — under the influence of which new social manifestations conducive to crime may appear. Exposing the origin of such manifestations, one should correlate them with that very mode of life on the basis of which they appeared and the reflection of which they are. The causes of criminality are interrelated not with the socialist mode of life, but with the "remnants of the past". That is why the widespread point of view (taken by many people for universal truth) cannot be shared that the preservation of the past relates to the sphere of consciousness only (30), and is the result of its lagging behind the socialist mode of life.

The economic basis of socialism is constituted by state and social property, and its social grounds are friendly classes of working people. Social relations and relations of production in socialist society are formed on the principles of collectivism, comradeship, mutual assistance. These relations by themselves cannot give birth to individualistic mercenary and egoistic attitudes, habits and motives.

But socialism does not exist in "pure form". Lenin wrote (15, vol. 33, p. 99): "But in fact, remnants of the old, surviving in the new, confront us in life at every step, both in nature and in society. And Marx did not arbitrarily

insert a scrap of 'bourgeois' law into communism, but indicated what is economically and politically inevitable in a society emerging out of the womb of capitalism."

Under socialism the fundamental cause for breaches of the rules of social intercourse is eliminated. The complete removal of all the negative consequences originating from the fundamental cause is the task of the period of constructing communism. Socialism secured the equality of people before the means of production, created equality in labour possibilities and in the distribution of products according to the amount of labour performed. The successive putting into practice of this order is the necessary condition for its replacement in the future by the communist principle, "From each according to his ability, to each according to his needs."

However, the distribution of products according to the amount of labour performed (which is the inevitable consequence of the attained level of productive development and of the ideological and moral consciousness of the people) does not yet create equality in getting material benefits from society (16, p. 94; 23, p. 19). The defect, as Marx (17, vol. 19, p. 19) emphasized, is inevitable "in the first phase of communist society as it is when it has just emerged, after prolonged birth pangs, from capitalist society." The possible appearance of contradictions between individual interests and those of the whole society is connected with this historically preconditioned "defect". (The contradictions are smoothed through the public distribution of funds and products.)

Under the impact of private ownership interests, and attitudes to socialism based on a private viewpoint, under the impact of contradictions between material incentives to the individual and the interests of the society, there may arise a conflict (3; 5, pp. 96-102; 12, p. 34; 16) which is conducive to crime in the presence of favourable conditions.

Crime causation is not a single-factor process: it manifests itself as a particular interaction of individualistic survivals in people's consciousness with the real possibilities of ensuring distribution of products on the basis of labour performed at the given level of material and technology.

Ascriptions of criminal causation only to the impossibility of complete satisfaction of all the society members' requirements cannot be accepted as accurate. Authors (20, p. 14; 21, p. 33) who do accept the explanation lump together regularities of socialism, the creation of socialist consciousness, and phenomena rooted in the superseded system that may support antisocial attitudes and habits.

The formation of views and attitudes is affected by the whole mode of social life and by the actual conditions of individual living and upbringing. Very seldom do negative survivals manifest themselves in isolation. As a rule they draw sustenance from customs, traditions and morals which constitute the mode of life of the people (26, pp. 88-89).

Along with the new communist features of the Soviet people's mode of life there exist not a few remnants of the old. Working people adopt from the past not only "negative" customs and morals, but also "moral ideals and basic moral norms, elaborated in the course of struggle with social oppression and defects of morality, such as love for liberty, for their country, respect for the dignity of man, etc., as well as elementary rules necessary for any social intercourse" (27, p. 82). These norms and rules of social intercourse are enriched by the new context in the course of constructing communism and constitute the basis for the moral code of communism.

Views and habits contradictory to socialist morality also survive, exacting the price of traditional rules of intercourse and of attitudes — to others, to women, family, children, state property and the social order — which have been elaborated for ages. (9, p. 64; 10, pp. 60-63; 31,

pp. 66-67). Formation of new traditions and morals is a long process, for as Lenin wrote (15, vol. 41, p. 27), "the force of habit of millions and dozens of millions of people is the most terrible force." Such negative survivals of the old as a slighting attitude toward dignity, honour, health and human life, lack of respect for women, carelessness in bringing up children, drunkenness, all this rather often gives birth to crime against the person and the public order.

A habit of enrichment at the expense of other people's labour and misunderstanding of the fact that socialist property is the basis for material well-being of the people often lead to the commission of crimes with a mercenary motive.

The survivals of the past are the most stable in domestic and family life. Criminological studies show direct correlations between bad family upbringing and the formation of antisocial attitudes and views. One study (18, p. 88) of the personality of juvenile delinquents showed that more than the half of them came from unhappy, deficient families: in 30 per cent of cases parents were misusing alcohol, in seven to 10 per cent of cases parents lived a dissipated life.

The fulfilment of such tasks as formation of a communist mode of life and eradication of all negative survivals depends first of all on creating the material and technical basis of communism. The most important condition of communist social relations is the solution of the housing problem, one of the most acute social problems inherited from tsarist Russia. Difficulties lie first of all in the wretched living space inherited from old Russia (not more than 4 square metres of dwelling space per head); secondly, in the unprecedented growth of the urban population (340 per cent increase in 50 years); thirdly in the tremendous devastation of towns and villages during the civil war and intervention of 1918-1921 and especially during the fascist

invasion, as the result of which more than one fifth of the population was left homeless (19, p. 10).

The mode of life should be reformed by getting over those prejudices (survivals) which derive from the private ownership system, by inculcating sentiments of comradeship in all citizens of the socialist society, and by developing collective methods of attaining social objectives.

The communist mode of life does not develop automatically along with improvement of the material conditions of the population. The development process is also determined by the social consciousness and cultural level of the people.

The scientific outlook and communist moral principles provide a major premise for eliminating the survivals of the past. The appropriate knowledge enables a person to give up consciously those habits and customs which one traditionally follows without noticing their negative consequences, perceiving them as something that goes without saying.

It proved to be the most complicated task and required a great effort to overcome some negative survivals of the past in the period of socialist construction in the USSR. Under tsarism workers and peasants in Russia suffered from spiritual slavery. "There is no other country in Europe but Russia," Lenin wrote in 1913, "where the masses of people are so deprived in the sense of education, culture and knowledge." Two thirds of the population were illiterate, a prayer substituted for a book. There were two churches for every three schools and one priest and one deacon for every three teachers. Such a proportion brought about numerous customs and traditions which were celebrated by taking a large quantity of spirits.

Hence it is no wonder that up to now a considerable percentage of crimes against the person are committed on the days of these traditional celebrations in those areas of the countryside where they have survived. Thus the anal-

yses of the cases of premeditated murder in the provinces of Kaluga and Yaroslavl showed that two fifths of the crimes studied were committed on the patron saints' days.

The construction of socialism progressed with the process of cultural revolution.

The 1939 census marked the elimination of illiteracy in the Soviet Union. Soviet cultural achievements became integrated into the life of our people. But in spite of the fact that the dominant tendency of constantly rising cultural level has a generally positive effect on Soviet society, there are still people who have not been able to get a proper education for various reasons. The fact of semiliteracy and lack of good education and general culture is not in itself a cause of crime, but it can help to maintain the negative survivals of the past. Thus, lack of education makes it impossible to realize and use the positive aspects of socialism. The studies prove that 85-90 per cent of delinquents are two to three years behind other children of the same age. Forty to 50 per cent of delinquents' parents are poorly educated people.

In a study conducted in a factory it was found that 27.9 per cent of offenders had four years of education, 35.6 per cent five to six years, 16.3 per cent seven years, 12.5 per cent eight to nine years, 4.8 per cent 10 years (secondary education), 2.9 per cent higher education (data collected by J. Kasatkin, N. Kosoplechev, A. Soya-Serko, V. Statkus, V. Tanasevich, Moscow 1962).

Expenditure on vodka among convicted persons was four times as high as that of workers and employees from the control group. Criminals as a rule were badly educated and brought up people. With respect to politics they did not admire capitalism nor look forward to its restoration. But being to a certain extent irresponsible they did not understand the advantages that socialism provides the individual and did not manage to use them.

Bourgeois ideology integrated with the customs and ideals of private-ownership morality,\* worked out during a thousand years, also has its influence on the conservation of negative survivals in people's minds.

Giving a political appraisal of bourgeois propaganda, the Central Committee of the Communist Party of the Soviet Union in the papers "Fiftieth Anniversary of the Great October Socialist Revolution" emphasized (4, p. 48): "Imperialist ideology is seeking to implant individualism among the masses, to lead them away from politics, from the solution of fundamental social problems. It counts on revitalizing prejudices and survivals in people's minds."

Bourgeois ideologists often resort to falsifying devices with the purpose of influencing the minds of the Soviet people: exploiting particular difficulties and shortages revealed in constructing the new society, they claim them to be "the crisis" of the socialist system.

Let us now review briefly what has been said. Criminality is a historically conditioned socio-legal phenomenon, characterized by breaches of the rules of social intercourse. The fundamental cause of these breaches in pre-socialist systems is the antagonism between self and society which reflects the irreconcilable contradictions of production relations based on ownership and the connected exploitation and poverty of the masses of people. The beginning of mass breaches of the rules of social intercourse dates back to the beginning of private ownership and is rooted in the origin and evolution of class society.

The fundamental cause of crime is very seldom the immediate cause. The mechanism is far more complex. The fundamental cause gives birth to private ownership, individualistic psychology and all the relevant negative traits,

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\* The impact of bourgeois ideology on formation of antisocial attitudes and habits can be clearly seen in the new socialist countries (1; 24, p. 16; 33, p. 130).

which in the end form antisocial attitudes and habits. Criminality, being of a common social origin (fundamental cause), has its own specific causes peculiar to particular socio-economic structures.

Functioning of the causes of criminality depends on historical-cultural peculiarities of political organization of states and people as well. Social antagonisms become sharpest in capitalist society, and in particular at the stage of imperialism. And the constant growth of mass breaches of the rules of social intercourse manifests the sharpening of social antagonisms.

It appears from the above that effective struggle with crime becomes possible with the elimination of private ownership and the social situation that forms the private-ownership psychology and creates contradictions between the interests of the individual and the possibilities of their satisfaction by legal means.

Having eliminated the fundamental cause of breaches of the rules of social intercourse, socialism created material, moral and spiritual objective possibilities for reduction, and later, elimination of criminality through eradication of all its causes. At the present period of socialist development, criminality as a manifestation of antisocial attitudes and habits in socially dangerous actions is in the end the reflection of contradictions between the firmly established socialist relations of production, ideology and morality, and residual pre-socialist phenomena in economics, mode of living, culture and other spheres of social life.

In connexion with the fact that the causes of criminality at the present period of time bear the character of "survivals" and are in their way "out-of-system" elements of socialism, the manifestation of them may be limited both by creating conditions preventing them and by exposing and eliminating the conditions conducive to the commission of crime.

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THE CONCEPT OF THE PERSONALITY  
OF THE OFFENDER \*

by A.B. SAKHAROV

To settle the question of crime causation, to explain why and at what moment a man commits a crime, and to find the ways and means of preventing antisocial behaviour are impossible without taking into consideration everything that characterizes the criminal as a social and psychological individual.

The problem of the personality of the offender is increasingly attracting the attention of Soviet jurists. It is being studied in many juridical research institutions, in numerous university juridical institutes and law faculties, as well as by practitioners in the procuracy, judiciary and Ministry of Internal Affairs. Questions dealing with the offender's personality are part of the curriculum on Soviet criminology at law faculties.

In spite of the fact that a great number of works dealing with various aspects of the problem have been published recently, it is still true that understanding of the offender's personality remains at a low level of elaboration, contains many blank spaces, and gives rise to the most heated controversies.

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In order that studies in this field be conducted in the proper order and achieve the best results it is necessary to frame the problem of the offender's personality, to determine the range of relevant questions and to work out a common understanding of them and the appropriate approach to their solution.

In our opinion the following topics are central to a criminological concept of the offender's personality: general methodological and criminological propositions concerning the concept; the definition of "the personality of the offender"; personality structure; the conditions of its formation; the offender's personality and the "mechanism" of individual criminal behaviour; social dangerousness of the offender's personality and its criteria; personality type and the classification of criminals; main approaches to and methods of offender personality examination; practical utilization of data about the individual including summarized personality assessment.

Let us dwell at length on some of the above points.

#### *On the Notion of the Offender's Personality*

First of all it should be stated that there is still not sufficient clarity and unity as far as the main topic is concerned: how should the offender's personality be understood? Does the personality represent the social aspect of an individual person or should it be considered as a generalized social type? Then, what place should be allotted to the problem of the offender's personality in the general system of criminological problems? What is the connexion of this problem with other criminological ones, above all with the general problem of crime causation? To what extent may the offender's personality explain both individual anti-social behaviour and criminality as a social phenomenon?

Some authors limit the study of the offender's personality to the context of concrete criminal cases. They reject

or in any case are sceptical in assessing the general criminological significance of the offender's personality. Producing grounds for such an attitude they usually refer to the fact that since criminality is a phenomenon of the social order, it would not be right to connect the analysis and explanation of criminality with the personality of the offender. Such a statement implies (independently of the actual positions of partisans of this school) a conception of the personality of the offender as a purely "natural" category, completely voided of social content, while criminality becomes impassably fenced off from separate crimes. Both are rather questionable.

The question of the role and significance of the offender's personality in crime causation depends of course on the way the personality of the offender itself is comprehended and on how its structure and components are conceived. At the same time one should not think that the personality of the offender, playing an essential role in the etiology of an isolated crime (now universally recognized), has nothing to do with criminality as a whole. To think so is to misconceive the relations between crime and criminality, between the categories of general, particular and concrete in philosophy.

Lenin emphasized (4, vol. 29, p. 318) that "the particular does not exist in any way other than that leading to the general. The general exists in particulars and through particulars. Every particular is in one way or another general. Every general is a part (either a facet or the essence) of the particular."

If one considers the relation between a crime and criminality on this basis, it is only possible to draw one conclusion: what is essential to any isolated crime is essential to criminality as a whole; everything connected with criminality as a social phenomenon inevitably manifests itself in concrete criminal acts. Consequently, the personality of the offender, being a very significant component of any

isolated crime, cannot help having general criminological significance as well.

In every particular crime the personality of the offender constitutes the social essence of the concrete individual that is the author of that crime. It must be identified and recorded for the solution of the total sum of questions in the actual case, namely: the degree of guilt and measures of punishment; causes of the crime and measures for their elimination; individualized approaches to investigation and rehabilitation, etc. So we may speak about several applications of the data on the concrete personality of the offender; each of these (criminal law, criminal procedure, corrections and others) requires independent investigation and development.

But the tasks of criminology, as is known, are not limited to the particular case. That is why the approach to the problem of the offender's personality from the position of an isolated crime is evidently not sufficient for criminology. Unlike criminal procedural and correctional laws, the interests of criminology, the science of criminality, its causes and regularities, lie not only (or even not primarily) in the concrete individual who committed a crime, but in the general and typical characteristics of such individuals as representatives of a concrete social type.

As the essence of humanity cannot be reduced to the features of a particular person, in that the latter cannot contain in himself "the whole totality of social relations" (5, vol. 3, p. 3), so the "personality of the offender" cannot be found in the personality of just one person that committed a crime. Even the most complete characterization of such a person does not exhaust the basic criminological notion of the social nature of the criminal. Here criminology takes the same position as sociology, according to which criminals are considered as social types abstractedly from their individual peculiarities. By such an approach to the notion of the offender's personality it becomes possible to

raise and resolve fundamental criminological problems not only of the causes of the antisocial behaviour of some individual, but of the general antisocial behaviour mechanism, of classification of criminals, of criminological prediction, etc.

### *Antisocial Attitudes in the Personality of the Offender*

The social nature of the offender's personality is usually connected in the literature (6; 9) with the notion of antisocial attitude, which is used not only to explain a particular crime but to construct the general scheme of criminal causation. It is customary to mark out three basic links in the scheme: (a) general social causes of individualistic psychology; (b) the conditions of moral formation of the personality, in particular of antisocial attitude formation; (c) circumstances promoting the manifestation of antisocial attitudes in criminal acts.

The concept of antisocial attitude as the socio-psychological ground for criminal behaviour requires further examination, substantiation and improvement, the more so as recently it has given rise to objections which should be either admitted or refuted.

Some authors interpret antisocial attitude as a deliberate, active antisocial proclivity, according to which the individual openly and decidedly rejects the demands of law, and which does not appear so basic for all crimes: for example, imprudent crimes, crimes by misadventure, highly emotional crimes, crimes involving excessive necessary defense, etc. (3, p. 103). In their opinion antisocial attitude is peculiar only to the most dangerous criminals, while the personality of the offender in general cannot have any single form in so far as the types of criminal vary.

The necessity of proper differentiation of criminals is indisputable. But it is indisputable as well that the personality of the offender, with its possible qualitative and

quantitative distinctions, is socially unique, like the unique notion of crime, though sometimes the notion of crime embraces incommensurable concrete manifestations. The antisocial essence of the offender's personality (whether we call it attitude, inclination, etc.) may be — and this is quite important — different in its force, stability and intensity ranging from a strongly pronounced, active socially negative attitude to an inadequate intensity of morally positive qualities. Not limiting itself by the general notion, criminology should examine the contents, criteria and kinds of antisocial attitudes, their structures and basic elements, their conditions of formation and manifestation in actual criminal infringements.

Another objection to the concept of antisocial attitude consists in the following: the notion of attitude is transplanted to criminology from psychology, where according to the conception of D.N. Uznadze it is "an unconscious condition". Consequently, "it cannot be used to explain crime as an antisocial act committed under the control of conscience and will" (3, p. 103).

Such an objection also seems unfounded, for it proceeds from a wrong interpretation of the psychological theory of attitude, not to mention that the notion of social (or antisocial) attitude is widely used in sociology and not necessarily in its pure psychological meaning. D.N. Uznadze interpreted the attitude as one's readiness based on his experience to react in a certain way to external irritants, events, situations. Such "readiness to act" may in fact be, as Uznadze said, "preconscious", but the activity itself, the concrete actions, even if they result from the given attitude, are always conscious, for otherwise there are neither acts, nor behaviour. The concept of attitude is worked out by the school of Uznadze for the explanation of human behaviour. So to consider it inapplicable to crimes means either to misrepresent the sense of this theory, or to deny the fact that crime is a kind of human behaviour.

Thus, the psychological concept of attitude is fully applicable (if correctly represented) to criminology, for it does not exclude the conscious character of the actions committed on the basis of it. Quite the contrary, the concept of attitude serves for better understanding and explanation of many crimes, including those rather frequently met cases when a person commits an infringement without thinking about the consequences it will involve for others and for himself, or about why he is doing the act.

### *The Offender's Personality Structure*

The problem of the offender's personality finds its difficulties and complications in the absence of proper clarity about what may be ascribed to the offender's personality, what exact signs, features, circumstances and other indices form this notion, what is, so to say, the structure of the offender's personality.

On one hand there exists an interpretation of the offender's personality according to which it is identified with all the subjective and objective circumstances of the crime, is dissolved in them and thus loses its independent meaning. So it turns out that the actual close and inseparable connexion between crime and criminal becomes an identity. That is wrong. On the other hand, we meet attempts to reduce the offender's personality solely to the combination of social relations and ties, "cleansing" it of everything subjective and internal, above all of every psychological and especially physiological trait and peculiarity, even though it is well known that they have important social basis and significance.

While considering the offender's personality as a particular summation of all those socially significant signs, traits, ties and circumstances that, in combination with other conditions and circumstances, have an influence upon the commission of crime, it is still necessary to pay due attention

to the personality itself, working out its structure, its fundamental components, the correlation of different traits, and the interrelation of all these and the influence they produce on behaviour.

In particular, the scientist's attention should be directed on one hand to the most important social spheres of the personality (family life, mode of life, general social life, etc.) and on the other to the internal sphere of the personality, its moral, psychological, and socio-psychological traits and peculiarities.

In this connexion it is impossible to ignore the question of the relation between biological and social in the causes of criminality. Let us say right away: there are no purely biological "roots" of crimes. Being an act of conscious behaviour, regulated by social controls, that is by laws, this behaviour undoubtedly has social character.

This, however, does not mean that psycho-physiological and biological factors have no meaning at all in the individual qualities of personality structure that condition the commission of crime. Personality, including personality of the offender, is the product of concrete social impacts, relations and ties. But social impacts are addressed to and strike the particular natural basis which is not of a unified character. It would be wrong to ignore this basis.

The socio-psychological sphere of life includes emotional, moral and volitional traits and qualities of the personality. The connexion of these with the nature of behaviour, with the kinds of reaction to different external influences and situations is obvious. Every act of the individual manifests in one way or another: first of all the level of development, volume of knowledge, breadth or narrowness of views, contents and variety of interests (i.e., the intellectual abilities of the person); secondly, the degree of emotional excitability, the force and tempo of reaction to external irritants and situations; thirdly, integration or frag-

mentation, consistency or discrepancy, stability or changeability, intensity or weakness of the personality; lastly (though it is the most important from the point of view of the impact upon behaviour) the orientation of the personality, i.e., the system of views, ideas and beliefs, the attitude towards various social and moral values, the character of desires and acceptable ways of their satisfaction.

Nobody will deny the significance of the innate origins of intellectual, emotional and volitional peculiarities of the human being. However significant are upbringing, education and other social influences for the evolution of intelligence, will and feelings, their influence is inevitably mediated by innate distinctive features of the individual. The interaction of biological and social is quite apparent in determining the human personality, although the proportion of one or the other in intellectual, volitional and emotional spheres, and in different manifestations of each, varies greatly.

The most pointed question is that of the interrelation of biological and social in the moral sphere of personality. If intellectual peculiarities of the personality (intelligence, abilities, talents, etc.) are not just socially conditioned, evidently moral qualities (anyhow those of them that are closely connected with intellect) may also depend partly on innate peculiarities of the individual. Let us take for example individual desires that may be socially useful or harmful and, as is well known, exert considerable influence upon behaviour. Being basically socially conditioned, many of the antisocial desires are at the same time connected with low intellectual level, with narrow-mindedness, with poverty of interests, and sometimes with purely biological peculiarities (such as abnormal sexuality or hereditary alcoholism). At the same time, though the regulation of desires constitutes a very important moral feature of the personality and is socially conditioned, it depends to a certain

extent on the peculiarities of the volitional sphere itself, where innate factors sometimes prevail over social (a relation in its turn connected with the level of intellectual development). Thus, the moral sphere is not at all separated or isolated from the innate foundations of the personality.

It should be mentioned that psychologists, when speaking on the nature of the personality and by rights emphasizing its social origin and conditioning, say nothing about the distinction between on one hand purely social moral qualities, such as honesty, dishonesty, truthfulness, falsity, courage, cowardice, greed, kindness, and on the other hand such features of the human character as sociability, shyness, credulity, suspiciousness, light-mindedness, openheartedness, optimism, pessimism, ambition, vanity. Each of the above-mentioned qualities does in a certain way influence the behaviour of a man. And if the first group fully or at least to a considerable extent is the result of upbringing, environment, etc. — in other words socially acquired — the second obviously bears some innate element, though of course it is connected with social impact.

Finally, such characteristics as sex, age, physical peculiarities, state of health, etc., are also elements upon which human behaviour depends, whether directly or indirectly. First of all they are connected with the psycho-moral sphere of the personality: with years the level of development, views, ideas and even mood alter. Physiological peculiarities and state of health sometimes exert influence upon the formation of interests, upon the choice of desires, and at times, upon some features of the character. It is known, for example, that people suffering from some bodily defects are more often notable for wickedness, reserve, etc.

Wickedness or reserve of such people is nothing else but a consequence of those moral, ethical and other complications which arise from interrelations with their asso-

ciates, from their actual social status. In exactly the same way the lesser criminogenic potential of women (approximately one tenth of all persons committing crimes) is not the direct consequence of biological peculiarities of sex, but is connected with many circumstances, in particular with the status of woman in the family, in life, in society, i.e., with factors of obvious social character. But these factors are to a certain extent conditioned by the peculiarities of female nature and in their turn they leave their marks on the whole psycho-moral make-up of women. Just because of this, we prefer to speak of socio-biological — not simply biological — factors, having in mind that for such individual biological factors as sex and age, there are ultimately also associated social characteristics.

In sum, correlations and interactions of the social and the biological in human personality structure and in its behavioural manifestations are rather complicated. Not only do specific social roles influence individual characteristics of the personality, but individual peculiarities affect the choice of social roles and their realization. Criminologists cannot ignore this interaction on the ground that criminality is a social phenomenon. At the same time it is necessary to emphasize quite clearly that in the interaction of social and biological origins, the social one always appears the cause of concrete, socially significant actions (including crimes), actively influences individual peculiarities of the personality and determines in what socially significant direction these peculiarities will manifest themselves.

Marxist criminology should study and take into consideration psychological characteristics, not as the ultimate cause of antisocial behaviour, but for the purpose of revealing those concrete social conditions (material, ideological, impact of large and small social groups, etc.) which form such characteristics and promote their growth and their manifestation in antisocial acts.

### *The Offender's Personality and Causes of Criminal Behaviour*

The problem of the offender's personality is to a considerable degree the problem of personality formation. Associating crime with a definite moral and psychological structure, we are naturally interested in the ways the antisocial personality is formed. This problem is important not only because it brings us to specific practical measures of crime prevention, but also because it helps us to understand the essence of crime causation in socialist society.

Rather often, for example, we meet with a lack of understanding of why — if the ideas, views and morals of people depend on conditions of social life — does criminality exist even in a developed socialist society, which strengthens collectivity and high moral principles of behaviour?

The thing is that "social existence" is rather a complex notion. It is determined not only by the character of the society as a whole (by the predominant type of relations of production, by the organization of political power, by the level of democracy, by official ideology, morality, law and their dissemination through the channels of mass communication), but also by its more particular elements, that is by large and small social groups. These are on one hand classes, social strata, professional, national, religious, and other macrogroups, and on the other, family, school, collectives of people at the office, everyday contacts, intimate friends and other microgroups.

The personality is formed under the influence of these three strata, the whole society, macrogroups and microgroups. And the strata themselves are not qualitatively identical. Socialist transformations first of all and to the highest degree modify general social conditions.

As for macro- and particularly microgroups, they undergo these transformations to a lesser degree, they are more inert, archaic and in many cases they do not only reflect

the nature of our society, but distort it, and serve as the source and conductor of ideas and principles alien to socialism. Since social links are widest and most intensive among various microgroups (the family, work and study groups, companies of friends and associates), where these microgroups turn out to be socially negative, they lead to the formation of a morally negative personality, despite Soviet economic, political, ideological and moral influences.

The tasks of criminology are to reveal, on the basis of specific sociological research, the conditions of formation of the offender's personality, the role of various micro- and macrogroups in this process of formation, and the relation of these groups to general social conditions.

One of the most significant issues in the concept of offender personality is the mechanism of individual criminal behaviour. The following should be considered the main elements: (a) individual desires as the inner motive force of any actions including antisocial ones; (b) motivation as the desire objectified in action; (c) means one chooses to satisfy his desires; (d) external conditions and circumstances influencing the decision to act and co-ordinating the choice of behaviour. It is necessary to investigate the correlation and interaction of these elements; the connexion between the desire and means on one hand and the moral essence of the personality on the other; functioning of the reverse causal relationship (morality influencing desire and means) in the concrete act of antisocial infringement.

At the same time the crime should be considered as the outcome of an interaction of the personality and the situation. This means that the offender's personality, being the product of the particular milieu, manifests itself in a corresponding situation while outside of such a situation it does not exist as an "offender's personality". The notion of the situation and its varieties, the correlation of the situation with milieu and with general social conditions, the impact of the situation on the personality and the

reaction of the latter to different situations — all this is of great significance for revealing the mechanism of individual criminal behaviour and helps to indicate the passage from particular crime to criminality.

### *Social Dangerousness of the Offender's Personality*

The question of the social dangerousness of the offender's personality has independent meaning. In the fields of legislative, judicial and supervisory practice, attention has been directed to this question regularly. Meanwhile, no proper theoretical solution has been found. Science and practice have worked out some criteria of social dangerousness of the offender's personality: recidivism, crime motives, modus operandi, the attitude to the committed crime, some personal (both social and physiological) characteristics of the criminal, etc. However, the notion of social dangerousness by itself, its social context and character are not clear enough. There is, for example, no conformity of opinion on the fundamental question: what does social dangerousness of the personality mean? The opinion that social dangerousness of the individual lies in his potentialities (abilities, inclinations, etc.) for committing a new crime has been decidedly opposed in literature on the problem (2, p. 101).

The question of correlation between the social dangerousness of the personality and the fact of crime commission also requires careful analysis. On this occasion authors usually confine themselves to mentioning that crime is the manifestation and at the same time the most important criterion of social dangerousness of the personality. This thesis is of course correct. But it does not exhaust the problem, it just raises it. If, indeed, crime is the manifestation of social dangerousness of the personality, it means that dangerousness itself does not originate from the fact of crime, but precedes it. This is partially sup-

ported by the fact that the crime itself is recognized as the criterion not only of social dangerousness of the personality, but also of some of its particular antisocial characteristics. Commission of a crime does not give birth to such individual characteristics. On the contrary, they precondition crime, as the result of interaction with particular external conditions (situation). The commission of crime serves as the basis for a qualitatively new (and rather significant) social estimation of the particular personality. The principal significance of this fact should not be underrated or even less ignored. But the ground for such an estimation (the whole complex of social characteristics of the individual) existed before the crime, as the premise, as a subjective clause, as a potentiality of its commission.

This way of formulating the question brings bourgeois criminology to unacceptable conclusions about potential criminals and to advancing measures of social defence against such persons independently of the actual commission of a crime. Such conclusions and proposals should be absolutely rejected, because they do not take into consideration human behaviour and contradict social principles of responsibility only for crimes committed.

It would be absolutely wrong to deny the statement of the question itself just because of the rejection of these conclusions and proposals. In this case practical orientation of criminology and, in particular, of the concept of the offender's personality would be limited to what follows the commission of a crime (individualization of punishment, correction and rehabilitation of the convict, etc.), while it should first of all favour crime prevention, since "the problem of crime prevention is one of the fundamentals in Soviet juridical science" (1, p. 21). In this respect, the practical significance of the concept of the offender's personality — and in particular of its social dangerousness — lies in the contribution to avoiding the formation of such



a personality, not just in resocialization after a crime is committed.

It should be sharply emphasized that the practical orientation of the concept of the offender's personality can and should be implemented in the form of social-educational and health measures (such as altering the conditions of moral formation, removing the sources and channels of antisocial attitudes, making the environment and its psychology healthy, etc.), but in no case in the form of repression.

The concept of the personality of the offender must also embrace the classification of criminals, the elaboration of theoretical and methodological bases for practical examination of the offender's personality (principal approaches and emphases, means, methods, etc.) and the elaboration of concrete data about the personality of the offender both in catamnestic and summarized form. However, the limitations of the review article do not permit dwelling in detail on all aspects of the problem.

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ON THE THEORETICAL FOUNDATIONS  
OF MEASURES FOR THE  
PREVENTION OF CRIMINALITY \*

by V.G. TANASEVICH

Prevention of criminality is the main thing. This demand of the Communist Party becomes the indisputable rule in the work of juridical agencies. However, if we are able to note certain successes in practical work on the prevention of crimes, the theoretical problems thereof have not yet been sufficiently elaborated by the jurists. There are still many unsolved, obscure, disputable questions in this area. The jurists must yet fulfil one of the most important tasks — development of the theory of the prevention of criminality. To solve immediately all the theoretical problems of this big and important theme is of course impossible. Therefore we shall limit ourselves to the consideration of those questions that to our mind are of the greatest importance. In this paper we do not attempt to consider them fully and comprehensively and will give our views only on such questions as the definition of the measures of crime prevention; the principles they must comply with; their classification; and the role of juridical science in the elaboration of measures of crime prevention.

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The All-Union Institute for the Study of the Causes and Elaboration of Measures for the Prevention of Crime has already begun the practical development of preventive measures and has formulated a number of concrete proposals directed at the elimination of the causes of certain categories of crime.

Successful elaboration of crime prevention measures presupposes a profound subject-matter study of the causes of crime and of the conditions facilitating the commission of crimes. In this paper we shall not dwell upon these questions, some of which have already been considered in other publications. We shall only state that it is inadvisable to erect a stone wall dividing the causes of crimes from the conditions conducive to them.

#### *1. Definition of the Measures of Crime Prevention*

We define the activity of crime prevention as "the whole complex of measures taken by state bodies and social organizations with the aim of a complete eradication of criminality" (2, p. 5). The object of preventive measures is to prevent crimes being committed both by people who have already committed them and by other citizens.

Preventive measures on a large scale can comprise the following: (a) detection of a completed crime, discovery of the criminal and demonstration of his guilt (in this case we deal with what is usually called general and special prevention); (b) suppression of a crime in the course of commission, or of a continuing offence, for instance organized stealing of state and social property by a criminal group with the complicity of officials (here the result is first of all the prevention of socially harmful effects which would inevitably follow from the criminal activity had it not been interrupted); (c) prevention of crimes at the stage of the revealing of intent, establishing the preparation of the crime or of the uncompleted attempted crime; (d) pre-

vention of all probable though not yet prepared crimes by the elimination of the causes leading to them and the conditions facilitating the appearance of these causes.

Prophylactic measures can be taken on a different scale. There are measures designed for the prevention of all or many crimes, and there are other, more particular measures designed for the prevention of certain groups of crimes produced by related causes and conditions.

In order to elaborate the theoretical bases of the measures for prevention of particular categories of crime the measures should be classified. In the existing publications the following scheme of classification of circumstances facilitating the commission of crimes is formulated: (a) unfavourable conditions moulding the moral characteristics of personality; (b) immediate reasons to commit crimes; (c) circumstances which contribute to the criminal result.

From the point of view of the elaboration of crime prevention measures this classification cannot be adopted in its entirety. Here we need a different approach. As a matter of fact the immediate reason for a crime often appears in the form of casual, trivial and not always typical circumstances. It is obviously inadvisable to elaborate general preventive measures for such circumstances, and often the development of special measures to do away with these circumstances is simply unfeasible.

It is possible to classify preventive measures on different bases, by various aspects. To our mind these measures should be classified first and foremost, according to their content and emphasis. With such an approach they can be subdivided into two groups: (a) measures aimed at the elimination of unfavourable conditions leading to the formation of the personality of the offender and the appearance of antisocial attitudes and habits; (b) measures designed to eliminate immediate circumstances connected with the commission of crimes. (We do not dwell here on measures directed at the elimination of the short-

comings in the work of the procuracy, court, agencies for the protection of public order, and in the legislation on combating criminality, as these questions need special consideration.)

In a certain situation the circumstances related to the second group can of course be attributed to the first. Such overlapping cannot, however, be avoided if as the basis of classification we take not criteria of formal logic but the indications projected by the events of life. In spite of a certain tentativeness, classification according to the principle suggested makes it possible to divide the measures into two groups.

Such a division is advisable in particular because of the fact that recommendations directed at the elimination of these two groups of circumstances are usually different in nature and are addressed to different state agencies and social organizations. The practical sense of such classification is that in formulating particular measures the investigator, procurator or judge should always note whether they cover both aspects. Alertness to this will ensure a more complete and profound elaboration of preventive measures.

Recommendations relating to the circumstances of the commission of a crime, for example stealing, are in many respects defined by the modus operandi, the latter in their turn being dependent on the conditions of the activity of the organization where the stealing had taken place (technology of production, systems of accounting, organization of intradepartmental control, etc.).

The foregoing brings us to the point that these measures are most successfully elaborated as applied to individual branches of the national economy (trade, public catering, transport, building, etc.). Only on this condition can the specifics of activity in the process of which stealing is committed be fully taken into consideration and the recommendations be sufficiently concrete.

As far as the unfavourable conditions leading to the moral formation of the criminal's personality are concerned, the specificity of a definite branch of the economy plays a minor role. These conditions are mainly related not to a definite economic sector, but to the specific character of education in a given school or family, to the concrete circumstances of life, etc. Even to the extent that these conditions are related to a certain production collective they usually do not have any specific character for a given economic sector.

It should be pointed out that problems of the elaboration of measures directed at the elimination of circumstances facilitating the formation of antisocial views and habits of criminals are not given sufficient consideration in the study of many categories of crime, particularly in cases of stealing. In the rulings of higher judicial bodies sufficient attention is not given to the role of the court in detecting circumstances which had facilitated the formation of antisocial views in criminals, which led them to steal.

An analysis of criminal cases shows that investigators and judges do not sufficiently study the personalities of the defendants. The need to conduct a more thorough study of the personality of those who steal, to analyse the circumstances of the formation of their views and their attitude towards socialist property, as well as the need to elaborate measures to eliminate the circumstances which negatively influence the formation of their views does, however, clearly follow from the directives of the party on questions of rooting out survivals of the past in the people's consciousness. To find out how in fact they were educated, what mistakes were made in the process, why a Soviet citizen became one who steals — this is our task. Its fulfilment will make it possible to elaborate and submit proposals on measures to eliminate deficiencies deriving from unfavourable conditions of moral education.

It is only presently that both practitioners and researchers have got down to the study of circumstances which negatively affect the formation of the criminal's conscience. Concrete proposals directed at the prevention of stealing in different branches of the national economy which have been submitted by the All-Union Institute for the Study of the Causes and Elaboration of Measures for the Prevention of Crime have up to the present dealt only with the elimination of immediate circumstances of crime. Therefore it is most important to draw the attention of practitioners and researchers to the study of the conditions which unfavourably influence the moral formation of the offender and to the elaboration of measures to do away with those conditions. This is one of the most poorly studied areas of theory and practice.

## 2. Principles of Preventive Measures

It is very important to answer the question, what kind of preventive measures should be developed? This will to a considerable extent define the character and intensity of the research that should be conducted into causes and conditions conducive to the commission of crimes. The main requirements of measures for prevention of particular kinds of crime can be formulated as follows:

(a) The measures suggested should be permeated with the party spirit, must proceed from the decisions and instructions of the party, must be in keeping with the demands of the present moment. Thus, for example, the institute in its recommendations on the prevention of stealing in building has mapped out a number of concrete measures connected with systems of self-supporting, multi-competent teams to be introduced into building construction, which increase the role of the collective of workers in the organization of work and aim at assuring the safety of socialist property. In party decisions the very important

role of production collectives in improving the level of work of the enterprises has been repeatedly stressed.

(b) These measures should be based on law; they must comply with the strictest observance of socialist legality. If a certain law or regulation does not to some extent satisfy the demands of crime prevention it is necessary to raise the matter of changing it instead of suggesting measures that would violate the norms of law.

(c) Preventive measures should apply to circumstances that would be conducive to the commission of crimes if not done away with. As a rule these measures should be directed at the elimination of negative circumstances that are in one way or another typical.

(d) The measures suggested must be progressive and must take into consideration the contemporary successes of science and technology. An example of this is the institute's recommendation of an automatic method of weighing valuables by electric tensiometric gauge. The tensiometric weighing devices are cheaper, simpler to operate and much more reliable than the lever ones. This measure is directed at the elimination of circumstances facilitating stealing, specifically the possibility of altering the calibration of lever balances (with a magnet or other methods).

(e) The measures suggested should be concrete in the highest degree. They may limit themselves to pointing out the direction where the solution of a problem lies, but the ideal is clearly formulated, specific recommendations for the elimination of particular criminogenic circumstances.

(f) It is very important that the measures suggested be addressed to those organizations and agencies on which their implementation depends. This will eliminate the danger that the recommendations would find themselves suspended in limbo with nobody giving them consideration.

(g) The measures suggested must be technically feasible and economically sound. Sometimes measures to prevent stealing are suggested, the implementation of which involves excessive expenditures. Examples are a considerable increase in security and accounting personnel, supplementary construction, manufacture of expensive fences and other devices. The problems of combating criminality, and in particular those of combating stealing, can by no means be reduced to merely financial calculations of whether the measures used would bring about a direct economic profit. But in recommending a measure we cannot at the same time forget the economic side of the matter.

(h) The measures suggested should provide an opportunity for provisional experiment and for introduction on a pilot basis. Recommendations may often consist in the dissemination of positive experience which has been approved by practical activity.

(i) These measures, while contributing to the prevention of crimes in one branch of the national economy, must not at the same time have a negative effect on the other areas of economic and administrative activity of enterprises, agencies, etc. It is known for instance that one of the circumstances conducive to an increased rate of stealing is poor organization of intradepartmental inspection. Sometimes suggestions are made that a non-departmental inspection agency be established while the departmental inspection apparatus be liquidated. The establishment of such an inspection agency could indeed contribute to more active detection and consequently to the prevention of stealing. However, in what way would the absence of departmental inspectors influence the work of economic organizations? Would the head of an economic organization normally be able to control the activities of the subordinate enterprises with no inspectors at his disposal? What steps should he take, for instance, when he

gets information on abuses or violations of financial discipline? All these questions must be considered and evaluated in order to make the proper decision.

(j) Measures to prevent crimes must not infringe upon the rights and legal interests of people.

To our mind these are the main principles which should be observed when elaborating crime prevention measures.

### 3. *Classification of Measures of Crime Prevention*

Broadly, measures of preventing criminality include both measures proper to eradicate crime and proposals to invoke these measures (for instance representations by the investigator and special rulings of the court). (Article 140 of the RSFSR Criminal Procedure Code providing for the duty of the investigator to submit representations is accordingly entitled "Measures to eliminate causes and conditions facilitating commission of crime". Article 321 provides for special rulings of the court.) Preventive measures are also elaborated and effected by those institutions, enterprises, social organizations and officials to whom the representations and special rulings are addressed.

In view of their multiplicity, preventive measures should be classified. Classification makes it possible to reduce all preventive measures to a certain system; helps to delimit the jurisdiction of various organizations dealing with the prevention of crimes; contributes to a clear definition of the boundaries of particular activities and their individual aims, and to the formulation of principles for certain groups of preventive measures.

Classification is also necessary in order to systematize accordingly the results of completed criminological research and to work out the direction of future activities in a manner that will permit the formulation of successful preventive

measures. In juridical literature a classification based on the following characteristics is used: (a) aim of the measures; (b) the way they are regulated by laws of criminal procedure; (c) character of the measures.

According to their *aim* preventive measures are subdivided into general and special. *General measures* to prevent crime are social-economic and cultural-educational projects directed at the fulfilment of the tasks of communist construction and at the same time contributing to the elimination of the causes of criminality and the eradication of survivals of the past in the mentality and behaviour of people. \*

The September 1965 decree of the Plenum of the Central Committee of the Communist Party of the Soviet Union, "On improving industrial management, perfection of planning and intensification of economic stimulation of industrial production", can serve as an illustration of a general measure. The decisions dealing with reorganizing the management of the economy are of great importance for keeping socialist property intact, for combating poor management.

One cannot exclude from the ranks of general crime preventive measures the activity of Soviet citizens who often, irrespective of membership in an apposite social organization, directly take crime prevention measures (e.g., education work, efforts to eradicate the survivals of the past in the people's consciousness and behaviour). Measures connected with the elaboration and improvement of legal norms that are not directly concerned with combating criminality (state law, civil law, family law, financial law, administrative law, etc.) should also be classed among the general measures.

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\* The generally accepted singling-out of general measures is in a certain sense tentative as all the activity of a socialist state contributes to preventing offences in that its object is to construct communism.

*Special measures* of crime prevention are those taken by party agencies, state agencies, social organizations and individual citizens specially for the prevention of crime. As an example of special measures on a national scale we can cite the July 1966 decrees of the USSR Central Committee of the Communist Party, Presidium of the Supreme Soviet, and Council of Ministers, "On measures to intensify the struggle against criminality". It should be pointed out that special measures comprise most of the practical activity of the courts in the field of crime prevention.

From the point of view of *regulation by the law of criminal procedure*, measures of crime prevention are divided into procedural and non-procedural.

*Procedural* measures of crime prevention are measures provided for by the law of criminal procedure (e.g., arrest to halt commission of a crime). Article 21 of the RSFSR Code of Criminal Procedure defines the general obligation of courts "to expose the causes and conditions facilitating the commission of the crime, and to take measures to eliminate them." This general procedural obligation is defined concretely in a number of articles of the criminal procedure code which make it obligatory to take special preventive measures at the institution of criminal proceedings and during investigation and trial of criminal cases.

Procedural measures to prevent crimes are taken only in relation to a specific criminal case but they are provided for even in cases where on the basis of materials considered no *corpus delicti* is established (articles 113, 209 and 321 paragraph 4 of the RSFSR Code of Criminal Procedure). The procedural obligation of courts to take measures to eliminate causes and conditions facilitating the commission of crimes is provided for in the laws of a number of other socialist countries. These provisions are sections 89, 167 and 184 of the Criminal Procedure Code of the Czechoslovak Socialist Republic, article 179-1 of the Criminal Procedure Code of the People's Republic of Romania, sec-

tion 37 of the Law on Procuracy of the German Democratic Republic (17 April 1963).

*Non-procedural* measures of crime prevention are those special measures which are not specifically provided for by the law of criminal procedure (e.g., dissemination of legal knowledge, speeches). As far as the activities of the procuracy, court and police are concerned, these measures follow from the tasks of these agencies to combat crime, as prescribed by the Constitution of the USSR and other legislative acts.

On the basis of their characters special preventive measures can be subdivided into three categories: (a) measures taken following the commission of a crime and operating on the one that committed it; (b) measures to prevent a particular criminal act; (c) measures to eliminate the causes and conditions facilitating the commission of crimes.

Measures directed at offenders include first and foremost the assignment of criminal punishment. It is aimed at the prevention of other crimes both by those convicted and by other persons (article 20 of the Fundamentals of Criminal Legislation of the Soviet Union and Union Republics).

Assignment of a criminal punishment does prevent the commission of other crimes by the person convicted (special prevention). Some of the measures of punishment directly exclude the opportunity to commit another crime or make it more difficult (deprivation of freedom, exile, banishment, deprivation of the right to hold a certain post or to engage in a certain activity, dismissal from office, deprivation of military or special rank).

Punishment of the guilty simultaneously aims at general prevention as it affects those morally unstable members of society who are capable of committing crime. For the aim of general prevention the inevitability of punishment is of particular importance.

The law of criminal procedure (article 112 paragraph 4 of the RSFSR Code of Criminal Procedure) provides also for measures to prevent or suppress crimes, for example, apprehension of the suspect and measures of restraint.

Of great preventive importance is the practical implementation of measures to correct and re-educate the convicts. Re-education by labour effected at detentive institutions is combined with a complex of measures designed to raise the cultural level of the convict and his level of general education.

To alcoholics and drug addicts who commit crimes the court assigns compulsory measures of medical treatment and curatorship. These measures do not replace criminal punishment, but are taken in parallel with it.

Medical measures are designed to prevent other crimes being committed by a person suffering from chronic alcoholism. The convict is subjected to compulsory treatment in medical institutions with a special medicinal and labour regime. In case deprivation of liberty is assigned these persons are subjected to compulsory medical treatment during the term of punishment. After release from the detentive institution the alcoholic (or drug addict) is if necessary subjected to further compulsory treatment in a medical institution.

Curatorship is also a preventive measure. It is assigned by the court simultaneously with non-detentive punishment and is used in case a crime is committed by a person who drinks too much alcohol and in connexion with this puts his family into financial difficulties.

Compulsory educational measures serve special aims of preventing crimes repeatedly committed by juveniles. They are applied instead of criminal ones in case the court finds it advisable not to assign criminal punishment to a juvenile. These measures are: (a) formal reprimand or warning by the court; (b) order to the guilty party to compensate for the loss; (c) transfer to the supervision of spe-



cified persons, a collective of workers or a social organization; (d) transfer to a special medical-educational or educational establishment; (e) transfer to an educational colony.

By the very nature of the measures enumerated it is evident that they generally contemplate the use of compulsion.

*Measures of social pressure* entail that the guilty person be released from criminal responsibility and that his case be transferred to a comrades' court or that he be released on surety. Various educational measures are applied to the person released on surety by the social organization or the collective of workers. Of the same nature are measures of social pressure assigned by comrades' courts.

*Measures to prevent a particular criminal act* can take various forms. Prevention of a crime when it is determined that a given person is going to commit it is effected in the form of influence exerted by agencies of state power or social organizations or individual citizens on persons who in one way or another have professed such intention. This influence takes the form of persuasion and explanation aimed at inducing the person whose criminal intent has become known to abandon it.

An important place in the prevention of crimes is occupied by the prophylactic measures taken by agencies for the protection of social order. They include breaking up criminal groups, often organized by recidivists, giving preventive talks to juveniles who are being drawn into criminal activity by adults, etc.

Measures of individual influence on unstable individuals who get themselves into situations that might lead to a pattern of criminality are of the same nature as those described above. The difference is that the first case involves those who have already showed their criminal intentions, whereas here we have in mind those who have involved themselves in a situation where such intentions

might appear (e.g., participation by an adolescent in gambling or drinking).

Parallel with educational measures directed toward one drawn into a bad milieu, measures can be directed toward those who negatively influence him. They can include administrative action when the grounds required by law are present.

Crimes are prevented at the stage of attempt or preparation in order to avoid socially dangerous results. This is effected by the police investigative agencies, procuracy, social organizations and individual citizens.

The suppression of a lasting or continuing crime is a measure that partly prevents a socially dangerous result. Of particular practical importance is the prevention of such dangerous continuing crimes as the stealing of state or social property by an organized group with the participation of official persons.

These measures to suppress crimes are directly taken by special agencies by way of fulfilling their preventive tasks. Since an interrupted attempt or preparation (except when the completion of the crime was voluntarily abandoned) is punishable by criminal law, measures of crime prevention, punishment and social pressure can all be combined against it.

Administrative supervision over individuals released from institutions of detention after serving their term belongs among this category of concrete preventive measures.

*Measures to eliminate the causes of crime and conditions facilitating the commission of crimes* take a most important place among the means of crime prevention. They are developed: (a) in the investigation and decision of concrete criminal cases; (b) as general conclusions drawn on the basis of study of groups of cases; (c) as the result of study of the rates and trends of criminality on different scales.

Taking measures on the basis of individual cases is the obligation of agencies of inquiry, the investigator, the procurator, and the court, as provided by the law of criminal procedure. The other forms of preventive measures are effectuated both by agencies of justice and by various extrajudicial state and social organizations. Case-oriented measures can be divided into two groups according to objective: (a) measures to eliminate the circumstances eventuating in unfavourable influences on the offender's personality, and in antisocial attitudes and habits; and (b) measures to eliminate circumstances immediately connected with the situation of the commission of crime, which influenced the formation of criminal intent and facilitated the attainment of the criminal objective.

Preventive measures to eliminate the causes and conditions facilitating the commission of crimes are being elaborated in the spheres of science, production and ideological work, and they concern the various branches of the economy, universal education, mass cultural work, the activity of various sections of the state administration, etc. Measures to eliminate deficiencies in the operation of the agencies of inquiry and investigation, the procuracy and the court in their struggle against crimes could be categorized separately.

Measures to eliminate the causes of crimes and the conditions facilitating their commission can be classified according to type as *organizational-administrative*, *economic*, *technical*, *legal*, *ideological*. These measures are effected by organizations and officials and often consist in the elimination of certain deficiencies or in the restoration of order when it has been violated. But in a number of cases these measures consist in novel projects which have not been previously provided for.

*Organizational-administrative* measures of crime prevention are first and foremost directed at the elimination of deficiencies in the work of state agencies and economic

organizations, which facilitate the commission of crimes. These can be measures to enlist the public in the struggle against criminality as well as measures to improve the activity of agencies dealing with combating criminality. Thus the decrees of the Central Committee of the Communist Party of the Soviet Union, Presidium of the Supreme Soviet of the USSR and Council of Ministers of the USSR "On measures to intensify the struggle against criminality", provide that in the largest cities of the country additional, special motorized police forces be established for patrol and point duty for the protection of public order (3).

*Economic* measures of crime prevention consist in the elimination by economic means of circumstances facilitating the commission of crimes. They are closely interwoven with other steps as a successful implementation of these often entails factors of an economic nature. Thus the eradication of drinking is feasible only when accompanied by a number of economic measures entailing the reduction of the sale of strong alcoholic drinks, capital investment in the building of psychoneurological and neurological establishments, expenditure on the expansion of material, cultural and sports resources.

*Technical* measures of crime prevention, the elimination by technical means of circumstances facilitating the commission of crime, are most often used in the prevention of crimes in connexion with production and other sectors of the economy. Examples of such measures are the use of automatic devices for recording the amount and kind of property received, delivered, held in stock and transported; alarms and automatic locks; technical means of guarding documents from forgery.

*Legal* measures of crime prevention are aimed at regulating by law the relations among citizens as well as between citizens and state and social organizations. They include projects to improve substantive criminal legislation and measures of administrative and disciplinary pressure

based on legal norms and directed at influencing individuals committing administrative and disciplinary offences that facilitate the commission of crimes. Petty hooliganism punished administratively, which is very important for the struggle against hooliganism, is an example of this procedure. Another is the application of disciplinary punishment to officials violating rules for stock-taking and inspection, which serves to prevent stealing as well as official and economic crimes.

Individual immoral behaviour at work, in public places and in the family is often a factor in the formation of incorrect attitudes and habits in the minds of surrounding people, especially children and adolescents. The law of criminal procedure accordingly contains a norm requiring that the judge, procurator, investigator and agency of inquiry take steps to apply the appropriate preventive measures upon the detection of wrongful individual behaviour at work or at home, as well as upon the commission of administrative or disciplinary offences or other violations of the public order or of the norms of special communal life.

*Ideological* measures of crime prevention are effected with the help of projects aimed at raising the general level of political consciousness of people. These measures consist first and foremost in projects of political education and cultural education. However they are not only that. Very important is the elimination of incorrect attitudes in the individual's immediate milieu. Therefore measures of ideological nature include eradication in the collective of the enterprise where the person works (which exerts especially strong influence on the formation of the personality) of such phenomena as dishonesty, deception, formalism, and an indifferent attitude towards social interests and the lives of co-workers.

Popularization of Soviet laws, the mass explanatory work carried out by scientists, judges, procurators, investigators and officials of the agencies of inquiry, in the form

of lectures, reports, talks, addresses through the mass media, belong in the same category of ideological measures.

#### 4. *On the Role of Juridical Science in the Elaboration of Crime Prevention Measures*

A ruling of the Plenum of the Supreme Court of the USSR directs courts to investigate deeply the special problems of the economic activity of organizations where stealing has occurred. By way of negative example the ruling cites a case where the court did not take a stand on "violations of the technological process of sausage production and excessive rates of expenditure of meat" and other deficiencies in the economic activity of a group of enterprises. The Plenum recommended that when generalizing on trial practice in cases of stealing, "representations be submitted to the appropriate organization and departments containing as far as possible proposals on concrete measures" to eliminate the causes and conditions facilitating the commission of crimes.

It is possible, however, to study and elaborate such concrete measures through the efforts of the jurists alone? Is the elaboration of such measures in the competence of jurists? To our mind jurists alone are not in a position comprehensively to elaborate measures of crime prevention; they should co-operate with the representatives of other sciences. Only this approach to the problem makes possible concrete and effective proposals for the prevention of crime. The following statement contained in the above-mentioned ruling of the Plenum of the Supreme Court of the USSR is by no means incidental: "When generalizing on trial practice in cases of stealing in order to reveal more fully and comprehensively the deficiencies in the work of organizations, enterprises and offices, the co-operation of scientific workers should when necessary be enlisted." Therefore the participation of economists, engineers of various specialities, ac-

countants and other specialists in the elaboration of crime prevention measures is an absolute necessity — and not only individual scientists, but appropriate institutions of scientific research as well.

The All-Union Institute for the Study of the Causes and Elaboration of Measures for the Prevention of Crime has in practice already chosen this path. Thus in accordance with the request of this institute an active part in the elaboration of measures to prevent stealing in buildings was taken by the Institute of Scientific Research in the Economics of Building and the Institute of Organization and Mechanization of Building of the Gosstroj (State Building) of the USSR, as well as by the Institute of Scientific Research and Control in Experimental Machines, Designs and Means of Measuring Masses of the State Committee on Automation and Standardization of the Gosplan (State Plan) of the USSR.

There is another aspect of the problem: are these specialists of other professions able successfully to elaborate measures to eliminate circumstances facilitating the commission of crime if they work without the participation of jurists? To our mind they are not. The point is that they come across these problems comparatively seldom, so they are in no position to generalize the materials on such circumstances, to discover the typical regularities. Therefore only the joint efforts of jurists and other specialists can produce the best results.

The study of the causes of crime and the elaboration of measures of prevention embraces to our mind all that leads to a correct understanding of the causes of crime and contributes to the development of effective preventive measures. These are problems not only of jurisprudence but of philosophy (the regularities of social development), psychology and pedagogy (laws governing human behaviour, the formation of attitudes), economics (elimination of economic conditions facilitating the commission of crimes), tech-

nical sciences (technical means to prevent stealing) and other fields.

It is juridical science that more than other fields is typified by a concern with — and thorough investigation of — the most diverse phenomena of life connected with the problem of eradicating criminality. This follows from the auxiliary role of law itself. The problem of the study of causes and prevention of crime is one in which complex research should be directed by jurists.

The opinion is often voiced that the range of crime prevention recommendations offered by jurists should be limited to measures of a legal nature. We cannot agree with this. The problem of eradicating criminality cannot be broken up according to the competence of the various social sciences. Dividing the problem into segments emphasizing one or another crime-facilitating circumstance, and doling the segments out to the various disciplines according to their primary concerns, does not guarantee a full and comprehensive study of the phenomena to be eliminated. Judged by their effectiveness and concreteness, the measures suggested as the result of such an approach do not compare favourably with the recommendations that result from a complex, comprehensive study of the problem.

An editorial devoted to the tasks of juridical science in the journal *Kommunist* states truly: "The task of jurists is, acting together with philosophers, economists, psychologists and educators, to analyse criminogenic factors, to establish their relative specific weight in the formation of the criminal's personality, to study the effectiveness and results of the measures of punishment applied and to give scientific recommendations on the subsequent struggle against criminality."

At present among jurists — both theoreticians and practitioners — there prevails the point of view that the greatest success can be achieved in elaborating preventive

recommendations (e.g., to prevent stealing) with respect to particular economic sectors. Agencies of party and state control also organize their crime prevention activity according to defined sectors of the national economy.

The most specific recommendations can no doubt be formulated by organizing research according to separate spheres of the economy, but these recommendations alone cannot fully embrace everything connected with the elimination of circumstances that facilitate the commission of crime. Therefore, it is necessary that profound research into criminogenic circumstances in individual branches of the national economy, followed by the elaboration of measures to eliminate them, be accompanied by the study of general problems of the struggle against crime such as the organization of control over economic activity to prevent stealing, problems of material responsibility for material harm caused, and the struggle to keep socialist property intact.

A most pressing problem is the study of the offender's personality and the identification and elimination of circumstances which have contributed to the formation of antisocial attitudes; this study should be a component part of every research into the cause of crime, but it should also be developed independently.

An important role in the elaboration of measures to prevent crime can be played by methods handbooks. These should be expected to be used in the practical activity of various agencies dealing with the struggle against criminality. Such methodological assistance in the organization of crime prevention could and should be rendered by juridical science. Accordingly there arises the necessity for a close co-ordination of juridical bodies and institutions with other organizations and agencies. The result of such co-ordination should be the joint preparation of methods handbooks dealing with the complex of problems arising in the activities of various state agencies elaborating measures to prevent crime.

Effective measures of crime prevention can be successfully elaborated by jurists only with the assistance of: (a) agencies directly engaged in the struggle against crime; (b) agencies concerned with problems of control over one aspect of the activity of enterprises (State Bank, Ministry of Finance, etc.); (c) non-juridical specialists, scientists and institutions that are in some way concerned with the struggle against crime. Accordingly it is necessary that the perspective and annual plans of juridical scientific research institutes be co-ordinated with the working plans of the procuracy, the courts and the Ministry of Internal Affairs. A similar co-ordination should take place with the respective departmental scientific research institutions as well as with agencies having controlling functions in those branches of the national economy where the study of causes and conditions facilitating the commission of crimes is planned.

Of exceptional importance is the problem of co-ordinating research on crime causation and the development of preventive measures conducted in the spheres of both juridical science and the other social sciences. A successful, comprehensive study of the problem of crime prevention is impossible without the participation of the other social sciences. In other words, from co-ordination within the borders of juridical science we should pass on to co-ordination throughout the range of the social sciences.

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## EFFECTIVENESS OF TREATMENT MEASURES AND PROBLEMS OF THE TYPOLOGY OF JUVENILE DELINQUENTS

by G.M. MINKOVSKY

In recent years in the USSR a considerable broadening of the range of measures of early prevention of juvenile delinquency has taken place. There is eloquent testimony to the value of preventive measures effected under the leadership of party organizations by the local soviets, as well as by agencies of public education, social organizations, courts, the procuracy and the Ministry of Internal Affairs: stabilization and reduction of the proportion of crimes committed by minors; the fact that the proportion of grave crimes — murder, rape, grave bodily injury, robbery — in the structure of juvenile delinquency as a whole has not increased and that the rate of some of them is tending to decrease; the fact that there is no change for the worse in the indices of the number of girls committing crimes, juvenile group criminality and juvenile recidivism.

Nonetheless, further improvement in the effectiveness of the preventive system continues to be an important task. It includes the following steps: (a) all objective social processes should be comprehensively studied; (b) methods of social prediction should be made use of, (c) it should

be assured that the programme and scope of measures correspond to the real situation; (d) the forces and means available should be manoeuvred opportunely; (e) when assigning and applying punishment the totality of facts important for the implementation of the aims of punishment should be comprehensively studied.

Accordingly it seems of particular importance that certain characteristics of the juvenile delinquent's personality be analysed and evaluated when his treatment is "programmed". This would make it possible to guarantee in each case the optimal correlation of aims and means and the adequacy of the criminal punishment or alternative measures applied.

#### *Approach to the Classification (Typology) of Juvenile Delinquents*

To be successful, the struggle against criminality should not proceed from the incorrect notion that the set of juvenile delinquents is homogeneous, that it can be taken "on the average". The elaboration of typology becomes of course more complicated in view of the fact that in the personality structure of these minors there is a combination of characteristics peculiar to their particular age, of traits characteristic of people committing a certain category of crimes, and of traits characteristic of juvenile delinquents *per se*. In many instances juvenile delinquents are distinguished by a considerable gap between the contents of the criminal act and their personality. Therefore classification of juvenile delinquents should never be approached from single characteristics taken separately and mechanically summed up, but should proceed from the whole personality, "with its social experience and motivation of behaviour" (2, vol. 1, p. 420). In fact the complex of peculiarities of the personality should be seen in terms of their role in the choice of alternative behaviour,

paying special attention to whether in the commission of a crime the leading role belonged to an "inner readiness" to commit a crime or to the pressure of the situation.

In Soviet criminological and psychological literature four systems of classification have been suggested, based on:

- (a) psychological data;
- (b) conditions of life and education;
- (c) criminal law criteria;
- (d) combined complexes of characteristics.

The first type of classification focuses attention on the moral-psychological aspects of the minor's personality, a particular psychological trait usually being characterized as the leading one. In practice this classification is abstracted from the peculiar social-demographic and legal characteristics of the population studied and from the content of the act committed. The erroneousness of this contraposition is evident in the degree to which social neglect manifests itself in the behaviour of the individual. At the same time the merit of all the versions of "psychological" descriptions of minors committing crimes is that attention is focused on vital moments and stages of the perverted development of the personality of the juvenile delinquent. This indicates the usefulness of such classifications when elaborating and differentiating concrete directions in preventive work.

What has been said of the significance of "psychological" classifications could be repeated in respect of classifications based on differences in conditions of life and education, on criminal law criteria, and on social-demographic characteristics. (Social-demographic classifications — that is place of birth and residence, sex, age, etc. — obviously can be sufficiently widely used in the practice of research in dynamics, structure and causes

of criminality, but they cannot be considered as one of the main types of classification.)

There has also been suggested a typology of juvenile delinquents constructed in terms of differences in family situations: a homeless minor, minor living in family exerting negative influence on him, minor living in normal family. Such a classification is useful for the study of the causes of crimes committed by minors, but it cannot become the basis of their typology since any group singled out in accordance with these characteristics can include both hardened criminals and chance offenders.

Different variations of the classification of juvenile delinquents based on differences in the nature of the act committed have their sphere of application as well — when analysing the dynamics of concrete categories of crime, of the effectiveness of measures to combat these categories of crimes, when regulating the regime of punishment, etc.

However, neither can these be used as the main system of classifying juvenile delinquents. On the one hand, traits characterizing the acts committed do not fully reflect the totality of criminologically significant features of the criminal's personality. On the other hand, the variations of this typology have no universal significance because they are by nature so undetailed. Such categories are perfectly adequate for the elaboration of systems of punishment regime or for the analysis of statistical data on the rate of certain categories of crimes, but a universal typology of juvenile delinquents should be more differentiating.

All of the above leads us to the obvious conclusion that a general classification of juvenile delinquents must be based on a complex of characteristics involving in their totality the moral-psychological, social-demographic and legal characteristics of minors committing crimes, and the conditions of their lives and education. As P.I. Lyublinsky (1,

p. 138) wrote as far back as 1923, the crime "of an adolescent is the result of a complex interrelation of his personal characteristics and the impacts of the milieu, the prevailing role of one factor or another not being sufficient for classification".

It is the integrated approach to the classification of juvenile delinquents, based on a total evaluation of the act committed, its motives and causes as well as of the personality of the offender, that has been formulated in the legal norms defining the grounds for the application of measures alternative to criminal punishment to minors who have committed a crime (e.g., article 8 of the RSFSR Code of Criminal Procedure). In the same way article 21 of the RSFSR Statute on Commissions for Cases of Minors provides that "when applying measures of treatment the commission should take into consideration the nature and causes of the offence committed, the age of the juvenile and the conditions he lives in, the degree of his participation in the offence as well as his behaviour at home, at school and at his place of work."

The disposition of the individual personality and its attitudinal orientation\* seem to be the most general expression of its social-demographic, moral-psychological and legal characteristics. It is by evaluating the disposition and orientation of the personality of the minor who has committed a crime that we are able to judge whether he commits crimes generally — and the given crime in particular — as part of a regular trend and the degree of that trend. So we use this characteristic in the construction of the general system of classification (typology) of

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\* What we have in mind is not the subconscious willingness to engage in a psychological activity, for instance readiness to a selective perception of certain factors, but readiness of the individual for a certain stereotype of behaviour involving active search of a situation suitable for effectuating the stereotype.



juvenile delinquents because it summarily expresses their complex characteristics.

To our mind the system of classification should:

(a) be suitable for use both in scientific analysis, and in preventive work and assigning and applying punishment in concrete cases;

(b) serve as a foundation for particular classifications designed for use in solving some specific problems of combating juvenile delinquency;

(c) characterize all the main aspects of the different types of personality defined, including the degree the situation is controlled;

(d) characterize the complex of personality peculiarities not only from the point of view of their presence but also from the point of view of their mutual co-ordination and their role in personality structure \*;

(e) identify the relation between on one hand the personality types as stages in the development of a negative disposition — each being characterized by a comparatively definite condition of the typology — and on the other hand the system of dominating traits. This makes it possible on one hand to make a retrospective analysis of the course that led each of the minors to crime and based on this to consider the question of improving the effectiveness of early preventive measures, and on the other hand to evaluate the probable further behaviour of the adolescent in order to make the choice of the most opportune educational-preventive measures.

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\* "Not only is the probability of antisocial phenomena explained by the depth, stableness, 'tension' of antisocial views and attitude in combination with other forms, but also the degree of social danger, ease with which the individual chooses a course of action of that kind, which in its turn makes it feasible to speak of different categories or types of criminals" (4, p. 163).

When characterizing the personality traits of a minor who has committed a crime one should consider data on him not only for the moment the crime was committed but also for the period preceding it and the period immediately following. Such a linking of the personality characteristics of adolescents in terms of periods of time guarantees that a comparatively stable system of characteristics will be defined. We have here of course not a "dangerous condition" but deviant behaviour on the basis of which the probability of the development of the personality in a certain direction is predicted and measures of treatment provided for by the law (mainly control and social assistance) are used in order to prevent such development.

Taking the above into consideration we construct a typology of juvenile delinquents based on comparison of the following data: (a) data on shifts in the psychological needs, interests, views, and character traits of the minor, (b) data on shifts in the social-demographic characteristics, (c) data on the circumstances of the criminal act, the situation it was committed in, actions preceding and following it. The totality of these data define the "decision-making mechanism" of criminal behaviour, or in other words, the general disposition (orientation) of the personality and its correlation with the act committed make it possible to evaluate the causes of social inadaptability and to elaborate an individualized programme of correction of the personality and normalization of the milieu.

In the final analysis four types of minors committing crimes can be described in terms of what the socially dangerous act means for them: (a) the casual act, running counter to the general disposition of the personality; (b) the predictable act, taking into view the general unstableness of the personality orientation, but casual from the point of motive and situation; (c) the product of a generally

negative orientation of the personality; (d) the product of a criminal attitude.

The typology suggested not only shows the main possible variations in the disposition of the adolescent's personality at the time of commission of the crime, but also reflects the gradual formation and growth of the socially negative personality traits of those adolescents who repeatedly commit crimes; it also shows the gradual transition from isolated elements of personality deformation to a whole "chain" of these elements. Of course, here we have cases when measures to prevent a concrete person from embarking on the road of crime were not taken or when these measures proved insufficient. In principle, however, such measures based on the system of social relations in Soviet society make it possible to "put an end" to and eliminate the distortions of personality development.

#### *Types (Categories) of Juvenile Delinquents*

Juveniles with a criminal attitude are characterized by a comparatively stable system of values and relations stimulating the preference of antisocial behaviour (including not only the simple exploitation of a situation but its organization as well). In the personality structure of such adolescents primitive and vile requirements prevail. The sphere of their interests includes the habit of spending time idly, following a parasitic way of life, gambling, following exaggerated fashions, etc. In the sphere of views and values a decisive role is played by egoism, indifference towards the feelings of other people, negative attitude towards positive surroundings, perverted conceptions of bravery, comradeship, etc.; such individuals are distinguished by aggressiveness, lack of restraint and cruelty. Their criminal acts are characterized by persistence, disregard of consequences and vile motivation. Lack of

connexion with the neighbourhood they live in is typical for the criminal activity of these adolescents, whereas for criminal acts committed by minors in general, the opposite is true. In the community they usually play the role of a "crystallizing" centre for groups with antisocial behaviour.

Various sample data show the percentage of juvenile crimes prepared in advance (10-20 per cent), the percentage of convicted juveniles who persistently resist educational treatment during the term of punishment (more than 10 per cent), and the percentage of individuals who during a long period did not study or work (5-10 per cent). These sample data make it possible through the method of indirect evaluation to come to the conclusion that among all juvenile delinquents the proportion with a formed criminal attitude is approximately 10 to 15 per cent. It is with the utmost difficulty that such adolescents yield to correction and re-education, but they too are corrigible. An adolescent is characterized by the gradual evanescence of his emotional experiences and impressions and by his personality's being "mouldable" in respect of the requirements of the milieu. Even in those cases when the general criminal orientation approaches in depth and intensity the attitudes of adult criminals, it is always by nature less stable. This is evidently taken into consideration in the legislation, which does not find it necessary to extend the notion of especially dangerous recidivism to the crimes committed by minors.

Next to the type of minor described may be placed that with a negative disposition which has not, however, reached the extent of a general criminal attitude. The stereotype of the behaviour of adolescents of this type also includes the habit of passing the time aimlessly and a proneness to drink. But most of the crimes committed by these adolescents are not the result of active preparation; rather they are something drifted into in the

channel of the general disposition of the personality. The place, time, nature and consequences of the crimes committed largely depend on the situation. The prevalence of the type of juvenile delinquents under consideration can be indirectly estimated by the percentage of adolescents committing crimes who have demonstrated a stable, negative characteristic (who before committing crimes were registered in the children's room of the police, etc.), which by sample data comprises 30 to 40 per cent.

In respect of the type of juvenile delinquents described (taking into account that their negative habits are clearly expressed), measures should to our mind be taken which include an intensive and continuing treatment of the individual and alteration of the situation (milieu) in order to change the adolescent's system of social relationships and values.

The third type of juvenile delinquents — adolescents with an unstable personality disposition — is characterized by a "competition" of aims and motives conditioned on the one hand by the demands of positive surroundings and on the other, by antisocial influences. Such adolescents most often commit crimes motivated by prestige, imitation, adaptation to the peer-group; a decisive role is played by insufficient moral and emotional-volitional education. These adolescents are not characterized by any considerable deviant behaviour at the places where they live, study or work, though they are not sufficiently socially active (participation in public activities of adolescents from the control group is 70-80 per cent, that of offenders about three per cent). Being held responsible for criminal acts, such adolescents usually express remorse for what they have done (though usually not very deeply, for they are prone to self-justification). By estimate their percentage of all juvenile delinquents is 25 to 35 per cent.

The last type of the classification under consideration is adolescents who commit casual crimes despite the positive

general disposition of their personality. Here a determining role in the criminal behaviour is played mainly by age peculiarities in combination with carelessness and an incorrect evaluation of the act committed and its consequences (so-called "childish motivation"). The proportion of this type of juvenile delinquents is about 25 to 35 per cent of the whole.

#### *Conformity of Sentencing Practices to the Typology of Juvenile Delinquents*

The analysis conducted makes it possible to draw several significant conclusions regarding juvenile sentencing practices. The requirement to take into account the inner heterogeneity of the set of juvenile delinquents seems to be controlling in this respect. In these terms the view does not seem quite precise that juvenile status should in itself bring about a considerable mitigation of punishment and that the "overwhelming majority" of juveniles can be corrected or firmly put onto the way of correction in as brief a period as a few months.

The legislation and practice of the last years consequently proceed from the necessity to differentiate in each case of a juvenile the limits of responsibility, the measure and regime of punishment and the aims of punishment in terms of the totality of characteristics of the act committed, the personality of the adolescent and the motives and causes of the act, but by no means in terms of the age factor taken alone. Suffice it to refer to the differentiation of types of colonies for juveniles and to conditions of confinement depending on the gravity of the crime committed and the personality of the offender.

In the years 1966-67 a certain correction of the structure of application of punishment took place including a reduction of the percentage of alternative educational

measures ordered instead of criminal punishment. In 1965 these measures were applied to 50 to 55 per cent of juvenile delinquents sentenced in the cases studied, in 1966-67 to 31 to 35 per cent. It is important to stress, however, that: (a) this correction is by no means a one-sided "tightening of the screws" and was aimed precisely at strengthening the differentiation of punitive practices; (b) application of alternative measures in approximately one third of the cases of juveniles rather precisely corresponds to the structure of juvenile criminality and the characteristics of the delinquents; (c) further reduction of the application of alternative measures does not seem advisable.

The ratio of deprivation of liberty to conditional sentencing of juveniles has been nearly stable in recent years, although the percentage of conditional convictions has slightly decreased compared with 1963.

This tendency seems to be connected in the practice of several courts with the application to juveniles of short terms of deprivation of liberty on a relatively large scale (in one tenth of all the sentences analysed the adolescents were sentenced to terms of less than a year and in one third of the sentences to terms of from one to two years). It should be noted that we are considering here not grave but comparatively less dangerous crimes. As far back as 1963 the Plenum of the Supreme Court of the USSR warned of the danger of applying to juveniles short-term deprivations of liberty which "instead of a positive influence can have a negative impact on correction and re-education". This suggests the conclusion that there exist certain possibilities of wider use of measures of punishment not involving deprivation of liberty — first among them conditional sentencing in cases of juvenile delinquents — of course taking into consideration the actual circumstances of every case.

### *Possibilities to Raise the Effectiveness of Conditional Sentencing and Conditional Early Release*

Research of different kinds has established that there exists a stable inverse correlation between the percentage of juveniles conditionally sentenced that have been put under lasting control by a collective of workers or a social educator and the rate of recidivism in the conditionally sentenced group. Therefore a sharp decrease of recidivism could be brought about by applying the forms of control mentioned in every case of conditional sentencing (meanwhile they are being used in approximately one third of the cases), as well as by timely registration of those conditionally sentenced with the children's rooms of the police. Another way to enhance the effectiveness of conditional sentencing involves the courts' formulating concrete behavioural requirements for those conditionally sentenced that would contribute to a purposeful correction of their personality (for instance, to resume studying, to stop drinking, not to stay out late, etc.). Such a "programme of behaviour" does exert a lasting restricting influence on the adolescent and clarifies the meaning of the probation period for him. Certainly the problem of applying to juveniles such forms of treatment as the combination of conditional conviction with obligatory corrective tasks (taking into account by all means the juvenile's age) deserves to be studied in detail.

Criminological research of the past few years has made it possible to find some other weak points in the practice of assigning punishment in juvenile cases that directly correlate with the rate of recidivism. It is particularly noteworthy that the average period the juvenile sentenced to deprivation of liberty actually spends in confinement is 11 to 12 months according to sample data; however, a fourth of this already short period is spent in preliminary confinement institutions where conditions

for educational treatment are of course relatively less favourable. More than that, it is precisely in preliminary confinement institutions that the minor in a number of cases comes into contact with negative influence.

Nonetheless, the time spent in the preliminary confinement institution can become an effective first stage of correction. To achieve this it is recommended that, as suggested, the law provide for separate confinement and differentiated methods of educational treatment for different categories of juvenile delinquents deprived of liberty, including training, assignment to at least the simplest forms of production labour and resumption of general education. Secondly, it is recommended to establish reduced terms of investigation and of detention as a measure of restraint for juvenile cases. Limiting these terms is made possible by the fact that the courts and procuracy assign specialized investigators and judges to deal with juvenile cases. The time spent by the juvenile in the preliminary confinement institution could and should be used for a comprehensive, planned personality study of the accused juvenile, and the documented results of the study should be filed in the case records.

An analysis of the social outlook of adolescents who had been granted conditional early release (parole) from institutions of deprivation of liberty has shown that a considerable proportion (20-40 per cent) is characterized by acceptance of improper forms of leisure. Let us give an example. The 17-year-old A., convicted for taking part in group thefts, had been released from a colony for minors after having served the minimum compulsory term. While in the colony he went to school, did not oppose professional training, had no penalties imposed upon him that had not been remitted. In spite of this, A. did not resume studying after release, did not take any job, quickly renewed old ties and in the course of one month committed three grave offences. A causal attitude in evaluat-

ing the degree of A.'s correction produced grave consequences. This situation seems to arise because of the fact that conditional early release is often based on a system of indices (progress at school, mastering a professional qualification, no penalties incurred, etc.) that are not aimed at evaluating the durability of the positive habits formed. Moreover, it is not taken into consideration that a quick adaptation of the adolescent to the conditions of the regime does not always bespeak a real reorientation of the personality — far from it. Let us take for instance the attitude towards studying. Satisfactory progress at the schools of colonies amounts to 90 per cent and more; however, according to the data of sample research, less than 20 per cent continue to study after being released. Thus when deciding whether an individual should be put on early conditional release, the current indices of progress at school should not be regarded as a decisive factor. The conclusion that the individual's interest in study and proper attitude towards it are renewed can only be reached on the basis of the results of at least one complete school year. The question of evaluating the effectiveness of professional training should be decided in the same way. The attitude towards making amends for the harm caused (show of concern, voluntary compensatory payments, etc.) also deserves to be included in the list of characteristics determining the reality and durability of correction.

#### *Problems of Legal Education of Persons Convicted and of Preparing Them for Release*

The study of convicted juveniles has shown that there exist important gaps and deficiencies in their legal consciousness. Nearly 70 per cent of those questioned see law as a system of formal demands and prohibitions, but the social obligation and advisability to comply with the norms of the law remain vague for them. Even after having

completed a "practical course" of acquaintance with the criminal law, most convicted adolescents do not know that responsibility is mitigated when an individual gives himself up or helps to clear up a crime (RSFSR Criminal Code article 38(9)). Two thirds of those questioned did not know anything of the existence of criminal responsibility for failure to report a crime (articles 88-1 and 190), or for making or carrying weapons (article 218). Eighty per cent were of the opinion that a state of drunkenness mitigates responsibility. About half of those questioned thought their punishment was too severe or altogether unjust. Therefore there is no doubt about the usefulness of a special programme of legal education of convicted persons, aimed not only at familiarizing them with the legal norms in force but also at imparting to them the conviction that law is just and should be followed.

Nearly 10 per cent of the colony inmates questioned persistently resisted positive influence, violated the rules of the regime (on the average adolescents of that kind incur more than five penalties a year). The range of treatment measures at the disposal of the colony administration is designed for a certain average degree of unsatisfactory development of the inmates; however, in more severe individual cases these measures alone are incapable of changing the disposition of the adolescent's personality. Questioning a group of such inmates has shown a typical attitude for them: "What can they do to us? We shall be home in due time anyway." It is evident that when inmates are being released from a colony with the clear appreciation that they are not corrected, this gives other inmates and those released themselves the notion that socially negative behaviour is permissible whereas the public gets the impression that measures to combat crimes are not sufficiently effective.

In principle it seems these problems can be solved by a policy of not counting as part of the term of punish-

ment the time the individual spent in the preliminary confinement institution or the colony during which he maliciously violated the rules of the regime (refused to work and study, got drunk, wrecked an educational project, etc.). The punishment "deprivation of liberty" consists in isolation in combination with a lasting educational-preventive treatment of the convicted person (USSR Fundamentals of Correctional Labour Legislation article 7). When a person maliciously evades such treatment it means that during that time the punishment is not actually taking place.

Of course a number of questions connected with the court's decree of judgement need to be considered; and experimental study regulated by a local normative act is indispensable. It is possible that a more advisable alternative to eliminate this weak point of punitive practice will be to introduce additional stages of intensified regime for inmates who maliciously violate the normal one. In any case the principle of broadening the range of treatment of adolescents that are notoriously immune to ordinary means of correction and re-education seems wise.

Our research has further shown that many inmates are psychologically unprepared for release. They easily acquire the idea that the position of a released person has its advantages, that it is the duty of all and sundry to help them find a job. At the same time, in the course of the explanatory activity effected to prepare the inmates for release the idea is not stressed that a released individual should prove to people surrounding him that he is corrected, that he should earn their esteem and take the full responsibility for his behaviour. The result of such one-sided orientation was indicated by research in the Byelorussian Soviet Socialist Republic which found that more than a third of colony inmates did not take a job or start studying within two months of release even though there were no objective obstacles. Being without any definite job for a long time is one of the quickest acting stimulants to re-establishing

the former stereotypes of behaviour, with all the consequences that follow.

### *On the Development of the System of Supervision*

Since the conditions of life of an inmate after release undergo spasmodic changes he should be subjected to continuing supervision. But even at the present time, according to various sample data, 20-30 per cent of those released are not being registered by the commissions for cases of juveniles and by the children's rooms of the police whose job it is to effect such supervision. Undoubtedly when supervision of all former inmates is ensured (including a periodic comparison of the data of colonies and police children's rooms where the released persons live) the practice will be directly reflected in the results of the battle against recidivism.

The achievement of this result, however, supposes that a question of criminal and corrective labour law, both theoretical and practical, will be solved: out of the whole set of criminals, not only juveniles, but also young adults (18-21 years) should be singled out, as has already been done by the legislatures of a number of socialist countries. This question has repeatedly been raised in connexion with the execution of punishment, but the matter is no less important for assuring the social adaptation of persons released from colonies. The point is that two thirds of these individuals are 17 years and older and therefore the children's rooms and commissions either simply have "no time" to register them and organize supervision, or they cross them off the registers after several months because they have come of age, thus leaving them to their own devices. But research shows that in contradiction to the prevailing opinion the times in which the danger of recidivism is greatest are not only the period of immediate adaptation of the adolescent after release (the first six

months) but also the period of "delayed" adaptation (after 12-19 months) when the memory of punishment becomes attenuated and the individual ceases to feel that his behaviour is under special control.

No less important is to choose the correct form of supervision in each concrete case. According to the concurring data of different samples approximately 10-15 per cent of persons released from a colony are in need of intensive supervision; 20-25 per cent are in need of everyday control and leadership in view of their unstable behaviour; 60-70 per cent are in need of help during the first days of arranging their affairs and of periodic checks subsequently. The effectiveness of continuing supervision can be shown by the following example. The 16-year-old Victor K. was registered after release from a colony. Urgent measures taken to get him a job and have him resume studies succeeded without any difficulties. Nevertheless the inspector of the children's room made subsequent checks as well. One of the checks unexpectedly showed that K. had been seen in a drunken state and had begun to miss lessons at the evening school. It appeared that K.'s accomplice had by that time been released, too, and had begun to influence him in a negative way. At the same time K. got into a conflict at home. The inspector for a time strengthened the intensity of the control over the way K. spent his time; parallel with this he made it possible for K. to prepare for school at the school building and made arrangements for him to receive guidance. As the result of this K. successfully finished school and entered an institute. The possibility of a "break-down" was completely averted.

Regretfully the hierarchy of forms of supervision has not yet been regulated by norms of law, nor has the hierarchy of measures of timely and sufficient reactions to incorrect behaviour of those released. And the probability of such behaviour is sufficiently great if the results of research

on the motivations of juvenile delinquency are considered. In the greater number of cases the motivation of behaviour was formed over a long period of time, so that during the adolescent's stay at the colony it can often be weakened but not completely eliminated.

The indispensability of a differentiated, one- to two-year supervision of released and conditionally-sentenced adolescents is also shown by the fact that their family and home surroundings are as a rule characterized by the following factors:

(a) In the prevailing number of cases the parents of these adolescents hold an incorrect pedagogical attitude (in no less than 75 per cent of the cases they meet practically all the wishes and whims of their children; in 70 per cent they are tolerant towards their children's drinking alcoholic beverages; in 30 to 40 per cent rudeness and impoliteness towards other people are a constant feature of the family setting).

(b) In most cases the educational level of the parents is low (over three fifths of the parents have only elementary education). This factor materially reduces the probability of the parents' positively influencing the sphere of interests and associations of the adolescent. It is no casual remark by the teacher L.M. Pechurina (3), to whose credit is the re-socialization of more than one "difficult" adolescent, that one of the important tasks of supervision is to compensate for the deficiency of cognitive information which the adolescent gets in the family. "For the sake of this I used to attend sporting competitions and motor races where my children took part. I had to read much about things that interest children. They have so many queries, 'Why?'"

(c) In the sphere of free time activities the adolescent offenders show a clear tendency towards passive (parasitic) forms of leisure and correspondingly towards associations with people having the same tendency.

In view of all this it is necessary to further develop the institution of supervision in the direction of defining the obligations of the people involved, broadening the range of measures at their disposal, taking care to select personnel in such a way that the function of supervision can be genuinely fulfilled. It is felt that in the future all law affecting juveniles will become an independent branch of legislation dealing with the education of youth and its protection from harmful influence.

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Analysis of the development of legislation dealing with criminality and the protection of juveniles from harmful influences shows that the Soviet legislator does systematically adhere to the idea of a differentiated approach to juvenile delinquents based on the types of their social-psychological characteristics. Possibilities to increase the effectiveness of educational-prophylactic and treatment measures for juveniles are to a great extent connected with this idea systematically implemented in the practice by investigative, judicial and educational-corrective bodies of early prevention of juvenile offences.



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**END**

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