Criminal Responsibility and Female Criminality in Revolutionary Russia

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by

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On 31 January 1928, the Criminal Appeals branch of the Supreme Court of the RSFSR heard the complaint of Aleksandra Vasil'evna Gugina, a nineteen-year old peasant girl sentenced for murder under article 136, section 'd,' of the Soviet Criminal Code.[1] The facts of the case were presented as follows: As a result of intimate relations with Pavel Vasil'evich Kiselev, Gugina found herself pregnant. When Kiselev learned of the pregnancy he broke off relations with her, but in the spring of 1927 he began to meet with her again. In April, Kiselev spoke to Gugina's parents about his intentions to marry her and with their consent Gugina moved in with him. The next day, Kiselev took Gugina to Nizhny Novgorod, purportedly to visit his sister. Instead he brought her to see an acquaintance to find out about getting her an abortion. The acquaintance advised them to see a doctor, but the doctor refused to perform the abortion because Gugina was already eight months pregnant.

That evening, while Kiselev attended a concert, Gugina went into labor and, unassisted and alone in the apartment, gave birth to a healthy baby. Gugina understood that Kiselev did not want the child since he had suggested multiple times that she get an abortion, and had recently

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[1] "D. № 216432," *Sudebnaia praktika RSFSR* no. 4 (1928): 21-22.

indicated that he would not marry her unless she found a way to get rid of the baby. Because of this, Gugina suffocated her newborn child. When Kiselev came home she told him what had happened, after which he wrapped the baby's body in rags and threw it in a common dumpster. The Nizhny Novgorod regional court sentenced both Gugina, for the murder of her newborn baby, and Kiselev, for instigating and concealing the crime, to two years' imprisonment in isolation.

Responding to Gugina's appeal, the Supreme Court found that she acted in response to the difficult circumstances in which she found herself. She could not return to her parents because they disapproved of her situation and Kiselev would only marry her if she rid herself of the child. Emphasizing that Kiselev both inspired and instigated Gugina's crime by exploiting her helpless and desperate situation, the court reduced Gugina's sentence from two years to six months and pardoned her altogether as part of a general amnesty declared in honor of the tenth anniversary of the October Revolution. Kiselev's sentence, however, remained in full force. Thus, in this case the court placed the responsibility for the death of the infant not with the mother but with the father who encouraged the crime and tried to cover it up.

Throughout the 1920s explanations for female criminality were sought and often found not with the offender herself but with her surroundings, her circumstances, her physiology, and her relationships with other people. These explanations for female deviance reveal both attitudes toward women in the early Soviet state and the position of women in Soviet society. They highlight changes in the pace of the construction of socialism and the extent to which the Russian population embraced the laws implemented in the early years of the Soviet period. In addition, the ways in which female criminality was explained and interpreted in the 1920s foreshadowed the later development of Stalinist social and cultural policies.

Examining deviance allows the historian to explore the boundaries of what was considered proper social behavior in any given context. Throughout the early years of the Soviet period, new social norms were being created and ideas of correct behavior evolved with changes in the political situation. As the Soviet state lived through the New Economic Policy (NEP) (1921-1927) and the First Five-Year Plan (1928-1932), attempts were made to restructure family and private life as well as public behavior and legal rights.[2] Although the revolution "abolished" old forms of social relations, new ones often took time to become established. By examining one of the points where the old and new ways of life clashed—in deviance and criminality—we can come to understand the process through which the Soviet state developed in its early years. In particular, because observers understood that women's activities centered around family and social relationships, focusing on female criminality highlights the boundaries of proper behavior expected of all Soviet citizens.

This paper is based on my continuing dissertation research into female criminality and sexuality and the development of criminology in the early years of the Soviet period. It draws on the rich publications of Soviet criminologists in the 1920s to explore what I term "criminal responsibility" for female crime, examining the ways in which responsibility for female crime was assigned and interpreted in the first decade after the Bolshevik Revolution. Female criminality troubled Soviet observers precisely because, as Stephen Frank points out, the

[2] Some of the new laws introduced by the Bolsheviks after the October Revolution included a new family and marriage code, implemented in 1918, which liberalized divorce, outlawed church ceremonies and instigated civil marriages, eliminated adoption, and abolished illegitimacy as a social designation. In addition, a 1920 decree legalized abortion. By 1922, new criminal codes, labor laws, and civil codes were established to set the boundaries of permissible and proper behavior in the Soviet state. See *The Marriage Laws of Soviet Russia* (New York, 1921); *Grazhdanskii kodeks RSFSR* (Moscow, 1924); *Ispravitel'no-trudovoi kodeks RSFSR* (Moscow, 1924); *Ugolovno-protsessual' nyi kodeks RSFSR* (Gomel', 1922); and *Ugolovnyi kodeks RSFSR* (Moscow, 1922). A revised version of the criminal code came into effect in 1926 that provided more specific levels of punishment for criminal offenses and expanded the application of administrative measures. On legal development in the early Soviet Union, see Robert Sharlet, "Pashukanis and the Withering Away of Law in the USSR," in *Cultural Revolution in Russia, 1928-*

criminal woman "crossed moral, social, biological, or environmental boundaries beyond which 'normal' women did not venture."[3] To explain this deviance, Soviet criminologists—a multidisciplinary collection of sociologists, jurists, psychiatrists, statisticians, anthropologists, and forensic experts—focused on the backwardness and ignorance of women, their physiology, and their susceptibility to outside influences. They placed the responsibility for female crime not with the female offender herself but with her cultural level, her biology, and her acquaintances. This paper highlights some of the ways that the criminologists transferred criminal responsibility away from women and the implications of this on women's social position and the success of the socialist project. It also traces the impact of political change on the science of criminology and the interpretations of crime during the 1920s.

Criminology emerged in Russia in the late nineteenth century but gained the status of a "scientific" discipline only after the Bolshevik revolution. In its formative years, Russian criminology was practiced by legal and medical professionals who studied the causes of crime from either anthropological or sociological viewpoints. Adherents of the anthropological school followed the lead of Italian criminologist Cesare Lombroso, who developed the theory of the "born criminal," analyzing physiological traits of criminals to identify a recognizable criminal "type." In his analysis of female criminals, Lombroso found that "deviant" women differed little from "normal" women. From this, and his observation that female offenses tended to be sexual in nature, he concluded that women were more "primitive" and less "developed" than men, that deviance in women nearly always took the form of prostitution, and that all women were potentially prostitutes. Although Lombroso's approach to identifying the causes of crime was

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1931, ed. Sheila Fitzpatrick (Bloomington, 1978), 168-88; and Peter H. Solomon, *Soviet Criminal Justice Under* Stalin (Cambridge, 1996).

[3] Stephen P. Frank, "Narratives within Numbers: Women, Crime, and Juridical Statistics in Imperial Russia, 1834-1913," *Russian Review* 55, no. 4 (1996), 545.

widely criticized in both Russia and Europe, some elements of his anthropological analysis found adherents among Russian criminologists.[4] More palatable for the nineteenth-century Russian professionals, however, were the views of the sociological school of criminology, which located the causes of crime in sociological, physiological, and individual factors. Jurist I. Ia. Foinitskii, for example, emphasized the influence of education, employment, marital status, and morality, among others, as factors of female criminality. This approach highlighted the social causes of crime but also relied on individual, "psychological" explanations, noting for instance, that the disparities between male and female criminality could be explained by the differences in the physical and psychological strengths of each sex.[5]

By the early twentieth century a "left-wing" group of criminologists had emerged out of the sociological school, led by criminologist M. N. Gernet, jurist A. N. Trainin, statistician E. N. Tarnovskii, and jurist A. A. Zhizhilenko.[6] These professionals combined the approach of the sociological school of criminology with radical socialist ideology, focusing their explanations of criminality strictly on socioeconomic factors and relying on statistics to support their analyses. They looked for trends over time and highlighted the social and economic changes that affected criminal behavior, minimizing—but not completely disregarding—the role of individual factors

[4] See Cesare Lombroso and Guglielmo Ferrero, *The Female Offender* (New York and London, 1895). Emphasizing the primitive nature of women allowed Lombroso to justify their lower rates of criminality and to explain the absence of a specific female "criminal type," since women's lesser degree of development meant they had less evolutionary differentiation. All women, he believed, were inherently prostitutes. For an analysis of Lombroso's views of female criminals, see Mary S. Gibson, "The 'Female Offender' and the Italian School of Criminal Anthropology," *Journal of European Studies* 12, no. 3 (1982): 155-65; David G. Horn, "This Norm Which is Not One: Reading the Female Body in Lombroso's Anthropology," in *Deviant Bodies: Critical Perspectives on Difference in Science and Popular Culture*, eds. Jennifer Terry and Jacqueline Urla (Bloomington and Indianapolis, 1995), 109-28; Dorie Klein, "The Etiology of Female Crime: A Review of the Literature," in *The Origins and Growth of Criminology: Essays in Intellectual History, 1760-1945*, ed. Piers Bierne (Aldershot, England, 1994), 265-90. Adherents of the anthropological school in Russia included D. A. Dril' and P. N. Tarnovskaia. Tarnovskaia contributed anthropological data on Russian women criminals to Lombroso's work. See her *Zhenshchiny-ubiitsy: Antropologicheskoe issledovanie* (St. Petersburg, 1902).

[5] I. Ia. Foinitskii, "Zhenshchina-prestupnitsa," *Severnyi vestnik* no. 2 (1893), 136. See also part 2 of Foinitskii's analysis in *Severnyi vestnik* no. 3 (1893).

[6] A. B. Sakharov, *Istoriia kriminologicheskoi nauki* (Moscow, 1994), 17.

in their interpretations of crime. In the early years of the Soviet period, the ideology and approach of the left-wing criminologists complemented that of the new government, allowing this group of professionals to form the basis upon which Soviet criminology developed.

Soviet ideology stated that crime would disappear with the achievement of communism.[7] Examining the motives and dynamics of crime, of course from a Marxist point of view, would point out some of the social and cultural reforms necessary for the successful construction of socialism. The study of crime was also part of the general quantification of Soviet society for the scientific determination of the progress and success of socialism. This was related to the need to quantify and present scientific, statistical evidence of the success of the Soviet project.[8] The Central Statistical Administration even established a Department of Moral Statistics, masterminded by Gernet, to collect and analyze prison, police, and court statistics on crime and suicide. This department provided much of the data used by the criminologists in their analyses of crime in the 1920s. In addition, the criminologists organized special state-supported institutes and laboratories to study the causes of crime and the motives of criminals throughout the Soviet Union.[9] The most important, the State Institute for the Study of Crime and Criminals, was established in 1925 in cooperation with the Peoples' Commissariat of Internal Affaires (NKVD), Peoples' Commissariat of Health (NKZdrav), Peoples' Commissariat of Justice (NKIu), and

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[7] On the Soviet view of law see Piers Bierne and Alan Hunt, "Lenin, Crime, and Penal Politics, 1917-1924," in *The Origins and Growth of Criminology*, 181-217; Sharlet, "Pashukanis and the Withering Away of Law in the USSR"; Solomon, *Soviet Criminal Justice under Stalin*.

[8] For a discussion of the role of criminal statistics in early Soviet society see Kenneth M. Pinnow, "Making Suicide Soviet: Medicine, Moral Statistics, and the Politics of Social Science in Bolshevik Russia, 1920-1930," Ph.D. dissertation, Columbia University (New York, 1998).

[9] By 1926, criminological *kabinety* had been established in Moscow, Leningrad, Rostov na Donu, Saratov, Irkutsk, Minsk, Baku, Tbilisi, Kiev, Khar'kov, and Odessa. See Sakharov, *Istoriia kriminologicheskoi nauki*, 17; M. N. Gernet, "Pervye zagranitsei i pervaia v SSSR laboratoriia po izucheniiu prestupnosti," in *Izuchenie lichnosti prestupnika v SSSR i za granitsei* (Moscow, 1925), 7-20; M. M. Grodzinskii, "Gosudarstvennyi institut po izucheniiu prestupnosti i prestupnika," *Vestnik Sovetskoi iustitsii* no. 19 (1926): 773-74. Reports of the research and publication activities of the various criminological laboratories were published regularly in journals such as *Administrativnyi vestnik*, *Ezhenedel'nik Sovetskoi iustitsii*, *Problemy prestupnosti*, *Rabochii sud*, and *Sudebno-meditsinskaia ekspertiza*.

Peoples' Commissariat of Education (NKPros). The work of the criminologists within these organizations usually focused on the types of crimes and offenses considered the most problematic or the most disruptive in Soviet society—hooliganism, banditry, embezzlement, murder, and juvenile delinquency, among others.

While the criminologists enjoyed considerable freedom of choice in the topics they researched and the methods they employed during the 1920s, they generally worked within the structure of the Soviet state and received its institutional, organizational, and financial support. The views and interpretations of the criminologists regarding crime, criminals, and female crime in particular can thus be seen as representative of the general opinions the Bolsheviks expressed and formulated in the early years of the Soviet regime. In addition, because the criminologists worked closely with the courts, because they drew much of their data from the courts and provided its employees with information and expertise regarding the sentencing and character of criminals, their attitudes are reflected in the decisions of the courts and the ways they dealt with criminals in the 1920s.

Soviet criminologists devoted considerable attention to the problem of female crime in their studies of criminality in the 1920s, even though female criminals never made up a significant proportion of the criminal population. Overall, approximately 17 percent of all criminals sentenced in Russia in 1912 were women, rising to 24 percent by 1916. Rates of female crime dropped after the war years to hover at just over 15 percent throughout much of the 1920s.[10] Women also consistently received lighter punishments than men for their crimes. For

[10] See N. Visherskii, "Raspredelenie zakliuchennykh po polu i prestupleniiam," in *Sovremennaia prestupnost'*, ed. A. G. Beloborodov (Moscow, 1927), 16, who gives postrevolutionary rates of female crime in Russia as 12.7 percent for 1922, 15.5 percent for 1923, 16.3 percent for 1924, 15.3 percent for 1925, and 13.6 percent for the first half of 1926.

instance, in 1926 Soviet courts sentenced 28.4 percent of all female offenders to prison, compared to 41.7 percent for men. Furthermore, 25.5 percent of convicted women received suspended sentences while only 12.5 percent of men had their prison terms suspended. Among those sent to prison, 75.9 percent of women and 68.9 percent of men received sentences of less than six months, 6.2 percent of women and 8 percent of men were incarcerated for one to two years, and 0.6 percent of women and 1.5 percent of men were sent to prison for 5-8 years.[11] Indeed, women made up a very small percentage of the prison population, according to the December 1926 census of Russian prisons, with 94.1 percent of inmates male and only 5.9 percent female.[12] The lighter levels of punishment women received compared to men suggests that the courts often found women to be less socially dangerous and therefore less responsible for their crimes than men. Although some of the softer measures applied to women may have resulted from less female involvement in serious crimes, or their role as accomplices in more serious crimes, the general trend to sentence women to shorter prison terms reflected the criminologists' view that the crimes women committed and the offenders themselves presented

[11] *Statistika osuzhdennykh v SSSR v 1925, 1926 i 1927 gg.* (Moscow, 1930), 55. V. R. Iakubson, one of the authors of this work, indicated that 0.1 percent of men and 0.005 percent of women were sentenced to death, 14.4 percent of men and 15.3 percent of women had to perform forced labor, and 29 percent of men and 27 percent of women had their property confiscated, among other types of punishments. In addition, 13.9 percent of men and 13 percent of women received prison sentences of six months to one year, 3 percent of men and 1.4 percent of women for 3-5 years, and 0.6 percent of men and 0.3 percent of women for 8-10 years. Compared to statistics from 1924, in 1926 convicted criminals generally received shorter sentences or more alternative measures of punishment. In 1924, 19.9 percent of men and 26.6 percent of women received sentences up to six months, 21.8 percent of men and 32.7 percent of women from six months to one year, 18.6 percent of men and 17.1 percent of women from 1-2 years, 13.4 percent of men and 11.5 percent of women from 2-3 years, 13.3 percent of men and 7.3 percent of women from 3-5 years, and 13 percent of men and 4.8 percent of women from 5-10 years. See *Statisticheskii obzor deiatel'nosti mestnykh administrativnykh organov NKVD RSFSR*, vyp. 3 (Moscow, 1925), 55.

[12] B. S. Utevskii, "Sovremennaia prestupnost' po dannym perepisi mest zakliucheniia," *Administrativnyi vestnik* no. 1 (1928), 39. Utevskii noted a general decline in the number of women incarcerated in Russian prisons in 1926, down from 7.9 percent in 1923. Comparatively, women made up 7.8 percent of inmates in 1924 and 7.4 percent in 1925. See also E. G. Shirvindt, "Penitentsiarnoe delo v RSFSR v 1924-25 godu," *Ezhenedel'nik Sovetskoi iustitsii* no. 50-51 (1925), 1532. The 1926 census of the prison population was conducted in December 1926 in connection with the census of the general population and it provided the criminologists with a wealth of statistical material on criminals, crime, sentencing trends, and prisoners' backgrounds. Analyses based on this information include V. S. Khalfin, "Perepis' 1926 goda i bor'ba s prestupnost'iu," *Proletarskii sud* no. 23-24 (1926): 2-3; Utevskii,

less of a danger to society than the same actions committed by men. Indeed, V. R. Iakubson noted that one of the reasons women tended to receive shorter prison sentences could be found in the "milder attitude of the court toward women."[13] In general, this "milder attitude" came from traditional views of women as weaker and less criminal than men; however, a part of it emerged from perceptions of women as backward and ignorant, unaware of their rights as Soviet citizens, and therefore unable to bear the responsibility for their actions.

In the early twentieth century more than 70 percent of Russia's population lived in the countryside and worked in agriculture, surviving much as it had for centuries, only indirectly affected by social and political change. Nineteenth-century Russian social observers, as Laura Engelstein noted, viewed peasants in general as a distant "foreign country" and peasant women as an incomprehensible "foreign race."[14] Likewise, the Soviet criminologists sharply distinguished the peasantry from the urban population, seeing it as more primitive and closer to the base instincts of life. Rural crime, they argued, was characterized by violence while urban crime tended to involve fraud and deception. Rates of crimes committed against persons—murder, bodily injury, fights, vigilantism, etc.—usually occurred more often in the countryside; theft, fraud, embezzlement, and forgery were more common in cities. Statistician D. P. Rodin noted "if urban crime is directed against property and can be explained by . . . socioeconomic conditions, rural crime is directed against persons and can be explained by the coarseness and

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"Prestupnost' v RSFSR po dannym vsesoiuznoi perepisi," *Ezhenedel'nik Sovetskoi iustitsii* no. 41 (1927): 1280-82; and *Sovremennaia prestupnost'*, ed. A. G. Beloborodov (Moscow, 1927).

[13] V. R. Iakubson, "Repressiia licheniem svobody," in *Sovremennaia prestupnost'*, 33.

[14] Laura Engelstein, *The Keys to Happiness: Sex and the Search for Modernity in Fin-de-Siècle Russia* (Ithaca, 1992), 97. On the Russian educated elites' attitudes toward the peasantry and crime in the late nineteenth and early twentieth centuries see also Stephen P. Frank, *Crime, Cultural Conflict, and Justice in Rural Russia, 1856-1914* (Berkeley and Los Angeles, 1999); Cathy A. Frierson, "Crime and Punishment in the Russian Village: Rural Concepts of Criminality at the End of the Nineteenth Century," *Slavic Review* 49, no. 1 (1987): 55-69; idem., *Peasant Icons: Representations of Rural People in Late Nineteenth-Century Russia* (New York, 1993).

ignorance of the countryside."[15] Gernet added that "murder is more likely a rural crime than an urban one and is centered in the unequal balance of force with the degree of cultural development."[16] The more "backward" and "primitive" the population, the more likely it was to find solutions using force. Indeed, the criminologists found that backwardness and ignorance were responsible for a good deal of female criminality, particularly in the countryside. According to statistics for 1924, 24.4 percent of men and 25.5 percent of women criminals committed ordinary theft in urban areas, compared to 17.4 percent of men and 21.2 percent of women in the countryside. In contrast, 2.4 percent of male criminals and 2.8 percent of female criminals committed murders in cities while at the same time 7.9 percent of rural men and 8.5 percent of rural women were found guilty of murder.[17] Taking into consideration that approximately 70 percent of crimes occurred in rural areas and only 30 percent in cities, the criminologists found a significant proportion of murder taking place in the countryside. Moreover, murderers made up the third largest group of rural female criminals, after those sentenced for the production and sale of *samogon* and property crimes.[18]

For the criminologists, rural women who murdered did so because their backwardness, ignorance, and primitiveness led them to find the answers to their problems in violence and prevented them from understanding any other way to act. One example is a murder committed by Kh., a 35-year-old, healthy peasant woman described by criminologist S. Ukshe as having a "wide, ruddy and dull" face. At nineteen she was married off to an impoverished peasant who drank away her dowry, beat her in front of their children, and refused to give her a divorce. Seeing no way out of her situation, Kh., on the night of 8 August 1922, strangled her sleeping

[15] D. P. Rodin, "Gorodskaia i sel'skaia prestupnost'," *Pravo i zhizn'* no. 2-3 (1926), 95.
[16] Gernet, "Predislovie," in *Prestupnyi mir Moskvy*, ed. M. N. Gernet (Moscow, 1924), xxiii.
[17] Iu. B., "Prestupnost' goroda i derevni v 1924 g.," *Administrativnyi vestnik* no. 6 (1925), 25.
[18] Ibid., 24-25.

husband with her bare hands. When she realized what she had done she became frightened, began to scream, and ran to tell her neighbors what had happened. Ukshe's analysis of Kh.'s crime emphasized her mental deficiencies, highlighting her difficulties in expressing herself and her constant repetition of the phrase, "I'm an ignorant woman (*temnaia ia*)." However, he noted that she did not present the image of a morally defective person, and her crime, the murder of a helpless man, was "aroused by her extremely difficult situation and the impossibility, especially as a result of her 'ignorance,' for her to find a way to avoid this particular path."[19]

Another case reported in the journal *Rabotnitsa* (Woman Worker) involved Klavdiia Logovan, a young peasant woman. Accused of infanticide, she explained to the judge at her trial that her lover had deceived her and, afraid of her parents' disapproval and her own disgrace, she killed her child. Ignorant and illiterate, Klavdiia claimed she was unaware of the Soviet alimony laws designed to protect her, and that if she had only known that she had the right to collect alimony payments from the father of her child regardless of her marital status, she would never have acted in the way that she did.[20] For the observers of the case, the young woman's ignorance of Soviet laws supporting single women with children and her shame at the birth of an illegitimate child underscored the need to combat the backwardness and lack of social awareness in the countryside responsible for leading women to commit infanticide and other such crimes. Women were thus excused from responsibility for their actions because they were "backward" and "ignorant," uninvolved with the daily struggle, and unaware of their rights and responsibilities before Soviet law.

Peasant women brought their backwardness and ignorance with them when they moved to the cities. Criminologist B. S. Man'kovskii, in his 1928 analysis of infanticide, noted that of

[19] S. Ukshe, "Muzheubiitsy," *Pravo i zhizn'* no. 2-3 (1926), 102.
[20] "Sud i byt: Styd pogubil," *Rabotnitsa* no. 19 (1925), 23. Klavdiia received a three-year suspended sentence.

all those convicted of the crime, 12.1 percent were workers, 64.7 percent were peasants, and 16.4 percent domestic servants. He added that since most domestic servants came from the countryside they could be counted as peasants, bringing the percentage of peasants involved in infanticide to 81.1 percent and thus making it an overwhelmingly "rural" crime. Furthermore, for infanticide cases committed in the cities, 24.2 percent of offenders were workers and 65.5 percent domestic servants. Because domestic servants came from the peasantry, Man'kovskii argued, peasants perpetrated most of the infanticide cases committed in the cities. This made infanticide characteristic of rural crime, despite its occurrence in urban areas.[21] Women brought their traditional attitudes and moral beliefs with them to the cities and these led them to commit infanticide despite the general availability of medical and material assistance and abortions. Peasant women therefore remained backward and ignorant, unaffected by the benefits socialism supposedly brought to women, even in the very centers of socialist achievement and progress—the cities.

According to the criminologists of the 1920s, in addition to backwardness and ignorance, female physiology and sexuality itself caused women to commit criminal offenses. In the nineteenth century, doctors and psychiatrists found female biology to be the cause of a wide variety of deviant behavior from shoplifting to hysteria. Often they explained the greater importance of female sexuality in criminal behavior compared to male sexuality by emphasizing women's closer connection to the family and their greater confinement in the home. Women had less contact with the world outside the family circle than men and while this contributed to lower levels of female criminality, it forged a greater link between female sexuality and deviance. As Tarnovskii noted at the end of the nineteenth century, "for a woman, on account of the narrower

[21] B. S. Man'kovskii, "Detoubiistvo," in *Ubiistva i ubiitsy*, ed. E. K. Krasnushkin, G. M. Segal, and Ts. M. Feinberg (Moscow, 1928), 150-51.

circle of her activities in general, sexual feelings and the illnesses and fits of passion connected with them encompass a significantly greater part of her internal world than for men. . . . All uninvited crimes for the most part result from one or another abnormality or complication of sexual and also family life."[22] Gernet also noted that women led more monotonous lives than men, spending most of their time within the family and isolated from the "struggle for existence."[23] In such analyses, a woman's social position became a part of her physiology and her nature, defining the types of behavior she could exhibit and the types of crimes she could commit.

Although socialism theoretically freed women from the home, brought them into closer contact with the daily struggle, and accorded them the same juridical privileges as men, the criminologists continued to emphasize the influence of female sexuality and physiology on their criminality. As late as 1927, biologist A. V. Nemilov pointed out that biological differences between men and women prevented much change in the situation of women despite the efforts to achieve equality between the sexes, and that "the life of women and the female soul can only be understood by beginning from its biological basis."[24] Female crime thus had to be explained and understood not only in socioeconomic terms but also in the context of the influence of the physiological functions of women's bodies on their behavior. As Zhizhilenko explained, "Overall it must be noted that all phenomena closely connected with the sexual life of women have an effect on their criminality. The period of pregnancy, birth, the post partem period, the period of their cessation, as is called menopause—all this should be taken into consideration in

[22] *Itogi russkoi ugolovnoi statistiki za 20 let (1874-1894 gg.)* (St. Petersburg, 1899), 143.
[23] Gernet, *Prestuplenie i bor'ba s nim v sviazi s evoliutsiei obshchestva* (1914), reprinted in Gernet, *Izbrannye proizvedeniia* (Moscow, 1974), 253.
[24] A. V. Nemilov, *Biologicheskaia tragediia zhenshchiny* (Leningrad, 1927), 47.

the analysis of female crime."[25] Indeed, Nemilov added that if in some women menstruation instigated capricious behavior, in others its influence took a more pathological form that caused temporary insanity, completely irrational crimes, and even suicide.[26]

Often, the criminologists held female biology responsible for violent crimes against family members. As one V. L. Sanchov noted, "It has already long ago been shown that some moments of sexual life (in particular among women—menstruation, pregnancy, giving birth and menopause) specifically infuse the psyche of the individual and lead him to criminal activity. Infanticide is one of the most common manifestations of the influence of *libido sexualis* (sexual drive) on the psyche."[27] Zhizhilenko also added that in most cases crimes such as infanticide, child abandonment, and abortion were "committed by mothers in such a state that their physical and mental health that cannot be considered completely normal. . . . This condition is characteristic only of women because of the particulars of their physical organism."[28] Mothers who killed their infants immediately after birth could be absolved from responsibility for their crime because of their physiology. Pregnancy and birth weakened the female organism and left women in a helpless state where they could not control their actions or reactions. This condition allowed outside forces such as material need or pressures from a husband or lover, as we saw in the case of Gugina and Kiselev, to affect the new mother's reception of her child. Women could not control these forces and therefore could not be held responsible for their actions under such influences.

[25] A. A. Zhizhilenko, *Prestupnost' i ee faktory* (Petrograd, 1922), 26.
[26] A. V. Nemilov, *Biologicheskaia tragediia zhenshchiny*, 90.
[27] V. L. Sanchov, "Toska po domu, kak faktor prestupnosti," *Rabochii sud* no. 11-12 (1924), 34.
[28] Zhizhilenko, *Prestupnost' i ee faktory*, 26. See also Ukshe, "Muzheubiitsy," *Pravo i zhizn'* no. 4-5 (1926), 105, who noted that women often killed their husbands under the influence of temporary insanity (*affekt*) that emerged in connection with pregnancy.

The difficulty with this biological view of female crime in the 1920s rested in its determinism. If female sexuality could be held responsible for some female crimes, then such behaviors could not be corrected or eliminated since they were inherent in the physiology of women. This brought the criminologists dangerously close to the Lombrosian view of "born" criminality that made every woman a potential criminal. Such an interpretation of female criminality was unacceptable in the Soviet context precisely because crime was supposed to disappear with the construction of communism. In addition, the Soviet penal system focused on correcting criminal behavior through enlightenment and labor. Accepting a biological view of female criminality would undermine the very principles of the Soviet project and make the rehabilitation of women criminals impossible. As a result, throughout the 1920s the criminologists felt more comfortable emphasizing the broad sociological and economic causes of crime, but they still relied on the psychological analysis of individual criminals and highlighted the influence of sexuality and physiology on criminal behavior. As Zhizhilenko noted, "we cannot deny . . . that sex shows up as an individual factor in determining instances."[29] Indeed, understanding the biological nature of the offender was essential to understanding the sociological causes of crime, and vice versa.[30] Even so, the criminologists disagreed over the validity and extent of such arguments pertaining to female crime. Some emphasized the importance of female physiology and sexuality in causing crime while others tried to find more sociologically based explanations. This can be seen in the criminologists' discussions of two crimes historically linked to female sexuality—arson and shoplifting.

[29] Zhizhilenko, *Prestupnost' i ee faktory*, 27.
[30] See A. S. Zvonitskaia, "K voprosu ob izuchenii prestupnika i prestupnosti," *Tekhnika, ekonomika i pravo* no. 3 (1924), 92, who argued for the need to understand the psychological factors of criminality as emerging from its sociological causes.

Gernet noted in his 1922 discussion of moral statistics that "psychiatry and psychopathology have long highlighted a special abnormal inclination during the era of sexual maturity and the menstrual period to the commission of arson."[31] Relying mostly on nineteenth-century Western sources, he emphasized that puberty brought with it increased mental fantasies in girls that led to greater incidents of false accusation and arson, causing female crime rates for this age group to be nearly two times greater than male crime rates.[32] M. Kessler took a more sociological approach to arson in 1927, but he still allowed room for the influence of female sexuality on women's criminal behavior: "The large percentage of women guilty of arson can be explained more often than not in the cruel and bitter conditions of life in the countryside, where frequently insulted persons take revenge by letting loose the 'red bird'; women make up a large percentage of those insulted. It is possible that . . . pathological deviations of the sexual character of women find themselves an outlet in arson and other, frequently unmotivated, types of total destruction."[33]

Shoplifting, particularly from department stores, had also traditionally been linked to female physiology. Nineteenth-century western doctors found that kleptomania surfaced in women during periods of pregnancy and menstruation. Many Soviet criminologists continued to emphasize the role of sexuality in the commission of this crime. Sanchov stated that "a majority of kleptomaniacs display their inclination for theft exactly at those moments that are connected with the arrival of menstruation or pregnancy."[34] Psychiatrist Krasnushkin even mentioned a case in 1929 of a normally honest young woman who, during her menstrual period and at the start of her first pregnancy, when the "greatest physiological weakness of the organism" occurs,

[31] Gernet, *Moral'naia statistika (Ugolovnaia statistika i statistika samoubiistv)* (Moscow, 1922), 140.
[32] Ibid., 139.
[33] M. Kessler, "Imushchestvennye prestupleniia po dannym perepisi 1926 g.," in *Sovremennaia prestupnost'*, 56.
[34] Sanchov, "Toska po domu, kak faktor prestupnosti," 34.

could not restrain herself from stealing unneeded items from stores, despite the fact that she had the money to purchase such things.[35] Criminologist T. Kremlova, however, took a different view. She criticized those nineteenth-century doctors who found female sexuality at the root of kleptomania. Her own sample of some 50 women who stole from Moscow department stores in 1926 and 1927 did not reveal any link between sexuality and kleptomania; women stole purely for sociological reasons—material need, the influence of bad company, alcohol and drugs, and unemployment.[36] Thus, even in the late 1920s, some criminologists focused solely on the sociological and economic causes of theft while others still saw female sexuality as a determining factor in individual psychological instances.

While the criminologists considered arson and shoplifting, along with infanticide, spouse murder, child abandonment, and the like, to be typically "female" crimes, they found that many offenses were uncharacteristic of women because of their physiology and traditional social position. For instance, women were rarely charged with corruption since they seldom held jobs of authority, so the assignment of "criminal responsibility" in the case of S., a 50-year-old woman guilty of embezzlement, provides an interesting example. According to A. N. Terent'eva, a psychiatrist working with the Moscow laboratory for the study of the personality of the criminal and crime, S. worked as a secretary for the representative office of the Chechen republic in Moscow, and her duties included safeguarding the office cash. Because the office was not secure, she often took the cash home with her. One day in October 1925 she received a 200 ruble bonus and also took 1,500 rubles home from the cash box. That day she went straight to a casino after work to play cards. S. quickly lost her own 200 rubles and then, little by little, all the money from the office. According to Terent'eva's psychological analysis, S. left the

[35] E. K. Krasnushkin, *Prestupniki psikhopaty* (Moscow, 1929), 8.
[36] T. Kremleva, "Vory i vorovki bol'shikh magazinov," *Problemy prestupnosti* no. 4 (1929), 36-38.

casino in a state of panic, but her only desire was to play cards to forget everything else. Her fear and horror somehow transformed into feelings of sexual excitement and, riding the tram, some small bumps in the road fed her sexual arousal, causing her to have an orgasm. She told no one about losing the money, sold some of her things, and returned to the casino, where she continued to lose. But she could not stay away and began to spend every night at the casino. She lost her shame, her honesty, and her self-respect, took on odd jobs and gambled away all the money. While her boss was away she took an additional 8,500 rubles from the office, which she also lost in the casino. She was eventually arrested and sentenced to three years in prison.

Terent'eva found S. to have a schizophrenic temperament similar to impulsive psychopaths, and a pathologically heightened sexual drive with sadistic elements. She argued that a variety of misfortunes in life, including the loss of a beloved husband and illness, weakened S. and brought her to a period of impulsiveness. However, sexuality played a central role, for "as her passion for cards grew, so did her pathologically heightened sexual excitement." Terent'eva concluded that this crime was caused by an extreme pathological sexuality and that "the end of menopause, which in a 50-year-old woman is not far away, will mark the end of her sexual drive and her social dangerousness."[37]

Interestingly, the same case was also reported by one L. Kandinskii for the journal *Proletarskii sud*, who indicated that S. met her employer, Akhtakhanov, at a casino in 1923. According to Kandinskii, Akhtakhanov left the representative office's money in S.'s care but did not check the accounts or the sums of money in the office. As a result, S. lost all her own money and 10,000 rubles from the representative office at the casino over a period of six months. Kandinskii's account found not the psychology or sexuality of S. to be "responsible" for the

[37] A. N. Terent'eva, "Dva sluzhaia zhenshchin-rastratchits," *Prestupnik i prestupnost'* no. 2 (1927), 290-95.

crime, but rather her employer, Akhtakhanov. Kandinskii accused him of employing a woman he met in a casino, implying that such a woman could not be trusted, and of not properly supervising her work, frequently leaving on errands and business trips. Indeed, Kandinskii indicated that Akhtakhanov received a suspended sentence of one year in connection with this case.[38] Although this is only one example, what emerges from these accounts is the need to explain female crime in terms of external factors influencing the offender, mitigating the level of responsibility placed on women by focusing on female sexuality or male influence.

The Bolshevik revolution emancipated women, making them politically and socially equal with men. As the criminologists were quick to point out, however, despite the changes brought about by the Bolsheviks, women remained trapped by the constraints of the old way of life—the traditional division of labor that placed women in the home and under economic dependence. These constraints also affected the types of crime women committed. Although women have always engaged in nearly every type of crime, criminological research traditionally found that most female crimes involved violence against relatives, domestic theft, and other such offenses that take place in connection with the domestic sphere, the provenance of women. The revolution was supposed to change all that by freeing women from the home and bringing them into the "struggle for existence" on the same level as men. According to criminologist Iu. Khodakov, "the revolution, with its emancipation of and introduction of women into public life, with its colossal restructuring of the juridical and moral norms that had dominated the life of women previously, should seemingly eradicate that vicious circle and this, in the first place, should be reflected in female criminality."[39]

[38] L. Kandinskii, "Zhenshchina-rastratchik," *Proletarskii sud* no. 23-24 (1926), 12. In contrast to Terent'eva, Kandinskii's account indicates that S. received a sentence of six years in strict isolation and that she turned herself in to the police.
[39] Iu. Khodakov, "Sovremennaia prestupnost' zhenshchin," *Vlast' sovetov* no. 11-12 (1923), 87.

In some ways the criminologists looked forward to seeing an increase in the level and variety of female criminality since that would indicate women's integration into public life and the pressures that accompany it. However, as the situation stabilized after the civil war, as noted earlier, female crime dropped to prewar levels and resumed its traditional characteristics. In 1928, more than ten years after the revolution eliminated legal inequality between the sexes, women were still seen as struggling behind men. Criminologist B. S. Utevskii bluntly noted, "To this day women are in most cases housewives who do not participate significantly in the struggle for existence, who do not stand as equals with men in economic or public life. Only during the war, when women took over the jobs of men entering the army did their crime, as seen in the statistics of all countries, increase. With the coming of peace the crime rates of women again decreased."[40]

The end of the NEP and the start of the First Five-Year Plan in 1928 marked a push in Soviet society toward the accelerated construction of socialism. Along with this came a renewed emphasis on class struggle and identifying class enemies. Responsibility had to be accorded for any delay in the building of socialism and explanations of female criminality had to be presented in terms of ideology and class struggle. This forced the criminologists to minimize their emphasis on women's biology and physiology, leading them to place the responsibility for female crime increasingly on the influence of "socially irresponsible" husbands and lovers, particularly in cases of infanticide.

Rates of infanticide had not decreased significantly by the mid-1920s, despite a myriad of new laws designed to assist young mothers and abolish old attitudes. Legalized abortions provided an alternative to infant murder, birth homes offered assistance and a safe place to give birth, the right to alimony regardless of marital status supplied financial support for unmarried

[40] B. S. Utevskii, "Sovremennaia prestupnost' po dannym perepisi mest zakliucheniia," 39.

women, and the elimination of illegitimacy as a social category removed the shame of extramarital affairs. In practice, however, abortions were not always easily obtainable, many men refused or were unable to make alimony payments, and young women continued to be ashamed of out-of-wedlock births and afraid of the condemnation of their communities or their employers.[41] Women, particularly peasant women, remained "backward" and "ignorant," killing their infants at increasing and alarming rates. In the Moscow region, for example, infanticide made up 21 percent of murder cases tried in 1926, while by 1927 the proportion had risen to 28 percent.[42]

By 1928, in light of the continued existence of infanticide despite all efforts against the crime, the criminologists and the courts began to place the responsibility for the crime more often on "socially irresponsible" husbands and lovers, as in the case of Gugina and Kiselev that opened this paper. Criminologist M. Andreev noted that infanticide by fathers was a relatively new phenomenon that reflected the enforcement of Soviet laws regarding child support. To escape making alimony payments, men would often encourage their wives or girlfriends to terminate their pregnancies or commit infanticide.[43] In addition, the criminologists noticed a willingness among women to commit infanticide at the urging of a husband or lover. Psychiatrist V. V. Brailovskii described a case in which one Anna I. decided long before she

[41] On the effectiveness of alimony in assisting single women, see Goldman, *Women, the State, and Revolution*, 237-46, who indicates that although the courts frequently awarded women child support from husbands or lovers, in most likelihood few of these women actually received alimony payments. The low wages of fathers prevented the amount of alimony from being a significant source of income for mothers. In addition, men often disappeared, leaving the city or changing addresses, which made the collection of alimony almost impossible. Thus, the difficulties of implementing and enforcing child support laws often outweighed their potential benefits to single mothers.

[42] Shmidt, "Detoubiistva," *Proletarskii sud* no. 5 (1928), 8. Gernet noted a 106.8 percent rise in infanticide cases between 1924 and 1925, compared to an increase of only 17.7 percent for crimes against persons overall. See Gernet, "Statistika detoubiistv," *Statisticheskoe obozrenie* no. 2 (1928), 102.

[43] M. Andreev, "Detoubiistvo," *Rabochii sud* no. 2 (1928), 142. See also P. A. Aliavdin, "Ugolovnye prestupleniia v sviazi s alimentami v Ivanovo-Voznesenskoi gubernii," *Sudebno-meditsinskaia ekspertiza* no. 11 (1929): 113-15. Bychkov, *Detoubiistvo v sovremennykh usloviiakh* (Moscow, 1929), 35, noted that in 1926-1927, 11 percent of those found guilty of infanticide in the Moscow regional courts were men.

gave birth to murder her infant because she understood that her lover would only marry her if she killed the child.[44] Indeed, the fact that women were willing to kill their children at the request of their lovers and for the promise of marriage highlights the severe shortage of eligible men in the years after the war and the difficulty women had finding husbands, but it also signifies the continued importance of marriage in early Soviet society on a practical, if not legal, level. Women's desire for marriage reflected not only the economic necessity of the family in the Soviet Union, but also the continued cultural importance of the institution and the popular resistance to its elimination. Despite the early socialist reform efforts, marriage remained an essential social structure, a reality that the state acknowledged in 1936 with the adoption of a new Family Code that supported marriage, discouraged divorce, criminalized abortion, and expanded the role of the family in society.[45]

In his 1928 analysis of conviction data, Man'kovskii noticed that when men were found guilty of infanticide, whether having committed the crime themselves or having encouraged a woman to do so, they generally received harsher sentences than women. He indicated that 58.6 percent of women who committed infanticide received suspended sentences but only 11.7 percent of men did. Likewise, while 17.8 percent of women spent up to one year in prison, 21.4 percent received sentences of one to two years, and 2.2 percent for more than two years in prison, of the men sentenced for infanticide 17.6 percent spent one to two years in prison, 29.4 percent were sentenced for three to four years, 17.6 percent received prison terms of five to seven years, and 23.7 percent were sent to prison for eight to ten years.[46] Clearly, the courts understood that men who resorted to killing an infant, usually to avoid alimony payments, were

[44] V. V. Brailovskii, *Opyt bio-sotsial'nogo issledovaniia ubiits: Po materialam mest zakliucheniia Severnogo Kavkaza* (Rostov na Donu, 1929), 74. Brailovskii did not indicate the sentencing in this case.
[45] On the Soviet Family Code and the debates over its provisions, see Goldman, *Women, the State, and Revolution*.
[46] Man'kovskii, "Detoubiistvo," 267.

not fulfilling their duties as good Soviet citizens. In fact, the criminologists themselves advocated harsher punishments against men in infanticide cases. Man'kovskii concluded, "with regard to men who commit infanticide for selfish reasons, such as not wanting to pay alimony, the level of punishment must be as severe as for those committing other types of murder."[47] By assuming that men were more conscious of their obligations under Soviet law, the criminologists emphasized the need for male responsibility over women and placed the agency for female criminality on men, leaving women as passive participants who could not be held liable for their own actions.

Part of the effect of focusing the responsibility for infanticide on men removed the emphasis from explanations of female crime based on women's sexuality and physiology. By the late 1920s, in connection with the rise of Stalinism and the end of the NEP, a shift occurred in Soviet society that reflected itself in criminology. Research into the causes of crime could no longer be conducted on the individual level. Only theories of crime that embraced collective, socialist, and class principles could explain the continuation of crime in the Soviet state. Thus, female physiology and sexuality could no longer be a cause of crime, but class enemies and outdated, backward beliefs could. By 1929 the criminological profession began to focus on this more "Soviet" interpretation of crime. Those criminologists who continued to discuss individual, psychological, and physiological factors of crime were accused of "neolombrosianism," of catering to Lombrosian tendencies that made the individual the most important factor in criminality.[48] In 1930, the state took measures to shift the efforts of criminological studies away from research into the individual factors of crime. The liquidation

[47] Ibid.
[48] See "Disput k voprosy ob izuchenii prestupnosti v SSSR v sektsii prava i gosudarstva," *Revoliutsiia prava* no. 3 (1929): 47-78; L. O. Ivanov and L. V. Il'ina, *Puty i sud'by otechestvennoi kriminologii* (Moscow, 1991), 197-99.

of the criminological laboratories and institutes marked the end of this type of criminological research. After 1930 work on crime focused solely on penal politics and correctional measures, effectively curtailing the practice of criminology in the Soviet Union until after the death of Stalin.

Female crime has always fascinated those who study criminality precisely because its nature makes it more troubling and disruptive to social norms and ideals of proper behavior than male crime. Committing criminal offenses at a fraction of the rate of men, women criminals remain at the margins of both the criminal world and society in general. Yet by looking at these margins we can gain a clearer view of the dynamics of social development in early Soviet society. What emerges from the criminologists' interpretations of female offenders is a picture of a society deeply influenced by its past traditions while at the same time struggling to define itself in a new light. Despite the changes introduced by the Soviet government—social legislation designed to abolish old ways of living and thinking—life for most Russian citizens continued as it had before the revolution. Of course this was to be expected; long-held attitudes and traditions cannot be eliminated overnight. Nevertheless, the reality of life in the "transitional period" of the 1920s failed to coincide with the social vision presented in Soviet policies. The criminologists' explanations of female crime, emphasizing the backwardness and ignorance of women, their physiology and sexuality, and their dependence on men and male influence, underlined the continued presence of older attitudes within the new, Soviet society. These explanations of female crime effectively removed agency from women for their actions. In locating the responsibility for female crime beyond the control of the offenders themselves, the criminologists of the 1920s "sovietized" traditional perceptions of women. They employed a

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Other semi-independent Soviet organizations met similar fates as criminology. See, for instance, Lynn Mally, *Culture of the Future: The Proletkult Movement in Revolutionary Russia* (Berkeley and Los Angeles, 1990).

rhetoric of progress and backwardness that placed deviant women in a subservient position where they were incapable of taking responsibility for their actions. Such attitudes coexisted alongside socialist ideals of sexual equality; however, they did not undermine the socialist project. Rather, the continued presence of more traditional views of women and their position in society within the radical ideology of socialism facilitated the revision of some of the more untenable and unrealistic social policies that occurred in the mid-1930s and was a crucial element in the overall development of the social norms of the Soviet state.