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CRIME IN THE CHANGING SOCIETY
ПРЕСТУПНОСТЬ В ИЗМЕНЯЮЩЕМСЯ ОБЩЕСТВЕ

II

PAPERS ON CRIMINOLOGY
ТРУДЫ ПО КРИМИНОЛОГИИ

TARTU 1991
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TARTU 1991 ТАРТУ
Сборник статей продолжает рассмотрение проблем, связанных с преступностью и другими формами отклоняющегося поведения в контексте изменяющегося общества. В настоящее время, когда в Европе и во всем мире возникают новые парадигмы социальной жизни, анализ проявлений общественной патологии приобретает особое значение. Преодоление кризиса в области нормативной регуляции функционирования общества предполагает исследование и анализ закономерностей развития общества как социального организма. Рассматриваемые в статьях идеи связаны именно с такой, социологической, постановкой проблем.

This collection of papers is deals with crime and other kinds of deviant behavior. It continues in the direction of research mapped out in our last collection of papers. At present when in Europe and all over the world we see new paradigms of social life emerging, the investigation of social pathology becomes especially important. To overcome the crisis in the field of normative regulation of the functioning of society presupposes an investigation and analysis of the regularities of the development of society as a social organism. The ideas put forward in the present papers support just such sociological point of view.
THE DYNAMICS OF DELINQUENCY

E. Raska

It's a well known fact that delinquency in contemporary society is increasing. Delinquency in Europe has increased three to four times since the beginning of the century. However, the rate of increase has not been the same for each country. Nor has it been steady. Graphs depicting the increase of delinquency in different countries reveal a general upward trend over a long period of time. During shorter periods, both increase and decrease occurs. Therefore, in any given year, delinquency curves in almost all countries tend to be erratic.

It should be noted that the dynamics of delinquency are not associated with the type of government. They are similar in capitalist and socialist countries, developed and developing. This fact seems to indicate that the growth of delinquency is a universal process, a global crisis afflicting the whole of a particular civilization. Not very long ago, in the 19th century, A. Quetelet remarked about delinquency in France that the number of crimes recurred from year to year as precisely and predictably as the laws of nature. There is nothing to indicate that the dynamics of delinquency in other European countries at that time were essentially different. Moreover, it appears that Quetelet's observation regarding the stability of the number of crimes is no empirical accident, but a pattern with a sound theoretical basis. There is every reason to question what has befallen contemporary society and why delinquency escalates unchecked.

If we accept the findings of criminological studies which indicate the main causes of delinquency to be poverty and inadequate living conditions, low level of education and other social deficiencies, then it follows that as the society develops, the standard of living improves and the level of culture rises, the rate of delinquency would theoretically decrease. If we target biological, physiological or psychological factors as causes of
delinquency, then the number of crimes would depend on the distribution of those particular characteristics in the given population. However, we know that man as a species is generally stable biologically, physiologically and psychologically, so we cannot assume the contrary in a study of delinquency.

Another explanation for the continuing rise in delinquency is man's increasing inability to adapt to a rapidly changing and increasingly complex society. This rationale presumes that man as possessor of certain biological, physiological and social qualities has been designed to live in societies with fixed and barely deviating parameters. It also views man and society as two opposing, independent entities. With regard to the former assumption, the history of making points to the fact that if man's development has any limits at all, they will be reached in the very far future. A salient characteristic of man is his seemingly unlimited adaptability. As for the latter assumption which opposes man and society; given that society is a creation of man and a manifestation of his existence, it cannot in principle be opposed to him. Generation after generation man shapes for himself the society which most faithfully corresponds to his nature and social aspirations. Therefore the increase in contemporary delinquency cannot be explained by man's failure to adapt to society.

Man is in fact a social being. His activities, aspirations and happiness are connected with and determined by his social existence. This does not, however, attest to society's primacy or dominance over man and his individuality. On the contrary, it is man's individuality which creates a basis for communication with others and thereby safeguards the inner stability of a society. For this reason, attempts to eliminate or violently suppress diversity (as in the totalitarian state) lead to social degeneration and disintegration. Society, the manifestation of man's social nature, creates the conditions which give rise to man's individuality and the free expression thereof.

At the same time, man's natural right to his individuality and free self-expression must not in the framework of society oppress the natural rights and freedoms of others. To reconcile man's individual freedom of self-
expression with the requirements of social existence, oral and written rules of behaviour have been devised over the course of mankind's historical development. It is probable that the biblical Ten Commandments are among the first such norms recorded. The norms governing our present collective existence have been enacted in criminal law and are enforced by state compulsion.

This simple fact the nature of crime and allows us to interpret delinquency statistics objectively and to analyze the social reality they reflect.

Criminology does not as a rule concern itself with this issue, but rather treats crimes as an independent phenomenon, the underlying reality of which requires no interpretation. It follows that such an approach will concentrate on elucidating the causes of the phenomenon. Nevertheless, the fact that the essence of delinquency (and its principal manifestation - crime) is not discussed does not mean that criminologists have no opinions. They do, and these are revealed in what they underline as the causes of delinquency. The differences among biological, psychophysiological, psychological, sociological and other theories of delinquency result in different interpretations of the causes of delinquency. We wish to point out, however, that the common denominator of all these theories is the belief, expressed or implied, in the existence of a criminal entity. A particular crime as well as delinquency in general is viewed in the context of these theories as a material expression of a criminal entity. Such an approach to the problem can be considered a mystification of nature of delinquency.

At the same time, one can see that the main (if not the only) criterion which differentiates crime from legal behaviour is its definition as such in law. This definition, in turn, arises from the social necessity to guarantee safe and organized activities for the individual and for society as a whole. It is worthy of note that the boundaries between crime and legal behaviour are never absolute, but very greatly depending on alterations in the forms and conditions of social life and on legal concepts and principles as well. Therefore, we cannot say that the legislator defines crime and legal behaviour according to absolute criteria based on the innate criminal quality of a given action. In reality,
the situation is more pragmatic and connected to the norms of collective existence enforced to some extent by state compulsion.

Consequently, we can assert that crime as a manifestation of a distinct criminal entity does not exist. One can only really refer to a specific manner of regulating human social behaviour reinforced by state compulsion. Crime as a concept and as an experiential phenomenon is significant only within the framework of this system. Therefore, since crime does not exist as an objective phenomenon, there can be no objective causes of this phenomenon.

Neither in man nor in society are there specific criminogenic factors which exist in linear causal dependence to crimes committed, the eradication or amelioration of which would automatically lead to the disappearance of delinquency. Correlations between qualities of individuals or society and crimes committed should not be considered as causal connections, but should be interpreted in the context of relations developing between man and society during the process of social regulation of behaviour.

So the empirical picture of delinquency obtained through crime statistics is not a portrait of evil, but simply shows the degree to which real people in a real society obey will of legislators.

We know that the influence of norm regulating social behaviour is never absolute, but governs only some members of the society. This is logical, since it would be redundant to enact a norm which everyone would indisputably obey. Theoretically, the effectiveness of a norm can be described by a curve of statistical standard distribution enabling one to predict how much of the population would probably not obey the norm. If the theoretical prediction and reality more or less coincide, we say that the norm is operative. If it is revealed that the number of people who do not obey the norm exceeds the limits of statistical probability, then the norm is not in accordance with the interests and aspirations of the majority and therefore cannot function as a positive regulator.

The foregoing applies in principle to the norms of criminal law as well. But one must bear in mind that criminal law has no independent sphere of regulation. Its norms duplicate and amplify the main regulators of social
behaviour, and together with them constitute formal and informal systems of regulation. Furthermore, the norms of criminal law are not positive, but negative regulators, and serve as a deterrent to those who are not subject to the positive influence of the primary regulators.

Thus, the regulative function and sphere of influence of the norms of criminal law are rather narrow and specific. We need not always, when the rate of delinquency rises, find fault with the law. A situation may exist when for one reason or another the primary regulators have ceased to function, and therefore state compulsion must be increased to guarantee order and security.

Placing the interpretation of delinquency statistics in the context of the process of social regulation of behaviour permits us to explain why in some societies the level of delinquency remains constant over a long period of time (as Quetelet remarked) and why in contemporary society it is increasing. Without putting too fine a point on it, we can state that the level of delinquency is stable only in a stable society where the social structures are firmly established and unchanging, where there is little horizontal or vertical social mobility, where people’s activities revolve around fixed social relationships which reproduce themselves from generation to generation with minimum structural alterations. Such a society is characterized by the existence of well established and effective informal regulation mechanisms supported by formal regulation systems in the state and social spheres. In this type of society, criminal law can fulfil its essential purpose: to inflict penalties on violators of social norms. By punishing violators, society upholds justice and provides further incentive to obey the norms.

Unfortunately, such societies are fast disappearing or have already disappeared from the world stage. A new model of society - mobile, dynamic and open - is replacing them nearly everywhere. The beginning of the twentieth century was decisive in the development of society in the European region, particularly the years immediately preceding and following World War I.

This new type society is function-oriented and dynamic. Static structures and associations are few. It is organized around certain key centers, and its functioning might be
described as a continuous flow of people, resources and information, of cooperation and rivalry, around and between these centers.

The disappearance of static social structures and interpersonal relations also causes fundamental changes in the system of social regulation of behaviour. As relations between people become increasingly formal, the formal regulators come to the forefront. The role of the informal regulators simultaneously decreases and their influence becomes confined to intimate interpersonal relationships.

Therefore, this modern society seems mechanical and unfeeling in comparison to the earlier, traditional variant. In some cases, it becomes a rigidly formalized system where many of the traditional, people-oriented qualities have been lost to functional efficiency. It is not our task to decide whether this is ultimately good or bad. Nevertheless, we stress the fact that the renovation of society and the continuing growth of delinquency are interrelated.

Bearing in mind that in the traditional society of the past, the main regulative function was performed by informal mechanisms and that due to the efficiency of these, the rate of delinquency remained constant over several decades, as the influence of these regulators declined in a more formal society a rise in delinquency was to be expected. This might have been avoided or minimized if timely and effective formal mechanisms had been devised to replace the informal ones. Unfortunately, this did not happen. And it is difficult to conceive of formal regulators which might have been able to replace a system regulation built up over thousands of years. Our changing society has not found anything better to fill this regulative void than criminal law.

Of course, the process we have attempted to describe is in reality much more complex. Nevertheless, the outline we have sketched shows that the increase of delinquency can be explained in terms of rather simple dynamics. The primary reason lies in the fundamental differences between old and new social structures, between traditional regulators and criminal law, and in the attempt to assign to criminal law a function it cannot in principle perform and at which it is predestined to fail.

We know that the application of penalties to those who
violate social norms has always been a ritualistic act. One of the purposes is to brand the violator symbolically or even physically as someone dangerous to society and his fellow man - as a criminal. Such branding naturally increases the social weight of the penalty, but may also unfortunately give rise to processes which counteract the positive effect of the punishment.

A person who has violated the social norms and has been openly and officially branded a criminal will become a partial or complete social outcast. His avenues of social self-expression become significantly estricted. His social status will not change even after he has served his prison term, although one might think forgiveness would follow punishment. A natural reaction to the negative estimation of society is to oppose oneself to others and to society. This continual opposition causes a hatred of everybody and everything.

Of course, one embittered man is no great danger to other people and to society. But if there are many such outcasts? One tenth of the population, for instance, or even one third? It is clear that the number of such persons must not increase indefinitely. Certainly there must be some specific limits, a critical percentage the exceeding of which may bring about chaos and the disintegration of the society. The continuous growth of delinquency in contemporary society causes one to ponder whether we are not already approaching these limits.

The continuous rise in the percentage of the population branded as criminals creates the prerequisites for the qualitative transformation of the outcasts. They begin to consolidate, and in time will form a society within a society, a criminal subculture with its own physical and mental constructs, signs and symbols.

This subculture is actively opposed to lawful society and seeks to enlarge its sphere of influence. It attempts to propagate its ideology and patterns of behaviour, to infiltrate social and governmental institutions to use them for its own purposes.

It has become apparent that is very difficult to check the development of a criminal subculture. It is much easier to prevent its inception, to avoid providing the prerequisites for its creation. Society should consider
carefully the penalties it imposes as extreme measures. It should investigate other possibilities to regulate social behaviour and use extreme punitive measures only in exceptional cases.

The indiscriminate use of criminal penalties is like a fireman trying to put out a fire with gasoline. The more energetically he acts, the more vigorously the fire blazes. When a society deliberately and widely applies criminal penalties, it fosters the conditions for strengthening and disseminating a criminal subculture.

The criminal subculture is fertile breeding ground for a new type of individual - the professional criminal. A criminal does not become a professional solely through his own personal criminal experience. This may been true in the past, but today the subculture takes the place of personal criminal experience. Therefore, it should not come as a surprise that we increasingly encounter underage and youthful professional criminals. From an early age have been taught through words and example that society is a jungle, in which only the strongest and most brutal hunters succeed. They learn to hunt affluence and pleasure by any means.

Our discussion has unwittingly brought us to conclude that society has arrived at a dead end. On the one hand, illconsidered punitive policies have created a situation in which a dangerous criminal subculture has been spawned. On the other hand, we realize that neither the continuation of present policies nor their abrupt termination is feasible. To continue them is to act as the foolish fireman. But to abandon the widespread application of penal sanctions would be to surrender ourselves to the professional criminals.

What is the answer? We don't yet know, and there seem to be no simple solutions. We do know must avoid reactive emotional responses. Without a doubt, the brutality of the criminal subculture frightens people and incites them respond to violence with even greater violence. They demand that penalties be increased, call for more frequent use of capital punishment, etc. This has been done many times, but with negative results. Therefore, before we alter criminal policy, we have to be sure of our goals and objectives and whether our experience confirms them to be realistic. It is also necessary to dissociate penalization from stigmatization. Breaking a law can result in punishment. But
there is not need to label the offender a dangerous criminal. This has already led society into a blind alley.

It is certainly necessary to judge whether the present treatment of criminals is socially sound. Perhaps we should approach criminal law from the perspective of what is a crime and what is not. When we think that Moses managed with only ten commandments to provide a basis for a secure community, we suspect that present criminal law with its hundreds of possible crimes is somewhat overstated. Is every violation really a crime, and should every violator be treated as a criminal? Obviously not. Earlier we mentioned that in our increasingly formalized society many traditional informal regulators no longer function. Let us try to substitute formal regulators with, for example, the broader and more specific legal regulation of human relations.

We cannot guarantee that solving the above-mentioned problems will rid society of delinquency. We must hope, nonetheless, that their careful, theoretical and practical elaboration, in addition to the radical renovation of the fundamentals of criminal policy, can check the growth of delinquency. This would be a significant achievement which could result in succeeding advances in the field. The worst course of action would be simply to continue our present practice. As we have let the genie out of the bottle, we must do everything in our power to contain him once more. There is no time to lose, for tomorrow we will be able to do even less than we are today.
Динамика преступности
Э. Раска
Резюме
Преступность в Европе возросла по сравнению с началом века в 3-4 раза. Динамику преступности нельзя непосредственно связывать с типом правления, низким уровнем жизни и с другими конкретными социальными недостатками. Также нельзя динамику преступности объяснить биологическими, физиологическими, или психологическими характеристиками преступной личности. Полностью удовлетворительного ответа не дает и теория, которая утверждает, что человек не способен адаптироваться в быстро изменяющемся обществе, поскольку общество является манифестацией человека и не может быть ему противопоставлено.
Преступность определяется ее дефиницией в конкретном обществе. В обществе существует два типа регулятивных норм: неформальные и формальные. Как показывает история первые наиболее эффективны. В стабильном обществе, где отсутствует интенсивная социальная мобильность как в вертикальном, так и в горизонтальном направлениях, преступность является более стабильной.
К сожалению, такой тип общества перестал существовать после Первой мировой войны. Новое общество очень динамичное и функционально. С ростом формальных отношений в обществе формальные регуляторы становятся все важнее и в интерперсональных отношениях. Внешние регуляторы уже не действуют достаточно эффективно, что компенсируется юридическими санкциями. Это нередко приводит к окончательному отталкиванию осужденного от общества. Такой оттолкнутый человек представляет собой более серьезную опасность для общества, поскольку мосты между ним и обществом сожжены. Последствием этого является рождение криминальной субкультуры, появляются профессиональные преступники и т.д. Поэтому в данный момент общество зашло в тупик. Наказание рождает новые преступления, однако напуганные криминальной субкультурой граждане, рассматривая преступность с эмоциональной точки зрения, требуют отвечать на насилие насилием.
Different forms of social pathology (crime, heavy drinking, drug addiction, prostitution) serve as a good barometer of society’s condition and of the transformations it undergoes. First, this can be explained by the fact that manifestations of pathology occurring in a society and being the consequence of the contradictions of socio-economic development cannot but mirror them. Second, negative phenomena (their structure, level and dynamics) chiefly reflect the essential contradictions of social evolution while the subjects of social pathology represent social groups which react most keenly and rapidly to changes in society (youth, outsiders, migrants, etc.).

Various negative phenomena are tackled by different disciplines: criminology, narcology, the study of suicides, etc. All forms of social pathology (and also of social invention - the opposite pole of deviation from the norm), their interrelatedness and dependence on socio-economic, political, cultural and other factors is the domain of the sociology of deviant behavior as a special sociological topic.

The main merits of the Soviet sociology of deviant behavior are as follows: elucidation of the concept of deviant sociological behavior, comprising both negative (social pathology) and positive (social invention) forms, regional empirical research (especially in Leningrad, Estonia and Georgia) into particular kinds of deviant behavior and their interrelatedness; research into the correlations between different forms of deviance and economic, social, demographic and other factors; the development of a social control programme (preventive measures).

The dynamics of the social processes in the perestroika period, crises in all spheres of social life lead inevitably to an increase in social deviance. The upsurge of positive deviance (the development of political activity, the awakening of economic entrepreneurship, the emancipation of
scientific and artistic endeavor) accompanies the increase in negative deviance and the lack of social security.

**Crime**

The years 1988 and especially 1989 saw an increase of crime which can be appraised adequately only over a longer span of time.

The highest crime rate per 100 thousand citizens was registered in the 1920's (without taking political "crimes" into consideration). But due to considerable changes in Criminal Law, penal policy and the crime registration system (criminal statistics) the comparison of the data on crime over such a period of time is inevitably erroneous. Let us consider in more detail the dynamics of crime over 11 years (1979-1989), quoted in table 1 and table 2 [1].

The year 1989 was the worst both in terms of absolute figures and of the crime rate over the last 11 years.

The total number of crimes is 18.1% more than in 1985 (the worst year of the period except for 1989).

Comparing the rate of criminal offences (dealt with by CID) and the rate of "white collar" crimes, we can see quite different tendencies. The rate of criminal offences in 1989 is 30.2 per cent higher than in 1983 (the highest rate in the preceding years) and 43.9% higher than in 1988, while the white collar crime rate in 1989 is 12.9% lower than in 1986 and 3.1% lower than in 1988. We shall examine the causes below, but let us now turn to the analysis of the kinds of criminal offences which cause most concern.

Premeditated murder is the most serious crime. The rate in 1989 (including attempted murder) is 27.6% higher than in the preceding year but lower than in 1979-83 (8.1% lower than in 1980).

The serious bodily injury rate was highest in 1989 (17.9, while in 1979 it was 17.49). But the rate of rapes was not the highest in 1989. It is 22.9% higher than in 1988, but lower than in 1980, in 1983 (by 4.8%) and in 1984.

On the whole, the violent crime rate was quite stable during 1979-1984, then went down to reach its minimum in 1986-87 and afterwards rose in 1988-1989.

As far as hooliganism is concerned, the rate in 1989 was 21.3% higher than in 1988 but still lower than in 1979-
### Table 1

The incidence of various types of Crimes

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<td>Rate</td>
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<td>Premeditated serious bodily injuries</td>
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<td>44330</td>
<td>43372</td>
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<td>Rate</td>
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<td>16.76</td>
<td>16.27</td>
<td>15.82</td>
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<td>Rapes (incl. attempts)</td>
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<td><strong>Rate (per 100 thousand people)</strong></td>
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<td><strong>Premeditated murders, incl. attempts</strong></td>
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<td>18718</td>
<td>14848</td>
<td>14656</td>
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<tr>
<td><strong>Rate</strong></td>
<td>7.49</td>
<td>6.77</td>
<td>5.32</td>
<td>5.20</td>
<td>5.87</td>
</tr>
<tr>
<td><strong>Premeditated serious bodily injuries</strong></td>
<td>44437</td>
<td>38432</td>
<td>29096</td>
<td>28250</td>
<td>37191</td>
</tr>
<tr>
<td><strong>Rate</strong></td>
<td>16.23</td>
<td>13.90</td>
<td>10.44</td>
<td>10.03</td>
<td>13.07</td>
</tr>
<tr>
<td><strong>Rapes (incl. attempts)</strong></td>
<td>21590</td>
<td>19438</td>
<td>18522</td>
<td>16765</td>
<td>17658</td>
</tr>
<tr>
<td><strong>Rate</strong></td>
<td>7.88</td>
<td>7.0</td>
<td>6.64</td>
<td>5.95</td>
<td>6.21</td>
</tr>
<tr>
<td><strong>Hooliganism</strong></td>
<td>205227</td>
<td>193865</td>
<td>165383</td>
<td>153050</td>
<td>115979</td>
</tr>
<tr>
<td><strong>Rate</strong></td>
<td>74.95</td>
<td>70.16</td>
<td>59.32</td>
<td>54.33</td>
<td>40.76</td>
</tr>
<tr>
<td><strong>Robberies</strong></td>
<td>69339</td>
<td>61195</td>
<td>45510</td>
<td>46485</td>
<td>67114</td>
</tr>
<tr>
<td><strong>Rate</strong></td>
<td>25.32</td>
<td>22.15</td>
<td>16.32</td>
<td>16.50</td>
<td>23.59</td>
</tr>
<tr>
<td><strong>Assaults</strong></td>
<td>13211</td>
<td>12152</td>
<td>9073</td>
<td>9077</td>
<td>12916</td>
</tr>
<tr>
<td><strong>Rate</strong></td>
<td>4.82</td>
<td>4.39</td>
<td>3.25</td>
<td>3.22</td>
<td>4.54</td>
</tr>
<tr>
<td><strong>Thefts</strong></td>
<td>631858</td>
<td>665521</td>
<td>555376</td>
<td>549868</td>
<td>732396</td>
</tr>
<tr>
<td><strong>Rate</strong></td>
<td>230.77</td>
<td>240.87</td>
<td>199.20</td>
<td>195.12</td>
<td>257.43</td>
</tr>
<tr>
<td>Crime Category</td>
<td>1989</td>
<td>Rate (per 100 thousand people)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------</td>
<td>------------------</td>
<td>-------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of crimes</td>
<td>2461692</td>
<td>858.6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal Offences</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal Investigation Department</td>
<td>1871320</td>
<td>652.7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premeditated murders, incl. attempts</td>
<td>21467</td>
<td>7.49</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premeditated serious bodily injuries</td>
<td>51465</td>
<td>17.9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rapes (incl. attempts)</td>
<td>21873</td>
<td>7.63</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hooliganism</td>
<td>142008</td>
<td>49.53</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robberies</td>
<td>111600</td>
<td>38.92</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assaults</td>
<td>22174</td>
<td>7.73</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thefts</td>
<td>845159</td>
<td>294.79</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Total number of crimes</td>
<td>194040</td>
<td>202301</td>
<td>220447</td>
<td>241491</td>
<td>246045</td>
</tr>
<tr>
<td>Rate (per 100 thousand)</td>
<td>73.9</td>
<td>76.5</td>
<td>82.7</td>
<td>89.8</td>
<td>90.7</td>
</tr>
<tr>
<td>Theft of state-owned or public property by misappropriation, embezzlement, abuse of one's position</td>
<td>64751</td>
<td>67394</td>
<td>71048</td>
<td>74207</td>
<td>79594</td>
</tr>
<tr>
<td>Rate</td>
<td>24.7</td>
<td>25.5</td>
<td>26.6</td>
<td>27.6</td>
<td>29.3</td>
</tr>
<tr>
<td>Including large-scale and especially large-scale thefts of state-owned or public property</td>
<td>5154</td>
<td>5882</td>
<td>6921</td>
<td>7967</td>
<td>8979</td>
</tr>
<tr>
<td>Rate</td>
<td>1.9</td>
<td>2.2</td>
<td>2.6</td>
<td>2.9</td>
<td>3.3</td>
</tr>
<tr>
<td>Bribery</td>
<td>5291</td>
<td>6023</td>
<td>6829</td>
<td>7756</td>
<td>8566</td>
</tr>
<tr>
<td>Rate</td>
<td>2.0</td>
<td>2.3</td>
<td>2.6</td>
<td>2.9</td>
<td>3.1</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>The total number of crimes</td>
<td>251900</td>
<td>267524</td>
<td>282834</td>
<td>279109</td>
<td>283350</td>
</tr>
<tr>
<td>Rate (per 100 thousand)</td>
<td>92.0</td>
<td>96.8</td>
<td>101.4</td>
<td>99.1</td>
<td>92.6</td>
</tr>
<tr>
<td>Theft of state-owned or public property by misappropriation, embezzlement, abuse of one's position</td>
<td>85087</td>
<td>92986</td>
<td>97638</td>
<td>96986</td>
<td>87445</td>
</tr>
<tr>
<td>Rate</td>
<td>31.1</td>
<td>33.6</td>
<td>35.0</td>
<td>34.4</td>
<td>30.7</td>
</tr>
<tr>
<td>Including large-scale and especially large-scale thefts of state-owned or public property</td>
<td>10545</td>
<td>12071</td>
<td>12614</td>
<td>10825</td>
<td>7721</td>
</tr>
<tr>
<td>Rate</td>
<td>3.8</td>
<td>4.4</td>
<td>4.5</td>
<td>3.8</td>
<td>2.7</td>
</tr>
<tr>
<td>Bribery</td>
<td>9616</td>
<td>10561</td>
<td>11408</td>
<td>7848</td>
<td>4927</td>
</tr>
<tr>
<td>Rate</td>
<td>3.5</td>
<td>3.8</td>
<td>4.1</td>
<td>2.8</td>
<td>1.7</td>
</tr>
</tbody>
</table>
1987. It was 55.5% lower than in 1988 (2.2 times lower than in 1966!). In general, the rate of hooliganism decreased from 1984 until 1988 (88.7% lower than in 1983). We must question what these statistics reflect - a true decrease or substandard enforcement practices (concealment of offences).

The situation changes when we turn to the dynamics of mercenary-and-violent and mercenary crime (dealt with by the CID). 1989 saw the highest robbery rate (64.8% higher than in 1988 and 53.7% higher than in 1984) as well as the assault rate (71.1% higher than 1986 and 48.1% higher than in 1983) and the theft rate (15.4% higher than in 1986). The robbery and assault diagram looks like a "crest" (1979-82 - "plato", 1983-84 - ascending "tooth", 1985-87 - descending "tooth", 1988-89 - ascending "tooth") while the theft rate rises continuously (with a decrease in 1986-87) and therefore the 1989 theft rate is 2.1 times higher than in 1979 (the robbery rate doubles and increases 1.5 times the assault rate).

We should point out that a considerable and relatively steady increase in the mercenary crime rate serves as empirical proof of a well-known criminological tendency towards an increase in mercenary crime during years of economic depression and crises. It should be mentioned that during the period 1985-88 alone the share of crimes involving property private had gone up by 8% whereas the share of crimes against life and health had gone down by 2% [4].

We shall stress for comparison's sake that in an economically stable country such as Sweden, the opposite tendency can be seen: a continuous increase in violent crime with mercenary crime being relatively stable [3].

Let us review the dynamics of crime dealt with by the SPICD (white collar crime). As already mentioned, there had been a constant increase from 1979 to 1986 and a corresponding decrease from 1987 to 1989.

One should bear in mind the discrepancies in registering criminal offences dealt with by the CID and by the SPICD: the former are registered immediately after being reported while the latter are registered only after they have been investigated. Therefore, the dynamics of white collar crime dealt with by the SPICD mirrors the actions of SPICD staff rather than the number of crimes committed.
Hence, the decrease of white collar crimes should not gratify us but rather put us on guard further. More, the rate of offences which are easy to investigate (such as illegal profiteering) keeps rising (57.4% growth in 1979-1988 with some decrease in 1989) whereas the rate of offences which are difficult to prosecute (thefts of state-owned or public property by misappropriation, embezzlement or abuse of one’s post, and bribery) keeps decreasing. If the level of thefts pertaining to the above categories is taken as 100% in 1986 the 1987 level is 98.3%, the 1988 level - 87.7% and the 1988 level - 80.8%. The level of large-scale and of especially large-scale thefts is decreasing even more rapidly 1986 - 100%, 1987 - 84.4%; 1988 - 60%, 1989 - 64.4%. It is unlikely to reflect the true state of affairs.

The pattern of briberies registered is incredible a continuous increase from 1979 to 1986 (an increase of more than 200%) and a decrease in 1986-89 of 270%! Does this mean that bribery has been eradicated? The only plausible explanation is that the SPICD has almost ceased to investigate this type of crime. (Whether or not they alone are to blame for it is another matter.)

As far as repeat offences are concerned, the peak was registered in 1987 - 394,009 crimes (a 56.9% increase since 1979) followed by a 30% decrease in 1988 (302,658 crimes) and an increase in 1989 (12.7%) which failed to reach the 1983-87 level.

The number of repeat offenders increased from 1979 (297,914) to 1985 (413,486) - all in all by 38.8%, and decreased thereafter (by 52.2% from 1985 to 1988 - 302,858 men) and increased in 1989 by 7.5%, compared to 1988).

Juvenile delinquency showed a tendency to decrease at the beginning of the period under study (3.5% over 1979-1982) but since 1983 a stable tendency to increase has been observed: from 160,168 crimes up to 223,908 over 1983-1989 - 39.8% and 73.7% compared to 1982. The pattern of this type of crime is shown in table 3.

Evaluating the data cited above, one should bear in mind that in 1983-1984 a number of measures on exposing unregistered crimes and combatting the concealment of crimes were initiated by the USSR Public Prosecutor’s Office and the Ministry of Internal Affairs (MIA). That could not but
Table 3
The Incidence of Juvenile Delinquency in the USSR
(1979-1989)

<table>
<thead>
<tr>
<th>Year</th>
<th>The number of crimes</th>
<th>Percentage % Juvenile Delinquency of total crimes</th>
<th>Percentage of total crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>133362</td>
<td>100.0</td>
<td>9.3</td>
</tr>
<tr>
<td>1980</td>
<td>138255</td>
<td>103.7</td>
<td>9.1</td>
</tr>
<tr>
<td>1981</td>
<td>134692</td>
<td>101.2</td>
<td>8.4</td>
</tr>
<tr>
<td>1982</td>
<td>128882</td>
<td>96.6</td>
<td>7.8</td>
</tr>
<tr>
<td>1983</td>
<td>160168</td>
<td>120.1</td>
<td>7.9</td>
</tr>
<tr>
<td>1984</td>
<td>158106</td>
<td>118.6</td>
<td>7.6</td>
</tr>
<tr>
<td>1985</td>
<td>167630</td>
<td>125.7</td>
<td>8.0</td>
</tr>
<tr>
<td>1986</td>
<td>163815</td>
<td>122.8</td>
<td>8.2</td>
</tr>
<tr>
<td>1987</td>
<td>164623</td>
<td>123.4</td>
<td>9.2</td>
</tr>
<tr>
<td>1988</td>
<td>184735</td>
<td>138.5</td>
<td>9.9</td>
</tr>
<tr>
<td>1989</td>
<td>223908</td>
<td>167.9</td>
<td>9.1</td>
</tr>
</tbody>
</table>

22
affect the pattern of crimes with the lowest latency — registered premeditated murders, etc.

Finally, let us cite the data on the 1989 crime rate in the union republics that testifies to considerable territorial differences in crimes registered: Estonia - 1219, Latvia 1112, RSFSR - 1101, Moldavia - 942, Lithuania - 849, Kazakhstan - 822, Belorussia - 655, Ukraine - 625, Kirghizia - 600, Turkmenistan - 491, Uzbekistan - 426, Georgia - 327, Tajikistan - 322, Armenia - 254, Azerbaijan - 213. The average rate for the USSR is 862, the difference between the highest and the lowest rate is 5.7 times. And yet I dare not assert what these figures indicate — the real state of affairs or the system of registration.

Among the qualitative aspects of crime in the 1980's one should mention the growing incidence of violent crimes [4], the relative increase in female crimes, the increase of professional crime and the development of the organized crime (of the "Mafia" type) [5].

In general, manifestations of social pathology increase in periods of economic, social and political change and social unrest. In this sense, an increase in the crime rate is "normal", inevitable and will continue in future. A decrease in the crime rate is probable only if economic and political reforms succeed. Undoubtedly, law enforcement agencies are in desperate need of personnel, material and technology. Nevertheless, it is not only fruitless to rely on emergency measures and the strengthening of enforcement alone, but we may expect with mounting social tensions a seemingly paradoxical yet natural development — a further increase in crime.

Alcohol abuse

The abuse of alcohol is one of the most frequent forms of social pathology. The per capita consumption of alcohol increased considerably after the war in most countries. Thus, the world’s annual average consumption doubled over 1960-1980, in Africa - 4 times, Asia - 5 times. In the USSR the consumption of alcohol (evaluated in 100% alcohol) went up 2.2 times over the same period (3.9 litres - 8.7 litres). The comparative per capita consumption of pure alcohol is contained in table 4 and some results of the USSR
alcoholization during some years are given in table 3 [6].  

Table 4  
Per capita alcohol consumption (in pure alcohol, litres)  

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>17.6</td>
<td>15.8</td>
<td>13.9</td>
<td>13.4</td>
</tr>
<tr>
<td>Italy</td>
<td>16.0</td>
<td>13.9</td>
<td>11.0</td>
<td>11.8</td>
</tr>
<tr>
<td>Austria</td>
<td>10.5</td>
<td>11.0</td>
<td>11.6</td>
<td>11.2</td>
</tr>
<tr>
<td>Belgium</td>
<td>9.6</td>
<td>11.4</td>
<td>10.6</td>
<td>11.0</td>
</tr>
<tr>
<td>Hungary</td>
<td>9.1</td>
<td>11.7</td>
<td>11.3</td>
<td>10.7</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>8.2</td>
<td>9.4</td>
<td>9.4</td>
<td>8.8</td>
</tr>
<tr>
<td>USA</td>
<td>7.0</td>
<td>8.6</td>
<td>8.1</td>
<td>8.0</td>
</tr>
<tr>
<td>USSR</td>
<td>6.8</td>
<td>8.7</td>
<td>4.3</td>
<td>3.7</td>
</tr>
<tr>
<td>GDR</td>
<td>6.1</td>
<td>10.1</td>
<td>10.5</td>
<td>10.7</td>
</tr>
<tr>
<td>Canada</td>
<td>6.4</td>
<td>8.9</td>
<td>8.0</td>
<td>7.8</td>
</tr>
<tr>
<td>Great Britain</td>
<td>6.4</td>
<td>8.5</td>
<td>8.4</td>
<td>8.6</td>
</tr>
<tr>
<td>Sweden</td>
<td>6.3</td>
<td>6.3</td>
<td>6.1</td>
<td>6.0</td>
</tr>
<tr>
<td>Poland</td>
<td>5.6</td>
<td>6.9</td>
<td>7.3</td>
<td>7.4</td>
</tr>
<tr>
<td>Finland</td>
<td>5.1</td>
<td>6.4</td>
<td>7.0</td>
<td>7.2</td>
</tr>
<tr>
<td>Norway</td>
<td>3.7</td>
<td>4.9</td>
<td>4.4</td>
<td>4.6</td>
</tr>
<tr>
<td>Turkey</td>
<td>0.5</td>
<td>0.7</td>
<td>1.0</td>
<td>1.0</td>
</tr>
</tbody>
</table>

In France (the country with the world's highest per capita consumption) this indicator decreased 1.3 times from 1970 to 1988 while in Turkey (the lowest per capita consumption) it doubled in the same period.

Table 5  
Alcoholism in the USSR (per 100 thousand citizens)  

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of patients diagnosed as alcoholics for the first time</td>
<td>206</td>
<td>217</td>
<td>198</td>
<td>181</td>
<td>180</td>
</tr>
<tr>
<td>Total number of patients with the same diagnosis</td>
<td>1235</td>
<td>1613</td>
<td>1618</td>
<td>1628</td>
<td>1594</td>
</tr>
</tbody>
</table>

The total number of registered alcoholics amounted to
4.5 million in 1988. Their actual number is even greater and estimated at 8-8.5 million [7].

The differences between various parts of the country are considerable. Thus, in 1987 the number of registered alcoholics per 100 thousand citizens ranged from 194 in Armenia to 2009 in the RSFSR (10.3 times).

In evaluating the incidence of per capita consumption of alcohol in the USSR one should bear in mind that only spirits sold by trade and public catering units are taken into account in Soviet statistics. However, after a number of prohibitive measures were taken, the production of home-made vodka, the consumption of alcohol - substitutes and toxic substances sky-rocketed, while the sale of spirits dropped 2.1 times in 1985-1987 (108.9 million decalitres - 92.8 million decalitres). Thus, in 1987 the production of about 180 million decalitres of home-made vodka was revealed and 11 thousand people were fatally intoxicated with wood-alcohol and anti-freeze [8]. In 1985-1987, the sales of sugar (the raw material for home-made vodka) rose 19% rise and its per capita consumption went up 18%.

The per capita consumption of alcohol was estimated by experts as 10.7 litres in 1984 and 9-10 litres in 1990 (taking home-made vodka into consideration). Hence, in the USSR the stabilization of alcohol consumption is seen to be consistent with world tendencies.

Studies of adults show that alcoholics account for 3-4%, heavy drinkers - 9-11%, moderate drinkers - 70-75%, infrequent drinkers - 6-7% and teetotallers - 3-4% [9].

Alcoholism and heavy drinking are no doubt troubling, but it should be noted that this global and long standing evil cannot be eradicated by prohibitive and punitive measures, to which the world experience of instituting and repealing prohibition testifies (in the USA bootlegging and the mafia arose because of it; in Russia 100 million poods of bread were used for home-made vodka in 1923).

The last years' negative tendencies are as follows: heavy drinkers and alcoholics are "growing younger" (in 1972-1988 the number of alcoholics under 30 increased from 7% to 15%); the number of female alcoholics is rapidly increasing, and alcohol substitutes and substance abuse is also increasing.

Drug Addiction
For several decades the topic of drug addiction was taboo in this country, as were many other unpleasant topics. Nonetheless professionals recognized that drug addiction existed in this country.

In analysing the problem, one should distinguish consumption of drugs that can be medical, legal and non-medical from "abuse"; drug use - (a relatively wide-spread, statistically stable social phenomenon), from drug-addiction - an illness, involving physical or emotional dependence on drugs (and in the case of toxicomania - on toxic substances), an irrepressible desire that gradually leads to the complete breakdown of an organism's physical and mental functions.

Drug use became an acute social problem at the end of the nineteenth century and especially after World War II. The World Health Organization estimates the number of drug-addicts in the world at 48-50 million.

Table 6

Narcomania and toxicomania in the USSR

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of patients with diagnosed as alcoholics and substance abusers for the first time</td>
<td>1.3</td>
<td>3.5</td>
<td>5.8</td>
<td>8.6</td>
<td>6.2</td>
</tr>
<tr>
<td>(per 100 thousand citizen)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of patients, registered with the diagnosis &quot;drug addiction&quot; and &quot;toxicomania&quot;</td>
<td>13.6</td>
<td>14.9</td>
<td>17.1</td>
<td>21.5</td>
<td>24.7</td>
</tr>
<tr>
<td>(per 100 thousand citizen)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total number of patients, registered with the diagnosis &quot;drug addiction&quot; and &quot;toxicomania&quot;</td>
<td>35.9</td>
<td>41.1</td>
<td>47.7</td>
<td>60.5</td>
<td>70.2</td>
</tr>
<tr>
<td>(per 100 thousand citizen)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Some data on drug-addiction and toxicomania in the USSR.
are quoted in table 6 [10]. But since the problem has been veiled for a long time and consumption is prohibited by law, the registration of patients is difficult and therefore the data inadequately reflect reality.

According to police records, 131 thousand drug users (50 thousand of them addicts) were registered by the 1st of January, 1988 [11].

The rate ranges from 4.6 drug addicts and toxicomaniacs per 100 thousand people in Belorussia to 129.9 in Turkmenistan (27 times).

In 1988 2.5 thousand drug-traffickers were arrested and 400 gangs, involved in manufacturing and selling drugs revealed. The narcomafia income amounts to no less than 700 million roubles yearly [12]. The social consequences are increased by the fact that drug addiction is a youth problem (those under 30 account for 62-70%) and a day’s requirement of drugs costs 120-130 roubles on the black market according to our data. According to A.A. Gablany’s data, 22% of the drug addicts surveyed spend between 1000 to 3000 roubles monthly on drugs.

These negative trends: "The increasing youthfulness" of drug regarding addicts and toxicomaniacs (the age of the latter has fallen from 12-14 years to 10-12 years in Leningrad recently); the relatively accelerated speed of women’s addiction (according to our data, in 1983 female drug addicts comprised 12.5% and in 1988 - 26.6%, and of toxicomaniacs - 15.7% and 25.3% respectively); the broadening of the consumer base (due to school, college and university students, civil servants and persons of high educational and social rank); and the increase synthetic substance abuse (these are the most dangerous).

The transition to a convertible currency may aggravate the situation as the international drugbusiness will probably rush to the new area.

**Prostitution**

Prostitution is regarded as entering into casual sexual relations not for sympathy or love but for money.

And if this is so, then prostitution has, is and will endure (as a manifestation of immorality in general) as long as and because commodity-money relations exist and so does
monogamy. And like any immoral activity, prostitution is shameful work for a woman. No more than male prostitution in the or for that matter, immorality in scientists, scholars, politicians or men of letters.

Prostitution occurs in both heterosexual and homosexual relations, of women as well as men.

Commodity-money relations and monogamy are the only objective prerequisites for the existence of prostitution. Its prevalence depends on social conditions. Women can enter prostitution either from misery or lack of employment, or by greed for money and property, combined with unscrupulousness in the method of attaining them (everything has a price, "money does not smell").

Statistics are impossible to cite in this regard for it is impossible to reliably measure prostitution. And "currency" prostitutes, registered by the police, account for only a fraction of the total number of prostitutes.

In 1986, only 1730 women were arrested for prostitution, 113 of whom were minors. These figures by no means reflect the real incidence of prostitution in this country.

The author believes that any sanctions against legalization of prostitution should be repealed.

It is possible here also to list some unfavourable trends: the broadening of the social base of prostitution; the change of the attitudes toward it.

For instance, comparing the results of 1924 sociological research in Moscow and 1926-1927 research in Kharkov with research in Moscow in the mid-seventies (K. Goryainov, A. Korovin, E. Pobegailo) and in Georgia in the mid-eighties (A. Gabiany) [14], we see that the educational level of prostitutes rose in the seventies and in the eighties. In Kharkov in 1926-1927 the illiterate, semi-literate and partially educated accounted for 87.5% of prostitutes and none of them had higher education, while in Moscow in the 70's 23.2% had higher (or incomplete higher) education, 53.9% - secondary (or specialized secondary) education; in the 80's in Georgia 7.1% had higher (or incomplete higher) education, 66.7% had secondary (or specialized secondary) education.

The social position of prostitutes underwent changes as well: in 1924 60% of the Moscow prostitutes were workers,
26% - petty bourgeoisie (mainly dressmakers and seamstresses); in the 70's 48.6 per cent were civil servants, 6.4% - students, 15% - workers, 29.4 % were not working at the time of the survey. Members of the service sector are the most widely represented: waitresses, hairdressers, nurses, telephone operators, typists, hotel staff, shop clerks, etc. The living standards and housing conditions of prostitutes in the twenties were much lower than in the seventies and eighties.

The attitude of most of youth to prostitution has become more broadminded (which is good) but they also no longer regard immorality as something reprehensible (which is obviously not good).

Three official positions concerning prostitution are possible: prohibition, regulation (i.e. registration, medical examination), and abolition (no prohibition nor regulation).

Prohibition is ineffectne in combatting prostitution. In general, prohibition and punishment are inefficient in eradicating phenomena which have their roots in society and which fulfil social functions. In some types of social pathology (i.e. crime), prohibition and punishment are necessary (until society develops alternative measures of self-defence), whereas they are counterproductive in the case of crimes without victims (homosexuality, prostitution, use of alcohol).

Suicides comprise two different phenomena: (1) an individual behavioral action, - the intentional taking of one's life by an individual; (2) a relatively widespread statistically stable social phenomenon the essence of which is that some individuals take their own lives of their free will.

Suicidal behavior includes suicides, attempted suicides and suicidal intentions. These are treated as stages and manifestations of one phenomenon. In the broad sense of the word, suicide is a sort of self-destructive behavior which includes heavy-drinking, drug-addiction, smoking and also alpine-mountaineering, motorcycle-racing and gluttony...

Suicide is the extreme pole of withdrawal, resulting
from social insecurity, difficult conditions and disillusionment.

The suicide rate reacts keenly to socio-economic changes. The incidence of suicide in the USSR testifies to this effect (table 7) [15].

Table 7

The incidence of suicide in the USSR

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of suicides (thousands of citizens)</th>
<th>Rate (per 100 thousand)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>39.5</td>
<td>17.2</td>
</tr>
<tr>
<td>1980</td>
<td>71.0</td>
<td>27.0</td>
</tr>
<tr>
<td>1984</td>
<td>81.4</td>
<td>29.7</td>
</tr>
<tr>
<td>1985</td>
<td>68.1</td>
<td>24.6</td>
</tr>
<tr>
<td>1986</td>
<td>52.8</td>
<td>18.9</td>
</tr>
<tr>
<td>1987</td>
<td>54.1</td>
<td>19.2</td>
</tr>
<tr>
<td>1988</td>
<td>55.5</td>
<td>19.5</td>
</tr>
<tr>
<td>1989</td>
<td>60.0</td>
<td>21.0</td>
</tr>
</tbody>
</table>

1965 has a relatively low suicide rate - a consequence of the first taste of democratization and glasnost ("thawing"). The suicide rate increases along with a period of stagnation and peaks in 1984 when the USSR assumed a leading position in the world. At the beginning of perestroika the suicide rate decreases and its increase in 1986-1989 can be attributed to its deceleration. Other interpretations are also possible.

Regional differences in the suicide rates of USSR are considerable. The rate ranges from 2-8 (per 100 thousand) in the Central Asian and Transcaucasian Republics to 23-29 in the RSFSR and the Baltic Republics (1987 – Lithuania - 28.7, Estonia - 25.5).

The data cited in table 8, are supported by the following figures: the lowest suicide rates are registered in Malta (0-0.3 in 1981-1982), Kuwait (0.1-0.7 in 1980-1982), Egypt and Syria (0.2-0.3 in 1979-1981) and also in Guatemala, Panama, the Philippines, Mauritius, and the Bahamas.
<table>
<thead>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>England (with Wales)</td>
<td>11.8</td>
<td>11.2</td>
<td>10.8</td>
<td>7.5</td>
<td>8.8</td>
<td>8.9</td>
<td>8.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Australia</td>
<td>10.8</td>
<td>10.6</td>
<td>14.5</td>
<td></td>
<td>11.2</td>
<td>11.7</td>
<td>11.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Austria</td>
<td>22.9</td>
<td>23.1</td>
<td>22.8</td>
<td>24.1</td>
<td>25.7</td>
<td>27.1</td>
<td>27.6</td>
<td>27.0</td>
<td></td>
</tr>
<tr>
<td>Bulgaria</td>
<td>8.0</td>
<td></td>
<td>12.9</td>
<td>13.6</td>
<td>13.6</td>
<td>15.3</td>
<td>13.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>19.6</td>
<td>24.9</td>
<td>29.8</td>
<td>38.5</td>
<td>44.9</td>
<td>45.6</td>
<td>43.5</td>
<td>45.9</td>
<td>45.9</td>
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<tr>
<td>Denmark</td>
<td>22.5</td>
<td>20.3</td>
<td>19.3</td>
<td>24.1</td>
<td>31.6</td>
<td>30.0</td>
<td>29.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canada</td>
<td>7.6</td>
<td>7.6</td>
<td>8.7</td>
<td>12.4</td>
<td>14.0</td>
<td>14.0</td>
<td>14.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>7.3</td>
<td>7.7</td>
<td>9.9</td>
<td>12.4</td>
<td>12.8</td>
<td>14.0</td>
<td>14.6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td>5.6</td>
<td>7.0</td>
<td>9.1</td>
<td>11.4</td>
<td></td>
<td>12.4</td>
<td>14.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S.A.</td>
<td>10.0</td>
<td>10.6</td>
<td>11.1</td>
<td>12.7</td>
<td>11.8</td>
<td>12.0</td>
<td>12.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finland</td>
<td>22.4</td>
<td>20.0</td>
<td>19.8</td>
<td>25.0</td>
<td>25.7</td>
<td>23.8</td>
<td>24.1</td>
<td>24.4</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>15.9</td>
<td>16.0</td>
<td>15.0</td>
<td>15.8</td>
<td>19.4</td>
<td>19.6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G.F.R.</td>
<td>18.8</td>
<td>19.0</td>
<td>20.0</td>
<td>20.9</td>
<td>20.9</td>
<td>21.7</td>
<td>21.3</td>
<td>21.3</td>
<td>20.5</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>24.9</td>
<td>21.2</td>
<td>21.9</td>
<td></td>
<td>19.8</td>
<td>19.9</td>
<td>19.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Switzerland</td>
<td>21.6</td>
<td>19.0</td>
<td>18.4</td>
<td></td>
<td>23.8</td>
<td>24.6</td>
<td>25.2</td>
<td>24.8</td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>20.1</td>
<td>17.4</td>
<td>18.9</td>
<td>19.4</td>
<td>19.4</td>
<td>17.5</td>
<td>19.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td>24.5</td>
<td>21.6</td>
<td>14.7</td>
<td>17.9</td>
<td>17.6</td>
<td>17.0</td>
<td>17.4</td>
<td>20.9</td>
<td>20.4</td>
</tr>
</tbody>
</table>

Table 8: Suicide rate (per 100 thousand) outside the USSR
All in all, 500-600 thousand of the world's population people commit suicide annually and 5-10 times as many attempt it.

The sex and age distribution of suicides in the USSR is in keeping with that in most countries of the world: the coefficients of suicidal activity are higher among men (the proportion 3.2:1). The general trend of suicides is toward increase and there is a further trend toward older age groups (table 9). Attempted suicide displays different tendencies; this trend is toward younger age groups.

Table 9 [17]

Sex and age distribution of suicides in the USSR in 1988 (per 100 thousand citizens)

<table>
<thead>
<tr>
<th>Sex</th>
<th>Age</th>
<th>70 and More</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>4.1</td>
<td>22.2</td>
<td>34.4</td>
</tr>
<tr>
<td>F</td>
<td>1.5</td>
<td>5.6</td>
<td>5.6</td>
</tr>
</tbody>
</table>

In contrast to widely-held notions, the educational level of suicides is much lower than average (according to our data). The suicidal activity rate among people with secondary and higher education is 0.8 whereas among those with incomplete secondary and primary education it is 2.1 and that of workers (53-59%) is higher than that of civil servants and engineers (6-13%).

A trend towards younger suicide (children commit suicide with increasing frequency) is visible as well as a tendency to increase. If the socio-economic situation worsens, a further increase in the number of suicides is highly probable.
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Различные формы социальной патологии (преступность, пьянство, наркотизм, проституция и др.) служат четким барометром состояния общества и происходящих в нем изменений. Это объясняется, во-первых, тем, что проявления социальной патологии, будучи порождением общества, следствием противоречий социально-экономического развития, не могут не отражать их. Во-вторых, негативные явления (их структура, уровень, динамика) отражают прежде всего существенные противоречия общественного развития, а "носители" социальной патологии — представители преимущественно тех социальных групп, которые более остро и мобильно реагируют на изменения общественной ситуации (молодежь, аутсайдеры, мигранты и т.п.).

Все формы социальной патологии в их взаимосвязях и зависимости от социально-экономических, политических, культурологических и прочих факторов — предмет социологии девиантного поведения как специальной социологической теории.

Динамизм социальных процессов в период перестройки, кризисная ситуация во всех сферах общественной жизни неизбежно приводят к увеличению социальных девиаций. Наряду с увеличением позитивных отклонений — повышение политической активности населения, экономической предприимчивости, большая раскованность научного и художественного творчества, — растут негативные девиации, социальная незащищенность членов общества.

В 1988 и особенно в 1989 г. наблюдается в целом рост преступности, правильно оценить который можно лишь в динамике за более длительный период времени. Вообще в периоды экономических, социальных, политических преобразований, социальной нестабильности усиливаются проявления социальной патологии. В этом смысле рост преступности закономерен, "нормален" и будет, очевидно, продолжаться и в ближайшие годы. Снижение же уровня преступности можно ожидать на перспективу лишь в случае реального успеха экономических и политических реформ.
The process of restructuring which is under way in the Soviet society for the last 5 years has made itself felt most acutely in the spheres of ideology and information. Real pluralism in social consciousness, in political and information processes and in the work of mass media is coming into being. In their turn, these processes mirror and express the differentiation of political interests among different social forces and groups. The spectrum of political positions, reflecting them and political organizations, expressing and backing them is formed in accordance with the interests. Thus social mechanisms normal for civil society are evolving, due to which various social groups, based on common economic, political, ethic and cultural conditions are granted equal rights and opportunities to satisfy and protect their special demands and interests. And yet this process is just beginning.

The process of political, ideological, cultural and information pluralism's evolution largely depends upon to what extent the society with its different social groups is aware of the priority of freedom in the scale of social values. Everybody's free development is indeed an indispensable condition for the development of all. One's freedom is bounded only by other people's freedom and by nothing else.

But the evolution of social freedom was going on contradictorily. Polarization of opinions and viewpoints as well as aggravation of some social lines, particularly of intolerance and irreconciliability to everything nonstandard went side by side with the widening of the range of issues to be discussed and with the charge of the very way social issues were tackled. Certain socio-psycological tendencies displayed themselves in the very alternation of social problem which found themselves in the limelight of public attention and were discussed ardently by mass media and in private. Particularly, it is the search for "scapegoats" to blame all the problems of the country on. Such conventional
personages of sociology of deviant behaviour as criminals, sponges, persons with "unearned" income (among them especially formidable "shadow economy dealers"), drug addicts, drunkards, dipsomaniacs, prostitutes were ranked among the main culprits by representatives of some social groups. The prostitutes were "pounced upon" most severely. Peculiarities of Soviet people's social psychology displayed themselves most noticeably in their attitude towards prostitutes. Among these peculiarities we can enumerate sanctimonious sex morals, misunderstanding of the commodity-money relations essence, fear of foreigners, punitive outlooks and many other things. The wrath fell chiefly on "hard currency" prostitutes who account (according to experts' estimate) for no more than 3% of the total number of prostitutes. But it is in this wrath that a peculiarity of social stereotypes, prone as a rule to exaggerate one side of some phenomenon, is kept concealed. The "shadow economy dealers" and "the organized crime" stereotypes whose proponents are mainly the forces backing up the administrative-and-command system's interests, were formed in a similar way. But does it really mean that there is no organized crime in the USSR? Just the other way round, it exists but it is important to research into its nature, sources and functions. The shadow economy and organized crime linked with it differs greatly from similar phenomena in the West. In the West organized crime thrives in such branches of illegal business as drug-trafficking, running gambling-houses, prostitution and in rendering services, prohibited by law. In the Soviet society the organized crime is first of all concentrated in strictly state-regulated spheres of the national economy. In the matter of fact, the organized crime has pervaded all the key components of the national economy (in production, distribution, trade, management and administration) to perform a certain function, making up for the shortcomings of administrative-and-command system. Here we are naturally confronted with a merger between the administrative-and-command system, the shadow economy and the organized crime. At the same time, the very stereotype of shadow economy dealers, allegedly undermining the fundations of Socialism, is being instilled into mass consciousness by certain social forces and protects the social interests of these forces.
The notions about social deviations, formed by mass consciousness, have much in common though they differ from one social group to another. Firstly, they do not adequately reflect the processes of deviant behaviour, going on in the Soviet society. Certainly, it is preconditioned largely by the restrictions which were imposed for a long time both on scientific research into social deviations and on publishing scientific and statistic information to this effect. Secondly, public notions about social deviations possess a very high degree of intolerance and rigorism towards criminals and other deviants. It is confirmed by life experience as well as by sociological research. According to an opinion poll conducted in Leningrad in 1989 half of the respondents found capital punishment quite applicable to juvenile delinquents who committed especially grave crimes (murders and rapes)!

And the law prohibiting capital punishment for juveniles! Besides, half of the polled spoke for enhancing criminal amenability for offences committed by juveniles, and only 15% stood for relenting the criminal law. Thirdly, the attitude to deviants in mass consciousness is formed in accordance with a familiar socio-psychological principle - "we and they". "We" - law-abiding, honest, decent citizens, whereas "they" - bad, dangerous criminals, foul and squalid drug addicts and prostitutes, etc. Certainly, on the one hand, this stereotype, setting pattern to negative appraisal of deviations and their subjects, performs a significant preventive function - shows how one should not act. But on the other hand, if this juxtaposition is too intensive it will hamper social rehabilitation of people who committed crimes. They are stigmatized as deviants and are to a certain extent compelled to play this social role. In the past criminals were branded physically while quite recently Soviet criminals had stamps in their passports about previous convictions.

There are some definitions of how mass consciousness feels about deviations. What does the process of deviant behaviour consist in? First of all, one should stress that such phenomena as hard drinking and dipsomania, drug addiction and toxicomania, suicides, prostitution, mental diseases, sponging, etc. are traditionally ranked among social deviations together with crime. Crime is the most perilous and widely-spread one among social deviations which
comprises quite different phenomena, ranging from murder to feeding bread to cattle (Art. 154 RSFSR Criminal Code). Violent and mercenary crimes are the main components of this phenomenon. In contrast to other forms of social deviations, statistics on crime are most reliable and comprehensive. But it should be borne in mind that criminal offences, registered by statistics, account for only a part of the crimes committed. This becomes possible due to the following objective contradictions. Firstly, an act is qualified as "crime de jure" after the court sentence comes in legal force. In other words, it is court statistics, that should be the only authentic criminal statistics. But the data on court statistics witness that verdicts of "guilty" constitute only part of instituted criminal proceedings. But is it correct to regard these data as criminal statistics? We should better furnish it with a concrete example. In 1988, 3,907,564 applications and pieces of information about crimes were sent to the militia (police) and offices of public prosecutors. In accordance with this information, 1,887,223 crimes were registered and 1,286,505 persons who allegedly committed them were revealed. 463,300 crimes remained uninvestigated. At the stage of preliminary investigation 472,200 were relieved of criminal amenability for unrehabilitating reasons. 736 thousand criminal cases were passed to courts. 679,1 thousand persons were sentenced which makes 53% of the total number of suspects, revealed in all the registered crimes. And the number of the instituted criminal proceedings makes 33% of all applications lodged to law enforcement bodies. In 1989 1,303,958 persons were alleged to have committed crimes and 782,587 of them were instituted criminal proceedings against. 451,117 persons were relieved of criminal amenability. Such a disparity between the number of the crimes registered and the number of criminal proceedings instituted is chiefly due to expediency and legal possibility to resort to other measures than criminal punishment if offences are not dangerous for the society. Humanization of criminal policy, which is going on during the perestroika leads to the decrease in the number of the accused, sentenced to criminal punishment, especially to imprisonment. In 1985 1,289,5 thousand persons were sentenced whereas in 1988 only 679,2 thousand. Accordingly, the number of persons serving sentences in
colonies and prisons dropped twice. By the 1st of May 1990 there were 764,813 all in all.

The registered crime is the result of a certain selection from the criminal information available. But there also exists latent crime - the crime about which information is missing.

According to average estimates of experts it is necessary to double the registered number of crimes, dealt with by the Criminal Investigation Department (CID), and to increase tenfold the number of those dealt with by the Socialist Property Theft Department (SPTCD) (white collar crime), to determine the true scope of crime in the USSR. In this case the number of crimes, committed in 1989, will rise from 2.5 million to about 7 million.

And what about the dynamics of crime in the USSR? Has the crime really grown during the perestroika? If we review the last ten years and regard 1979 as the starting point, we see that statistics testify to a constant growth of crime till 1985. The crime rate (the number crimes per 100 thousand people) was 546 in 1979 and 754 in 1985. Afterwards, in 1986-87 a certain decrease of the rate took place (down to 638), but the rate did not drop below the 1979-1982 rates. It should be taken into consideration, though, that 1983 saw the campaign for the maximum registration of the reported crimes by law enforcement bodies that led to a leap of the registered crimes. In 1982 1.66 million crimes were registered (rate - 615) whereas in 1983 - 2.02 million (744). That is why it will be more correct to regard the 1983-1985 statistics as more trustworthy. The 1986-87 crime rate drop was chiefly brought forth by two causes. Firstly, by the general improvement of socio-psycological climate in the Soviet society, caused by the commencement of glasnost and democratization campaign (the campaign against overconsumption of spirits). Against the background of the crime rate drop at large, the rates of such grave crimes as murders, grave corporal injuries and rapes also went down at the beginning of perestroika:
In these years the number of suicides also diminished. In 1984 81 thousand persons took their own lives, in 1985 - 68 thousand and in 1986-87 - 54 thousand respectively. The dynamics of rates is as follows: 30, 25, 19, 19.

Nevertheless, in spite of all their danger, murders, grave corporal injuries and rapes account for as little as 4% the total and, consequently, their dynamics does not determine the dynamics of crime in general. It is thefts of personal property of the citizens that account for a third of the total and contribute the largest share of crimes. But in 1986-87 they went down as well (from 663 thousand down to 549 - the rates - 240 and 195). At the same time the rate of crime, registered by the SPTCD (white collar crime) rose from 267 thousand in 1985 up to 282 in 1986 and to 279 thousand in 1987 (the rates - 96, 101, 99). Appraising this dynamics, one should keep in mind that these kinds of crime have the highest latency rates - on the average, only 1 of 10 crimes committed is registered. Therefore the data on the registered crime of this sort witness the activity of law enforcement bodies rather than the real tendencies of crime.

But in 1988 the favourable tendency towards the crime rate drop stopped and both the total number of registered crimes and the rate increased (1867 thousand and 656 respectively). And 1989 saw an unheard of crime growth - 2461 thousand crimes were registered and the crime rate reached 858, exceeding the decade's maximum indicator (in 1985) which was 754. Crime leaped by 32%. This is the highest annual increment for the last 28 years. Only once during a short history of keeping criminal records in the USSR was a growth rate higher - 35% in 1961. It was in the fifth or the sixth year of the perestroika. In 1989 there

<table>
<thead>
<tr>
<th></th>
<th>1985</th>
<th>1986</th>
<th>1987</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premeditated murders with attempts</td>
<td>6.8</td>
<td>5.3</td>
<td>5.2</td>
</tr>
<tr>
<td>Premeditated grave corporal injuries</td>
<td>13.9</td>
<td>10.4</td>
<td>10.0</td>
</tr>
<tr>
<td>Rapes with attempts</td>
<td>7.0</td>
<td>6.6</td>
<td>6.0</td>
</tr>
</tbody>
</table>
was an increase in all kinds of crime. Grave crimes reached 367 thousand and their share in total number of crimes - 15%. The growth rate of the grave crimes totalled 42%. Premeditated murders with attempts reached a record quantity of 21467 in 1989, but the murder rate (7.49) failed to reach the 1979-84 level (the highest rate - 8.1 in 1980), the total number of murders in 1980 being smaller a little bit - 21430. Yet one should remember that the number of registered murders is smaller than the number of victims as the killing of several persons may sometimes be registered as one crime by statistics. That is why, statistic records of murders as crimes and as causes of death will not coincide. It is due to this that in 1988 16,7 thousand murders were registered with 21 thousand persons killed. And the murder rate and "the rate of victims" were 5 and 7 respectively. Such are paradoxes of statistics.

The grave corporal Injuries growth rate totalled 38% and that of rapes - 24%. Consequently, the rate of the former broke the decade's record (17.9) and that of the latter was below the 1983-84 rates though it grew. On the whole, the groth rate of crimes against citizens was 33%. But property (mercenary) crime growth rate was more noticeable - 49%. Mercenary crimes have the largest share in the structure were registered in 1898. Among them thefts of personal property dominate - 845159 (34%). They are followed by thefts of state-owned property - 275,782, robberies - 111,600, by thefts by means of misappropriations, embezzlements, abuse of one's position - 81,228, assaults 22,174. All of them (except misappropriations, embezzlements etc.) went up, while bribery and illegal profiteering diminished. Judging by the statistics bribery is already eradicated. In 1986 11408 crimes qualified as bribery were registered (this is the last decade's maximum), whereas in 1989 - as few as 4292. It is more than a double drop! It is not necessary to be an expert to be able to appraise solarly these figures - the true scope of bribery is by far wider. The latency rate here is approximating 100%!

The 1989-90 crime leap has some general tendencies. The considerable growth of the total number of crimes notwithstanding the number of offenders grew slightly. The absolute number and share of persons (and of those who study nowhere) increased. Repeated commission of offence that
diminished in 1988 after 1987 (the decade's record) went up by 13% in 1989. The number of offences committed in the state of intoxication again began to grow. In 1988 they contributed 28% and in 1989 - 31%. In 1988 362 thousand crimes were committed whereas in the next year - 424 thousand. The increment amounted to 17%. Such offences as thefts of personal property and mercenary crimes at large determine the state and tendencies of crime.

As far as other forms of deviant behaviour are concerned the statistic data to this effect are much scantier. Among them, the data on suicides is most comprehensive. But here it is also difficult to reproduce the whole picture because of a huge blank spot in the 1930-50's. In the 1920's suicide rate in the USSR was as low as 10 per 100000 thousand. In 1965 it reached 17 and in 1984 - 30 (maximum), then dropped and is estimated at 23. Hence, 1989 turned out to be the crucial year from the viewpoint of suicide tendencies as well.

Some statistics concerning the behaviour in the state of intoxication are available. The dynamics of "drunken" crime have been touched upon already. It is worth adding that in 1988 in the USSR 10 million people were called to account for violating "anti-spirits" legislation which is 4% less than in 1987. The number of those who died in accidents that decreased in 1986-87 went up again in 1988-89. The dynamics of spirits production and sale that largely affect. The consumption of spirits and the corresponding negative consequences have the following traits:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales of spirits by state and cooperative trade (in per capita pure alcohol)</td>
<td>7.2</td>
<td>4.3</td>
<td>3.3</td>
<td>3.6</td>
<td>4.3</td>
</tr>
<tr>
<td>Home-made vodka production (experts' estimate)</td>
<td>No</td>
<td>No</td>
<td>data</td>
<td>data</td>
<td>2.6</td>
</tr>
<tr>
<td>Home-made grape wines production (based on research into family budgets, per family member)</td>
<td>No</td>
<td>data</td>
<td>2.0</td>
<td>1.8</td>
<td>1.7</td>
</tr>
</tbody>
</table>

42
Experts estimate the production of home-made spirits in 1987-88 at 3.4 litres of pure alcohol annually that together with the spirits realized by state and cooperative trade amounts approximately to the official spirits sale rate in 1984 (7 litres). But according to the same estimates the per capita consumption of spirits in 1984 totalled 10.7 litres (including home-made spirits). Therefore, using this information, we may deduce that 1986-1987 saw a decrease in the total consumption of spirits, nevertheless; and this decrease exercised a favourable influence particularly over the number of patients who had "dipsomania and alcohol psychosis" diagnosed for the first time. In 1985 there were 217 of such patients per 100,000 citizens while in 1988 - 154. But the number of patients with the diagnosis "drug addiction" and "toxicomania" grew: 1985 - 3.5; 1986 - 5.8; 1987 - 8.6; 1988 - 6.0. On the whole, these processes did not bring down the total number of "drug addicts and dipsomaniacs", registered by health protection institutions. In 1985 they numbered 4.5 million and in 1988 - 4.6 million. Thus, judging by the resuming growth of spirits consumption rate in 1988 and in 1989 and by the negative phenomena going side by side with it, 1989 is crucial also for this kind of deviant behaviour.

It is much more difficult to judge about the scope of drug addiction and toxicomania because of their high latency - drug addiction latency in comparison with dipsomania is largely preconditioned by the fact that the law procodes for instituting criminal proceedings for buying, storing and selling drugs. The consumption of drugs (not prescribed by a physician) is punishable by administrative means. At the same time the registered drug addiction rate increased approximately thrice in 1983-1989. 130 thousand persons who consumed drugs without a doctor's prescription are registered in the USSR. 58 thousand of them are diagnosed "drug addiction" and 24 thousand - toxicomania. But according to estimates of experts the real rate of consumption is higher. A 1989 sociological poll among Leningrad high school students shows that 7% of high school students and 24% of vocational school students happened to use drugs or toxic substances. Sociological polls data enable us to forecast the growth of drugs and toxic substance problems in the future.
substances consumption. Obviously, the growth of drugs and toxic substances consumption is to a certain extent a reaction to hampered opportunities to consume spirits. The latter (with the living conditions not improved) instigates people to search for substitutes of spirits and may consequently entail more serious results.

Thus, the analysis of the main tendencies of the deviant behaviour in the year of perestroika witnesses a certain decrease in deviant behaviour rate in the first 2-3 years which afterwards gave way to its stabilization with the subsequent rapid growth. Special research is required to formulate a comprehensive concept of these processes. But some general causes may be revealed now by the analysis of the essence. The main cause is growing disparity between the developing process and democratization and aggravating situation in the field of economy. In the initial years of perestroika the very democratization process ensured the improvement of the moral and socio-psychological atmosphere in the society while later on it proved insufficient. The process of democratization fell short of hopes it had engendered. The economic reform bogged down finally because the political reform was incomplete. Market economy can only be corresponded to by parliamentary democracy, political pluralism and civic society. The old ideological paradigm that veiled the genuine social essence of the totalitarian political regime either denied utterly the immanent character of the social deviations, existing in the Soviet society, or at best treated social deviations as leafover of the preceding societies that manifested themselves in the people's consciousness. Only few criminologist stuck to the viewpoint that social deviations were determined in the long run by social evolution contradictions and inherent in any society. In accordance with such an approach it is the totalitarian political regime itself that serves as the main cause of the deviations. The current stage of the Soviet society's evolution, consisting in the transition to democracy, shows also that the very cause of social deviations is changing as well. The neutralizing of contradictions inherent to the totalitarian regime brings new contradictions to the foreground which determine positive tendencies together with social deviations. Certainly, their content, rate, structure and dynamics will
undergo transformations, keeping pace with social changes but deviations as a phenomenon will remain. One should not indulge oneself in illusions to this effect. But as our society is just at the initial stage of transition to democracy, it is the elimination of all manifestations and consequences of totalitarianism that is the main goal of reforms first and foremost in the fields of economy and policy.
Отклоняющееся поведение в СССР (социологический комментарий общественных представлений и реальных процессов)
В. Афанасьев

Развитие перестроечных процессов в советском обществе за последние пять лет получило наибольшее развитие в информационной и идеологической сферах нашего общества. Происходит становление нормальных для современной цивилизации общественных механизмов гражданского общества, в котором различные социальные группы, формирующиеся на основе общих для них экономических, политических, этнических и культурных условий, получают равные возможности и права осуществлять и защищать свои специфические потребности и интересы.

Представления о социальных отклонениях, сложившиеся в массовом сознании, хотя и различаются в различных социальных группах, вместе с тем имеют ряд общих моментов. Во-первых, они неадекватны действительным процессам отклоняющегося поведения в советском обществе. Во-вторых, общественным представлениям о социальных отклонениях присущ очень высокий уровень нетерпимости и суровости (ригоризма) в отношении преступников и других девиантов. В-третьих, формирование в массовом сознании отношения к преступникам и прочим девиантам происходит по социально-психологическому принципу "мы и они".

Анализ динамики основных форм отклоняющегося поведения в перестроенные годы показывает, что определенное снижение уровня отклоняющегося поведения в первые два-три года перестройки сменилось его стабилизацией и последующим бурным ростом. Главная причина этого - прогрессирующее рассогласование между развивающимися процессами демократизации в обществе и ухудшающейся ситуацией в экономической области.
1. Mankind's problem number one was and is how to obtain means of livelihood. Crime and its growth has become its problem number two, and in a number of countries, problem number one.

Only theoretically can crime in society be regarded as a consequence of economic, political, social and other processes and contradictions resulting from them - in practice crime is part of the processes taking place in society, a full-fledged part than no modern society can do without. No society is conceivable without negative, including criminal, processes, the same way as it is inconceivable having positive or neutral processes alone. Therefore, modern civilization knows no states without crime and it is highly unlikely a state like that would be set up in the future.

Crime is a social phenomenon, as it only occurs in society. Consequently the principal reason of crime is society and the contradictory nature of the processes proceeding in it. However, man's measure of liberty is law. Everything the law does not forbid is permitted to the individual - it is lawful. The initial basis and measurement of law itself is humanism, respect for the individual as the highest goal and value of society. Over time attempts have been made to protect the individual from assault by other members of society, by means of criminal law. From this it appears that crime is a legally guided process in which societal contradictions that have either been inadequately solved or have not been solved altogether are short-circuited and become visible in the from of concrete crimes, causing conflicts between the individuals' everyday needs and the ways of their satisfaction that society as a whole has to offer. Consequently no socially meaningful activity of the individual is criminal of itself but only in the extent to which society, through legislative means, admits of it being criminal.

The world crime figures have quadrupled over the past forty years! In societies where economic, political and social balance is better the crime rate is lower, and contrariwise, in unbalanced societies the crime rate is
People in unbalanced societies find more difficult to procure sources of livelihood, as a result of which the crime rate rises. Apparently there exists a certain limit, a so-called poverty line, below which the crime rate is very high. As Hegel put it, the bans and punishments prescribed in criminal law mean nothing to people living under the poverty line. A high living standard helps keep crime in check, but at the same time in very rich societies where there are enormous differences between the rich and the poor, it raises the crime rate (eg in the USA) at the expense of the poor and unqualified immigrant labour. Crime is also higher in areas where there are political, ethnic and religious conflicts. Consequently, the lower the economic (property), political, ethnic, racial and religious stress, the lower the rate of crime.

The problem of a comparative treatment of crime is more than a hundred years old. The question of comparing the crime data of different countries was raised by A. Quetelet on the First International Statistical Congress in 1853. Ever since then the issue has repeatedly been on the agenda of both International Statistical Congresses and sessions of the International Statistical Institute. For a long time one of the main arguments was that it was impossible to compare crime in different countries. However, as early as 1877 L. Bodio from Italy pointed out crime statistics of different countries were comparable only in those types of crime whose definitions were relatively similar to each other.

It is quite obvious that a comparison of the crime statistics of different countries is complicated by the following:

a) the range of behaviors defined as criminal by criminal law;

b) differences in crime statistics systems;

c) kinds of crime registered: either those reported to the police (militia) or those where a sentence has been passed;

d) changes in criminal law;

e) intensity of law and order bodies, incl. conscientious records of crime;

etc.

Besides, a comparative treatment of crime is complicated by inadequate statistics. Availability of data
on crime in general, but also on case of murder in particular is restricted in some countries. Various statistical handbooks have been used to write this article, but where cases of murder are concerned, the data are overwhelmingly drawn from publications of the World Health organization where killing by another person has been singled out as one of the causes of death. In the author’s opinion these data are unfortunately not quite precise, however.

It is the prevailing view of scholars that a comparison of the numerical figures of registered crime is not likely to present a true picture of crime rate in different countries, such a comparison being impossible because of differences in criminal law. Another way of comparing crime is comparison by groups of crime. This method, too, has its drawbacks. It can always be argued why these and not other types of crime have been grouped in order to get a general picture of crime. A third way, it is contended, would be to compare crime by a few isolated types of crime. One such type of crime is murder, as the definition of murder in different countries is the most similar in content as compared to other types, its latency is the lowest and its frequency is regarded as the most reliable indicator of the acuteness of unsolved social and economic contradictions in society. In our opinion such a juxtaposition also has its weak aspects, viz. can a global phenomenon such as crime be described by just one indicator, the frequency of one type of crime? Yet it is almost the only possibility of a comparative treatment of crime in different countries and on different continents. Therefore, murder has been adopted as the basis for comparison also in this article.

The aim of the article is to analyze in most general terms
- the condition, rate, dynamics and structure of crime in Estonia since 1944 on the basis of offenses registered in bodies of the militia and the procurator’s office, drawing parallels between different socio-economic regions;
- the condition, rate, dynamics and structure of crime in Estonia, Latvia and Lithuania since 1961;
- crime in the Baltic area as compared with other regions of the Soviet Union;
- crime in Estonia, Finland, Sweden, Norway and Denmark;
crime rate on different continents.

2. Empirically crime is expressed as a sum total of isolated offenses. Consequently all offenses relate to one another as equal, having no name, degree of gravity, etc., regardless of whether we have to do with murder or common theft.

The article offers a treatment of crime statistics in Estonia since autumn 1944. Even though these data are not fully comparable for various reasons (inadequacy and changes in the accounting system and legislation), it does give a fairly truthful picture of the condition, rate, structure and dynamics of crime in the republic. We do realize that no statistics are absolutely reliable.

Immediately after the war, in the years 1946-1950 crime rate was high. The main reasons for it were the forcible introduction of socialist production relations, economic disruption and the high criminal activity of people who had travelled to Estonia in order to escape starvation in the Soviet Union. This is proved by the high frequency of murder and attempted murder and robbery. The crime rate decreased in the period 1951-1955, while in the following periods and particularly in the 1980s, crime has been constantly increasing, as it has, incidentally, done all over the world.

In substance it is more correct to treat the condition, rate, structure and dynamics of crime only since 1961, for then a particular Estonian SSR Criminal Code was enforced on the territory of Estonia. Before 1 April 1961, according to the 6 November 1940 decree of the USSR Supreme Soviet Presidium "On Temporary Enforcement of the Criminal, Civil and Labour Legislation of the Russian SFSR on the Territories of the Lithuanian, Latvian and Estonian Soviet Socialist Republics", the 1926 Russian Federation criminal code was in force also in Estonia, Latvia and Lithuania. That code was retroactive, for several of its articles were applied to citizens of the Republic of Estonia whose only 'guilt' was service in government offices, the army etc. of the Republic of Estonia.

The above-mentioned criminal code was antihuman by its very nature, for one of its underlying principles was that of analogy. The principle of analogy was contained also in the criminal code of Nazi Germany. Article 16 of the 1926
### Condition, rate and dynamics of crime on the basis of statistical data available in bodies of the militia and the procurator's office autumn 1944 -1990

<table>
<thead>
<tr>
<th>Periods</th>
<th>Number of registered offences (yearly average)</th>
<th>Growth rate of registered offences, in per cent, 1946-50=100</th>
<th>Growth rate of registered crime compared to previous period</th>
<th>Population growth per 100,000 of population compared to previous period</th>
<th>Registered offences per 100,000 of population compared to previous period</th>
<th>Growth of registered offences per 100,000 of population compared to previous period</th>
<th>Growth rate of registered offences per 100,000 of population compared to previous period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1944</td>
<td>436</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>41</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1945</td>
<td>3618</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>335</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1946-50</td>
<td>6887</td>
<td>100</td>
<td>-</td>
<td>104</td>
<td>414</td>
<td>100</td>
<td>-35</td>
</tr>
<tr>
<td>1951-55</td>
<td>4705</td>
<td>68</td>
<td>-32</td>
<td>104</td>
<td>414</td>
<td>71</td>
<td>+8</td>
</tr>
<tr>
<td>1956-60</td>
<td>5282</td>
<td>+12</td>
<td>+4</td>
<td>108</td>
<td>446</td>
<td>71</td>
<td>+1</td>
</tr>
<tr>
<td>1961-65</td>
<td>5601</td>
<td>+6</td>
<td>+4</td>
<td>115</td>
<td>447</td>
<td>71</td>
<td>+1</td>
</tr>
<tr>
<td>1966-70</td>
<td>5671</td>
<td>+5</td>
<td>+4</td>
<td>121</td>
<td>444</td>
<td>71</td>
<td>+1</td>
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<tr>
<td>1971-75</td>
<td>6286</td>
<td>+7</td>
<td>+4</td>
<td>128</td>
<td>448</td>
<td>71</td>
<td>+1</td>
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<tr>
<td>1976-80</td>
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<td>+4</td>
<td>133</td>
<td>553</td>
<td>86</td>
<td>+23</td>
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<tr>
<td>1981-85</td>
<td>12827</td>
<td>+59</td>
<td>+4</td>
<td>138</td>
<td>851</td>
<td>135</td>
<td>+54</td>
</tr>
<tr>
<td>1986-90</td>
<td>15616</td>
<td>+23</td>
<td>+4</td>
<td>143</td>
<td>1009</td>
<td>160</td>
<td>+19</td>
</tr>
</tbody>
</table>
## Distribution of Crime by Type in Estonia, 1945-90, in Per Cent

<table>
<thead>
<tr>
<th>Period</th>
<th>Total</th>
<th>Murder and Attempted Murder</th>
<th>Rape and Attempted Rape</th>
<th>Hooliganism</th>
<th>Robbery</th>
<th>Theft</th>
<th>Fraud</th>
<th>Percentage of 1-6 in Total Registered Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>1945</td>
<td>100.0</td>
<td>2.6</td>
<td>0.2</td>
<td>1.6</td>
<td>2.3</td>
<td>22.8</td>
<td>1.0</td>
<td>30.7</td>
</tr>
<tr>
<td>1946-50</td>
<td>100.0</td>
<td>1.6</td>
<td>0.2</td>
<td>3.1</td>
<td>3.8</td>
<td>24.2</td>
<td>1.6</td>
<td>34.5</td>
</tr>
<tr>
<td>1951-55</td>
<td>100.0</td>
<td>1.2</td>
<td>0.5</td>
<td>10.4</td>
<td>3.6</td>
<td>38.5</td>
<td>1.2</td>
<td>55.4</td>
</tr>
<tr>
<td>1956-60</td>
<td>100.0</td>
<td>0.8</td>
<td>1.1</td>
<td>16.2</td>
<td>2.6</td>
<td>46.7</td>
<td>4.3</td>
<td>71.7</td>
</tr>
<tr>
<td>1961-65</td>
<td>100.0</td>
<td>0.8</td>
<td>1.2</td>
<td>16.3</td>
<td>2.7</td>
<td>39.8</td>
<td>2.1</td>
<td>62.9</td>
</tr>
<tr>
<td>1966-70</td>
<td>100.0</td>
<td>0.9</td>
<td>1.1</td>
<td>19.8</td>
<td>3.6</td>
<td>28.8</td>
<td>1.4</td>
<td>55.6</td>
</tr>
<tr>
<td>1971-75</td>
<td>100.0</td>
<td>0.8</td>
<td>0.9</td>
<td>10.8</td>
<td>4.2</td>
<td>27.9</td>
<td>1.2</td>
<td>45.8</td>
</tr>
<tr>
<td>1976-80</td>
<td>100.0</td>
<td>1.0</td>
<td>0.9</td>
<td>7.6</td>
<td>5.6</td>
<td>31.8</td>
<td>1.0</td>
<td>47.9</td>
</tr>
<tr>
<td>1981-85</td>
<td>100.0</td>
<td>0.7</td>
<td>0.6</td>
<td>6.4</td>
<td>5.0</td>
<td>41.4</td>
<td>1.3</td>
<td>55.4</td>
</tr>
<tr>
<td>1986-90</td>
<td>100.0</td>
<td>0.6</td>
<td>0.4</td>
<td>3.7</td>
<td>4.6</td>
<td>60.0</td>
<td>1.2</td>
<td>70.5</td>
</tr>
</tbody>
</table>
RSFSR Criminal Code worded the principle of analogy as follows: "In case this code does not directly foresee some kind of act dangerous to society, the basis and limits of responsibility are then determined by those articles of the code that foresee crimes most similar to the one in question". The presence of that article in the code made it possible to condemn and punish anyone who was not to the liking of the ruling strata. The principle of analogy paved the way to enormous human tragedies. Even the demands voiced by Beccaria in his 1764 paper "On Crimes and Punishments" were trampled under foot. These revolutionary-democratic demands of the rising bourgeoisie to feudal relations and the feudal system of justice clearly formulated the view that there could be no crime or punishment without a respective legal decision, and that there should be balance between crime and punishment.

Generalizing the experience of socio-economic and administrative division of the territory of Estonia one can distinguish the following socio-economic districts in Estonia: 1) Northwest Estonia, 2) Northeast Estonia, 3) Southeast Estonia, 4) Southwest Estonia and 5) West-Estonian Islands.

As the population of a certain socio-economic district serves as the base (after Hegel, the specific measurement) for criminal individuals, so there must be a certain dependence between the population and the criminal individuals in it. In our opinion, an indicator that could more or less adequately measure the crime rate in the district could be the coefficient of the population's criminal activity, in fact, the ratio of the criminal individuals and the population in the given district. If the coefficient is less than 1, criminal activity is below the "norm", and on the contrary, if it is higher than one, criminal activity is bigger than "normal".

From the author's investigations, carried out on the basis of data of the Department of Statistics, the Ministry of Agriculture, the State Insurance Company, the Ministry of Justice and the Ministry of the Interior of the republic it appears that crime rate is lower in these socio-economic districts of Estonia where people own more personal property. Similarly, in districts where people own less property criminal activity tends to rise. Crime rate in
Comparison of crime rate to size of private property (in roubles) per head of population, proportion of ethnic Estonians and urban dwellers in the population by Estonia's socio-economic districts in the 1980s (in per cent)

<table>
<thead>
<tr>
<th>Socio-economic districts</th>
<th>Money income</th>
<th>Immovable property</th>
<th>Total private property</th>
<th>Proportion of ethnic Estonians</th>
<th>Urban dwellers</th>
<th>Crime rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average for all Estonia</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>1) Northwest Estonia</td>
<td>101</td>
<td>95</td>
<td>97</td>
<td>93</td>
<td>112</td>
<td>101</td>
</tr>
<tr>
<td>2) Northeast Estonia</td>
<td>93</td>
<td>85</td>
<td>88</td>
<td>57</td>
<td>110</td>
<td>129</td>
</tr>
<tr>
<td>3) Southeast Estonia</td>
<td>102</td>
<td>114</td>
<td>110</td>
<td>130</td>
<td>81</td>
<td>92</td>
</tr>
<tr>
<td>4) Southwest Estonia</td>
<td>110</td>
<td>118</td>
<td>116</td>
<td>138</td>
<td>83</td>
<td>77</td>
</tr>
<tr>
<td>5) West-Estonian Islands</td>
<td>110</td>
<td>130</td>
<td>123</td>
<td>148</td>
<td>57</td>
<td>47</td>
</tr>
</tbody>
</table>
Estonia has always been the highest in Northeast Estonia (for the first time crime rate was higher in Northwest Estonia in 1989 - 1,363 crimes per 100,000 of population particularly owing to the high crime rate in the city of Tallinn (1,559), followed by Northeast Estonia - 1,281, Southeast Estonia - 915, Southwest Estonia - 907 and the West-Estonian Islands - 305 crimes), 2.7 times higher than on the West-Estonian Islands. In the oil shale basin, however, the criminal activity of the population rises 3.7 times as high as on the island of Hiiumaa. On the West-Estonian Islands where crime rate is the lowest, people own relatively large amounts of property, and on the contrary, in Northeast Estonia where crime rate is the highest there is 1.4 times less private property than on the West-Estonian Islands. At the same time the sum earned from the state per one family member is the highest in Northwest Estonia (influenced by the high salaries of the capital city, Tallinn), and Northeast Estonia where the proportion of industrial workers among the population is quite high. If in the Northeast and Northwest income from small-scale production is only 7-8 per cent per head of population, then in the remaining districts it is 22-25 per cent of all incomes. In those socio-economic districts where people have more property, differences between the richer and poorer strata are obviously not as marked as in others.

The size of private property also determines the evidence degree of the population. In the socio-economic districts where there is more personal property the population is more stable and there are less migrants. A migrant is a migrant first and foremost because he or she usually has no or little personal property. From data collected by the author it appears that the criminal activity of migrants is higher than that of settled people. There are also more recidivists among them. The criminal activity of persons having arrived from outside Estonia is higher than that of local migrants, and naturally, of the local settled population.

In the socio-economic districts where there are more ethnic Estonians the criminal activity of the population is lower.

Crime is substantially influenced by the proportion of urban population. In areas where that proportion is high,
or lae rata a 1 so tande to rise. It aust be pointed out that Northeast Estonia, an area of high criminal activity, is also the most polluted area in Estonia.

To sum up we may say that crime rate is high in North Estonia, about average in Central and South Estonia and low on the West-Estonian Islands.

3. Crime has increased in the Baltic countries, as it has increased in the Soviet Union. Data reveal that in Estonia and Latvia crime rate is higher than the USSR average, while in Lithuania it is below average. The average crime rate for the past four years was respectively 26 and 24 per cent above the USSR average in Latvia and Estonia, and 11 per cent below the USSR average in Lithuania.

Comparison of crime rate in Estonia, Latvia, Lithuania and the Soviet Union per 100,000 population in 1961-1989

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Latvia</td>
<td>448</td>
<td>474</td>
<td>517</td>
<td>693</td>
<td>888</td>
<td>901</td>
</tr>
<tr>
<td>Estonia</td>
<td>447</td>
<td>444</td>
<td>448</td>
<td>553</td>
<td>851</td>
<td>883</td>
</tr>
<tr>
<td>Soviet Union</td>
<td>364</td>
<td>402</td>
<td>443</td>
<td>496</td>
<td>693</td>
<td>713</td>
</tr>
<tr>
<td>Lithuania</td>
<td>354</td>
<td>299</td>
<td>352</td>
<td>390</td>
<td>520</td>
<td>633</td>
</tr>
</tbody>
</table>

One the one hand the high crime rate in Estonia and Latvia can be explained by the fact that in these countries practically all structural systems of the independence period (industry, agriculture, culture, religion, etc.) were destroyed, as a result of which two entirely different cultures came into existence on their territories - that of the indigenous people and of the new settlers (migrants). Although the migrants came to a considerably better organized environment, they persist in their conviction that it is them who brought higher culture to the Baltic countries, along with better living conditions. One of the consequences of this anomaly is the fact that among the non-indigenous population criminal activity is 50 per cent higher than among the indigenous people. This does not mean that one ethnic group is more criminally inclined than another, as it were, even if they different temperament patterns. When someone settles in an environment that has better living conditions and consequently also a higher
### Socio-economic differences of the Baltic states

<table>
<thead>
<tr>
<th>Country</th>
<th>Political reality</th>
<th>Economic level (percentage of population with incomes below 100 roubles monthly, 1988)</th>
<th>Population growth over period between censuses of 1959 and 1989, in per cent</th>
<th>Proportion of indigenous ethnic population, in per cent</th>
<th>Proportion of urban population, in per cent</th>
<th>Religion</th>
<th>Crime rate per 100,000 population, yearly average in 1986-89</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estonia</td>
<td>Secession from USSR</td>
<td>13</td>
<td>31.4</td>
<td>61.5</td>
<td>72</td>
<td>Lutheran, Orthodox</td>
<td>883</td>
</tr>
<tr>
<td>Latvia</td>
<td>Secession from USSR</td>
<td>13</td>
<td>28.1</td>
<td>52.0</td>
<td>71</td>
<td>Lutheran, Catholic, Orthodox</td>
<td>901</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Secession from USSR</td>
<td>14</td>
<td>36.1</td>
<td>79.6</td>
<td>67</td>
<td>Catholic, Orthodox</td>
<td>633</td>
</tr>
</tbody>
</table>
cultural level, there is inevitably a greater probability of being involved in crime. The endless flow of migrants from other parts of the Soviet Union has set the very existence of the Estonian and Latvian peoples in danger, it has strained relations between the indigenous people and fall of morals, have caused indifference and hopelessness. It is these strains that are a precondition in bringing a part of the population on the road to crime.

In Lithuania the situation is somewhat different. The majority of the population in Lithuania are ethnic Lithuanians. Although also in Lithuania traditional life was forcibly altered the changes in the consciousness and behavior of the people were not as drastic as in Estonia and Latvia, particularly because of considerably smaller numbers of new settlers and also the strong influence of the Catholic church in Lithuania. These circumstances have probably guided Lithuania to a lesser criminal activity.

If in Estonia and Latvia the number of thefts, robberies and open thefts is considerably higher than the Soviet average, then the rate of grave crimes directed at the individual is considerably higher in the Baltic countries, particularly Lithuania.

Crime rate and number of some selected crimes per 100,000 of population in the Baltic countries and in Soviet Union in the period 1979-1986.

<table>
<thead>
<tr>
<th>Crime rate</th>
<th>Estonia</th>
<th>Latvia</th>
<th>Lithuania</th>
<th>Soviet Union</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder and attempted murder</td>
<td>6</td>
<td>5</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>International grave injury</td>
<td>8</td>
<td>11</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td>Rape and attempted rape</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Hooliganism</td>
<td>47</td>
<td>58</td>
<td>28</td>
<td>65</td>
</tr>
<tr>
<td>Robbery</td>
<td>38</td>
<td>48</td>
<td>30</td>
<td>25</td>
</tr>
<tr>
<td>Theft</td>
<td>338</td>
<td>338</td>
<td>172</td>
<td>198</td>
</tr>
<tr>
<td>Fraud</td>
<td>11</td>
<td>11</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Embezzlement of public funds</td>
<td>18</td>
<td>26</td>
<td>19</td>
<td>30</td>
</tr>
</tbody>
</table>
Living conditions are much better in the Baltic countries than in many other areas of the Soviet Union. That observation is corroborated by data on the average monthly income of the population, including wages, salaries, pensions, grants, subsides, income from personal gardening plots etc. In 1988 in Estonia "only" 13 per cent of the population, 208,000 people lived under the minimum subsistence level, 100 rubles a month. In Latvia that percentage was also 13 (351,000 people), in Lithuania 14 (518,000 people), while the average figure for the Soviet Union was 28, corresponding to 81 million people. In the republics of Central Asia (Azerbaijan, Turkmenia, Kirghizia, Uzbekistan and Tadjikistan) over half the population live under the poverty line. For Tadjikistan that figure rises as high as 79 per cent. If the figure for those not gainfully employed in the public sector for the whole of the Soviet Union was 10 per cent of the employable population in 1980-1984, then in Azerbaijan that figure was 28, in Tadjikistan 26, in Uzbekistan 23 and in Turkmenia 19 per cent. In the Baltic countries, however, the proportion of those gainfully employed in the public sector is very high and there are also relatively few families with many children.

As in the Baltic countries the average total income of the working population is the highest, people have also more property in the Baltics. And as labour productivity in the Baltic countries is also considerably higher than in Central Asia, also the trade turnover tends to be expressed in higher figures and there are more goods to be had in the shops.

Crime, as it is well known, is overwhelmingly directed against property relations. So in 1979-1988 crimes against property relations made up 51.0 per cent of the total registered crimes in Estonia, 49.9 per cent in Latvia, 44.6 per cent in Lithuania and 39.5 for the Soviet Union on the average. The figures for the year 1988 were 63.9 per cent for Estonia, 57.9 per cent for Latvia, 53.4 per cent for Lithuania and 49.4 for the Soviet Union. The proportion of grave offenses directed against the individual, however, was the lowest in the Baltic countries (2.3 per cent in Estonia, 2.5 per cent in Latvia and 2.7 per cent in Lithuania), while for the Soviet Union as a whole the figure was as high as 4.4 per cent.
So we can say: where there is more property there are also more thefts.

4. Crime has been analyzed in the Soviet Union since 1961 when a unitary crime accounting system was introduced in the country.

Condition, dynamics and rate of crime in the Soviet Union 1961-1990

<table>
<thead>
<tr>
<th>Period</th>
<th>Average number of crimes registered in bodies of militia and procurator's office</th>
<th>Dynamics Growth in per cent as against the previous 100,000 of population</th>
<th>Crime rate per 100,000 of population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961-65</td>
<td>812,994</td>
<td>100.0</td>
<td>364</td>
</tr>
<tr>
<td>1966-70</td>
<td>943,205</td>
<td>+16.0</td>
<td>402</td>
</tr>
<tr>
<td>1971-75</td>
<td>1,102,024</td>
<td>+16.8</td>
<td>443</td>
</tr>
<tr>
<td>1976-80</td>
<td>1,342,553</td>
<td>+21.8</td>
<td>516</td>
</tr>
<tr>
<td>1981-85</td>
<td>1,878,912</td>
<td>+40.0</td>
<td>693</td>
</tr>
<tr>
<td>1986</td>
<td>1,987,293</td>
<td>+5.8</td>
<td>714</td>
</tr>
<tr>
<td>1987</td>
<td>1,798,549</td>
<td>-9.5</td>
<td>639</td>
</tr>
<tr>
<td>1988</td>
<td>1,867,223</td>
<td>+3.8</td>
<td>657</td>
</tr>
<tr>
<td>1989</td>
<td>2,461,692</td>
<td>+31.8</td>
<td>859</td>
</tr>
<tr>
<td>1990</td>
<td>2,786,606</td>
<td>+13.2</td>
<td>966</td>
</tr>
</tbody>
</table>

Crime has grown steadily, whereas in the period 1981-1985 its growth rate was particularly high - 40 per cent. In the 60s crime increased by about one fifth. A steep rise was manifested in 1974 - 6.7 per cent as compared with the previous year. This is evidence to the fact that in the middle 1970s there was a marked shift towards the worse in the socio-economic life of the Soviet Union. Crime was also very high in 1979.

In the second half of the 1970s bodies of law and order attempted to curb the growth of crime more than they had done before, but that effort was crowned with no particular success. True, crime diminished in 1981, and in 1982 an attempt was made to keep crime low artificially. In the
years 1984-1985 crime rate continued to go up.

In 1986 crime rate took a downward trend (4.6 per cent as compared to 1985), and the decline seems to be a true one. The ideas of perestroika made public by Mikhail Gorbachev at the April 1985 CPSU Central Committee plenary session had an undeniable healing effect on the society. The notorious antialcohol law became effective as of 1 June of the same year, and this too had some positive effect at first. Grave crimes directed against the individual declined sharply. However, the figures went up again in 1988.

The sharpest rise in crime rate during the period in question occurred in 1989 when crime in general increased 31.8 per cent and the number of grave crimes directed against the individual (murder, intentional grave injury, rape and robbery) as much as by 38.5 per cent. Crime increased substantially also in 1990 - compared with 1989 the growth was 13.2 per cent.

What does such dramatic increase in crime signify? Naturally, it is a reflection of the increasing tempos of socio-economic decline. This can only be curbed by radical political and economic reorganisations which, however, are unachievable for the whole of the vast Soviet Union.

The Soviet Union, being the last empire in the world whose disintegration is no longer a matter of doubt, is simply ungovernable from one centre, given the enormous natural, economic and cultural differences of the country. So far central authorities have kept the country together by sheer force, that is, relying on the armed forces. In the different parts of the Soviet Union these differences are very clearly visible both in political, economic, social, ethnic and religious terms, and more information to the point is provided by analyses of the rate and structure of crime.

Desire to secede from the USSR is naturally the strongest in the Baltic area. Crime figures are higher in regions where there is more prosperity. The economic condition is the worse in Islamic areas. In areas with a higher proportion of urban population crime rate is also higher. Crime rate is very high in the Russian Federation, high in the Baltic area, medium in Byelorussia, Ukraine and Moldova and Central Asia, and low in Transcaucasia.
Rate of crime and selected types of crime per 100,000 of population, yearly average for 1979-88

<table>
<thead>
<tr>
<th>Region</th>
<th>Total</th>
<th>Murder</th>
<th>Intentional</th>
<th>Rape</th>
<th>Robbery</th>
<th>Theft</th>
<th>Black market</th>
<th>Black profiteering</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>crimes and attempted crimes and attempted injury</td>
<td>murder</td>
<td>rape</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Russian Federation</td>
<td>860</td>
<td>8.8</td>
<td>20.7</td>
<td>9.1</td>
<td>33.0</td>
<td>251.9</td>
<td>12.8</td>
<td></td>
</tr>
<tr>
<td>Baltics</td>
<td>682</td>
<td>4.9</td>
<td>8.0</td>
<td>4.4</td>
<td>37.8</td>
<td>261.5</td>
<td>12.2</td>
<td></td>
</tr>
<tr>
<td>USSR</td>
<td>660</td>
<td>7.0</td>
<td>14.6</td>
<td>7.2</td>
<td>24.8</td>
<td>198.4</td>
<td>13.1</td>
<td></td>
</tr>
<tr>
<td>Belarus, Ukraine, Moldova</td>
<td>456</td>
<td>4.5</td>
<td>8.2</td>
<td>5.0</td>
<td>17.5</td>
<td>131.6</td>
<td>10.6</td>
<td></td>
</tr>
<tr>
<td>Central Asia</td>
<td>415</td>
<td>6.1</td>
<td>9.0</td>
<td>6.0</td>
<td>13.5</td>
<td>106.6</td>
<td>13.9</td>
<td></td>
</tr>
<tr>
<td>Transcaucasia</td>
<td>277</td>
<td>4.7</td>
<td>4.0</td>
<td>2.1</td>
<td>5.5</td>
<td>40.2</td>
<td>22.9</td>
<td></td>
</tr>
</tbody>
</table>

There are many thefts in the more prosperous areas of the USSR. This means not only there is more property to steal in those regions but also that crime reporting is more reliable there. In the more prosperous areas it is more difficult for the law and order bodies to conceal crime from the people because of their higher cultural level. A striking example of last point is Central Asia and particularly Transcaucasia.

An attempt has been made below to prove that this is really so. The structure of crime varies very much from region to region in the USSR. This is above all due to the fact that the Soviet Union comprises ethnic communities of widely different economic and cultural levels. So in the
Baltic area the proportion of murder and attempted murder cases is nearly three times lower than in Central Asia. At the same time the number of thefts in the overall structure of crime is 2.6 times higher than Transcaucasia. In Transcaucasia, however, the percentage of black market profiteering cases is 4.5 times higher than in the Baltics.

Average structure of selected crimes in 1979-1988
(in per cent)

<table>
<thead>
<tr>
<th>Region</th>
<th>Total</th>
<th>Murder</th>
<th>Intentional grave and attempted injury</th>
<th>Rape</th>
<th>Robbery</th>
<th>Theft</th>
<th>Black market profiteering</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transcaucasia</td>
<td>100.0</td>
<td>1.7</td>
<td>1.4</td>
<td>0.8</td>
<td>2.0</td>
<td>14.5</td>
<td>8.3</td>
</tr>
<tr>
<td>Central Asia</td>
<td>100.0</td>
<td>1.5</td>
<td>2.2</td>
<td>1.5</td>
<td>3.2</td>
<td>25.7</td>
<td>3.4</td>
</tr>
<tr>
<td>USSR</td>
<td>100.0</td>
<td>1.1</td>
<td>2.2</td>
<td>1.1</td>
<td>3.8</td>
<td>30.1</td>
<td>2.0</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>100.0</td>
<td>1.0</td>
<td>2.4</td>
<td>1.1</td>
<td>3.8</td>
<td>29.3</td>
<td>1.5</td>
</tr>
<tr>
<td>Ukraine, Belarus, Moldova</td>
<td>100.0</td>
<td>1.0</td>
<td>1.8</td>
<td>1.1</td>
<td>3.8</td>
<td>28.8</td>
<td>2.3</td>
</tr>
<tr>
<td>Baltics</td>
<td>100.0</td>
<td>0.7</td>
<td>1.2</td>
<td>0.7</td>
<td>5.5</td>
<td>38.3</td>
<td>1.8</td>
</tr>
</tbody>
</table>

What is most important, however? If we adopt the incidence of murder as a measure best reflecting the actual level of crime, we must first calculate the murder rate per 100,000 of population (this involves population, the specific measure of crime) and the ratio of murder cases registered by bodies of law and order and all registered offences (this involves all registered offences).
The multiplication product of these two ratios
\[ \frac{\text{murder cases}}{\text{crime}} \times \frac{\text{crime}}{\text{population}} \] would be an indicator of the actual level of crime in different regions of the USSR.

Regional crime rate differences after the so-called actual crime rate coefficient

<table>
<thead>
<tr>
<th>Economic level</th>
<th>Crime rate per 100,000 of population, yearly average in 1979-1988</th>
<th>So-called actual crime rate coefficient in 1979-1988</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baltic area</td>
<td>13.5</td>
<td>882</td>
</tr>
<tr>
<td>Byelorussia,</td>
<td>24.4</td>
<td>456</td>
</tr>
<tr>
<td>Ukraine,</td>
<td>28.0</td>
<td>660</td>
</tr>
<tr>
<td>Moldova</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transcaucasia</td>
<td>45.0</td>
<td>277</td>
</tr>
<tr>
<td>Russian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federation</td>
<td>19.0</td>
<td>860</td>
</tr>
<tr>
<td>Central Asia</td>
<td>56.5</td>
<td>415</td>
</tr>
</tbody>
</table>

We can see that the so-called actual crime rate coefficient largely coincides with the living standard index. However, this is not true of the level of registered crime (crime rate). Consequently crime in the Soviet Union is above all dependent on the economic situation of the respective region.
Crime rate in different areas of Soviet Union
per 100,000 of population, 1961-1989

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Russian Federation</td>
<td>411</td>
<td>481</td>
<td>556</td>
<td>666</td>
<td>913</td>
<td>917</td>
</tr>
<tr>
<td>Baltics</td>
<td>405</td>
<td>390</td>
<td>428</td>
<td>526</td>
<td>710</td>
<td>773</td>
</tr>
<tr>
<td>USSR</td>
<td>364</td>
<td>402</td>
<td>443</td>
<td>516</td>
<td>693</td>
<td>713</td>
</tr>
<tr>
<td>Byelorussia, Ukraine, Moldova</td>
<td>293</td>
<td>277</td>
<td>298</td>
<td>343</td>
<td>465</td>
<td>527</td>
</tr>
<tr>
<td>Central Asia</td>
<td>332</td>
<td>311</td>
<td>318</td>
<td>333</td>
<td>451</td>
<td>469</td>
</tr>
<tr>
<td>Transcaucasia</td>
<td>331</td>
<td>269</td>
<td>275</td>
<td>280</td>
<td>289</td>
<td>251</td>
</tr>
</tbody>
</table>

Dynamics, percent

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Russian Federation</td>
<td>100</td>
<td>117</td>
<td>135</td>
<td>162</td>
<td>222</td>
<td>223</td>
</tr>
<tr>
<td>USSR</td>
<td>100</td>
<td>110</td>
<td>122</td>
<td>142</td>
<td>190</td>
<td>196</td>
</tr>
<tr>
<td>Baltics</td>
<td>100</td>
<td>96</td>
<td>106</td>
<td>130</td>
<td>175</td>
<td>191</td>
</tr>
<tr>
<td>Byelorussia, Ukraine, Moldova</td>
<td>100</td>
<td>95</td>
<td>102</td>
<td>117</td>
<td>159</td>
<td>160</td>
</tr>
<tr>
<td>Central Asia</td>
<td>100</td>
<td>94</td>
<td>96</td>
<td>100</td>
<td>136</td>
<td>141</td>
</tr>
<tr>
<td>Transcaucasia</td>
<td>100</td>
<td>81</td>
<td>83</td>
<td>85</td>
<td>87</td>
<td>76</td>
</tr>
<tr>
<td>Political situation</td>
<td>Norway</td>
<td>Sweden</td>
<td>Denmark</td>
<td>Finland</td>
<td>Estonia</td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
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<td>---------</td>
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<td></td>
</tr>
<tr>
<td>Drive for independence</td>
<td>Stable</td>
<td>Stable</td>
<td>Stable</td>
<td>Stable</td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>National income per inhabitant in US dollars.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
</tr>
<tr>
<td>Norway</td>
</tr>
<tr>
<td>17,110</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Religion</th>
<th>Lutheran</th>
<th>Lutheran</th>
<th>Lutheran</th>
<th>Luth.</th>
<th>Lutheran, Orthodox</th>
</tr>
</thead>
</table>

| Population growth 1950-88, per cent | 28 | 19 | 20 | 23 | 43 |

<table>
<thead>
<tr>
<th>Increase in crime in 1950-88, per cent, Norway</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960-88</td>
</tr>
<tr>
<td>Norway</td>
</tr>
<tr>
<td>563</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average crime rate per 100,000 of population, 1980-88</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
</tr>
<tr>
<td>3,859</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accomplished murders per 100,000 of population, 1980-88</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
</tr>
<tr>
<td>0.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percentage of accomplished murder of total crime 1980-88</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
</tr>
<tr>
<td>0.02</td>
</tr>
</tbody>
</table>
It is highly unlikely that while in other parts of the Soviet Union crime rate has considerably increased in the period 1961–1969 (in the Russian Federation by 120 per cent, in the Baltics, Byelorussia, Ukraine and Moldova nearly 100 per cent and even in Central Asia by 41 per cent) it has gone down in Transcaucasia by almost one fourth.

5. In a comparative treatment of crime the problem of crime assessment is one of most complicated ones. As it is known that different types of crime have different latency which depends on both the victim and on bodies and law and order, it is particularly difficult to establish the actual figures of crime in socialist countries, for in those countries communist party dictatorship has made every attempt to embellish the actual crime figures. As crime is a very reliable indicator in determining political, economic and social processes, the leader of the communist parties in socialist countries were very much interested in smaller crime figures and, if possible, a decline in crime, so as to be able to demonstrate to the world the advantages of the socialist way of production over the capitalist one. Although crime kept increasing from year to year in the socialist countries, the figure presented to the public were garbled in order to show that crime was declining. Consequently the problem of reliability of crime registration is not so much one belonging to sphere of criminology but to politics.

It is a wide-spread view among criminologists that there is a certain proportionality between the different types of crime. As accomplished murder is considered to have the lowest latency by many writers, its proportion in the structure of crimes become very important. If we regard that principle as true, a rise in the number of murders should also bring about a rise in the number of total crimes, and, on the contrary, when murders decline the total number of crimes should decline as well. According to that view murder, the gravest criminal offence, stands at the top of a pyramid constituted of other offenses of less serious consequences and therefore the incidence of murders can be representative of crime in general.

It is also clear that the proportion of murder in the structure of crime cannot be identical in countries
representing different socio-political systems and cultural patterns. If in Denmark, Norway, Sweden and Great Britain the proportion of accomplished murder is 0.01-0.03 per cent, it is 0.06-0.07 per cent in Finland, France, West Germany and Canada, 0.12-0.25 per cent in Italy, Japan, the USA, the German Democratic Republic and Hungary and 0.6-1.1 per cent in the Soviet Union, Estonia, Latvia and Lithuania.

What do these figures signify? First of all that in old states with long-standing democratic traditions the proportion of accomplished murder in the total structure of crime is five times lower than in East European countries (also in Italy, Japan and the United States), and twenty times lower than in the Soviet Union and the Baltic countries. Also in Eastern Europe the proportion of accomplished murder in the total structure of crime is five times lower than in the Soviet Union and the Baltic countries. Secondly, in order to establish the more or less true volume of crime in Estonia, it appears to be necessary to study the structure of crime in the Nordic countries. This is because Estonia and Nordic countries have had very close historical contacts and therefore the cultural pattern of the Nordic countries and Estonia, and Finland in particular, should be essentially similar even today, after forcible changes in our lives over the past half century.

Taking into consideration the fact that the situation in Estonia is still much worse and also the fact that our cultural pattern is more similar to that of Finland than of the other Nordic countries, we must take Finnish crime records as the basis for our comparisons. It is not, and therefore the most expedient way to compare crime in different countries is to do it by comparing the number of murder cases.

One might ask, is this figure not too high? It is not. Everything falls in place if we take into consideration theft from the food industry, by salespersons in the shops, etc. By establishing more than modest salaries to sales personnel the state seems almost to have taken theft into account. We proceed from much too modest figures, while the actual situation is much, much worse.

As the socialist way of production does not arouse any interest in the producer towards production, crime, particularly embezzlement of public funds, is one of the
main reasons for the decline of socialist society.

The Nordic countries have a highly developed industry and agriculture, as well as a high living standard. This is by no means true of Estonia where the living standard is three times below that of Norway. The Nordic states are also politically very stable, and the main religion professed by their stable population is Lutheranism. The proportion of urban population is high, 86 per cent. In Estonia population has grown nearly twice as fast as in the Nordic countries, and the main growth has been due to immigration.

Murder is an event to arouse general attention in the Nordic countries. For example in Denmark only 50 murders were committed in 1968, 1 murder case per 100,000 inhabitants. In Estonia in the same year there were 64 murder cases, which is 4.1 murders per 100,000 of population. The total number of offenses in 1968 was 538,592 or 10,517 per 100,000 of population. In Estonia the respective figures are 12,167 and 775. Is that logical? It isn’t, and therefore the only way to compare crime in different countries is to do it by comparing the number of murder cases.

6. Over the past forty years, from the early 1950s to the late 1980s, crime figures have gone up fourfold all over the world! The figures double every decade. The number of population has only doubled in the same period. So the growth of crime has been twice higher than the growth in population figures.

Compared with the rest of the world, the increase of crime in Europe has been considerably slower (3.3 times in Europe, 5 times in the rest of the world). In Estonia crime in the period under discussion has increased 3.7 times, largely owing to the sharp rise in 1969, which is higher than the European average. Increase of crime in Estonia does not follow the pattern of crime increase in either Europe or the rest of the world. In the world crime increased the most in the period 1980-1980.
Crime and population growth over the past 40 years
(per cent)

Beginning Beginning Beginning Beginning Beginning End
1950s 1960s 1970s 1980s 1980s

Crime
(40 countries: crimes registered by the police, militia or procurator's office, or number of criminal cases, or number of persons convicted by courts, or number of indictments)

<table>
<thead>
<tr>
<th></th>
<th>1950s</th>
<th>1960s</th>
<th>1970s</th>
<th>1980s</th>
<th>1980s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Europe</td>
<td>100</td>
<td>150</td>
<td>200</td>
<td>260</td>
<td>330</td>
</tr>
<tr>
<td>Estonia</td>
<td>100</td>
<td>100</td>
<td>120</td>
<td>200</td>
<td>370</td>
</tr>
<tr>
<td>Rest of the world</td>
<td>100</td>
<td>130</td>
<td>230</td>
<td>450</td>
<td>490</td>
</tr>
<tr>
<td>World total</td>
<td>100</td>
<td>140</td>
<td>200</td>
<td>340</td>
<td>400</td>
</tr>
</tbody>
</table>

Population

<table>
<thead>
<tr>
<th></th>
<th>1950s</th>
<th>1960s</th>
<th>1970s</th>
<th>1980s</th>
<th>1980s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Europe</td>
<td>100</td>
<td>108</td>
<td>117</td>
<td>123</td>
<td>126</td>
</tr>
<tr>
<td>Estonia</td>
<td>100</td>
<td>110</td>
<td>124</td>
<td>134</td>
<td>143</td>
</tr>
<tr>
<td>Rest of the world</td>
<td>100</td>
<td>122</td>
<td>152</td>
<td>186</td>
<td>216</td>
</tr>
<tr>
<td>World total</td>
<td>100</td>
<td>120</td>
<td>147</td>
<td>176</td>
<td>202</td>
</tr>
</tbody>
</table>

The population growth rate has been the lowest in Europe and highest in the rest of the world. Population growth in Estonia has been 13 per cent above that of Europe. This is mainly due to immigration from other parts of the Soviet Union. In Europe the increase in crime is 2.6 times higher than that of the population (the same applies also for Estonia); in the rest of the world that figure is 2.3 and the world total 2 times. Consequently in Europe where the actual level of crime is the lowest, increase has been the highest in comparison with the population increase.

The picture remains roughly the same if we compare murder cases. Their number has doubled in the period 1960-1982.
Murder cases and population growth in 1960-1982

(in per cent)

<table>
<thead>
<tr>
<th></th>
<th>Murder cases</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Europe</td>
<td>100</td>
<td>170</td>
</tr>
<tr>
<td>Estonia</td>
<td>100</td>
<td>320</td>
</tr>
<tr>
<td>Rest of the world</td>
<td>100</td>
<td>200</td>
</tr>
<tr>
<td>World total</td>
<td>100</td>
<td>190</td>
</tr>
</tbody>
</table>

The number of murder cases has increased the most insignificantly in Europe, but there also the population has increased the least. So the increase in murder cases is 50 per cent higher than that of population (in Estonia it is as much as 160 per cent) while in the rest of the world and also overall the increase has been 25 per cent higher.

Crime rate is the lowest in "good old" Europe. Among parts of the world Europe has the highest living standard - four times higher than the world average figure. In Europe the area with the lowest crime rate is Northern Europe (1.0 murders per 100,000 of population) and Western Europe (murder coefficient 1.3) where living standards are very high. The highest crime figures in Europe come from East European countries - nearly twice as high as those for Northern Europe. East European countries also have the lowest living standards in Europe, a heritage of the so-called Communist regimes.

How does Estonia look on the general European background? The living standard is about 2.5 times the world average, but one third lower than the European average. Crime figures, however, are considerably above the European average.

Crime rate is low in Australia and Oceania where the murder coefficient is 1.5. Those countries have a high living standard, occupying the second place after Europe among parts of the world. America is on the third place for living standards among parts of the world. Crime rate is much higher there than in Europe and Australia and Oceania. Although the living standard is very high in North American (Canada and the United States), the crime figures are also quite high. Central America and the Caribbean
### Some processes affecting crime in different parts of the world

<table>
<thead>
<tr>
<th>Political situation</th>
<th>National income per inhabitant in US dollars 1987</th>
<th>Prevailing religion</th>
<th>Population increase in per cent 1950-86, 1983</th>
<th>Proportion of urban population 1983</th>
<th>Murder coefficient (cases per 100,000 of population), data of mainly late 1980s from 95 countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>World</td>
<td>2.300</td>
<td>-</td>
<td>202</td>
<td>41</td>
<td>-</td>
</tr>
<tr>
<td>Europe</td>
<td>9,000 Disintegration of communist regimes. Reunification of Germany. Unsettled Baltic question.</td>
<td>Christian</td>
<td>126</td>
<td>72</td>
<td>1.3</td>
</tr>
<tr>
<td>Northern E.</td>
<td>11,600</td>
<td>-</td>
<td>114</td>
<td>66</td>
<td>1.0</td>
</tr>
<tr>
<td>Western E.</td>
<td>13,600</td>
<td>-</td>
<td>125</td>
<td>80</td>
<td>1.3</td>
</tr>
<tr>
<td>Eastern E.</td>
<td>3,600</td>
<td>Christian</td>
<td>129</td>
<td>62</td>
<td>1.9</td>
</tr>
<tr>
<td>Southern E.</td>
<td>8,700</td>
<td>-</td>
<td>133</td>
<td>64</td>
<td>1.6</td>
</tr>
<tr>
<td>Estonia</td>
<td>ab.6,700</td>
<td>-</td>
<td>143</td>
<td>72</td>
<td>4.1</td>
</tr>
<tr>
<td>Australia &amp; Oceania</td>
<td>Stable in Central America and the Caribbean political instability, active production and trade in drugs</td>
<td>Christian</td>
<td>204</td>
<td>77</td>
<td>1.5</td>
</tr>
<tr>
<td>America</td>
<td>7,200</td>
<td>Christian</td>
<td>212</td>
<td>70</td>
<td>10.3</td>
</tr>
<tr>
<td>North A.</td>
<td>18,100</td>
<td>-</td>
<td>163</td>
<td>75</td>
<td>7.6</td>
</tr>
</tbody>
</table>
display particularly high crime figures. That region is famous for its political instability and trade in drugs. Simultaneously that area has the lowest living standard in America — one fourth below the world average.

Asia is quite a poor part of the world where the living standards are twice as low as the world average even though some of the countries have a very high living standard — Japan, United Arab Emirates, Brunei, Kuwait, Qatar. An assessment of the crime situation is somewhat difficult to give, for data were available only on 17 Asian countries. It may be presumed, but it remains largely a supposition, that the murder coefficient lies somewhere between 10 and 20. Some Asian countries have very high crime rates — Thailand, the Philippines, etc. At the same time in other countries, such as Japan, Israel, Hong Kong, Kuwait and a few others crime rate is very low. Unfortunately no crime statistics is published by many Asian countries. There are also grounds to believe that some of the crime statistics provided by Asian countries is garbled.

Africa is a very poor continent. The living standards are four times below the world average. Also African countries are unreliable in providing crime data to world organizations. Some of the countries are even unable to give figures for the sex distribution of their populations. Therefore the murder coefficient of 15-25 cases per 100,000 is problematic indeed. The figure has been deduced from the very high crime rate in such countries as Egypt and the South African Republic. In Mauritius, however, crime rate has been given as very low. In a number of African countries there is famine. The average living standards is East African countries is only 250 dollars yearly per inhabitant. Local wars are going on in several African countries, for tribal, religious or other reasons.

The Soviet Union is a relatively poor country where the crime rate is high as compared with other developed countries. Naturally, mounting crime in the Soviet Union is stimulated by the disintegration processes of the "world's last empire".

7. In conclusion one must point out the following:
   a) In the parts of the world and countries where the living standards are high, crime rate is low as a rule.
Poverty usually also brings a higher crime rate. So in Africa where the living conditions are the poorest living standards increased about 4-fold between 1960 and 1987. This has entailed the world's highest population growth rate (2.7 times in 1950-1988) which, on the one hand, prevents people from procuring sufficient sources of livelihood and, on the other hand, prevents parents from being able to take care of the welfare of their children in big families, thus adding to crime;

b) In region of greater political stability crime rate is usually lower;

c) We cannot assert with any certainty whether crime rate is higher or lower in areas of predominantly Christian, Islamic, Buddhist or other beliefs;

d) The proportion of urban population is growing the world over. If in 1950 29 per cent of the world's population lived in towns, then in 1983 the respective figure was 41. The number of urban dwellers grew in the period 1950-1983 from 730 million to 1,885 million, or 2.6 times. In the same period the number of rural dwellers increased only by 53 per cent. Higher urbanization tempos are registered in developing countries, those with a low living standard - they account for 80 per cent of the increase of the urban population yearly. In 1950-1983 urban population in developing countries went up 3.7 times and their proportion in the population of those countries rose from 17 to 30 per cent. In many developing countries urbanization entails oversupply of labour, which increases the army of the unemployed and inevitably increases the crime rate. However, in areas where the degree of urbanization is higher, where there are many so-called "old" towns, crime rate is normally lower;

e) There is normally more crime in regions where there is active production and trade in drugs, such as Central America;

f) Crime depends on the degree of immigration (eg. Puerto Ricans, Mexicans and other ethnic minorities in the USA). The criminal activity of migrants is usually higher than that of the local stationary population;

g) In the so-called Communist countries crime rate is high, while living standards are low;

h) In Estonia crime rate is quite high as compared to
world background, and increase of crime is faster than that of Europe. At the same time the increase of crime rate is lower than the corresponding world figure;

1) What could be a forecast for the nearest 10 years?

Crime is on the increase. Probably it will double as compared with the 1980s. This will obviously happen on account of the countries where procurement of sources of livelihood is the most complicated due to instability on the political scene;

1) In different parts of the world the processes influencing crime are many and varied and therefore it is not possible to eliminate obstacles from pinpointing the processes influencing crime in various parts of the world, even though we know that it is living conditions, and in particular, economy in the widest sense of the word, that the distribution intensity of crime is determined by.

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Сравнительный подход к преступности

А. Лепс

Резюме

Проблемой номер один человечества было и остается приобретение средств к проживанию. Другой, не менее важной проблемой является существование и рост преступности.

Преступность в Эстонской Республике изучается начиная с осени 1944 г. И хотя данные по различным причинам не всегда сравниваемы, все же они дают нам вполне достоверную картину о состоянии, уровне, структуре и динамике преступности в республике. Преступность постоянно росла.

Преступность росла во всем Советском Союзе. Для получения наиболее четкой картины преступности в Советском Союзе целесообразно разделить империю на регионы. По данным официальной статистики уровень преступности очень высок в Российской Федерации, высока в Прибалтике, средний в Белоруссии, на Украине и Молдове, а также в Средней Азии и низок в республиках Закавказья.

При сравнительном подходе наиболее сложной задачей является проблема оценки преступности. Поскольку числовые данные преступности различных государств не поддаются сравнению, то и сравнивать преступность этих государств трудно. Видимо поэтому умышленное завершенное убийство является тем видом преступления, при помощи которого возможно с достаточно высокой степенью вероятности сравнение уровней преступности различных государств.

За последние 40 лет уровень преступности во всем мире вырос (при приблизительной оценке) в четыре раза. Число жителей за тот же период времени увеличилось вдвое.

Уровень преступности наиболее низок в "доброй старой" Европе, низок в Австралии и Океании. На американской континенте уровень преступности значительно выше по сравнению с Европой, Австралией и Океанией. Преступность в Азии и особенно в Африке очень трудно оценивать, однако есть основания предположить, что этот уровень там высок. Советский Союз относительно бедная страна, в которой преступность по сравнению с другими развитыми странами высока.

В различных частях мира на преступность влияют различные процессы, хотя жизненные и особенно экономические условия определяют наиболее общее интенсивность распространения преступности.
SOCIOLOGY OF ALCOHOLICS
AND THEIR SUICIDAL HISTORY IN HUNGARY

B. Kolozsi

Scope

This study concerns one aspect of deviant social attitudes, within one of the large-scale investigation projects launched by Hungarian sociologists in the eighties.

Without any more details on the scopes set to the investigation of deviant social attitudes we are only naming the most important which are: identifying specific common features, mechanisms and dynamics of social and individual genesis, practical ways and means of intervention in what amounts to an emergency situation in a country where deviance might be said to be endemic.

Deviant behaviour often combines than one typical element and one of the main points of interest has been to try and identify patterns of association and mutual impact of associated deviances.

The reasons why we concentrated so heavily on associative tendencies are manifold. On the one hand, the dynamics of a deviance to build up, the "career" of the deviant person involves a series of alterations to his identity and to his acknowledged roles whereby he becomes stamped as a deviant of one kind: it is assumed that a second kind of deviancy will come more easily to him. On the other hand, at the personality level social adaption disorders start with stresses and frustrations which lead to "learning" a certain deviant behavioural pattern that seem to relieve both stress and frustration: thus, theoretically, those negative psychic energies that are the main drive have been dissipated and resistance against a second deviancy might be recovered to some extent.

Thus we may assume that the first deviancy will either "oil" or "channel" the potential: although quite an important difference, association patterns and rules have
not yet been sufficiently elucidated to take a more definite view.

Which is all the more deplorable as for the practice it would be extremely important to know something about the rules that govern association of deviances.

This study is meant to contribute to our knowledge about association patterns while presenting some sociological characteristics of alcoholism.

Based on case histories of hospitalized alcoholics we have tried to identify previous behaviour patterns and sociological characteristics typical in significant accumulations of deviancies: what we have analyzed in more detail is the suicidal trend in alcoholics.

**Material and methodology**

Researchers investigating social adaptation disorders in Hungary developed a questionnaire which had been filled in upon interviews with 570 alcoholics, other groups of various deviances, and a sample representative of the whole Hungarian population in 1985-86. We selected some relevant questions and analyzed the distribution patterns of answers provide by alcoholics hospitalized in three counties and in Budapest, comparing them to the answers given by the control sample.

**Results, discussion, evaluation, conclusions**

**Sociological characteristics**

**Income:**

The average income of alcoholics is definitely much less than that of the control sample, but the income per capita of their households shows almost no difference. One obvious reason for this is that alcoholics have severed
family connections so they have much less people dependent upon their earnings than usual. If their income per capita is much less insufficient than what we should have thought there is also a victimization of who might be dependent upon them to be reckoned with.

**Durables:**

Two specific questions, relating to the possession of a refrigerator and a car, elucidate the question whether the household is financially sound or even prospering. Households burdened with alcoholics have considerably less refrigerators, and the number of those possessing a car is insignificant as compared to the control sample.

**Education**

Both male and female alcoholics have lower level of education than the control sample: now this has implications since education is connected with an age bracket where one is usually an alcoholic yet. Thus we can only assume that children, more likely to grow into alcoholics, or the other way round: alcoholics may often have been exposed to unfavourable socialization conditions in their young age.

**Mental and somatic diseases**

Regular psychiatric care and chronic somatic diseases appear to be much more frequent in alcoholics than in the control sample.

**Family**

What is most obvious is the difference between the numbers of separated families: six times more male and fifteen times more female alcoholics are separated, and five times more male and four times more female alcoholics are divorced than what we find in the control sample.

In respect of the number of marriages we found that twice as many alcoholics have been married twice than what
we saw in the control sample.

Repeated trials at marriage suggest the lack of stable partnership which is part of a complex that can be seen as both the source and the result of an alcoholic "career".

Employment

Alcoholics on the whole are more often found among unskilled workers, and among male alcoholics the ratio of unskilled workers is the double of what we see in the control sample.

It is conspicuous that the ratio of alcoholics is highest in the building industry and among the farm workers. Although habits and tradition have certainly been favourable in these employments to alcohol consumption there is also a factor of "coming down" in these jobs of no social prestige, destroyed every tradition and structure that might have had a compensating, or restrictive, influence exactly in these specific living conditions.

Among alcoholics we find one and a half times more male semi-skilled and four times more male unskilled workers, and two to three times more female unskilled workers than in the control sample. The social background factors are the same as explained above. However, if the ratio of semi-skilled female workers is the same in alcoholics and non-alcoholics this is to be seen in the light of the fact that a semi-skilled woman is not deemed a social failure, as a semi-skilled male is. Semi-skilled and unskilled work means the bottom of downward mobility for males only, due to the accepted difference between the sexes in terms of skilled and unskilled labour.

Dwelling

One of the most interesting findings was that the alcoholic male has more square metres to himself than the non-alcoholic average! This is most probably due to the fact that his family disintegrates and family members try to avoid the alcoholic, especially as male alcoholics usually
are aggressive, which seems to corroborate this explanation.

Anyway, our data were surprising enough and seem to invalidate the popular conception of the forlorn penniless victim of alcohol desperate and abandoned by all...

Less surprising was to find that alcoholics have less bathrooms than the average, which stands for the comfort degree of dwellings.

Another interesting finding was that alcoholics seem to be more satisfied on account of their dwelling than the average is. What is even more surprising is that there are fewer alcoholics having no residence than what we find in the control sample! And those who have one are less likely to wish for anything better.

Qualified deviances traceable in alcoholics’ case histories

Qualified deviance complications were identified in case histories of male and female alcoholics as shown in Table 1 and Figure 1.

Table 1: Rations of combined deviances in alcoholics

<table>
<thead>
<tr>
<th></th>
<th>males</th>
<th>females</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attempted suicide</td>
<td>15</td>
<td>33</td>
</tr>
<tr>
<td>Psychiatric hospitalization</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Criminal offence</td>
<td>17</td>
<td>11</td>
</tr>
<tr>
<td>Anti-alcoholic treatment</td>
<td>78</td>
<td>83</td>
</tr>
</tbody>
</table>
Figure 1: Ratios of combined deviances in alcoholics and in representative control samples

- **dark section = positive case history**
- **Attempted suicide**
- **Psychiatric hospitalization**
- **Criminal offence**
- **Anti-alcoholic treatment**
Among alcoholics the rations of combined deviances are several times higher than the control samples and there are typical differences between the sexes.

Male alcoholics, as in a lesser degree also nonalcoholics, tend have had some criminal offence, while females, both alcoholic and to a lesser extent also nonalcoholic, seem to have been mostly hospitalized for psychiatric treatment and attempted suicide.

The most frequent deviance complication is that expressed in hospitalization for anti-alcoholic treatment; or in other terms: most of patients involved were repaspers, in fact, 3/4 of the men, and as many as 87% of the women! This fact seems to tell us that alcoholism in women, begin a behaviour pattern particularly offensive to social conventions, is rather a radical deviant career resulting in a more complete "desocialization" than in men.

Attempts at suicide

The slightest signs and indications of suicidal tendencies are apt to be particularly important if they may help to trace and treat this most dangerous devianace complication.

Our database offers the possibility of finding out what sociological characteristics are most frequently present in suicidal attempts within the highly exposed group of alcoholics.

Sociological variables may tell us, more or less directly, about personal and inter-personal spheres assumed to affect the likeliness of an attempt at especially in addicts.

Conversely, they may give indications as to what does not seem to lead to an increased hazard in alcoholics. Let's start with these negative indicators.
Figure 2: Ratios of attempted suicide in alcoholics, by social characteristics

Legend:
1. compass (East and North)
2. general education
3. first marriage, before and after 22
4. qualification
5. family status: divorced/separated
6. rural: urban
7. degradation
8. car
9. jail
### Table 2: Attempted suicide in alcoholics by social characteristics

**Residence (region):**

<table>
<thead>
<tr>
<th>Residence</th>
<th>Lowland (East and South of Hungary)</th>
<th>Transdanubia (Western Hungary)</th>
<th>North of Hungary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have had attempted suicide</td>
<td>47</td>
<td>12</td>
<td>27</td>
</tr>
<tr>
<td>Havent’t had attempted suicide</td>
<td>279</td>
<td>64</td>
<td>121</td>
</tr>
</tbody>
</table>

**General education**

| Have had attempted suicide | 36 | 57 | 32 | 38 |
| Havent’t had attempted suicide | 129 | 347 | 128 | 263 |

**First marriage**

| Have had attempted suicide | earlier than the average for alcoholics (less than 22 years of age) | later than the average for alcoholics (beyond 22 years of age) |
| Havent’t had attempted suicide | not completed | completed |

| General education | 88 |
### Qualifications

<table>
<thead>
<tr>
<th>Have had attempted suicide</th>
<th>qualified for while-collar job</th>
<th>qualified for blue-collar job</th>
<th>no qualification at all</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7</td>
<td>35</td>
<td>51</td>
</tr>
<tr>
<td>Haven't had attempted suicide</td>
<td>41</td>
<td>242</td>
<td>193</td>
</tr>
</tbody>
</table>

### Family status

<table>
<thead>
<tr>
<th>bachelor</th>
<th>married</th>
<th>widowed</th>
<th>divorced/ separated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have had attempted suicide</td>
<td>23</td>
<td>37</td>
<td>1</td>
</tr>
<tr>
<td>Haven't had attempted suicide</td>
<td>86</td>
<td>256</td>
<td>11</td>
</tr>
</tbody>
</table>
### Changes of domicile

<table>
<thead>
<tr>
<th></th>
<th>always urban</th>
<th>always rural</th>
<th>currently urban</th>
<th>currently rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have had attempted suicide</td>
<td>27</td>
<td>30</td>
<td>28</td>
<td>8</td>
</tr>
<tr>
<td>Haven't had attempted suicide</td>
<td>89</td>
<td>222</td>
<td>134</td>
<td>32</td>
</tr>
</tbody>
</table>

### Social mobility trend

<table>
<thead>
<tr>
<th></th>
<th>no degrading</th>
<th>degrading</th>
<th>possess-</th>
<th>not possess-</th>
<th>yes</th>
<th>no</th>
</tr>
</thead>
<tbody>
<tr>
<td>occurred</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have had attempted suicide</td>
<td>47</td>
<td>45</td>
<td>3</td>
<td>86</td>
<td>32</td>
<td>61</td>
</tr>
<tr>
<td>Haven't had attempted suicide</td>
<td>335</td>
<td>137</td>
<td>93</td>
<td>383</td>
<td>62</td>
<td>413</td>
</tr>
</tbody>
</table>

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On the left side of Fig. 2 we see the smallest significant difference which amounts to a factor of 1.3 and refers to the geographical location of the individual’s domicile (the North and South-East of Hungary).

This is a paradox, though: if in the North of Hungary 1.3 times more attempts at suicide have been recorded among alcoholics than in the South-East, the stress is on the word “attempts” which means unsuccessful half-hearted suicides. The North of Hungary is much less riddled by suicide on the whole as is the South-East where the ratio of successful suicides is enormous. It is likely than most who were interviewed in the North and stated to have had attempted suicide would no longer be able to be interviewed had they been alcoholics in the South-East: going by their suicide patterns they should have been dead...

Nevertheless, the hazard exists and therapists in the North had better take notice of this warning: they are dealing with a high ratio of double-risk individuals exposed not only to alcohol addiction but to suicidal tendencies which should also be treated.

Lower educational levels, early marriages, the lack of a skilled trade, being divorced or separated, living in towns as against villages, a negative mobility in the career, are suicidal risk factors of growing impact in the order stated. Negative mobility accounts for a factor of 2.4 in itself as regards the number of attempted suicides recorded in the case histories.

Those possessing a car have a much lower risk factor than those not having one. Of course, this kind of statistical results cover a multiplicity of components which we will not discuss here in detail: we wanted only to state the fact.

The suicidal risk is most pronounced in combination with a third type of deviance: alcoholics who had served a sentence in jail are 3.6 times more likely to have had a suicidal attempt than those who had not been detained. This stresses the extraordinarily high potential of cumulative deviances, the cumulative hazards of deviant careers.

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Социологическое изучение и суицидальное поведение алкоголиков в Венгрии
Б. Коложи
Резюме

Девиантное поведение часто сочетает в себе несколько типичных элементов. В данном труде автор сосредоточивает свое внимание на проблеме идентификации и взаимной связи ассоциативных отклонений. Приобретение определенной девиации вызывает изменения идентности личности и осознанных ею ролей. Ясно и то, что приобретение девиантной личностью новых отклонений требует меньших усилий.

С другой стороны адаптивные сложности влекут за собой стресс и фрустрация, которые ведут к познанию определенного типа девиантного поведения, с помощью которого можно было бы снять как стресс, так и фрустрацию. Теоретически таким путем можно нейтрализовать негативную психическую энергию, которая является главной причиной иной девиации.

Данный труд базируется на историях болезни госпитализированных алкоголиков. Была сделана попытка сопоставить модель предыдущего девиантного поведения и социологических характеристик, типичных для девиации данного рода (зарплата, образование, душевные и соматические болезни, семья, место работы, жилье). Более подробно анализируется суицидальное поведение алкоголиков.
DETERMINATION OF FIELD OF APPLICATION
OF PENAL LAW
(setting of the problem)

J. Bluvshtein

The inevitability of the determination of the field of application of the penal law is caused by several important circumstances. It is well known that no universal legal institutions suitable for the regulation of the social relations of any kind exist. One and the same institution used in the framework of its real possibilities becomes an effective means of the social government while it obviously is useless or even harmful when used outside the framework. The probability of the appearance of the harmful consequences is especially high when the penal-legal means of the regulation of social relations are not used purposefully. This is confirmed by the history of the Soviet epoch in the course of which such means were considered to be sufficient for the achievement of political, economic, ideological and any other aims. In the spirit of such understanding millions of people were criminally repressed in the name of the solution of the problems which, as a result, became even more aggravated.

Attempts to fix the functions of the penal law and simultaneously the field of its application have been made by legislators. Article 1 of the Penal Code of the Republic of Lithuania enumerates the social values the penal law has to protect from criminal assaults. But as the protection of the same values must also be realized by many other legal and other institutions the present norm does not allow one to determine a specific field of application for the penal law. Of no help is the term "criminal assaults" used in Article 1 of Penal Code for the wanted determination. The point is that an assault is regarded as criminal there, then and as much where, when and as much it is prohibited by the penal law. It turns out that the penal law protects the social values from the criminal assaults while one should

* Here and in the following we also have in view the analogical articles of the Penal Codes of the union republics of the U.S.S.R.
consider the assaults as criminal the protection from which is realized by means of the penal law. It is a clear case of tautology not able to add any knowledge on the problem.

According to the dominating point of view the specific character of the object of the penal legal regulation is determined by the fact that a special quality - social danger is immanently peculiar to offenses and only to the offenses. Serious doubts regarding the correctness of this concept arise when we try to differentiate between the offenses and transgressions and thus to divide the fields of application of the penal and administrative laws. It appears that about a quarter of all the deeds enumerated in the Special part of the Penal Code (without especially dangerous state and military crimes) have their analogues in the Administrative Code although according to the definition the former ones are qualitatively different from the latter ones due to the social danger peculiar to them.

For example, according to the Administrative Code of the Republic of Lithuania the violation of the labour legislation by an official person is an administrative violation of the law. Article 139 of the Penal Code regards the same deed an offence provided that the violation was essential. The only difference ("essentiality" of the violation) is not subject to an objective evaluation and, consequently, we cannot speak of a real differentiation between the offence and transgression.

Article 42 of the Administrative Code enacts the administrative responsibility for the violation of the sanitary- antiepidemic rules. According to Article 238 of the Penal Code the same deed is regarded as an offence with only the clause that the performed violation could result in the dissemination of the epidemic and other infectious diseases. But if the violation of the antiepidemic rules could not result in the dissemination of diseases it is impossible to understand to whom and why such rules are necessary. If we speak of the rules really protecting the health of people their violation is simultaneously subject to the Penal Code and the Administrative Code. In other

Here and in the following we also have in view the analogical articles of the Administrative Code of the union republics of the U.S.S.R.
words, there is no differentiation again.

Article 44 of the Administrative Code regards the use of narcotic substances without a doctor’s prescription an administrative violation. In order to use narcotics one has to prepare or get them: both these deeds are in the competence of Article 232 of the Penal Code. It means that in the present case the evidence of the administrative violence is equivalent to the fixation of the character of the crime.

There is no need to continue the enumeration. Let us add only that in many cases not only the dispositions but even the sanctions of the norms of the penal and administrative laws coincide. So, the law in force at present in the Republic of Lithuania enacts a fine of 10,000 rubles for some administrative transgressions in the sphere of trade while the Penal Code enacts for the analogical deeds the fines which are 20-100 times lower.

The absence of a clear differentiation between the fields of application of the penal and administrative laws causes several negative consequences. One of them is the dangerous widening of the discretionary powers of the legal executive organs. The qualifications of a deed as an offence or a transgression wholly depends on their discretion. In other words, the executors of the law have obtained the rights of the legislators which is not normal.

Another consequence - the oppression of the rights of citizens. In the case of the insufficient evidence of the person’s guilt in the performance of a certain “bordering” deed a legal executive organ may direct the examination of the case to the administrative where the requirements to the evidence of guilt as well the possibilities of vindication are much less than in the legal procedure. Let us remind of the fact that Part 1 of Article 272 of the Administrative Code allows in most cases the examination of a case of the administrative violation of the law in the absence of the prosecuted person, i.e. deprives him of the possibility of vindication. While the administrative penalty adjudged by non-professionals (members of the administrative commissions, etc) whose juridical qualification is doubtful may appear to be much more severe than the one the court of justice would have adjudged.

To “separate” the fields of application of the penal
law and administrative law would be possible by means of the
decriminalization of the deeds having analogues in the
Administrative Code. The opposite is also possible" to
regard all the deeds for which the state has right to punish
its citizens as offenses or criminal transgressions. Our aim
is not to compare the virtues and short-comings of the
possible variants of the limitation of the functions of the
penal and administrative laws. At all its importance such a
limitation is only a single case of a more general task:
elucidation of the limits of the application of the penal
law. This problem can be solved only on the basis of finding
the corresponding scientific criteria.

Unfortunately, little attention has been paid to the
search of such criteria. During the latest decade only one
bigger investigation dedicated largely to the study of the
interrelation of the functions of the penal law with those
of the other social institutions has been published [1]. In
spite of the scantiness of the preceding scientific
elaborations we are trying to draw a system of the criteria
of the applicability of the penal law as an adequate means
of protection of the social values.

The first criterion is the conviction of the majority
of people that the penal law protects all these values and
only these values which are of vital significance for the
society and its members. In literature the named criterion
is indirectly rejected by means of the following
consideration: as the penal law plays a value-orienting role
every fact of the acceptance of a social value under the
protection of it is unanimously approved.

However, the value-orienting possibilities of the law
are not so great as to change automatically the opinions
that social consciousness is of the corresponding social
values with each act of criminalization. The attempt to
manipulate the people's consciousness by means of the penal
law in itself is not simply erroneous but even dangerous as
it presupposes the possibility of the discretionary
destruction of the value orientations of the personality.

The second criterion - conviction that the protection
of the most important social values cannot in this case be
guaranteed without the application of the extreme forms of
compulsion, i.e. penal-legal measures. The penal law shall
be the last defensive line of the society against the
assaults on the base of its existence; a retreat to the last defensive line not dictated by the inevitability cannot be an optimum strategy.

If the first criterion orients the legislator to the maximum account of the social opinion in the solution of the problems of criminalization then the second one requires a critical assessment of the imaginations of the regulative possibilities of repression existing in the mass consciousness. Due to the historical circumstances the orientation to the legal rigourism is widely spread in our society. When attempting to determine the field of application of the penal law the science must not adapt itself to such points of view but contribute to the transformation of the rigouristic attitude dominating in the mass consciousness into a more humane and realistic one.

The third criterion is the frequency of occurrence of the criminalized deeds. The criminalization of the extremely rare deeds seems to be senseless and therefore compromising the penal law. The criminalization of the deeds not regarded as a manifestation of deviating behavior due to their frequent occurrence is extremely inadvisable as the corresponding indiction probably turns out to be only a condemnation which is in no way reflected in reality.

The fourth criterion - possibility of the detection of criminal deeds with reasonable amount of efforts and means. This criterion seems to be too pragmatic and contradicting the principle of social justice which must be in force in spite of any expenses. Actually, as it will be demonstrated in the following, it is not adhering to the present criterion that leads to the grave violations of the social justice but ignoring of it.

An analysis of the (count) practice reveals the existence of many norms of the Special Part of the Penal Code which are not applied or are applied as rare exceptions. It is not difficult to see that behind each of such "dead" norms there lies a violation of the criteria of the applicability of the penal law. Let the following examples confirm the above said.

According to Article 69 of the Penal Code the propaganda of war is an especially dangerous state offence. The frequency of occurrence of this deed is equal to zero and, consequently, its appearance in the Penal Law is a
violation of the third criterion. We could suppose that in the present case the legislator was not so much worried about the protection of the souls of the citizens from the rotten influence of the mythical "supporters of war" but rather with the achievement of the propagandistic effect: to demonstrate that the Soviet state is the most peace-loving country. It is difficult to say whether the aim was gained or not but it is a fact that the use of the penal law as a channel of political propaganda lowered respect for it, demonstrating it as a collection of the worn-out slogans of the type "Peace to the world!"

Much more typical are the cases when a norm of the penal law is "dead" due to a diametrically opposite reason caused by the high frequency of the deed. For example, Article 158 of the Penal Code (output of the low-quality, sub-standard or incomplete production) belongs to such norms. This norm has a long history. The Decree of the Presidium of the Supreme Soviet of the U.S.S.R. of July 10, 1940 which for the first time introduced the penal responsibility for the output of damaged goods characterized the deed by not quite juridical expressions but instead by energetic and fully corresponding to the atmosphere of its time ones: "anti-state crime equal to causing damage". However, neither the threatening judgement nor the heavy sanction which was at first equal to 5 - 8 years of imprisonment were of any use. The output of substandard goods is still a typical phenomenon in the Soviet economy.

The single cases of the application of Article 158 of the Penal Code oppose the wide occurrence of this deed. It would be primitive to try to explain such an opposition by shortcomings in the work of the organs of legal defence which, as it is traditionally said, "have weakened the fight" with the output of the low-quality, substandard, incomplete production. The opposition of Article 158 of the Penal Code to the criteria of applicability of the penal law allows us to draw much more substantial conclusions.

Obviously, when criminalizing the output of the low-quality, substandard or incomplete production the first criterion was not violated: the quality of production is quite highly evaluated by the social consciousness. At the same time, the violation of the second and third criteria is obviously present.
The violations of the second criterion were first of all expressed in the fact the penal responsibility as a means of guaranteeing the required quality of production was enacted instead of other, first and foremost, economic means. More than that: under existing conditions the output of the low-quality production is often directly dictated by the economic inevitability which exceeds the danger of the threatening punishment. The following edifying case is a proof of it. During the transition to the output of high-quality production the association "Minudobreniya" in Voskresensk found itself on the verge of a financial catastrophe. Due to the technological progress it had to lower the volume of the output of the high-quality production and the situation improved again. In such conditions a hope to guarantee the high quality of production by penal-legal means is simply a disorienting dream; in fact one can hope for the exclusion of the substandard goods only by means of economic stimulation of producers.

No less obvious is the violation of the third criterion here. The output of low-quality production has become a too widely spread phenomenon and one can hardly hope for the penal prosecution of all the accused. So, being a realist, it is difficult to imagine that the managers of almost all of the bakeries of the country will be prosecuted. Although there is every reason for it: it has been fixed that two-thirds of the bakery productions are substandard [2].

We come across a similar situation in the case of Article 160(2) of the Penal Code (receiving bribes for services). As the investigation carried out by us revealed 99 per cent of the citizens of the Republic are systematically bribing. It turned out that the workers of the field of service who were traditionally considered to be the greatest bribees (taxi-drivers, hair-dressers) and who continue to get bribes as earlier seem to be the models of decency in comparison with physicians and trained nurses whom most of the respondents referred to as the greatest bribees now.

So, receiving bribes for the services has become a mass phenomenon while the number of the criminal cases according to Article 160(2) of the Penal Code is extremely low. The explanation of this contradiction lies in the violation of
all the four criteria of the applicability of the penal law.

The direct object of the penal-legal protection in the present case is the interest of a citizen in getting services free of charge or according to the fixed state tariffs. The meaning of this social value is indisputable. However, in the conditions of shortage of many kinds of services another interest is opposed to it: to get high-quality service in time even for a higher reward. Namely this interest appears to be practically the most important one. Thus, it is a case of deviation from the first criterion: a social value which has not the highest value for people is protected by the penal law.

The reception of bribes was criminalized without a proper account of the alternative possibilities for the exclusion of the evil while some of such possibilities are quite obvious. The leasing of service enterprises by their workers excludes bribes. We must also state a deviation from the second criterion: the legislator decided to apply the penal-legal regulation in spite of the fact that he could manage without it and with great profit for the business.

The deviation from the third criterion is proved by the fact that the real application of Article 160(2) of the Penal Code is seriously hindered by the extremely wide occurrence of the deed enacted in this Article. A penal prosecution of all or even a considerable part of the bribees at the present time is actually an unsolvable problem. Incidentally, we can be only glad about it as otherwise the sphere of services which is in a very poor situation anyway would be completely paralyzed.

In the present case the fourth criterion is not maintained either. To disclose the briberies the clients should be oriented to co-operation with the law-enforcing organs. In practice the readiness for such co-operation can be observed very rarely. The paradoxical fact that the "victims" are not interested in the exposure of their "spoilers" is practically explained by the above mentioned deficit of services, partially by the fact which was revealed in the course of the investigation carried out by us. Many people doubt it that the salary of the people who are called to deliver them some services (especially that of physicians, trained nurses, tailoring cutters, builders, etc.) corresponds to the amount and quality of their labour.
It is no secret that only a small part of the money obtained by the enterprises of the sphere of service from their clients is paid to the workers of the sphere. The lion’s share is spent on the so-called extra-expenses, i.e. mainly to maintain the swarming governing apparatus. Therefore, hints to get tips are often regarded as a normal requirement.

When speaking of the "dead" norms of the penal law we have in mind not only these articles of the Special Part of the Penal Code which are applied as exceptions but also the ones which are applied in hundreds or even in thousands of cases if we have a reason to think that they should have been applied many times more often. Article 160 of the Penal Code (deceit of buyers or clients in trade, public catering service) may serve as an example of it. The statistics asserts that about 400 million purchases are made in the enterprises of retail trade daily. Let us suppose that the honesty of the workers of retail trade is next to ideal and there happens to be only one case of deceit per one million purchases. It means that annually 150 thousand facts of deceit prosecuted penalaly should be registered. As a fact, the number is almost 100 times less. In this case, again, the inviability of the norm is conditioned by the deviations from the criteria of the applicability of the penal law. The expediency of the application of the penal repression in relation to a salesman is doubtful when the labour legislation does not even enable to discharge him because of the deceit (violation of the second criterion). The wide occurrence of this deed cannot clearly be connected with the possibility of the prosecution of a noticeable part of the persons who have executed the deed, not to speak of persecuting all of them. Finally, an attempt to disclose all cases of deceit in trade, public catering service would demand expenses of the material and human resources quite inadequate with the expected result (violation of the fourth criterion).

Is it still worth dramatizing the existence of the "dead" norms? According to a widely spread opinion such norms are of some use for the general prevention as they express the negative state attitude to the prohibited deeds and threaten the violators with penalty. The supporters of such a view are of the opinion that in the absence of such
norms such deeds would spread still more widely. However, we should bring against the artificially constructed usefulness of the "dead" penal-legal norms several considerations revealing that such norms are, undoubtedly, harmful as they generate a great many legal, social and ethical contradictions which are difficult to overcome.

First, the norms of the penal law which are not applied actually subvert the idea of general prevention. As it is well known, since the times of Beccaria this idea is based on the principle of the inevitability of the penalty. If this principle is violated all the time and a great many people guilty of the execution of criminalized deeds are not prosecuted the penal law becomes a sort of scarecrow which can be admitted seriously only due to its threatening appearance and complete ignorance as for the slight possibilities behind it.

Secondly, the rare (in comparison with the factual number of the deeds) cases of the prosecution according to such norms of the Penal Code are admitted as a violation of the principle of the social justice. There is a certain logic in it: if out of many people executing identical deeds only single ones are punished it is only natural to conclude that not the guiltiest were punished but the least successful ones. From here it is one step to the substitution of the sympathy for the unsuccessful person for the moral condemnation.

Thirdly, a dangerous increase of the number of people conceiving that according to the exact sense of the law they must be considered criminals or at least their active accomplices. Such a situation is a strong demoralizing factor: a person who has once conceived himself as a criminal will in the future much more easily commit another offence.

Fourthly, the widening of the circle of the criminals not disclosed contributes to the formation of the atmosphere of arbitrariness. It is no secret that very few managers in the field of economy can avoid the violation of the penal law. The higher officials may not pay any attention to it until their attitude towards such a manager remains benevolent. However, with the change of the attitude they may very well prosecute the manager penally for the deeds he commits not more than his colleagues of whom the high
officials are of good opinion. Such not too ethical method of guaranteeing the absolute power of the high officials is called government through "a subsystem of terror".

Fifthly, the presence of the "dead" norms of the penal law restrains the social progress creating an illusion of the solution of the socially acute problems and postpones the necessity of adopting real decisions quickly. For example, there exists a problem of keeping the agricultural machinery in working order. An extreme acuteness of the problem is proved by the fact that out of 2.8 million tractors in the U.S.S.R. as a minimum 250,000 are not being used due to technical failures. If the agricultural machinering were in the satisfactory order the collective and state farms would need at least one-third less combines - not more than 650,000 instead of the present one million [3]. In order to solve the problem it would be necessary to raise the exploitation safety of the agricultural machinery, increase the production of spare parts, develop maintenance centers, improve the preparation of machine-operators, increase their interest in keeping the machinery in order, etc. All this would require huge resources, efforts and time. An alternative possibility - criminalization of the incompleteness of the agricultural machinery does not require anything of the kind. Instead, the appearance of the corresponding norm of the law (Article 100(1) of the Penal Code) helps to form an orderly appearance of the solution of the problems and thus free the potentates from the worries that the elaboration and adoption of the real measures would require.

The above said reflects but a small part of the extremely high price the society has to pay for the substitution of pseudosolutions for the real solutions. So, in the observed case a farm machine-operator who collects the parts of two absolutely ruined tractors and builds a new working one thanks to what he fulfills the required work in time becomes a criminal from the point of view of law. Thus the norm of the penal law is opposed to the legal and moral norms requiring that a worker should always manage with his tasks demonstrating inventiveness and initiative to overcome the arising difficulties.

It seems that now when the new Penal Code is being created it is especially important to concentrate all the
attention of the scholars on the studies of the social function of the penal law, its place in the system of government of the society. It is the more important because of the fact that the harmful tradition to look for the truncheon of the penal repression in any case even without reason has not become a history together with the cause which had generated it. Up to the present time newspapers and magazines, radio and TV call upon widening the circle of criminalized deeds which is even so unprecedentedly wide, upon the further making the penal practice more severe. Unfortunately, these calls often come from scholars-lawyers and even worse is that the legislators' attitude to them is sympathetic. Hence a real danger that the new Penal Code will reproduce, although in a changed verbal form, the organic mistakes of its predecessor. To avoid such a development the energetic efforts of the scientific fraternity must be directed to the determination of the optimum limits of the field of application of the penal law as the sharpest tool of the social government.
Определение области применения уголовного права
(постановка проблемы)
Ю. Блувштейн
Резюме
Необходимость определения области применения уголовного права обусловлена рядом важных обстоятельств. Известно, что универсальных правовых институтов, пригодных для регулирования общественных отношений любого вида не существует. Один и тот же институт, использованный в рамках его реальных возможностей, становится эффективным средством социального управления, но наверняка окажется бесполезным или даже вредным, если попытаться использовать его за этими рамками. В вероятность наступления вредных последствий особенно высока, когда не по назначению применяются уголовно-правовые средства регулирования общественных отношений.

Отсутствие четкого разграничения области применения уголовного и административного права порождает ряд негативных последствий. Одно из них — это опасное расширение дисперсионных полномочий правоохранительных органов. От их усмотрения сплошь и рядом зависит квалификация деяния в качестве преступления либо проступка. Другими словами, исполнители закона обзавелись правами законодателя, что никак нельзя считать нормальным.

Задача уяснения границ области применения уголовного права может быть решена только на основе нахождения соответствующих научных критериев. Первый критерий — это убежденность большинства граждан в том, что под защитой уголовного закона стоят все те и только те социальные ценности, которые имеют жизненно важное значение для общества и его членов. Второй критерий — обоснованная уверенность в том, что защита наиболее важных социальных ценностей не может быть обеспечена без применения крайних форм принуждения, каковыми являются уголовно-правовые меры. Третий критерий — распространенность криминализируемых деяний. Криминализация крайне редких деяний представляется бессмысленной, а посему компрометирующей уголовное право. Четвертый критерий — возможность выявления криминализируемых деяний при разумных размерах расходуемых на достижение этой цели сил и средств.

Сейчас, когда идет работа по созданию нового Уголовного кодекса, важно сосредоточить внимание ученых на исследовании социальной функции уголовного права, его места в системе управления делами общества.
ENFORCEMENT OF CRIMINAL LAW AS A LEGAL AND CRIMINOLOGICAL PROBLEM

V. Yustitsky

The penal law sets certain requirements before its addressee. Meeting these requirements an individual has to abstain from certain actions or, vice versa, to perform others.

Thus every time the meeting of the requirements of the penal law demands certain efforts from the individual. So, to the requirements of the laws on the antipersonality offenses an angered man must restrain his feelings by an effort of his will and abstain from the actions prohibited by the law. In order to avoid offenses due to imprudence it is necessary to strain one's attention. In order not to commit a robbery one has to overcome temptation. To meet the requirements of the law prohibiting to leave the other person in the condition dangerous for his life considerable physical efforts may be needed.

In each case the character of the necessary efforts of the person meeting the requirements of the law may be different. In one case it may be an effort of the emotional self-control directed to the control of one's feeling, overcoming the passion. In the other case it is a nervous-psychic stress, in the third one - physical efforts. However, in all these cases one thing is common: a greater or smaller difficulty for the individual in meeting the requirements of the law. The observability of the law also depends on the difficulty. By the observability we mean the possibility to overcome the difficulties determined by the content of the law, conditions for its observance, personal peculiarities of the persons observing it.

It should be noted that the problem of the observability of the penal law and the difficulties arising at its observance have not been analyzed in the literature on the penal law and criminology. Usually it is thought that if the subject conceives the requirements of the law, his actions, is able to control these actions then everything else lies on his responsibility. The question of whether it is difficult or easy to observe the law is the subject's private business.
However, the difficulty of the observance of a certain penal law is an important characteristic feature of it. Incidentally, without taking into account the degree of difficulty it is impossible to evaluate the effectiveness of the law. The point is that various "shortcomings", the number of the auxiliary inadvisable consequence are a part of the effectiveness [1]. The difficulty of the observance of the penal-legal prohibition is one of such "shortcomings". Hence: the decrease of this difficulty is an important trend in the improvement of the penal law.

"Similarly to the architect who before starting to construct a big building studies and probes the soil to learn whether it will stand the heaviness of the building a clever legislator will not start from writing good laws but he will first study if the people from whom the laws are meant are able to observe them "[2].

In the following we shall offer the characterization of the main kinds of the difficulties the subject will come across when observing the penal-legal prohibition.

The difficulties of self-control connected with the necessity to restrain and suppress the motives stimulating the violation of the penal law. It is well known that a great many powerful motives may impel to violate the law [3]. They may generate rather strong and inadvisable from the point of view of the observance of the law emotional-passionate states. Their suppression may require noticeable efforts from the individual. For instance, meeting the requirements of the law on the defence of one's country during the war the individual may come across the necessity of the suppression of a rather strong emotion-fear. When observing the laws protecting the inviolability of the person a necessity to suppress one's aggressive, sexual and other passions arises. The stronger and more numerous the motives impelling the individual to the violation of a certain law are the greater are the above difficulties of self-control.

The intellectual difficulties connected with the formation of an adequate imagination of the situation where the commitment of an offence is possible as well as with the correct assessment of its various aspects. The penal law requires from the individual an attentive and considered attitude to the situation with the danger of the violation.
of the law. The individual must make every effort to elucidate it and adopt a correct decision. Incidentally, the case when a person performing certain actions did not foresee their socially dangerous consequences although he could and had to foresee them are qualified as criminal inconsiderateness. An insufficiently considered attitude to the situation where the commitment of an offence is possible, ignoring the essential aspects of it, including the penal prohibition and the penalty proceeding from its violation are an essential aspect and an important factor of many offenses.

The difficulty of the problems the individual comes across when forming an adequate imagination of the situation where the commitment of the offence is possible may be rather different. The degree of the intellectual difficulties may fluctuate from a rather low to very high one. The examples of the latter can often be found among the offenses committed with the exceeding of the limit of the necessary defence. The problem (intellectual difficulty) becomes more complicated with the fact that everything must be done in the shortest time in the conditions of the direct danger to life and health. The fact that in several cases the assessment of the above mentioned situation and actions of the subject become the object of dissenting opinions between the members of the jury as well as between the courts of different instances demonstrates how complicated the problem is.

The physical difficulties, i.e. the necessity to expend physical strength, physical labour. The observance of the penal-legal norms may require the overcoming of such difficulties from the individual (for example, in the army service when rendering help to the person in a helpless state, applying the measures of safety enacted by the law in building, mining industry, etc.).

The difficulties connected with the heightened nervous-psychic stress (for example, the necessity of a prolonged concentration of attention when dealing with various objects listed in the law and being the sources of the raised danger). In the present case, again, depending on several circumstance connected with the level of danger and conditions the degree of the nervous-psychic stress of the individual necessary for the observance of the law may be
very different: from the minimum to a rather high one.

Such is probably not a full list of the kinds of the difficulties which the individual comes across in the course of meeting the requirement of the penal law, i.e. during the cases of the realization of the law-abiding variant of behavior. Naturally, he may also come across various difficulties in the realization of the criminal variants of behavior. While, obviously, as a rule, the criminal variant may seem to the individual less difficult, i.e. there exists a certain difference between the difficulty of the law-abiding variant and that of the criminal variant. Obviously, it is easier to give way to rage than to restrain it. The same applies to the driving of a car without straining one's attention. It is easier to leave an individual in the helpless state than to help him, etc.

In accordance with it is necessary to point out two types of difficulties (observance). By the absolute one we mean the number of difficulties the individual comes across in the course of the realization of a certain variant of behavior (it may be both the lawful and the criminal one). So, for example, the degree and duration of the concentration of attention necessary to avoid the commission of the offence due to inconsiderateness characterizes the absolute differently of the lawful variant of behavior. By the relative difficulty we mean the difference in the level, degree of the difficulties between the legal and criminal variant of reaching a certain aim. For instance, if it is much easier to reach the aim in a criminal way than in the lawful one we can speak of the high relative difficulty of the lawful behavior. There is every reason to assert that such a difficulty of the lawful behavior may act as one of the reasons for the preference of the criminal variant by a certain individual.

The sources of the raised difficulty of the observance of the requirements of the penal law.

As it has already been pointed out from the quantitative point of view the degree of the difficulty arising before an individual at the observance of the requirements of the law may be quite different. Of a special interest from the point of view of the functioning of the law is the study of the sources of the raised difficulty.

We could mention the following main sources of the
raised difficulty:

1. The content of the penal law, i.e. what namely is prohibited or, vice versa, required from the individual. Some laws require from the members of the society active actions, the overcoming of considerable difficulties, the others – noticeably smaller ones. So, for example, the penal-legal norm pertaining to the defence of one’s country during the war requires from the individual incomparably greater expenditure of strength than the other norm prohibiting the propaganda of war.

2. The state of the individual aggravating the lawful behavior. Any exited state makes the emotional self-control more difficult. Especially it applies to the states of the extreme excitement – passions [5]. The states of fatigue, relaxation make self-control as well as the concentration of attention more difficult. It determines the necessity of the efforts, stress to avoid the commitment of the offence.

3. The peculiarities of the situation making the observance of the penal law more difficult. They are the influence (especially a prolonged one) of the unfavorable factors, sharp change of the situation (creating a raised difficulty for the orientation in it), sharp deterioration of the living conditions, other circumstances making the lawful behavior more difficult [6].

4. The individual-personal qualities of those to whom the penal law pertains. People are extremely different as regards their individual qualities. As different laws have different requirements to the individual the number of the efforts a certain person has to exert for the realization of the requirements of the law are also different.

In order to avoid traffic accidents unequal efforts must be made by an individual who is absent-minded and for whom being attentive is a difficult task in general, and by an individual who is attentive by nature and able to concentrate easily and for a long time. Different are the efforts necessary to understand a complicated situation made by an individual with the average or, especially, with a high intellectual level. Different are the efforts necessary to abstain from several antipersonality offenses made by the individual who is peaceful by nature, and by the man who is quite aggressive by nature.

The personality-conditional raised difficulty of the
realization of the penal-legal norm is an important peculiarity of the persons with the so-called psychic anomalies (lowered mental development, psychopathy, disorder of passions, donozological forms of various psychic diseases) (7). In all these cases the responsibility in relation to the executed offenses is present. Such an individual is able to conceive and control his unlawful actions. However, the degree of the difficulties he comes across in the realization of the requirements of the law is due to his peculiarities of the personality raised. In other words, the individual is able to behave lawfully but he must exert more efforts for it than a usual man.

The problem of the consideration of the difficulty of the observance of the law in the legal-protective activities. As it has been said already the problem of the difficulties arising in the observance of the law has not been studied in case of the penal law. Naturally, the problem of how to take it into account when determining the responsibility for the penal offence and penalty for it has not been considered either.

However, this problem arises in all cases when in the course of the examination of the offence and the personality of the offender it turns out that such difficulties were present and played a noticeable role in the commitment of the offence. It happens, for instance, when it turns out that it was much more difficult for the offender to fight with the passion causing the offence than it would have been for many other people. The problem of the consideration of the difficulty also arises if the offence was committed in an untypical situation where it is much more difficult to abstain from the violation of the law than usually.

In all these cases a question arises: is it necessary to take into account the element of the difficulty and if yes, in which way?

As a minimum two opposite approaches to the question are possible. On the one hand, the presence of difficulties in the observation of the law may serve to the extenuation of the penal penalty. Obviously, it is unjust to punish in the same way an offender for whom it was quite difficult to observe the law and the one for whom it was rather easy. Such an approach to the choice of the penalty directs to the extenuation of it (according to the principle “the more
difficult the observance of the law, the less the penalty").

On the other hand, the directly opposite approach is possible as well. The more difficult it is to observe the law and, consequently, the greater is a temptation to avoid its observation, the more severe must be the responsibility for it. The stronger is the temptation the stronger should be the strength keeping back from it. Therefore (in accordance with this approach), the stronger is the temptation to execute an offence the more severe must be the expected penalty. The expected penalty plays in this case even a peculiar role of a psychological assistance to the individual hesitating before the commitment of the offence helping him to overcome the temptation of the commitment of it. So it is easier for the angered man having the temptation to commit an offence under the influence of the passion to oppose to the temptation and manage with the rage if he knows that it will bring about a severe penalty. This approach, differently from the former one, is directed to the principle: "the more difficult is the observation of the law the more severe must be the expected penalty for the violence of it".

One comes across the mentioned dilemma every time when the difficulty of the lawful variant was of a more a less significant importance in the aetiology of the executed offence. While its source - peculiarities of the situation (its unexpectedness, complicacy, its exhausting character, etc.), peculiarities of the personality (anomalies of the personality) or the state of the individual (strong excitement, rage, apathy, etc.) is of no importance.

A conflict of approaches, principles, values is quite a usual phenomenon both in legal creation and application of the law. In such a case it is very important to find the correct correlation of the different approaches in each single case. For this purpose it is important to find the criteria to be taken into account in the solution of the problem of which of the opposing approaches should be preferred to in a certain case. Of special interest in finding such criteria is the study of the "atmosphere of the laws" - of the criteria to which the legislator had stuck to when coming across the same problem.

A certain decision on the question can be made by studying the circumstances which the legislator regards as
extenuating or aggravating the guilt. The analysis of them in connection with the problem of the difficulties is inevitable due to the fact that many of such circumstance create considerable difficulties for the subject in the realization of the requirements of the law. They may be: a coincidence of difficult personal and family circumstances, threat or compulsion, material, professional or other dependence, strong emotional excitement caused by the unlawful actions of the injured party and several others.

In forming his attitude to these circumstances the legislator could be guided both by the first and the second approach. If he were guided only by the first approach he would enact an extenuation of the penalty for the offenses committed in these circumstances. If he proceeded from the second approach and tried to strengthen the resolution of the subject before the mentioned difficulties he could not take them into account or even make the penalty more severe.

The analysis of how the legislator really acts enables us to point out at least two criteria to which he is oriented. The first one is the supposed degree of responsibility of the individual coming across the difficulty for the arising of it. If it arose independently from the efforts of the individual and if he could not undertake anything to avoid it the legislator is inclined to the extenuation of the penalty. As a fact, the above mentioned circumstances most often arise independently from the individual’s will or even against it. This criterion can especially well be observed in the case of a strong emotional excitement caused by the unlawful actions of the injured party. The text of the law points out that it does not apply to any emotional excitement but only to that which arose unexpectedly [8]. It may seem that any strong emotional excitement (and not only unexpectedly arisen ones) act as circumstances making the self-control much more difficult. Therefore, it as if were sufficient to fix that it was very difficult for the individual to manage with his feelings in order to have reason to extenuate the penalty. However, the legislator clearly proceeds from the opinion that if the excitement has not arisen unexpectedly the individual has enough time to manage with it and thus decrease the difficulty of the self-control.

The state of drunkenness, participation in an
antisocial group also make the observation of the law by the individual more difficult. However, in this case the individual himself is responsible for these difficulties. As a result the legislator proceeds from the second approach - he considers them as circumstances aggravating responsibility.

The second criterion the legislator is guided by is the social value of the relation protected by the penal-legal norm. The higher the value, the more the legislator is inclined to the second approach ("the higher the difficulty - the more severe is the penalty"). To overcome fear in the battlefield is an extremely difficult problem as it may be very great. However, the conditions of the battle are a qualifying circumstance aggravating responsibility for the offenses which could be motivated by fear. Indeed, in this case the fates of other people depend on the subject, the insufficiency of fortitude before fear may cause their death. The second approach also dominates in other cases when the executions of the defence is especially dangerous for the surrounding people and the society (for example, its commitment in the conditions of the social disaster) or sharply contradicts the most significant values and moral understandings of the society (the commitment of the offence in relation to a minor, senile old people or the persons in a helpless state). Thus, the higher is the value protected by the law the greater is the difficulty the person observing the law has to overcome.

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Исполнимость уголовного закона как правовая и криминологическая проблема
В. Юстицкий
Резюме
Уголовный закон ставит перед своим адресатом определенные требования. Выполняя их, индивид должен воздержаться от одних действий или, напротив, совершить другие. При этом каждый раз исполнение велений уголовного закона требует от индивида определенных усилий.
Характер усилий, которые необходимо предпринять человеку, выполняющему закон, может быть различен. Однако во всех случаях именно одно — большая или меньшая трудность для индивида того, что требует от него закон. От трудности зависит и исполнимость закона. Трудность исполнения того или иного закона является важной его характеристикой. Снижение этой трудности является важным направлением совершенствования уголовного закона.
Основные виды трудностей, с которыми сталкивается субъект при выполнении уголовно-правового запрета: трудности самоконтроля; трудности интеллектуальные, связанные с формированием адекватного представления о ситуации, в которой возможно совершение преступления, а также верной оценки различных ее сторон; трудности психические; трудности, связанные с повышенным нервно-психическим напряжением.
Возможны два подхода к вопросу учета трудностей выполнения закона в правоприменительной деятельности. С одной стороны, наличие трудностей при исполнении закона может явиться основанием для смягчения уголовного наказания (по принципу "чем больше трудность выполнения закона, тем меньше наказание"). С другой стороны, возможен и прямо противоположный подход. Чем труднее выполнить закон и чем, следовательно, сильнее соблазн уклониться от его выполнения, тем строже должна быть ответственность за это. Такой подход, в отличие от первого, при назначении наказания настаивает на принципе — "чем труднее выполнение закона, тем суровее должно быть предвидимое за его невыполнение наказание".
Geopolitically Estonia is situated between East and West which means several legal-political influences. We can see it from the Estonian history of law as well.

Baltic-German lawyers (Fr. G. Bunge, O. Schmidt) asserted that before enforcing Teutonic laws in Estonia, there were no laws at all in its territory.[1] Jürī Ulvots, the professor of Estonian history of law, however, has proved that Estonians, Latvians and Livonians had established their own laws (including also a penal law) already long before the Teutonic invasion in the 13th century. Those original Estonian laws had still existed in the pacts which Estonian kindred leaders had contracted with foreign conquerors. Other main sources for learning old Estonian common-laws are so-called peasantry laws, which include also archaic legal norms[2].

However, Teutonic particular laws were in force up to the middle of the 19th century. Medieval penal law in Estonia was that of Teutonic penal law. During the period of 1322-1337 the Livonia Law-Mirror was established in Estonia. That actually represented a transformed variant of the famous Sachsenspiegel.

After the Livonian War (1558-1585) when Estonia came under the reign of Sweden, the Teutonic laws and Carolina were in force too. Moreover, Swedish administration even favoured their use in order to control and unify the court practice. The seizure of Estonia by Russia didn't annul the hitherto existing laws. Only in 1846 a so-called Old Russian Penal Code was enforced. That code and other Russian laws preserved their validity even after proclaiming the Republic of Estonia in 1918. At the same time the elaboration of the new penal code began. But there were not enough possibilities to work out an absolutely original criminal code. Thereby several codes were taken into consideration as examples. These were German (1871), Norwegian (1902) codes, progetto Ferri, but finally the Russian Penal Code (1903) was considered to be the right one. On the one hand, it was a modern European penal code, and on the other hand, it guaranteed a certain legal continuity and consequentially
the stability of legal policy and court practice [3].

When Estonia was captured by the Soviet Union in 1940, the Soviet Russian Penal Code from 1926 was enforced here. The Penal Code of Estonia (1961) which is in force up to now expresses Khrouchev’s democratic tendencies in the USSR of a so-called period of thaw (although expressing still the law of a totalitarian state).

The present Estonian penal law has come to its end already. The necessity for the reform is quite clear not only in the Baltic republics where a new penal law is being elaborated now but also in the USSR as a whole.

The published “Fundamentals of Criminal Legislation of the USSR and the Union Republics”, on the contrary, testifies that the planned reform of the criminal law is but just a modernization of the hitherto existing socialist law.

Some examples to that effect.

The concept of crime is still bound to social danger although the principle of "nullum crimen nulla poena sine lege" has been preserved. There are many other concepts still bound with the concept of social danger. According to the draft, for instance, the exemption of the offender from criminal liability is bound to him not being a socially dangerous person anymore, i.e. the draft still preserves the concept of social danger which is typical of sociological criminal law.

If we want to make criminal law democratic then the liberalization of punishments is especially important. Unfortunately, there are very few alterations in this part of the draft. Not to speak of details we have to point out that the system of punishments set out in this draft preserves the institution of compulsory labour. This institution consists of deprivation of liberty (which will be carried out in the compulsory labour camps and the role of a prison is trifling), correctional labour, restricting of liberty (the hybrid of deportation and the suspended deprivation of liberty with the obligatory employment). The criminal law which serves the commandment to provide the state with inexpensive labour power could never be a democratic one. Moreover, in spite of numerous objections the draft preserves the confiscation of wealth which as a punishment is brutal, directed against the offender’s family and established on
the grounds of moderate indigence.

The draft preserves the death penalty and not at all for murder and aggravated rape but also for espionage, high treason, terrorism and diversion.

While the reform of the USSR's criminal law can be considered as an attempt to preserve the great deal of old criminal law then Baltic states are ready to create a new, democratic criminal law. But there are some reasons why it is quite difficult and probably impossible to work it out immediately. These reasons are the following:

1) Economical and political transition period in every Baltic republic. The total vagueness of every-day life does not allow to settle all the problems completely (for instance, the transition from a so-called planned economy to a market economy aggravates the law making on economic crimes).

2) The reform of punishments means on elaboration of a new penal system but it demands much time and money.

3) The stability has to be guaranteed for the court practice.

At the present moment the drawing up of the draft of the Estonian Criminal Code has come to its completing stage. In this article it is impossible to deal with all the problems which have arisen in this process and thereby let us dwell on some essential ones.

The general part of the criminal code preserves the structure of the 1961 code. There are few changes in the institutions of the doctrine of crime, like probation, participation and preparation of crime. The concept of insanity has been preserved in its previous form but the draft includes the concept of limited responsibility lacking in the present penal legislation. The culpability preserves its division into intention and negligence and intention can be dolus directus or dolus eventualis while negligence refers to punishable carelessness and flightness.

Regarding the doctrine of crime the requirement of social danger has been left out of the draft, likewise the enumeration of objects of the crime which are very characteristic of Soviet criminal law (social system of the USSR and its political and economical system, a person, socialist legal order, etc.).

In expressis verbis here exists a principle that a
spouse and closely related persons to the offender do not take the responsibility for concealment and non-reporting of crime.

In the doctrine of punishment there are fewer alterations. As mentioned above the changing of the system of custodial places is time-taking.

In spite of the fact that the Ministry of Internal Affairs of the Republic of Estonia has got a formal independence from the Ministry of Internal Affairs of the USSR there is still a kind of dependence both in the Ministry's work and in the administrations of custodial places. That fact, of course, influences the forming of the system of custodial places in Estonia.

As a matter of fact, democratic Estonia does not need such a modernized variant of GULAG which, of course, is still existing in the USSR. In connection with that Estonian criminal policy is facing the following tasks:

1) decreasing of importance of deprival of liberty in the court practice and substitution of it with non-custodial penalties;
2) imposing short-term imprisonments and arrest instead of long term imprisonments which have been existing hitherto;
3) in case of imprisonment the compulsory work has to be substituted with the prison-regime;
4) the liberalization of imprisonment (mitigation of the prison-regime).

Only after achieving these aims can we go on to the problems which are actual in the European penal policy right now. I mean a search for alternatives to imprisonment (community service, compensation and mediation etc.). The possibilities for decreasing the importance of deprival of liberty are understandably dependent on the structure of delinquency and on dissemination of severe crimes. The occurrence of the latter is comparatively high both in Estonia and in the USSR [4]. Another main problem of penal policy seems to be the system of the property penalties. In the above-mentioned draft there are the following property penalties: fine, correctional labor and confiscation of wealth. The importance-role of fine in court practice and in sanctions in the articles of the special part has continuously increased. The general part of the code which
is in force now fixes the maximum fine as 500, in case of self-interested crimes as 1000 roubles. In the draft of the new code, however, the general part does not fix this maximum and leaves it to be solved by the concrete norms of the special part. In case of converting of the penalty the fine will be exacted in the limits of 200 - 5000 roubles.

The correctional labour means that the convict is employed obligatorily and part of his income is detained in favour of the revenue according to the verdict (5 - 20%). The duration of the correctional labour may amount to two years and in the course of this time the convict cannot receive a leave and cannot leave the place of employment. It is not difficult to notice that generally the correctional labour is similar to the extended fine. While discussing the new code it was proposed to unite those two above-mentioned penalties into a fine with some restrictions, of course, to guarantee that the fines would be paid. Nevertheless, the more extensive use of fines depends on income and financial situation of the population. The ideology of moderate indigence did not allow to raise fines and use them more extensively. The transition period to the market economy should favour the financial well-being of nation as well. But there exists a justified fear - if this transition took place with the methods peculiar to the early-capitalist stage, Estonia would turn into a so-called banana-republic society where 1% of population is very rich and the other suffer from indigence. In this case the more extensive use of fines means the favouring of social unequality. Such penalties in the draft (for instance restriction of liberty) have caused many objections.

The special part of the code is planned to consist of 18 chapters instead of 11 ones and the chapter on crimes committed by members of the armed services will be abandoned (for in Baltic states the Soviet Army is treated as an occupational army and Estonia has not got its own armed forces yet). The chapter on crimes against the security of the realm has been thoroughly reworked (the chapter in the existing code has greatly been influenced by Stalinism). We can observe as stalinism in criminal law the elevated defence of social and state property (there are two chapters on crimes against property in the codes of Soviet republics - crimes against property of state and private property).
the draft there is only one chapter on crimes against property. Beside the usual definitional elements of the offence (robbery, embezzlement, stealing, blackmailing etc.) a debatable problem is the preserving of the public theft as an offence derived from the Russian criminal code of 1845 and unknown in the world.

Instead of the chapter on crimes against the person in the existing code the draft will have three chapters - crimes against life and health, crimes against morality, crimes on defamation. Absolutely new chapters in the code will be crimes against humanity and peace, crimes against human rights, crimes against family and children, enviromental crimes etc. The electric and indefinite chapter like the one on crimes against social order and safety has been divided into three units: crimes against public safety, traffic crimes and crimes against public health. Those chapters which are in the code in force now, like crimes against public authority, crimes on perjury, false prosecution and other untrue, economic crimes and crimes on misuse of office, will preserve its validity.

There is still much work to be done with the draft of the new penal code. In the way from a totalitarian fighting law to a democratic European law many barriers should be overcome and not only the external but the internal ones too. But let us believe that with the reappearing of one new democratic state in Europe also a new democratic criminal law will be added.

References


Между востоком и западом
(О проекте Уголовного кодекса Эстонской Республики)
Я. Соотак

Резюме
В статье рассматриваются вопросы, связанные с
выработкой проекта Уголовного кодекса Эстонской Республики (ЭР), а также дается сравнительный анализ некоторых вопросов
Общей и Особой части, исходящих из проекта "Основ уголовного
законодательства Союза ССР и союзных республик".
Проект УК ЭР при определении понятия преступления
отказывается от понятия общественной опасности, дефинируя
преступление как предусмотренное в уголовном законе деяние
(исходя тем самым строго из принципа nullum crimen sine
lege). Проект также отказывается от понятия особо опасного
рецидивиста.

В системе наказания по сравнению с проектом "Основ" и
действующего УК ЭССР изменений относительно немного. Проект
содержит такие наказания, как ограничение свободы,
исправительные работы, а также сохраняется принцип
определения размера денежного штрафа в конкретной сумме
(хотя обсуждался вопрос определения размеров штрафа на
примере скандинавских стран, через дневную ставку).

В особенной части изменений значительно больше. Вместо
главы о преступлениях против личности проект содержит
следующие главы: преступления против жизни и здоровья,
преступления против нравственности, преступления против
семьи и несовершеннолетних. В проект прибавляется глава о
преступлениях против Республики, а также о преступлениях,
нарушающих права человека.
REFORMING THE PENAL POLICY
E. Raska

Fundamentals

The penal policy cultivated in Estonia for decades has exhausted its potential. Its main axioms - severe punishment and forced labour, which in combination dictated the mass use of long-term imprisonment - have been proved ungrounded from the point of view of efficiency of the fight against crime. Crime is growing increasingly and in ever faster speed becoming more brutal and violent. Even more - if earlier crime could be treated as an expression of the criminal activity of an internally unorganized body of single individuals then now we can see more clearly that crime has an organizational unity. The growth and spread of criminal subculture is most directly connected with the penal policy based on wrong fundamentals.

Indeed, for a population of 1.5 million we have in places of detention 5-6 thousand inmates or approximately 3.6 thousand prisoner per one million inhabitants annually. It is a very high index if we keep in mind that in developed countries the number of prisoners, as a rule, remains lower than one thousand prisoners per one million inhabitant. Unlike the penal policy of developed countries where short-term penalties of imprisonment are dominant in our country prevail long-term penalties of imprisonment (three and more years). As our places of detention are set up as colonies of forced labour on cost-accounting principles this principle itself prescribes the preference of long-term imprisonment over short-term one. It is easier to organize production and guarantee the fulfillment of production plans with a comparatively stable composition of prisoners.

The conditions in our places of detention (colonies), their organization of work and living conditions are far from that of influencing the inmates in the positive direction. Just to the contrary, the whole life behind the wired fence is based on violence whether it proceeds from the administration of the place of detention or from other inmates. The terror conditions are called forth and established just to press a person, to paralyse his will and ability of resistance. Therefore it is not unnatural that
the majority of those who have passed through our places of detention have become mentally and physically handicapped. They have lost the ability to live normally among normal people. Being released does not mean social rehabilitation for them. Labelled as castaways they have to seek means of subsistence and security among the like, they have to organize themselves against the society which has expelled them.

Pointing out the specific role of the places of detention in forming the criminal subculture does not mean that the whole problem can be reduced to the particular features of the said places. We are far from asserting that only by means of reforming the places of detention we could achieve substantial shifts in the penal policy. The places of detention and their activities are but one link in the integral penal policy. To seek an answer to the question why do we have just such places of detention, why their influence is contrary to the expected we have to focus our attention on the sources of the penal policy. In other words, we have to proceed from the basic definitions, to analyze what does the concept crime really include and to derive the essence and aims of punishment from that. Without doubt clarity in those questions will help to form an adequate and socially grounded penal policy as well as to develop the institutions necessary for implementing it.

1. CRIME

1.1. The Concept of Crime

As is generally known, criminal law does not deal with the study of the essence of crime but focuses on the analysis of the nature of deeds defined as crime by the legislator. Therefore the definitions of criminal jurisprudence in themselves do not disclose the essence of crime. The latter is the field of study of criminology and to a lesser extent of sociology, too.

It must be said at once that very often even criminology does not ponder on the essence of crime. Usually it is preferred to treat crime as a phenomenon of the objective reality the essence of which becomes evident through itself. In a sense crime is identified with such phenomena as a book, a house, a river or any other object of
the surrounding reality. Departing from common sense it is supposed that in crime materializes a specific criminal substance. So the main attention is devoted to the search for that substance either in the personality of man (criminal) or in the world surrounding him. A century which has passed since the birth of criminology as a science has brought no success to such studies. No features have been discovered either in the personality of the criminal nor in the surrounding environment which would absolutely and completely differentiate him from other people (non-criminals).

That's why during the last few decades a point of view has been taking the upper hand among criminologists that there does not exist crime as such, as a phenomenon of the objective reality. There do not exist deeds which in their very essence are crimes. It is the most common need to regulate and bring to order the behavior of the people in society which compels the legislator to term certain deeds as crimes and to prescribe a punishment for performing such deeds. It is just the will of the legislator and nothing else which differentiates crime from proper legal behavior (non-crime). At the same time there is no ground to state that the legislator who draws a line between crime and non-crime proceeds from some criteria of absolute nature or some specific criminal qualities of deeds. The whole matter is much more simpler and prosaic. Criminalization, ascribing the name of crime to certain deeds is quite often a discretionary process varying in a wide scope according to the way the social forms and conditions of corporal life as well as jurisprudential ideas and principles of organizing social life of people change.

Therefore it may be said that criminal law is incorporated in a natural way into the integral process of social regulation of behavior as one component of the latter. Only within the framework of that process can we speak about criminality of certain deeds. At the same time it must also be mentioned that criminal law in general does not have an independent object of regulation, a field of activities where criminal law would solely regulate the behavior of people. The norms of criminal law usually duplicate and amplify the basic mechanisms of social regulation of behavior be it customs, moral, economic or
legal norms. It is also important that criminal law is incorporated into the integral regulative process, first of all, in a negative sense, as a checking mechanism which has to intimidate those for whom the other regulators have proved uneffective.

Consequently, crime is first and foremost a legal, criminal jurisprudential construction which has almost nothing in common with the essential qualities of man (criminal). Crime grows out not from the essence of man but from a social need to compel man to avoid certain ways of behavior. The question why man despite a threat of punishment still commits crimes is a topic of its own which need not be treated here. But we would like to point out the fact that in connection with principal changes in the corporal life of people, with the substitution of a dynamic society for the static one, with its firmly established and little changing structures, the traditional regulators of behavior are losing their role, both in our country and in general. The emerging regulative vacuum is tried to be filled up with criminal law. In connection with this newer and newer crime compositions are thought out or the existing ones are made more drastic. All this inevitably brings along the growth of crime. Evidently it's time to start seriously thinking how suitable the traditional criminal legislation is at all in a dynamic society. At any rate it is necessary to analyze critically the potentiality and limits of criminal legislation in order to avoid the misuse of such regulation which in the end may bring along the moral disintegration of the society.

1.2. Classification of crimes

Criminal jurisprudence and the legislator, as is known, group crimes on the basis of quantitative as well as qualitative characteristics. For example, the grouping on the basis of the subject or object of crime is typically formal. And to the contrary, the arrangement of crimes on a scale of certain degrees of gravity attempts to differentiate them qualitatively. In connection with this it must be said that in spite of the seeming simpleness of the problem (even a child can differentiate a grave offence from a misdeed) the question is not from among easy ones. Strictly speaking here we have to deal with a principal
problem directly connected with the essence of crime which has not yet been solved satisfactorily.

Indeed, what is this specific quality which makes it possible to differentiate crimes according to the degree of gravity? Is it contained in the deed itself? In that case we have to agree to the objective existence of a certain criminal substance and, in accordance to how much of that substance exists in one deed or another, we could classify such deeds as grave or less grave.

Or maybe the principal point lies in the peculiarities of the personality of the subject (criminal), in its degree of public dangerousness? If we agree to this point of view sooner or later we come to the conclusion that a certain part of members of the society due to the qualities of their personality are dangerous to the society and their fellow-beings and must be isolated or even preventively exterminated without awaiting their dangerousness to be manifested in certain deeds.

But maybe the degree of gravity of a crime is determined by the object of offence, by its governmental, societal or human meaning? If so then we have to take the position that the degree of gravity of a crime is quite an extensible and subjective attribute which changes together with the change of social value assessments.

A wise legislator passes this problem over with the help of a simple juridical construction and states that graver is that crime for which the law prescribes a more severe punishment. In fact this solution leaves the problem open as it does not become clear on what (qualitative) basis the punishments are differentiated. It is not excluded that in differentiating the punishments and consequently, in classifying crimes according to their degree of gravity all these circumstances are kept in mind, either intuitively or consciously. However, most probably the legislator proceeds here from the importance of the object of offence and, to a certain degree, from the characteristics of the personality of the offender (criminal). The latter is especially to be kept in mind when we have to do with a recidival criminal.

Approaching the problem of a qualitative classification of crimes from the point of view of forming the penal policy another aspect acquires importance. Namely, how big should be the intervals between the degrees of gravity of the
crimes and how these intervals should be reflected in the scale of punishments. For example, to differentiate a criminal offence, a crime and a grave crime. Can the relative distances between them be literally measured in centimetres, metres or kilometres?

In this matter confusion prevails in criminal jurisprudence, legislation as well as in court practice. No satisfactory formulas have been found to bring into correspondence crime and punishment so that an offence would clearly be differentiated from a crime and a crime from a grave crime. Very often the crime composition and sanctions have been constructed in criminal legislation so fuzzily that one and the same deed may be treated as an offence, a crime or a grave crime. Even more confused is the situation with the relative distance of the degrees of graveness of different crimes and their reflection in the degree of punishment. At the same time it is obvious that the non-correspondence of crime and punishment has a negative influence on the efficiency of criminal legislation.

We do not think that it is easy to find a solution to the problem. But one has to look for it. As a fixed point here may serve an adequate theoretical treatment of the essence of crime, of the social meaning and aims of criminalization. If we acknowledge that criminalization, i.e. legislatively stating the socially meaningful deeds of a person as crimes proceeds from the regulative aims and represents in a sense an extreme measure in the process of social regulation of behavior, then we also have to agree that in their degree of graveness the crimes should not differ considerably. Extremes must remain extremes! Socially grounded criminalization should cover a comparatively narrow, qualitatively close circle of deeds in the case of which we have sufficient ground to suppose the weakness of effect of the other social regulators. But if criminalization remains in a comparatively narrow framework the scale of punishment cannot be remarkably fuzzy either. Just to the contrary, it should be rather compact and the intervals between different types of punishment and their degrees should be relatively small. As an exception may form such punishments which have the objective of removing the convicted person from the society, either for ever or for a longer period of time. But these should become exceptional
punishments which shall be applied seldom.

2. PUNISHMENT

2.1. The essence of punishment

As the essence of crime has been mystified over the time we can see something analogical also in the case of punishment. Punishment has been attributed contents and form which do not fit the framework of problems to be solved by criminal legislation. Thus it has become a habit in criminal jurisprudence (and likely in court practice) to connect punishment with the educational function. To a lesser degree punishment is seen as repression, revenge for the evil performed. It is remarkable that the need for long-term imprisonment is justified on the grounds that a short-term punishment does not allow to carry out resultative reformatory work on the person convicted.

It is evident that the attempts to attribute educational content and functions to the punishment derive most directly from a specific understanding of the essence of crime, from the assumption that crime is a syndrome of a (criminal) person. Consequently, the punishment attempts to amend and re-educate a criminal and to avoid commitment of new crimes this way.

A crime is not in fact, essentially connected with the personality of the person committing it. As we demonstrated above, crime is a formal-juridically defined phenomenon which derives not from the social qualities of a certain person but from the objective interest of a society (state) to guarantee public order and people's security with all the means at its disposal. Therefore it is quite erroneous to think that crimes are committed from ill-bredness. There isn't either any reasonable motivation for attributing educational content and functions to punishment. It must be kept in mind that not a criminal as such is punished but a person who has committed a deed prohibited by the criminal law. It is just the deed and not a quality of the doer which conditions punishment. Of course, together with punishment we might take a chance to educate the convict. For example, to educate him or give him vocational education, etc. But all this is secondary to punishment.

But what then is primary? In order to answer this question let us remind that according to our understanding
crime means transgressing certain boundaries. Within these boundaries a person's behavior is regulated by all kinds of social and legal norms. The functions of borderguards are fulfilled by the provisions of criminal law. It is not the task of criminal law to teach people norms of behavior and how to follow them. Its task is to signal the transgressor effectively about the violation of the borders of that which is allowed. In other words, the task of criminal law is to punish. To illustrate it we might propose an analogy with an electric wire which "punishes" a person plucking at it. There we can't speak of any education but of punishment in its genuine form. Is there any ground to demand that criminal punishment be in principle different from an electric shock? It seems no.

Consequently, the content and function of punishment are exhausted by the fact of punishment as such. Everything else which is tried to be connected with punishment for this or that consideration remains outside the essential characteristics of punishment. That's why the efficiency of punishment depends first and foremost on the formal features of punishment, and on the conditions of its application.

2.2. Classification of punishments

Traditional criminal punishments are a fine, a loss of freedom and a death sentence. Various additional punishments are also used (restriction of rights, confiscation, exile, etc.). It is not possible here to analyze what has caused the typical structure of punishments and, specifically, why does that structure remain static for decades. We simply point out the fact that underlying traditional criminal punishments is a simple logic to punish through limitation or taking away such benefits which are highly evaluated by people. Material well-being (and money as its equivalent), freedom and life are unquestionably such. To establish and maintain such type of structure of punishments an important part has been played by the fact that both a fine and a loss of freedom can be determined quantitatively and are thus simple and handy to dose.

All this considered we cannot see any specific reasons in the nearest future to desist from traditional types of punishment or to add new types of punishments to those already existing. But it's worth thinking how to apply the
traditional punishments under modern conditions with a maximum efficiency. We must arrive at a method of imposing penalties in order to achieve the desired effect with minimal negative consequences to society and the person being punished.

As is known, to carry out punishments involving loss of freedom demands great expenses from the society not only in the form of building the places of detention (prisons) but for maintaining and supervising the detainees. In modern civilized society more money is spent on maintenance and supervision of a detainee than on a student per year. The expenses of building a prison exceed manyfold those fixed for civic buildings. At the same time the profit from the labour of the detainees covers only some per cent of the expenses. Therefore, a modern prison is from the point of view of the state and society a hotel operating at paramount losses.

However, the penal effect of this hotel is quite often with a negative sign especially in such cases when we have to do with long-term imprisonment. And this is to be expected. A person isolated from the society for a long time willy-nilly becomes estranged from the habits of a free person and becomes a sustainee who cannot organize his life himself. What’s more, during the years of imprisonment the life in freedom changes beyond recognition. We cannot forget the constant psychological pressure either which is an unavoidable side effect of the struggle for existence inside a prison. It pervert the personality of the prisoner especially in cases of long-term punishment. In sum, a long-term punishment gives socially negative result expressed among other things in the fact that a very big proportion of those released cannot adopt themselves to the life in freedom. They either get into the ranks of professional criminals or semi-criminal contingent (tramps, work-dodgers, etc.).

Therefore the right, socially justified dosing of loss of freedom becomes a problem of great practical importance. In its practical solution we must keep in mind both the penal effect of a loss of freedom as well as its social consequences. But certainly it’s time to give up the illusory idea that the penal effect of a loss of freedom is in proportion to the length of imprisonment. Rather we can
speak here of an inversely proportional dependency whereby a long-term loss of freedom is becoming an anachronism in modern dynamic society. Its application is justified just as much as an isolation of a dangerous individual from the society is stived for.

With a prevailing penal effect (i.e. with minimum socially negative side effects) are short-term (up to 1 year) and medium-term (up to 3 years) losses of freedom. It is not excluded that under modern conditions a very effective loss of freedom punishment will be the arrest the time limit of which does not exceed the critical boundary after which the convict gets used and accustoms to the life in the place of detention. It is just the first days and months of loss of freedom when the absence of this social benefit is felt most acutely. That is what the penal effect of the loss of freedom is based upon. During a longer stay in the place of detention the sense of loss becomes dulled and dispersed and there remains the routine of the new mode of life.

Therefore an arrest, a short-term, a medium-term and a long-term loss of freedom are the steps of the punishment with loss of freedom that we should resort to in the penal policy. Supposing that the penal policy is really oriented towards punishment and follows other aims only in exceptional cases we should prefer an arrest and short-term loss of freedom as the steps of punishment with loss of freedom. We should resort to medium-term punishments seldom and to long-term punishment only in exceptional cases. These proportions could be expresses in per cent as follows: arrest and short-term loss of freedom - at least 75% of all the punishments with loss of freedom, medium-term loss of freedom - no more than 20% and long-term loss of freedom - no more than 5%.

A fine as a criminal punishment seems to be problemless which it in fact is not. As is known, the penal effect of a fine is equated to the amount of the sum paid. It is generally thought that the higher the fine the greater the penal effect. To a certain degree this might be true. In practice such a limit consists the reality of paying the fine. Extremely big fines unrealistic from the point of view of paying them lose their penal effect because they can hardly be expected to be paid. More and more ways are sought
(and found) to question such fines or avoid their payment which in the end gives a result quite to the contrary. Therefore, if we want a fine to be an effective punishment we should avoid extremely big fines and see to that all the fines be gathered quickly and indisputably. A system of collecting fines which functions smoothly helps not only to raise the penal effect of a fine but also to create preconditions for a much wide use of fines as a penal punishment.

Death sentence as a penal punishment has become the object of sharp discussion nowadays. Calls to abolish it are voiced more and more often. This would be a right step in principle but can hardly be expected to be carried out in our present society. As it was said already the proportion of grave offenses is gradually increasing. Our society has cultivated violence and created through the inhuman system of places of detention, a contingent of people liable to violence. Applying death sentence to such persons who in cold blood are ready to kill or cripple their fellow citizens is an effective means of social defence. As an alternative to death penalty may be considered life imprisonment, a severe and final isolation from the society. Thus if we abolish the death sentence we must at once create the conditions for really applying the life imprisonment.

One argument in support of abolishing the death sentence lies in the fact that up to now it has not had considerable preventive effect. People know that for committing certain offenses they are threatened by a death sentence and they still commit them. It must be said at once that the problem of the preventive effect of a punishment is quite unclear and can be solved in many ways. Therefore, to use this fact as an argument for or against a punishment is not quite correct. As for death sentence it must be stressed that it is first and foremost a means of social defence which may be called a punishment only conditionally. That's why the question of a preventive effect is to a great degree meaningless here. But we may suppose that when we have regulated the system of punishments and given up the meaningless and ruinous to people long-term punishments death sentence as an extreme measure will efficiently come to the fore.
2.3. Correspondence of punishment to crime

If we stick to the principle that crime in essence is a certain formal-juridical construction and profess that the main criterium of the gravity of a crime is the punishment set forth by the legislator then we also accept the point of view according to which there does not exist an essential qualitative correspondence between crime and punishment. There exists only a unification of two formal (legal) constructions and their confirmation in the form of legislation. Without doubt this agreement is based on experienced assessments and understandings accepted by the society about the relative gravity of crimes as well as punishments, but all this does not change the nature of the matter.

From the point of view of penal policy and of the social efficiency of criminal jurisprudential regulation it isn't even important what is the unification of crime and punishment based on, whether on some essential features or on formal considerations. More important is to follow that the basis of such a unification be most strictly limited and make it possible to approach all the crimes with a similar yardstick. We must also see to it that once an agreement about the correspondence between a crime and a punishment has been reached it should be observed consistently, both in legislation (criminal legislation) as well in court practice. For example, if the legislator has enacted that a criminal infringement is a deed which can be punished by a fine or an arrest, when it has been enacted that the possible punishment for a crime is an arrest or short-term loss of freedom and in case of grave offenses a long-term loss of freedom or exceptionally a death sentence, then this agreement must be carried out without exceptions both in the special section of the criminal law and in court practice. Concerning the special section of criminal law a construction of such crime compositions must be avoided where the sanctions cover almost the whole list of punishments. It must be aspired for that every infringement set forth in the special section of the criminal law should be classified uniquely and clearly as a criminal offense, a crime or a grave crime, based on the possible punishment. In court practice we should avoid thoughtless transitions from one type of punishment to some other if this is accompanied
by re-evaluation of the degree of punishment. If the legislator has assessed a deed as a crime and expressed his point of view in a corresponding punishment then a court has no right to choose a punishment which has been meant for a criminal offense or for a grave crime.

3. ADMINISTRATION OF PUNISHMENT

3.1. General provisions of execution of punishment

The threat of punishment itself functions as a preventive, crime commitment avoiding measure. This preventive effect can be strengthened if we proceed from certain provisions in executing the punishment. Considering our present situation the following moments should be paid special attention to:

3.1.1. Inevitability of punishment. It was known long ago that a punishment itself and the conditions of its executions may be however severe but the expected penal and preventive effect will not be greatly achieved if the inevitability of punishment cannot be guaranteed. And vice versa, if people know that a chance to avoid punishment for a committed crime is pretty small even a seemingly light punishment will have a frightening effect. If we assess the reality of our penal policy from this point of view then we have to accept that the situation is more than bad. Thus in 1989 19,141 crimes were registered in Estonia but only 5,829 persons who committed crimes were detained. From the latter only 3,369 persons were brought to trial and 3,264 persons were convicted. From these data it should become clear that unavailing a punishment is a rule rather than an exception in our present situation. Therefore to punish inhumanly severely a comparatively small number of people who have committed crimes is not a solution we are looking for.

3.1.2. Reality of punishment. As is well-known our penal policy prefers long-term imprisonments. At the same time we also know that this punishment is carried out in total comparatively seldom. It has even become a rule to release offenders prematurely or to substitute another type of punishment for the part of the sentence not carried out. At first glance this policy may seem human and socially favorable. In fact it deepens the general feeling of non-punishment by suggesting a conviction that punishment is not quite real. Therefore it is more justified to consider
short-term but real losses of freedom in the penal policy. A punishment must also be real in another sense. For example, it is incorrect to establish such fines the quick or prompt payment of which is not quite probable. Better make the fines smaller but take into account the material conditions of the convicts.

3.1.3. Economy of punishment. As the effect of punishment is achieved through the fact of punishment as such then there is no sense to build the penal policy on a system of punishments which demands big expenses to carry out. When evaluating the cost of carrying out this or that punishment we should take into account not only the direct expenses connected with the implementation of a punishment but also the expenses needed for the social and economic readaptation of the convict after the punishment. It should be understood that to readapt a person after a long-term imprisonment will be very expensive. In case we do not want to run to such expenses (or do not want to) we have to take into consideration that the released person will be included into the criminal contingent which eventually may become even more expensive to the society.

3.1.4. Humaneness of punishment. A punishment and its implementation should be human in the sense that they deform the personality of the convict as little as possible. Through punishment the society should make clear to the transgressor with clarity and efficiency that it will not tolerate such infringements but at the same time avoid measures which might specially humiliate or brand the convict. The punishment should also not be carried out under conditions which might ruin or destroy the socially positive qualities of the convict. By punishing a person the society should do everything that the convict could continue his normal life in the society after the punishment. That is demanded for the society itself and thus humaneness of punishment does not mean any liberalism or complaisance toward criminals.

3.2. The system of places of punishment

Here we have in mind institutions where loss of freedom punishments are carried out, i.e. arrests, short-, medium- and long-term imprisonment.

3.2.1. Types of institutions of punishment. We can differentiate the following institutions of punishment
according to their aim: 1) detention cells in police stations, 2) jails, 3) district prisons, 4) central penitentiaries.

The detention cell is meant only for arrests; the house of detention is suitable both for arrests and short-term imprisonments. At the same time it may be used as a place of detention of those awaiting trial. The district prison is meant for convicts with medium-term imprisonment or for first time long-term imprisonment; the central prison is meant for convicts with long-term imprisonment and for those who serve medium-term imprisonments for recurrent crimes.

It is possible to set up the district prison as a regional one servicing simultaneously several districts of a region. That is expedient from economic point of view as well as considering the real need for cells for inmates. Proceeding from the size of Estonian population and from an optimal penal policy and taking also into account the present criminogenic situation we should consider the normal bulk of convicts to be about 3000 persons, of whom about 2000 should serve short-term (up to one year) sentences, 500-700 medium-term sentences and 250-500 long-term sentences. It mean that the focus of punishments with loss of freedom will fall on houses of detention (about 100 places in each police prefecture). The district prison will have a lower load. If we design to sep up four regional prisons they will have a load of about 200 places of detention each.

A special problem is the implementation of loss of freedom punishments of the juvenile and female criminals. As it is extremely important for those people to maintain a contact with home but also due to the limited number of them it should be considered expedient to set up separate sections in the houses of detention and district reformatories for them.

3.2.2. Regime in places of punishment. The regime of detention in the places of punishment shall be prescribed by a law on implementing the punishment and shall be guaranteed by the administration of the said places. Taking into consideration the experience of other countries but also the need to prepare the inmates for a life in freedom there might be four stages of the regime: 1) entrance or orientation, 2) general, 3) preferential, and 4) release
preparatory. All these four stages can be applied in prisons for medium-term and long-term convicts. In the houses of detention we can really speak of only two stages of regime (quarantine and general) while an arrest is carried out at the quarantine regime. Without penetrating to the essence of the different stages of regime we should only mention that the most severe should be the quarantine regime and the most gentle is the pre-release regime. The inmates are transferred from a more severe to a more gentle regime according to the decision of the administration in correspondence with the actual behavior of an inmate.

4. REHABILITATION OF RELEASED OFFENDERS

When we speak about the re-adaptation of the released we keep in mind social, economic and administrative measures aimed at a possibly fast and smooth inclusion of the persons punished into the social life. It covers guaranteeing them a place of residence (for those who do not have one), means of subsistence (jobs) as well as re-establishment of normal social contacts and relationships. As a result of the re-adaptation process a person must acquire economic and daily life habits and the social experience for a life in freedom.

4.1. General principles of re-adaptation

It is clear that re-adaptation cannot be treated as a continuation of punishment under new conditions but as a help which the society provides for the released person. Therefore re-adaptation should be free of any kind of coercion, especially administrative. It does not follow from the above said that the corresponding government institutions should not participate in this process and observe it. But we should guarantee the delicacy of this participation. The means of re-adaptation cannot be forced on people. They must be given a chance to participate voluntarily in the corresponding programmes. Just the same way state and public institutions and organs cannot be forced to take part in re-adaptation. The problem of creating the most favorable regime becomes especially important in the process of development of private business and local self-government.

Keeping in mind the perspective of developing a regional set of places of detention we should together with
it also start the programmes of re-adaptation on local level. Every district should be vitally interested in that all the persons convicted in the district find a possibility to continue normal a life in their home district after having served the sentence. The district and local governments are compelled to develop a system of such institutions where people released from places of detention who are not able to live without continuous guardianship could find shelter and food. We have in mind shelter houses both for the disabled and for homeless.

4.2. Stages of re-adaption

Not all the persons released from places of punishment need re-adaptation or need it to a different degree. When in the case of the majority simple observation of how does adaptation under new conditions proceed is good enough then a certain proportion needs help in solving certain daily life problems and only a few need a complete guardianship and supervision in the sense offered by a shelter house. Therefore re-adaptation cannot be treated as a one-level process. In reality we have to do with a complex of measures grouped on different levels and triggered according to fixed needs and circumstances.

SUMMARY.

Penal policy as an expression of state policy is a united, internally integrated phenomenon based on a certain philosophic and legal basis. The renewal of penal policy therefore presupposes the renewal of the said basis and only after that can the institutions of penal policy be renewed. To express the same idea more concretely we may assure that the institutions and the final result of a penal policy will be as good or bad as good or bad will be the main legal basis of that policy - the criminal legislation. The latter in its turn will be such as is our philosophical understanding of the part and possibilities of justice in the society, as we see and understand crime and punishment. Without doubt miscalculations and missed opportunities in the basis of a penal policy will be amplified in the form of continuing growth of crime and will go counter to the real interests of the society.
Карательная политика как одно из проявлений государственной политики представляет собой цельное, внутренне интегрированное явление, базирующееся на прочной философской и правовой основе.

Карательная политика Эстонии на сегодня исчерпала свои возможности. Создание новой карательной политики должно начаться с переосмысления основных понятий, используемых при анализе преступного поведения. Этими понятиями являются: преступление, определение наказания, приведение наказания в исполнение.

Преступление прежде всего и главным образом — юридическая, уголовно-правовая конструкция, у которой мало общего с качествами, присущими личности преступника. Разделение преступлений по различным степеням сложности в действительности исходит из тяжести наказания (idem per idem). Одной из отправных точек преодоления названного противоречия должно быть адекватное теоретическое рассмотрение сущности преступления, социальной значимости и целей криминализации.

Содержание и функция наказания исчерпываются в факте наказания и все иное, что пытаются связать с наказанием, остается вне существенных признаков наказания. Поэтому эффективность наказания зависит прежде всего и в основном от формальных признаков наказания, а также от условий его применения. Формирование новой карательной политики должно основываться в первую очередь на краткосрочном (до 1 года) и средней продолжительности (до 3 лет) лишении свободы. Следует отныне значительно строже придерживаться зафиксированного в уголовном законодательстве договора о соответствии преступления и наказания. Определяемое в каждом параграфе уголовного законодательства деяние должно быть ясно и однозначно классифицировано как правонарушение, преступление или тяжкое преступление.

Основным принципом исполнения наказания является неизбежность наказания, реальность, экономическость и гуманность.

Исходя из этого Эстонии нужна новая система исправительных учреждений, а также комплекс необходимых мер по обеспечению реадаптации освобожденных из мест лишения свободы.
Crime and punishment are two essentially inseparable poles. The society has to react to a crime with a punishment and, as a rule, does so. That is an axiom without which the functioning of corporal life is impossible. But further the problems are not so clear because a question rises - how the society should treat a criminal, which means should be applied.

Observing and generalizing the experience of different countries of the world we can see great difference in the practice of handling criminals. Let us take, for example, the relative importance of punishments with loss of freedom which is well characterized by the number of prisoners per 100,000 inhabitants. In the 70's the figures were as follows: Netherlands - 20, Iceland - 20, Norway - 44, Finland - 115, USA - 230 [1]. In Estonia the corresponding figure is at present approximately 360 [2]. We cannot supply the corresponding figure for the USSR as the statistics is still classified. But on the basis of the figure for Estonia we might suppose that there are more detainees in the Soviet Union than in other countries mentioned because hardly the biggest hard labour camps were situated in Estonia.

Thus it becomes clear that there exist societies which prefer to isolate, imprison the criminals, and there are societies which can manage with the help of some other means. It seems that in West-European democracies more support are getting the so-called alternatives involving no loss of freedom. For example, in the majority of those countries fines make up more than 80% of the sanctions applied to the criminals [3]. In Sweden imprisonments consisted only 7.4% of all the punishments whereas fines were about 90% in 1988 [4].

The existence of such different punishments makes one ask what is more efficient in punishing criminals and how to measure that efficiency. This is even more complicated in case of juvenile delinquents who differ considerably from adult criminals and therefore demand special treatment. In the following we try to have a closer look at these problems.
Theoretically, punishing a criminal has two functions - general deterrence and special (individual) deterrence [5]. As a general preventive function is considered the effect of punishment on the society as a whole (population), because punishing a criminal for a deed should either scare the others, strengthen moral prohibitions or simply stimulate lawful behavior. An individual prevention means the effect of the punishment on the individual punished. In best cases the result will be a complete moral rebirth or contraction of socially accepted attitudes. In other cases the criminal will be made harmless by isolating him from the society temporarily (during the punishment) or forever (capital punishment). But mostly the effect lies in scaring the person punished without any positive changes of the personality.

Measuring the general preventive efficiency is extremely complicated and conceivable only during a longer period of time when changes in criminal legislation take place. Although we can bring such examples from world practice, the existence/ non-existence of the effect still remains questionable. For example, in Norway criminal legislation for sexual offenses was changed in 1927 making them more severe. The result was contrary to the expected and during the following five years the percentage of such crimes rose 68% on the average. Later is stabilized on the higher level [6].

It is hard to think that together with the increase of the punishment the real number of crimes increased (although that cannot be excluded either). Evidently the law enforcement organs as well as the victims and the whole population started paying more attention to criminal offenses due to what their registration become more thorough. We should in general take a very cautious stance toward the claim that by increasing the severity of the punishment we also get an increase in the general preventive efficiency. For example, in the 60's when the death sentence was introduced in the USSR for rape it brought along a remarkable increase of more grave offenses - the victim was killed after the rape. Obviously the following scheme started working - if a death sentence is impending there isn't anything to lose but by killing the victim it would be possible to avoid punishment.
It is even more difficult to determine the general preventive effect when punishing adolescents whose personality is in the stage of development and whose knowledge of law is superficial. But we can also speak of the general preventive effect of punishment in the case of teenagers, e.g. here in Estonia. When the Republic of Estonia adopted a law on alternative service, i.e. made it possible for the conscripts not to be enrolled in the Soviet Army very many of them chose the third possibility and avoided both these choices. Thus we can declare that together with a change in the legislation the fear of punishment disappeared which brought along a change of behavior. In the case of juvenile delinquents the main part is played by the individual preventive effect of the punishment. We'll dwell on it later on more thoroughly.

There aren't too many possibilities to judge the individual preventive effect of this or that punishment. We can never learn how would an isolation affected the same criminal if he was not isolated, and vice versa. One study was carried out in the USA where it was tried to determine the influence of the arrest on future behavior of the criminal. A pair study of a population was done for 25 years - one of the criminals who had committed an offence of the same gravity was arrested, the other not. All in all 325 males registered by the police were investigated. It became clear that the positive effect of the punishment (arrest) became most evident in case of single punishment which often was also the last. In the case of people already punished the effect was to the contrary - a new loss of freedom stimulated a commitment of a new offence [7].

Another way of estimating the individual efficiency of a punishment is to investigate how does the personality of a criminal change during the time spent in a place of punishment, and how well do they get accustomed to the later life in freedom. Just such an investigation was carried out in the Laboratory of Deviant Behavior of Tartu University to establish changes in the personality of juvenile delinquents during their stay in colony and in reformatory schools.

We cannot speak of the general preventive effect of criminal punishment in the case of children and mentally ill people at all.
Estonia is a small country and when the study was conceived there were only two special institutions for juvenile delinquents then it was possible to investigate all the juvenile delinquents from those institutions.

The first stage of the investigation took place in 1985 and involved 317 male juvenile delinquents at the age of 14 to 17. The primary aim was to find out the mechanism underlying the formation of life plans and value attitudes of the delinquents in the colony and reformatory school. We used questionnaires, file analysis as well as interviews and expert evaluations. As a control group we studied 1,587 students of secondary and vocational schools who could be characterized as law-abiding. The main results were as follows.

43% of the juvenile delinquents did not plan to continue their studies as they did not value education as a means of acquiring a profession, social position and raising their self-esteem. It's worth mentioning that 77% of them had already studied 2 years in the same for, their level of education was 2-3 years behind that of their law-abiding schoolmates. A clear tendency became evident - the longer an adolescent had stayed in the special school the less he was interested in rising his level of education and saw in education an unpleasant obligation.

11% of the juvenile delinquents did not have any plans connected with their profession and 77% of them saw their future profession in some other field than that taught in the school. The most important criterium in their choice of profession was material remuneration. Other aspects, such as self-expression, social status were either rejected or estimated only declaratively. During the stay in the school the negative attitude toward the professions taught there deepened - if from those who had been in the school less than 6 months 34% wished to work in the learned profession than from those with a length of stay more than 1 year only 12% wished to do so. Especially deviating were the plans for life of those 24% of adolescents who had recurrently been in the reformatory schools.

The second stage of the investigation was carried out in 1990 when we tried to establish what had happened to these juvenile delinquents during the last 5 years. The data gathered about the former 317 inmates of the reformatory
schools are represented in the following table:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worked</td>
<td>102</td>
<td>33.2%</td>
</tr>
<tr>
<td>Studied</td>
<td>5</td>
<td>1.6%</td>
</tr>
<tr>
<td>Didn’t study or work</td>
<td>86</td>
<td>28.0%</td>
</tr>
<tr>
<td>Enlisted in the army</td>
<td>26</td>
<td>8.5%</td>
</tr>
<tr>
<td>In places of detention</td>
<td>86</td>
<td>28.0%</td>
</tr>
<tr>
<td>Dead</td>
<td>2</td>
<td>0.7%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>307</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

The analysis showed that during the past five years 201 or 63.4% of the former reformatory school inmates were punished by court. Those punished twice were 62 or 19.6% and three times punished 8 or 2.5%. The majority of the crimes committed by them were thefts (54.5%) and hooliganism (16.5%). A considerable part was made up by rapes (8%). At the same time we cannot assert that all the non-punished individuals (116) had accustomed to normal everyday life. Surely a considerable part of them live the life of the lumpen who have not committed crimes but still lead an asocial life (alcoholism, tramps, work-dodgers, etc.). An exact response to this question may be given after an additional investigation.

If we try to give a qualitative assessment of these data then we are in great difficulty because during the last 50-odd years nobody has even asked the question of the efficiency of the special institutions for juvenile delinquents in Estonia. We can compare our data only to

*The data about 10 person were missing in Estonia republican adress bureau and in the Information Centre of the Estonian Ministry of Internal Affairs.*

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those of Prof. H. Madisson dating back to 1926. He made his study in the former Harku colony for juvenile delinquents through which 337 inmates had passed by then. The results were classified according to the time spent by the inmates in freedom. Of those who had spent in freedom 1-2 years 11.9% had committed a crime and 5.3% had committed smaller offenses. Of those in freedom 2.5 - 3.5 years 24.4% had committed crimes and 7.4% smaller offenses. The figures for those in freedom 4.5 - 5.5 years were 31.8% and 9.2%, respectively. Thus, in comparison with the criminal activity of the persons released from the Harku colony the level has risen about two times.

At the same time it is clear that this comparison over such a long time is quite questionable and newer and more exact data about the efficiency of methods of punishment applied to juvenile delinquents are needed. The first but unavoidable step in creating a new system of treatment of juvenile delinquents should become the analysis of the formation of the social basis of the inmates of special schools and the analysis of their future life. To secure the continuance and together with that its scientific and practical value we should see as one of the goals and results of that work computerized personal register of the inmates. The register covering several years of juvenile delinquents in their development and criminogenic evolution should, among other things, give valuable information to the administration of the special institutions, should be a comfortable feedback channel to evaluate the real efficiency of the upbringing process.

Conclusions

Most of the developed European countries have reached an understanding that the less imprisonment is used when punishing a criminal the better it is from the point of view of individual prevention. Although such an approach is also correct in the case of juvenile delinquents special problems will crop up in treating that group of criminals. It is unthinkable to punish 80-90% of the adolescents with a fine as they lack their own sources of income. Consequently, we should also retain in the future special education institutions or institutions of resocialization. the main aim of which would be not to punish the adolescents but to
prepare them for the future law-abiding life.

As our investigation demonstrated the present special schools for juvenile delinquents represent first and foremost institutions of isolation and punishment. As they function on principles based on the system of treating criminals in the USSR we have to change the whole paradigm of approach to the problem. The concrete reason which deform adolescents during the time spent in these institutions are as follows:

a) The objective characteristics of special schools for adolescents as a social surrounding - excessive isolation from the rest of the world, negative socio-psychological attitudes widely spread among juvenile delinquents (first of all phenomena of asocial and criminal subculture), insufficient pedagogical-psychological qualification of the staff for a work with such teenagers, insufficient material conditions of the said institutions.

b) Not taking into account the individual psychological characteristics of the adolescent inmates while treating them. As such youngsters often have psychic deviations pertaining to the norm, as well as deviations in value attitudes and value orientation, a successful integration of them into the society presupposes psychologization of the whole process of upbringing.

In conclusion

Our society is at a turnpoint where the need for cardinal changes becomes more and more clear. One of the spheres of social life where the contradictions between the reality and the desirable have reached a critical level is the system of punishing and treating of criminals. But until we do not know exactly how many prisoners we do have, how has their number changed over years, what is the efficiency of treating the criminals and what does it all cost to the society we shall be grouping in the darkness and adopting decisions departing from "common sense" or from the moment's interests.
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Эффективность работы воспитательных учреждений для несовершеннолетних правонарушителей

Ю. Саар

Резюме

Обобщая практику обращения с преступниками различных государств, можно выявить очень большие различия. Существуют такие государства, общества, где предпочитают возможно больше изолировать преступников от общества, и есть другие, где пытаются справляться другими альтернативами, без лишения свободы. Так возникает вопрос об эффективности методов наказания по отношению к тому или иному преступнику.

В лаборатории социологии отклоняющегося поведения Тартуского университета в 1985 году начали исследования по выяснению влияния исправительных учреждений на личность несовершеннолетних правонарушителей. В 1990 году исследование продолжилось, при этом пытались определить ход жизни 317 несовершеннолетних правонарушителей в течение прошедших пяти лет.

Результаты исследования убедительно показали неблагоприятное влияние длительного пребывания в исправительных учреждениях на личность несовершеннолетнего и на ход его дальнейшей жизни. 63,4% правонарушителей в течение пяти лет совершили новое преступление. По сравнению с проведенными ранее (в 1926 году) в Эстонии аналогичными исследованиями удельный вес наказания вырос более чем в два раза. На основании результатов можно сказать, что нашу существующую до сих пор политику наказания несовершеннолетних (а также и взрослых) постиг кризис. Эстонское общество находится сейчас в точке поворота. Формирование новой карательной политики предполагает создание обратной связи для обеспечения получения непрерывной информации об эффективности наказания преступников. Выводятся также основные причины низкой эффективности исправительных учреждений для несовершеннолетних.
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ERRATA

- page 26, table 6, the first line instead of "number of patients with diagnosed as alcoholics and substance abusers" should be "number of patients with diagnosis "drug addiction" and "toxicomania".".

- the last line of the same table instead of "per 100 thousand citizen" should be "thousands of citizens".

- page 41, the 19th line from the bottom instead of "1898" should be "1989".

- page 42, the 15th line instead of "per 100 000 thousand" should be "per 100 thousand".

- page 42, table, in the first line "litres" should be added.

- page 47, the 11th line from the bottom instead of "from" should be "form".

- page 58, the table instead of "international" should be "intentional".

- page 66, the heading of the table instead of "some processes crime" should be "some processes influencing the rate of crime".

The translations of the Soviet criminal law terms will be explained additionally by the authors.