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**Fundamental study into crime and punishment in the history and culture of Russia
(Book review for: A.V. Naumov. Crime and Punishment in the History of Russia. In 2 Vol. M.: Jurlitinform, 2014. Vol. I. – 752 pp., Vol. II. – 656 pp.)**

It is difficult to review outstanding writings of acclaimed scientists. Contemporaries can by no means always grasp the meaning of a study for the present and future generations of lawyers. All the more comforting that there are no doubts in this case. If haters or ill-wishers ever try to claim something, they will clearly have very few opportunities to do that. I am referring to the book, to complete which Professor A.V. Naumov has worked for seven years. It might in a sense become a final work in the scholarly endeavors of the renowned Russian criminal law specialist, or just another milestone in his works, or perhaps a start of a new stage of his reflections about the fate and fortunes of criminal law, crime and punishment, victim and criminal. In any case, the book would certainly capture the interest of a reader and stimulate further studies into criminal law, facilitate science development and set the pace for serving the science regardless of whether the reader agrees or disagrees with judgments and conclusions of the author.

Crime and punishment in the human history and in the history of scientific (philosophical, ethical, legal, culturological) and religious thought have always been an original and major attraction, a crossing where opinions, positions, frames of reference both of scientists and legislators, politicians and citizens clash. A.V. Naumov attempted to consider these issues in an integrated manner given the information accumulated by representatives of different sciences and groups, assess them and introduce his vision from a perspective of a lawyer of the 21st century. Here, we should make it clear that crime and punishment perception has been changing over centuries (which is a well-known fact), it was reflected in the legislation, its practice, literature, public conscience in different ways. Crime proportion and disproportion to punishment were the subject of fierce discussions amidst Russian intellectuals in the 19th century and perceived by the Western culture as a landmark for understanding/misunderstanding “the Russian soul.” As yet, Dostoevsky’s name has been common in a way. But the history of how the “crime – punishment” institution formed and developed in Russia was not limited to a brilliant novel alone. It is much richer and shows deep currents of the legal reality, its perception, results, horrifying in many cases, attempts to break through the insurmountable depth of prejudice. An essential part of this history is revealed in the reviewed book.

The book consists of two parts published in two volumes. The first volume includes a preface (pp. 3 – 8) and fourteen chapters. These chapters analyze evolution of attitude towards crime and punishment during the Old Russian state (X – XIX centuries), the Moscow state (X – XVI centuries), the Time of Troubles (1598 – 1613) and its end, formation of the absolute monarchy in Russia under Peter I (late XII – first quarter of XVIII century), the



era of palace coups (second half – middle of XVIII century), the rule of Catherine II and Paul I, i.e. the second half of XVIII century, the rule of Alexander I (1801 – 1825), Nicholas I (1825 – 1855), Alexander II (1855 – 1881) and the counter-reforms of Alexander III (1854 – 1894), late XIX – early XX century, encompassing the rule of Nicholas II (1895 – March 1917), the revolutions in 1905 – 1907 and 1917, i.e. the February revolution, which led to the demise of the Russian Empire, a brief period of the Provisional Government (February – October 1917), the Civil War in Russia (October 1917 – 1921) and finally the fledgling period of the Soviet state and law (1921 – 1929) and USSR in the thirties (1930 – 1940).

The second part is divided into five chapters about crime and punishment in USSR during the Great Patriotic War and reconstruction of the economy (1941 – 1953), during the Khrushchev Thaw (1954 – 1964), the Developed socialism (i.e. Brezhnev's epoch encompassing 1954 – 1984), during the Gorbachev perestroika and breakup of the Soviet Union (1985 – 1991), during the Post-Soviet period (1992 – 2014).

In the preface (pp. 3 – 8), the author outlines his vision of the problem, what he considers necessary to analyze by regarding the crime and punishment problem in the Russian history, which includes criminal law proper, its history and broader – the Russian history, statistical information of a criminological nature, imaginative literature (classics) and crime fiction relevant criminal (court processes in the first place) processes within these or those epochs. A.V. Naumov bespeaks that it is difficult if nigh impossible to find any crime information (statistics) in the early periods of the Old Russian state for good reason, but we can get an idea by analyzing the text of prohibitions and sanctions for them. He stressed that the most difficult thing he had come across when writing his book was the ideology of the study. When answering the question how to stay objective when evaluating the Russian criminal law, criminal law ideas in the criminal law science, he said, "The only way is to compare, for example, the Russian and the Western criminal law. In view of the above, "the scope" of this study has inevitably been expanded. The study covered the Russian history and sometimes (when required) comparative law in the historical aspect as well (p. 9)." Thus, the preface characterized the methodology of the study and gave a brief description of its purpose.

In the first chapters of the Volume I, the author analyzes treaties between the Kievan Rus and Byzantine, the Tale of Bygone Years, the Sudebniks (Law Codes) of 1497 and 1550, other sources of law, annalistic information about criminality. He says, "Annalistic records from that era provide strong evidence that it was the rulers who committed the most brutal crimes just like in the preceding periods (previously, grand princes and now czars in their mortal struggles for power) (p. 19)." The most widely spread crimes (brigandism and robberies) were caused by the inability of the central power to maintain law and order. The official criminal laws were applied to criminals. However, brigandism and robberies, murders and rapes were deemed the manifestation of the ruler's cruelty (p. 21). A.V. Naumov analyzed the Time of Troubles on the basis of the Svodny Sudebnik (Consolidated Law Code) of 1606 and, of course, Sobornoye Ulozheniye (Council Code) of 1649. By characterizing the historical accounts of criminality, he uses descriptions of S.M. Soloviov's and N.M. Karamzin's "robbery" cities about brigandism, robberies and riots that took place at that time. By comparing criminality and criminal law during the formation of absolute monarchy in Russia, the author first gives a summary of the rule of Peter I and his reforms,



historical information on crimes and punishments and then characterizes criminal law (decrees, by which Peter I canceled digging of criminals alive for killing husbands, decrees about death penalty for riot, treason and murder, ban on bribes and promises, etc., Articles of War of 1715). He says that these laws are characterized by extremely brutal penalties (p. 42). In the time of palace coups, the crimes against the state, head tax evasion, corruption of local authorities came to the fore. The author also added that criminal law kept on developing though not that extensively as under the rule of Peter I. He analyzes Catherine's actions and her endeavors to codify criminal law and other innovations. Further, the author turns to the rule of Catherine II and Paul I. In addition to the historical note, he analyzes the state of criminality and criminal law understanding of criminality in the journalistic literature and imaginative literature based on the works of M.V. Shcherbatov, F.V. Ushakov, N.I. Novikov, A.N. Radishchev and special aspects of the criminal law science origin based on the works of K.G. Langer, A.A. Artemiev, S.E. Desnitsky, as well as *Nakaz* (Instruction) of Catherine the Great as the first theoretical work of the Russian criminal law, criminal laws adopted by Catherine the Great.

From the seventh chapter, the volume of materials given in the reviewed book becomes greater for obvious reasons thanks to the analysis of the work of literature in the first place. Thus, while considering the rule of Alexander I, the author seeks help from the works of V.A. Zhukovsky and A.S. Pushkin ("Boris Godunov"), Cesare Beccaria and A. Feuerbach, A.P. Kunitsyn, G.I. Solntsev and other scientists. The most dangerous crimes are still the crimes against the state (attempt upon the life of the emperor and riot). By characterizing the period from 1825 to 1855, the author speculates about the Decembrist revolt and their objectives, Manifesto of Nicholas I about formation of the Supreme Criminal Court (to investigate crimes of Decembrists) and the Decembrist trial. He gives the number of death penalties (1826 – 1849) and other statistical data by referring to information of the Ministry of Justice from 1834 to 1840 received by M.N. Gernet (pp. 172 – 173). He scrutinizes the evolution of A.S. Pushkin's political, state and legal views, as well as criminal law themes in the works of M.Yu. Lermontov, N.V. Gogol, P.A. Chaadaev and the meaning of such laws, as the Complete collection of laws of the Russian Empire and its integral part – the Criminal Code, as well as the Village Judicial Statute and the Criminal and Corrective Penal Code of 1845 (pp. 169 – 263). A.V. Naumov says, "The Code was the product of its times. It could not be any different not only because of "high" dependence of any legislation on historical and social and economic conditions, amidst which it was adopted (it will be remembered that it was the era of Nicholas I's stagnation, which ended with Russia's defeat in the Crimean War, domination of bureaucracy and officials, epoch of the serfdom law). The Code also reflected the level of legal science of that time, including criminal law science: the first criminal law textbook (by V.D. Spasovich) was published only 18 years after adoption of the Code (p. 263)."

A.V. Naumov quite fairly pays much attention to the study into crime and punishment as related to Alexander II's reforms and Alexander III's counter-reforms, which, if anything, are explored by the Russian researchers of the history of state and law and criminal law most thoroughly (pp. 264 – 340). He highlights the trial of N.G. Chernyshevsky and trials of revolutionary propaganda and terrorism and, of course, the reforms of the 1800s, analyzes the works of N.A. Dobrolyubov, F.M. Dostoevsky, N.G. Chernyshevsky, L.N. Tolstoy, A.N.



Ostrovsky, A.P. Chekhov, refers to multiple works on criminal law published in the period under study. In this chapter, the advantages of the author's study methodology become more prominent, as it was this time when greatest works on crime and punishment reflecting philosophy, morality and reality were created.

By considering the criminal law (the Criminal Code of 1903) and analyzing the statistics on criminality of the prerevolutionary years, the revolution of 1905 – 1907, the post-revolutionary years, A.V. Naumov characterizes the criminal law views of this epoch and their reflection in literature, in the works of L.N. Tolstoy, in the first place. He particularly dwelt on the intertwinement of revolutionary events and criminality.

In the tenth chapter "Russia under the Provisional Government (between February and October 1917)", the author analyzes actions of the Provisional Government and the state of criminality (mass desertion, violence against officers and civilians – crimes committed by "the soldiery", "treasonous" actions of the Bolsheviks, espionage, etc., attempts to introduce democratic amendments to the Criminal Code.

Speaking of the Civil War, which lasted for almost five years, A.V. Naumov analyzes the attitude towards crimes and punishments amidst the Reds and the Whites, the scale of criminality, the Red and the White Terror, the shooting of the Romanov family, crackdown on the peasants' uprisings and other facts. He also turns to outstanding works of poetry and prose about the revolution and the civil war (A. Blok, I. Babel, I. Bunin, S. Esenin and others) and analyzes the sources of the Soviet criminal law science.

From the thirteenth chapter, the author describes the legislation on crime and punishment, concepts, practices, their reflection in literature during the formation, existence of the Soviet state and the breakup of the Soviet Union (Chapter VIII). These chapters contain a lot of valuable observations, statistical information, trial descriptions, in-depth analysis of the criminal law in effect at the corresponding stages and its practice. In the review, you cannot highlight all the matters, the author developed but you can conclude that the methodology adopted by the author proved to be efficient and allowed him to view the scope and special aspects of the Soviet criminal law and its implementation in a manner other than accepted and spread in the Russian criminal law literature.

The closing chapter was dedicated to crime and punishment in the post-Soviet period (pp. 424 – 653). A.V. Naumov devoted the largest chapter of the book to this problem, as it is more than just challenging and closely related to the life of our society, politics of the state, protection of citizens and perspectives of the criminal law science development. He analyzes radical reforms conducted by B.N. Yeltsin, rulings of the Constitutional Court on the CPSU trial, economic reforms, constitutional and judicial reforms, crises, M. Khodorkovsky and P. Lebedev trials as the most important milestones in the history of the post-Soviet justice, the Criminal Code of 1996 and its subsequent random amendments, as well as scientific concepts of the criminal law reforms proposed these days, for example, that it is necessary to introduce criminal responsibility for legal entities. Where necessary, the author carries out the comparative legal analysis of the Russian and foreign criminal law. This part of the reviewed book is in a sense a concentrated expression of A.V. Naumov's views on criminal law he articulated in the previous publications (articles, commentary on



the Criminal Code of the Russian Federation, criminal law textbooks) but presented in a different light. This is why, it is extremely important for the reader.

As I finish evaluation of this fundamental study, I cannot but mention highlighting of sub-clauses inside each of the chapters as a technical advantage of the reviewed book. This approach structures the material and simplifies its perception by the reader. The book is “a real page turner.” The mix of historical facts, opinions, statistical data, illustrations of criminal law ideas and attitude towards crime and punishment based on the works of literature, analysis of law taken together create a vivid picture. I think the book will give room for many disputes and not only spark interest towards the history of criminal law in Russia but also force researchers to promote reflections about the future of this law.

Commending the study carried out by A.V. Naumov, we have to mention that the subjective aspect is not always (in few chapters) expressed. Sometimes, the book needs the author’s evaluation of events, meanings of some criminal law. Although A.V. Naumov previously provided for the right for ideological distance and justified the objectivistic approach to the study of crime and punishment in the Russian history, in my opinion, the work without personal evaluations loses a lot. He will probably write another book expressing his personal subjective evaluations and it would be extremely interesting, as such evaluations will undoubtedly become an integral part of the Russian criminal law science.

While in St. Petersburg, the students explored the neighborhood in which Dostoevsky set his epic "Crime and Punishment". The hot weather added to the ambiance, since the novel's plot also unfolds during a heat wave in the middle of Petersburg's famous White Nights. "That novel, more than any of his others, is tied to a very specific place," said Fedyashin. In the aftermath of the crime, police arrested several Chechens, a primarily Muslim ethnic group that fought, and lost, a war for independence from Russia in the 1990s and early 2000s. Following confessions, the suspects were charged with the murder. According to pro-Kremlin commentators, the slaying was a hate crime, a reaction to Nemtsov's support for the Charlie Hebdo satirical magazine after the attacks in Paris the month before. For example, homicide was a pressing issue in the 1990s when crime and lawlessness exploded, but has fallen out of the headlines since then. How prevalent is homicide in Russia today? The special issue touches on many of the issues brought into focus by the Nemtsov murder. PDF | The Encyclopedia of Crime and Punishment provides the most comprehensive reference for a vast number of topics relevant to crime and punishment | Find, read and cite all the research you need on ResearchGate. in the Criminal Code of Russia, and their punishment ranges from monetary fine to life imprisonment (Criminal Code of the Russian Federation, 1996). According to the State Statistics. organized crime groups and their penetration into government agencies produced crimes. previously unknown to Russian police such as racketeering and drug and human trafficking. (Galeotti, 2004).