

An Idealistic Anthropology: Criminological Theory and State Control in Tsarist and Soviet Russia

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This essay examines how the Russian and Soviet regimes weaponized criminological theory to navigate the tension between modernization and autocratic control. It traces a trajectory through three key phases: the pre-Lombrosian era (Orthodox/Classical ideals), Lombrosian biological determinism (late 19th century), and the post-1917 Marxist approach. Despite claims of progressivism, each phase served the common function of legitimizing state power by redefining criminality to suit contemporary political needs. Analysis of legal codes, debates, and penal practices reveals a consistent shift in the state's conceptualization of the 'criminal,' oscillating between theories of redemption, determinism, and social control. While Tsarist attempts to reconcile legal reform with autocracy largely failed, the Soviet regime cynically adapted Marxist ideology to pathologize dissent as 'social danger,' enabling unprecedented social penetration and control under the veneer of a scientific, progressive criminology. Ultimately, criminology in Russia was persistently subordinated to the political imperative of maintaining control amidst modernization efforts.

Keywords: Russian criminology; autocratic modernization; state instrumentalization; Soviet social control; pathologization of dissent

The study of Russian criminology provides a unique perspective on the Russian state's modernization efforts while retaining autocratic control, a tension that shaped Russian and Soviet approach to the theories of crime, criminology and social control. The 'Great Reforms' of Alexander II were driven by the Crimean War's (1853-1856) outcome and exposed the need for modernization, prompting reforms (including emancipation on different levels) to address root causes of weakness. These reforms, most notably the emancipation of the serfs in 1861, initiated a grand yet paradoxical project: to emancipate a vast population, mobilize them for the state's needs, and yet subdue any resulting challenges associated with that to serve the means of absolute power. This created the central political dilemma for the modern Russian state, a necessity to mobilize people for the industrial and military means without thereby undermining the autocratic rule of the monarch. The latter proved to be impossible as people were often turning against the state with the newly acquired limited freedom. Evidently, the reforms were countered by the regime itself, highlighting once again the paradox of autocratic modernization in Russia. This paper argues that the evolution of Russian and Soviet criminology was not a linear scientific progression, but a direct reflection of the state's attempt to navigate through the paradox of autocratic modernization. I argue that from the Great Reforms till the Bolsheviks' rule, the state consistently instrumentalized and even weaponized criminological theory. Each framework of a criminal, whether based on Orthodoxy, biology or sociology was adapted to define crime in the way that served the political needs of the existing state, to legitimize the repression under the enlightened or scientific paradigm. In this paper I primarily focus on the idea of autocratic modernization of the Russian state and its population. While current historiography also offers a colonial lens, most notably Alexander Etkind's concept of "internal colonization," which posits that the state treated its own people as a colony that needs to be 'civilized' first to extract more resources, my chosen framework is more suited as it analyses the criminological discourse. This is because the discourse of crime in Russian state was not about suppressing the colonial holdings but about resolving the paradoxes that modernization attempts had created.

The trajectory of those shifts can be divided in 3 stages: the pre-Lombrosian stage (pre 1860s) based upon the mixture of Orthodox ideals of sin and redemption, with the Classical school of criminology rooted in Enlightenment which regarded the criminal as the rational actor exercising free will. Therefore, demanding a clear system of laws based on the proportionate punishment. This was challenged later by the Lombrosian stage, which is defined by the positivist Italian criminologist

Cesare Lombroso. In line with the positivism theory, he believed that the root causes of every phenomenon can be found in science. Evidently, this 'new' scientific approach posited that criminality was not a choice, but rather a form of biological determinism identifiable by the physical factors. Finally, post-revolutionary state (after 1917) based on Marxist ideology brought a different set of ideas. They dismissed both the free-will and biology, attributing crime to the class-based social structures. While each phase claimed to be progressivist, all had one common function: legitimize the state control over the people through the means of redefining criminality to suit political needs of the time. Through the analysis of legal codes, intellectual debates and penal practices, this essay will argue how the Russian/Soviet state's understanding of the criminal was shifting, ultimately to serve the political goals; criminology was torn between modernization and social control attempts.

Before the emergence of Lombrosian anthropology, Russian criminology was shaped by the mixture of Classical school and authoritarian control on par with orthodoxy. Russian law was heavily influenced by German/Roman law where the hard physical evidence of the crime was committed, 2 eyewitnesses present, and testimony were required to verdict the law.¹ The cases could be made and tried again by the virtue of suspicion only, thus highlighting the state's perception of crime in the Empire. Almost every crime one way or another was interpreted as the crime against the state, out of 2035 articles from 1845 penal code, only 320 detailed the ordinary petty crimes.² In contrast, the Napoleonic Penal Code of 1810 which laid foundations for the future codification of crime for the European states, is largely preoccupied with the issues of private property, offences against individuals. Crimes against the state are also present; however, they are focused on the crimes that disrupt the functioning of the state itself, e.g. committing treason, plotting against the state, encroachment of administrative officials,³ and thus rendering it as the crimes against public order, civil life. Meanwhile, Russian Penal Code of 1845 does create the image of a state being paradoxically invisible, i.e. divine. In other words, translating every crime committed as the crime against the authority of the monarch himself because he is the one representing the law and order.⁴

¹ William Burnham, "The Legal Context and Contributions of Dostoevsky's 'Crime and Punishment,'" *Michigan Law Review* 100, no. 6 (May 2002): 1234.

² Frances Nethercott, *Russian Legal Culture before and after Communism: Criminal Justice, Politics and the Public Sphere*, BASEES/Routledge Series on Russian and East European Studies 39 (London: Routledge, 2012), 47.

³ "The Penal Code of 1810: Part 1," The Napoleon Series, accessed July 19, 2025.

⁴ Paul Valliere and Randall A. Poole, *Law and the Christian Tradition in Modern Russia*, (London: Routledge, 2021), 267.

The legal system before 1845 criminal code was rather punishing. 87.5% of all trials' verdicts resulted in "under-suspicion" judgment, rather than something more conclusive.⁵ Nevertheless, such verdicts were enough to label a person and convict him later. The Russian state then conducted a series of legal reforms in 1845 and 1860s which aimed to increase the transparency and rationalize the process of conviction.⁶ The newly added trial by jury was also an attempt to modernize the system by the Western example in accordance with the 'great reforms.'⁷ However, those modernizing efforts were undermined by the nature of the state itself, the police were granted powers above the law in order to ensure obedience and/or target the political criminals.⁸ For conservatives like Konstantin Pobedonostseff, the possible future of 'rule of law' was regarded by the conservative as anarchy. He saw juries as an ignorant "motley crowd" easily swayed by lawyers, demagogues incapable of understanding the true meaning of justice.⁹

This fear became state policy after Alexander II's assassination. The Empire had enacted the 'martial law,' further transferring the cases to military courts and in general restricting the 'rule of law' itself.¹⁰ The future judicial reforms ceased to exist as jury trials often voted against the state in courts. Therefore, the apparent tension between legal ideals and the autocratic nature of state highlights the tension between legal idealism and autocratic repression, exposing the regime's inability to reconcile modernization with control, and thus provoking intellectual critiques from within. It exposed a fundamental paradox: the bureaucracy desired to socialize the people into the state with the mean of jury by trials for example but could not tolerate its core consequence – the surrender of absolute control over the public. On top of that, the incorporation of the law in the everyday life of *obshchestvennost'* was met with the resistance due to the legal nihilism. The law was regarded as something strictly 'Western' and thus rejected as opposing to the existing order.¹¹

Contrary to the strictly legalistic view, the traditional Orthodox Christian viewed criminals not simply as rational actors choosing crime but as souls misguided by sin or material circumstances.

⁵ Burnham, "The Legal Context and Contributions of Dostoevsky's 'Crime and Punishment,'" 1235.

⁶ Nethercott, 42.

⁷ "Sudebnaia reforma 1864 goda (kolleksiia)" [Judicial Reform of 1864 (Collection)], Prezidentskaia biblioteka imeni B.N. Yel'tsina [B.N. Yeltsin Presidential Library], accessed July 19, 2025, article 6.

⁸ Nethercott, *Russian Legal Culture before and after Communism*, 43.

⁹ Pavel Pobedonostseff, *Reflections of a Russian Statesman*, trans. Robert Crozier Long (London, 1898), 59–60.

¹⁰ Nethercott, *Russian Legal Culture before and after Communism*, 44–6.

¹¹ Mikhail Davydov, *Tsena utopii: Istoriia rossiiskoi modernizatsii* [The Price of Utopia: A History of Russian Modernization] (Moscow: Novoe Literaturnoe Obozrenie, 2022), 52.

Such perspective allowed for criminals to be redeemed after the sin was committed, allowing for a degree of compassion which was the central critique of Dostoevsky vis-à-vis Westernization of Russian criminal code. In his and many other traditionalists' view; the soul of the person is in the struggle between individual and common good which sometimes result in the breach of 'law.' One example could be Maslova from Tolstoy's novel *Voskresenie* (1899) which shows the individual suffering from both, own sin and the systemic state's injustice. The implication is that the Orthodox framework did exist in the Russian society and thus the notion of the crime committed due to social conditions was present. Although the trial by jury existed and was codified, it is rather difficult to conclude whether it accounted for all conditions that led to the end of procedure as it was later subjugated by the government plus often criticized as "mob trial" as advocates often appealed to the Orthodoxy ideals rather than focusing on the evidence.¹² Evidently, a criminal was perceived through a dual lens: as moral actor, the architect of one's own suffering with the free will, and simultaneously a soul worthy of redemption. The tension or even a paradox had created the demand for it to be resolved, and the answer appeared to lie in science.

The positivist approach to criminology in Europe significantly impacted the Classical school that put emphasis on free will and rationality. First positivist criminologists began to envision criminals as people pre-determined to breach the law. According to Cesare Lombroso's views, people are born criminals, and the signs lie within physiognomy, particularly in physical anomalies that could be seen on the face of a person: "Habitual murderers have a cold, glassy stare and eyes that are sometimes bloodshot and filmy; the jaw is strong, the cheekbones broad."¹³ The framework was heavily criticized for its lack of statistical vigour, however found reflection among some Russian specialists, such as Pavel Kovalevskii, a prominent psychologist and a part of a new class of scientific experts. Similar to Lombroso, he argued for the necessity to divert attention from the crime committed to the criminal itself.¹⁴ Largely influenced by the Italian 'thinker,' Kovalevskii though transformed the framework and concluded that the degradation of one's body and thus the soul were

¹² Galina Zholobova, "Jury Trial in the Russian Empire: Understanding the First Experience During the Counter-Reform Period of the 1880s—1890s (to the 160th Anniversary of the Judicial Reform)," *Journal of Russian Law* 28, no. 12 (2024): 17.

¹³ Cesare Lombroso, *Criminal Man*, translated by Mary Gibson and, Nicole Hahn Rafter, and Mark Seymour (Duke University Press, 2006), 51.

¹⁴ Riccardo Nicolosi, ed., *Born to Be Criminal: The Discourse on Criminality and the Practice of Punishment in Late Imperial Russia and Early Soviet Union: Interdisciplinary Approaches* (Lettre. Bielefeld: Transcript, 2017), 64.

the results of the societal decay within the nation: “Kovalevskii drew the link between modernity and mental health, with civilization the source of the degeneration that began with the body and then moved up through the veins and cells into the brain.”¹⁵ The Lombrosian ideas had appeared in Russia but were transformed, under the influence of Orthodoxy’s compassion and as the result emphasized that it was the society, or changes within one that needs to be blamed, and not the perpetrator. More exactly, the degradation of the body and soul had resulted not of nature of Russian state but of modernity itself. This adaptation proved potentially useful for the autocratic state: it offered a scientific, and thus progressivist lens on crime that could pathologize dissent without blaming the state policies. Meaning, if crime stemmed from the innate nature of some people, it not only deflected the blame from the state, but also justifies the intervention from one to instil control over ‘degenerate’ individuals and groups which can be traced through the emergence of psychiatric clinics. It can be seen in the jury by trials, where advocates now began to persuade the public in one’s innocence by incorporating anthropological factors during the trial, and thus the offender have become seen not as the victim of the state or circumstances, but the ill-born one.

The newly acquired social theory inevitably intersected with the multi-ethnic nature of the Russian Empire. Both Lombroso and Kovalevskii were antisemitic, Lombroso linked Jewish traditions to savagery and primitive acts (circumcising), and thus a reflection of their innate backwardness.¹⁶ The framework of ‘savagery’ appeared in the late 19th century under Lombrosian influence, and it was connected not only to physiology but psychology of the person. With the arrival of ideas regarding the biological predispositions, in the imperial context it was a matter of time until some nations would be seen as born to break the law and affect the societal order. For example, Dr. Ernest Vilgelmovich Erikson, a military physician (1900s) had connected Lombrosian atavism to criminality,¹⁷ where Jews were seen as the group prone to commit crimes, and Russians were the opposite, a ‘healthy nation.’¹⁸ As the connection between the size of the skull and criminality was not found among the Jews, it was concluded that self-mutilation practices (linking them to atavism) are signs of primitivism and thus savagery, therefore those groups are prone to criminality. Thereby it

¹⁵ Nicolosi, *Born to Be Criminal*, 71.

¹⁶ Nicolosi, *Born to Be Criminal*, 52.

¹⁷ Nicolosi, *Born to Be Criminal*, 47.

¹⁸ Nicolosi, *Born to Be Criminal*, 48.

was established that it was connected to the traditions of those nations rather than individual's degeneracy.¹⁹ The savagery and thus criminality, was then linked to ethnicity rather than to the physiognomy as it was originally stated by Lombroso, and evidently the anthropology of the criminal was lied within societal structures, nations' traditions and not physical attributions.

This mixture of biologism and social theory thus reflects a technocratic vision of crime, it was no longer a moral failure, but a diagnosable pathology that could be cured, given there is the will. The ethnicization of degeneracy provided a modern, scientific rationale for the surveillance and control of minorities that seemed potentially disruptive, thereby reinforcing the imperial authority over them, an answer to the modernization and control paradox. Rather than blaming social instability on the state's policy of modernization, the regime externalized the issue onto minorities using the biological rational. It reinforced imperial authority by creating a paradigm where minorities were regarded as the internal enemies of the order, and it was the state's function to defend the 'healthy' Russian nation from the criminality and social decay allegedly emanating from these atavistic groups. This fusion of old prejudices and new science reached its apex during the famous *Beilis Affair* (1913). The Tsarist state was pushing the case to prosecute Mendel Beilis for the ritual murder of a Christian boy. Even though such rituals were closer to the medieval times, a newly 'science' allowed for the prosecutors to accuse the entire Jewish group as being criminally inclined. A contemporary observer Vasily Shulgin, a key figure of for the Ukrainian nationalism and a redactor for the *Kievlianin* newspaper,²⁰ had described the trial in detail. A major part of prosecution relied on the fact that Beilis was a Jew, and thus he committed manslaughter out of religious reasons. The line of defence was deflecting that on the basis that Beilis works as Saturdays and thus he is not a part of the community. The very logic of the trial centred not on individual action, even though it was present to some extent, but on Beilis's group identity and its collective tendencies and the state played a major role in pushing such narrative. The other common newspaper at that time was *Yuzhnaya Kopeyka* (Southern Penny) which was mainly written for the public. It usually contains small feuilletons, humorous writings on political topics. Amidst the revolution, one of them was written by the '8 years old boy' told the public a story about his father being the *okhrannik*, frequently

¹⁹ Nicolosi, *Born to Be Criminal*, 52.

²⁰ *Kievlianin*, no. 266, 1913, National Library of Ukraine, 3.

participating in the Jewish pogroms, however now after the revolution he stopped and hiding this fact.²¹ While it is written in the humorous style, the content is clear enough to derive that the Tsarist regime employed the *Okhrana* to initiate pogroms to establish a common-sense of the existence of an ‘internal enemy.’

With the 1917 revolution the conception of crime and criminality itself have changed dramatically. Marxist-Leninist ideology became the lens through which the social deviances were viewed, leading to the sociological explanations of them. According to the ideology, people were incentivized to commit a crime due to the systemic inequalities and capitalist order’s flaws.²² Once society achieves Communism, there would be no incentives for the crimes to be committed and thus order would be reached. Evidently, one conclusion to draw from this is that any criminal is an example of lingering bourgeois consciousness, and it is rather obvious that the law must wither away on the way to the ‘final destination.’ However, during the revolution, civil war and famine, the commonness of crime and disorder necessitated the implementation of law. The codification of the law was not an option as it was a form of bourgeois order and class struggle, and thus anti-revolutionary act. Bolsheviks therefore relied in the beginning on the ‘revolutionary consciousness’, in other words ‘proletarian commonsense’ which served to legitimize violence over perpetrators of the order in the eyes of the state.²³ The issue is that Bolshevism was largely driven by the masses and Marxist’s ideals were often used by the groups to commit petty crimes alongside the executions without trials.²⁴ The chaotic application of this ‘revolutionary consciousness’ is illustrated in countless local incidents e.g., a report from Kiev on December 21 of 1917, describes soldiers committing a robbery. When a *militционер* came, he was severely beaten by them under the aegis of ‘revolutionary trial.’²⁵ In a sense, such act should not be considered as a crime in post-October Russia, however the mass public was continuing to report those petty crimes to the local newspapers and militia. The discrepancy between the public perception of the crime and Bolshevik one is apparent. The ‘Bolshevism of the masses’ had unleashed a wave of violence and criminality that the state itself

²¹ Yuzhnaya Kopeyka, no. 2443, 1917, National Library of Ukraine, 9.

²² Ruth Triplett, ed., *Handbook of the History and Philosophy of Criminology*, First Edition, Wiley Handbooks in Criminology and Criminal Justice (Hoboken, New Jersey: Wiley Blackwell, 2018), 423.

²³ Murray Frame, “Crime, Society and ‘Revolutionary Conscience’ during the Russian Civil War: Evidence from the Militia Files,” *Crime, Histoire & Sociétés*, no. 1 (2013): 131.

²⁴ Sheila Fitzpatrick, *The Russian Revolution*, 4th ed. (Oxford: Oxford University Press, [1982] 2017), 43-44.

²⁵ *Kievlianin*, no. 280, 1917, National Library of Ukraine, 2.

could not control through ideology alone because in part it enabled people to commit even more crimes. This forced a critical choice upon the regime: either anarchy of the proletariat or create a codified law to control and reassert the central authority. Therefore, the Bolsheviks' conceptualization of crime oscillated between Marxist ideology and pragmatic authoritarianism, and this tension defined Soviet criminology's trajectory.

With regards to the biological determinism and interpretations of it, Marxists' rule proclaimed it to be a pseudo bourgeois science.²⁶ Explanations for criminal behaviour were replaced with the socio-economic factors and thus a person misbehaving would be regarded as the victim of the structure itself, therefore eligible for redemption through labour for instance. Early Soviets emphasized that unlike the Tsarist regime, their camps and prisons for example were less oppressive and aimed at educating the person, resocializing and correcting him essentially.²⁷ Yet, the idea of human's malleability coexisted with the dehumanization of criminals themselves. As everything was seen now through the lens of Marxism, it did erase the free will of the person to the same extent as Lombrosian ideas did. From now on, it was the structure that predisposed some people to breach the societal order and not the agency of the person, therefore reducing the criminal to the passive subject of structure. Furthermore, while rejecting biology, the state embraced its own form of technocratic certainty: just as Imperial criminologists claimed the insights into criminality and degeneration, the Soviets asserted the understanding of crime's origins and causes and believed that it was only the state capable of eradicating social deviances.

Early Soviet state instrumentalized the Marxist perspective to establish its own rule and legitimize its authority through what appeared to be a progressive, scientific approach to crime. Therefore, under such configuration it was evident that only the state can 'cure' the criminals, taking the church's responsibility and at the same time appear more humane than the Tsarist regime. Moreover, once the deterministic view of crime was employed, then the reformation of the structure itself had become dependent on the state only, and thus justifying its intrusion to every aspect of society and life. The shift in the ideology can be seen in the wording of RSFSR penal codes 1922 and 1926 in which "crime" was substituted as "socially dangerous act" and "punishment" with "social

²⁶ Triplett, *Handbook of the History and Philosophy of Criminology*, 423.

²⁷ Mikhail Pogorelov, "Prison Museums in Soviet Russia in the 1920s," *Forum for Anthropology and Culture*, no. 18 (2022), 136-61.

defence.”²⁸ A person no longer had to commit a major crime to be seen as a threat. Their class origin or even their perceived ‘bourgeois consciousness’ could be enough to label them ‘socially dangerous’ or undesirable. Thus, under the guise of a more progressive and scientific approach, the Soviet state forged a legal tool of unprecedented power, enabling a level of preventative repression and social control that far surpassed the ambitions of the Tsarist regime.

While early Soviets were focused on the ideological enemies, remnants of the old regime, during Stalin’s rule the state’s target list was largely expanded. If according to the Marxist ideology, a beggar is a victim of capitalism and thus needed help, in the 1930s a beggar would be considered as socially harmful and therefore arrested.²⁹ Not only elements of bourgeois were the threat, but also hooligans, prostitutes and bandits. The Soviet state under Stalin witnessed a pragmatic expansion of the state’s targets due to the ongoing rapid industrialization and collectivization.³⁰ The ongoing process was framed as the ‘war’ against Russian backwardness and the war does not tolerate ‘internal enemies.’³¹ Out of all Gulag prisoners, around 22% were convicted as ‘socially harmful’, a pragmatically broad category that might impede the rapid modernization.³² This shift illustrates not the philosophical return to Imperial idealism, free will, but the instrumentalization of ideology, and thus criminology. The totalizing approach allowed for the state to achieve social penetration and control that the Tsarist regime wanted to acquire, similarly under the same disguise of modernization. While Imperial Russia’s modernization efforts proved to be incompatible with the autocratic nature, the Soviet system through its adapted ideology got the scientific justification for the control with people supporting the regime. The framework of defining social deviance through the perceived threat to the state echoes back to Tsarism, however now it forged a framework that was seen as legitimate by its own agents, allowing them to act with a certainty and ruthlessness the old regime could never fully muster.

The trajectory of criminology within Russia from the late Imperial era until Stalin’s regime illustrates the persistent tension between modernization efforts and desire to possess control. This

²⁸ George V. Starosolsky, “Basic Principles of Soviet Criminal Law,” *North Carolina Law Review* 28, no. 4 (1950): 365.

²⁹ David R. Shearer, “Social Disorder, Mass Repression, and the NKVD during the 1930s,” *Cahiers Du Monde Russe* 42, no. 2–4 (April 1, 2001): 529.

³⁰ John Gooding, *Socialism in Russia: Lenin and His Legacy, 1890-1991*, 1st ed (London: Palgrave Macmillan UK, 2002), 118-119.

³¹ Gooding, *Socialism in Russia*, 120.

³² Fitzpatrick, *The Russian Revolution*, 167.

essay argued that regimes on different stages were instrumentalizing theories of crime primarily to legitimize state power. However, the Tsarist's project was difficult to reconcile with the realities of imperial diversity. The technocratic view framing of crimes as nationalities' pathology, although justified intervention, gave space for nationalism, a deadly offering for the Empire. It was only the Bolshevik revolution that brought radical change that allowed technocrats, Marxists in this essay, to instil their lens on the criminology within Russian territory that necessitated control and mobilized people for the common goal, socialism. The logic of this argument lies in the recurring pattern of subordination of criminology to political needs, thus highlighting the interconnectedness of modernization with control in the Russian context.

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