

THE CHILD UNDER SOVIET LAW

JOHN N. HAZARD*

EMPHASIZING the importance of the family unit, Soviet legal circles are now centering their attention on laws preserving the home. Gone are the years when theoreticians argued that the family was a superannuated form of social organization, and that the child in a socialist society should be maintained and educated in mass institutions. Although political considerations may have called for such a policy in the early period of the Russian revolution due to the need of quickly overcoming the conservative influence of parents long steeped in discarded traditions, no longer does any one broach such a proposition.

Today's policy of child protection and the prevention of juvenile crime is directed towards the strengthening of those organizations best fitted for the care of children. Emphasis is being laid upon the family unit, guardianship, the school, and manual labor for those children not fitted to continue in the schoolroom after the early stages. The comparatively few children who do not react to these methods of approach and become delinquents may now be held accountable under the criminal codes which have been recently revised to conform with the policy of today.

Statistics studied by the Institute of Criminal Politics in Moscow¹ have pointed up the situation so that all may see the need for the reforms of 1935 and 1936 in the field of family and criminal law. Of the 1,001 juvenile delinquents studied in Leningrad in 1934 and 1935, 90% spent their leisure time in an unorganized way outside the family, while only 7% of the offenders spent their recreation hours within the family circle. The remaining 3% played in parks and playgrounds in an organized way during their unoccupied moments. The 2,111 cases examined in Moscow during the same period showed a similar situation. Of this group 88% spent their leisure in an unorganized way outside the home, while 7.7% spent their free time with the family. The balance played in an organized way in parks and playgrounds. Of the group which remained in the home during leisure hours, 46% came from families where the mother and father were both employed. Grandmothers, older children or housemaids were left in charge.

* Member of the New York bar; Moscow Juridical Institute, 1934-37, as agent for the Institute of Current World Affairs.

¹ Nakhimson, K. *Voprosu o Borbe s Prestupnostyu Nesovershenoletnikh* [More on the Question of the Struggle with Juvenile Crime], 3 *Problemy Ugolovnoi Politiki* 81 (Moskva, 1937).

Figures based on examination of children now in correctional labor institutions showed that of some 1,700 children, 54.8% had previously lived with their families, 3.8% had lived in children's homes, 6.4% had supported themselves in their own establishments without parents, while 35% had been homeless waifs. Of this homeless group of 1,013 children, 13% had been on the streets up to a period of 6 months, 11% up to one year, 15% from one to two years, and 56% over two years. The figures do not account for the remaining 5%.

Facts such as these have accentuated the need for laws strengthening the family unit as a home and as a place in which children may spend their leisure time under supervision. They have emphasized the need of putting homeless children into families where they may be either adopted or at least cared for under contract with the Peoples Commissariats of Education or Health. They have called for government aid to parents of large families so that economic needs may be met and the mother enabled to stay at home. At the same time they have brought out the necessity for strengthening criminal laws to control juvenile delinquents and to punish the parent who does not adequately supervise a child or does not supply funds for the maintenance of offspring after divorce has separated man and wife.

Laws enacted by the central federal government are still proportionally few. In consequence discussion will center about the codes of the Russian Socialist Federated Soviet Republic with digressions to the laws of other Republics when differences appear.

PARENT AND CHILD

From the very first days of the revolution a parent's responsibility for children born out of wedlock has been the same as that demanded for those born of the marriage. The 1918 Family Code² of the R.S.F.S.R. abolished any distinction between legitimate and illegitimate offspring, even going so far as to abolish the status of illegitimacy.³ To avoid misunderstanding, the code stated simply that no difference in rights should exist between children born in and out of wedlock.

Although the later code of 1927⁴ changed the formula slightly,⁵ no

² Code of Laws on Acts of Civil Status, October 22, 1918, Nos. 76-77 *Sobr. Uzak.*, R.S.F.S.R. art. 818 (1918) [Collection of Laws, R.S.F.S.R.].

³ "There shall be no differentiation between birth in or out of wedlock." *Id.* at § 133.

⁴ Code of Laws on Marriage, the Family, and Guardianship, effective January 1, 1927, see *Sobr. Uzak.* R.S.F.S.R. No. 82 art. 612 (1926). English translation published in 1932 by Co-operative Publishing Society of Foreign Workers in the U.S.S.R. and also by the International Publishers, New York.

⁵ "Mutual rights of children and parents are based on consanguinity. Children whose parents are not married enjoy the same rights as children born of married persons." *Id.* at sec. 25.

change was made in principle. In application it means that all rights of a child to education, maintenance, and supervision apply equally to all children whether born in or out of wedlock, blood being the factor determining the person held responsible for the giving of these benefits. This basic principle is found in the codes of all other Republics of the Union.

To assure that an unmarried mother receive assistance from the father in the care and support of their child the 1918 code gave her a special privilege. She might declare before a court the father of the child, but only up to three months before delivery.⁶ Notice had to be sent to the person so named as father, and he was allowed two weeks to contest. With the 1927 Code the mother could file her declaration at any time before or after the birth of the child. The period within which the putative father might contest was changed to one month.⁷ This remains the rule today, so that if there is no objection within one month from the date of the notice, the child is registered as the offspring of the named person, and he is held responsible from that moment on. He may contest the decision within a period of one year but during that period he must continue to pay maintenance charges. This principle protecting unmarried women was pushed beyond the previous bounds by the 1927 Code which permitted even a married woman to allege that a man not her husband was in fact the father of her child.⁸ Blood and not marriage became the criteria determining liability for support.

Possible confusion in enforcing this provision of the code when several persons had had relations with the mother during the period of conception was handled in a unique way by the 1918 code. The court was permitted to declare that all these persons were liable for support, jointly and severally.⁹ Practice showed that this system did not work to the advantage of the child, since none of the men felt wholly responsible,¹⁰ and the 1927 code recognized the shortcoming of the earlier rule by demanding that the court single out one of the named persons as the father.¹¹ In this way the child is now definitely placed under the responsibility of a father and mother.

Being a parent carries with it definite obligations. Not only is there

⁶ *Op. cit. supra* note 2, at § 140.

⁸ *Op. cit. supra* note 4, at § 28.

⁷ *Op. cit. supra* note 4, at § 29.

⁹ *Op. cit. supra* note 2, at § 144.

¹⁰ Brandenburgsky, *Kurs po Semeino-Brachnomu Pravu* 109 (Moskva, 1928) [Course in Family and Marriage Law].

¹¹ *Op. cit. supra* note 4, at § 32.

the duty of maintenance,¹² but there is also the duty of care and education.¹³ Failure to perform these duties submits a parent to the risk of being deprived of his parental rights by a court order.¹⁴ Deprivation of parental rights, while discontinuing the duty of personal care and education, does not relieve a parent of the duty of providing material support in the form of payments made to the person or organization to whom the child is sent for care.¹⁵ Grandparents must assume the duties of support and care in the absence of parents able to fulfil these obligations.¹⁶ Older brothers and sisters who are earning wages must take upon themselves their share of the burden if neither parents nor grandparents are capable of carrying it.¹⁷ A demand for reappraisal of any sums which it may have been necessary to extract by a court order will be heard by the court when the child itself begins to earn.¹⁸

Criminal liability accrues if a parent fails to support his or her child.¹⁹ Failure to supervise and guide a child also subjects a parent to an accounting. By the law of May 31, 1935,²⁰ the parent is subjected to an administrative fine if the child is rowdy in the streets while under the parent's care,²¹ and civil damages may be extracted from a parent for injury caused by the child.²² It is apparent that material support alone is not all that

¹² *Id.* §§ 42, 48. This duty of support may be enforced against a spouse even when he continues to live with the family. See *Kopelyanskaya, Zashchita Prav Rebenka v Sovetskom Sude* 49 (Moskva, 1936) [Protection of the Rights of Children in the Soviet Court].

¹³ *Op. cit. supra* note 4, at §§ 41, 45.

¹⁴ *Id.* at §§ 33, 51.

¹⁵ *Sudebnaya Praktika* No. 8 (1928) Abstract printed at annotation (b) to § 42 in 1936 edition of code. Codes of some Republics include this provision as a regular section. See *Kodeks Zakonov o Brake, Seme i Opeke, Uzbekskei S.S.R.*, § 42 [Code of Laws on Marriage, the Family and Guardianship of the Uzbek S.S.R.] Effective October 1, 1928. Published as law of June 23, 1928, No. 99 (Yurid. Izdat. Samarkand, 1928); *Kodeks o Brake, Seme i Opeke, Gruz. S.S.R.* § 145 [Code of Laws on Marriage, the Family and Guardianship of the Georgian S.S.R.], effective January 21, 1920, *Sobr. Uzakon. Gruz. S.S.R.*, No. 6 art 56 (1930) [Collection of Laws, Georgian S.S.R.]; *Kodeks Zakonov o Brake, Seme i Opeke, Turkmen S.S.R.* § 49 [Code of Laws on Marriage, the Family and Guardianship of the Turkmen S.S.R.] Effective January 1, 1936. Decree of C.E.C. and C.P.C. No. 79/1115 of December 4, 1935 (Turkmengosizdat, Ashabad, 1936.)

¹⁶ *Op. cit. supra* note 4, at § 55.

¹⁷ *Id.* at § 54.

¹⁸ Order of the Supreme Court of the R.S.F.S.R., July 2, 1928, printed in 1936 edition of code as annotation (a) to § 42.

¹⁹ Criminal Code of the R.S.F.S.R. § 158. Effective January 1, 1927; 80 *Sobr. Uzak.*, R.S.F.S.R. No. 80 art. 600 (1926).

²⁰ *Sobr. Zakonov i Rasp. S.S.S.R.* No. 32 art. 252 (1935) [Collection of Laws, U.S.S.R.].

²¹ *Id.* at § 18.

²² *Id.* at § 19, carried into Civil Code of the R.S.F.S.R. by law of Nov. 25, 1935, *Sobr. Uzak.*, R.S.F.S.R. No. 1 art. 1 (1936).

the law demands. Laws punish more severely a parent who deliberately leads a child to crime.²³ Failure to adequately enforce this section has called forth a circular from the Supreme Court and Prosecutor's Office of the U.S.S.R.²⁴

Measures assuring that a divorced parent pay under court orders for maintenance of his child were strengthened by the law of June 27, 1936.²⁵ At the present time some one million persons in the U.S.S.R. are under a court order requiring them to pay maintenance costs of their offspring. Of these some 100,000 were reported in 1937 as having evaded payment.²⁶

Installments may be deducted from wages in varying proportions depending upon the number of children. If the person is responsible for one child, the deduction may run to one-fourth of his wages; if for two children, the total deduction may amount to one-third of his wages, and if for three or more children, the total deduction may be one-half. Failure to pay an amount ordered by the court subjects the defendant to an increased penalty of two years' deprivation of liberty. These payments may not be capitalized but must be paid in installments during the minority of the child, unless special considerations point to the impossibility of continuing installment payments.²⁷ If suit be brought for the care of children, the court is itself required to assist in collecting evidence.²⁸ This is another provision aiding an abandoned spouse who may not be able to protect the material well-being of a child.

Step-parents are also subjected to the duties of care and support, but only in two cases: (a) if both parents of the child have died, or (b) if neither natural parent of the child has enough property to support the child. In neither case does the duty to support arise unless the step-child had been a dependent of the step-parent or was being educated by him before the conditions described came into being.²⁹

Support from parents is augmented by government aid. By the same

²³ Law of April 7, 1935, *Sobr. Zakonov i Rasp.*, S.S.S.R., I, No. 19 art. 155 (1935) carried into Criminal Code of the R.S.F.S.R. by law of Nov. 25, 1935, *op. cit. supra* note 22.

²⁴ Circular No. 36/71, dated July 21, 1935. Published in *O Rassledovanii i Rassmotrenii Del o Nesovershenoletnikh* 34 (Moskva, 1937) [Investigation and Hearing of Cases Concerning Minors].

²⁵ *Sobr. Zakonov i Rasp.*, S.S.S.R. I, No. 34 art. 309, § 31 (1936).

²⁶ *O Predvaritelnykh itogakh primeneniya zakona ot 27 iyunya 1936g.* (1937) [Preliminary Reports on the Application of the Laws of July 27, 1936]; *Sovetskaya Yustitsiya* No. 4 17.

²⁷ Letter of Instructions of Civil Cassational College of the Supreme Court of the R.S.F.S.R., 1929, cited as annotation (c) to § 48 in 1936 edition of code.

²⁸ Code of Civil Procedure of the R.S.F.S.R., § 5; *Sobr. Uzakon.*, R.S.F.S.R. Nos. 46-47 art. 478 (1923) effective Sept. 1, 1923.

²⁹ *Op. cit. supra* note 4, at § 42, added by amendment in 1928.

law of June 27, 1936 already discussed in its other aspects, the government binds itself to pay benefits to a mother with six living children when the seventh and successive children are born alive. This benefit amounts to 2,000 rubles a year for the first five years of each of these children's lives. When the mother has had ten children, she receives 5,000 rubles on the birth of the eleventh and succeeding children, and 3,000 rubles per annum until each of these children is five years of age.³⁰

Not all benefits from the family relationship accrue to the children, for a child is obligated to support needy parents unable to work.³¹ This duty also extends to the support of grandparents,³² step-parents who have previously cared for the child for a period of ten years,³³ and adopting parents.³⁴

The death of parents does not leave the child without resources, for inheritance laws protect the child. Children fall together with the surviving spouse and grand-children within the class of persons who may inherit.³⁵ All share equally, there being no conception of inheritance per stirpes. If a will be executed, adult children may be excluded from any share in the estate,³⁶ but minor children cannot be deprived to an extent greater than three-fourths of the share they would have taken by way of intestacy.³⁷

ADOPTION

Adoption was forbidden by the 1918 Code of the R.S.F.S.R.,³⁸ although adoption which had been registered before the revolution was recognized.³⁹ Such persons were given legal status equivalent to that of blood children.

Three conditions led to this attitude towards adoption;⁴⁰ (a) lawmakers defined adoption under bourgeois laws as a status used for exploitation; (b) mass socialized care of children was then envisaged making care within a family eventually unnecessary; and (c) the drafters of the code wished to avoid all possibility of violation of the small exception to the general law against inheritance existing during the early years of the revolution.

³⁰ *Op. cit. supra* note 25, at § 10.

³¹ *Op. cit. supra* note 4, at § 49.

³³ *Id.* at § 42¹.

³² *Id.* at § 55.

³⁴ *Id.* at § 64.

³⁵ Civil Code of the R.S.F.S.R., sec. 418, *Sobr. Uzakon.*, R.S.F.S.R. No. 71 art. 904 (1922).

³⁶ *Id.* at § 422, note 1.

³⁸ *Op. cit. supra* note 2, at § 183.

³⁷ *Id.* at § 422, note 2.

³⁹ *Id.* at § 182.

⁴⁰ See Brandenburgsky, *op. cit. supra* note 10, at 124, also see Goikhbarg, Brachnoe Semeinoe i Opekunskoe Pravo Sovetskoi Respubliki 1 (Moskva, 1920) [Marriage, Family and Guardianship Law of the Soviet Republic].

This exception permitted members of the immediate family to keep chattels of the deceased if they did not exceed the value of 10,000 rubles.⁴² To have permitted adoption might have opened the road to a form of inheritance from persons otherwise childless.

This strict policy was not universal, for in the villages as early as 1922 the new Land Code⁴² had permitted the taking into the peasant family of non-related persons, who thus obtained equal rights of property with blood members of the family including the right to work the land and share in the communal family property existing in every old Russian peasant household. Whereas this was not adoption, it already established incidents associated with that institution, and marked the trend away from the strict rule. Restrictions on inheritance were removed in 1926 so that this reason for prohibiting adoption was also eliminated.⁴³

With the growth of crime committed by parentless children left without care after the revolution and civil war, the government chose to again permit adoption of children as a means of providing supervision for homeless waifs. The 1927 Code included a decree of the previous spring,⁴⁴ permitting adoption. The institution has continued to be of importance in providing families for homeless children, and with the increased importance of the family it has gained in favor. That its need is still felt is evidenced by the statistics already given showing the potentiality for crime among children not cared for within a home.

Restrictions on adoption are extensive. Only minors (persons under the age of eighteen) may be adopted,⁴⁵ and even in that case only if the consent of their living parents has been obtained, providing that these parents have not been deprived of their parental rights.⁴⁶ Should the child be over ten years of age, his consent is also required.⁴⁷

Not all persons may adopt, but only those who could qualify as guardians.⁴⁸ Should it appear to any person after adoption that the new status is proving harmful to the child, appeal may be made to a court to set

⁴² See Brandenburgsky, 122-123; Law of April 27, 1918, *Sobr. Uzakon. R.S.F.S.R.* No. 34 art. 456 (1918).

⁴³ Land Code of 1922, § 66, *Sobr. Uzakon, R.S.F.S.R.* No. 68 art. 901 (1922).

⁴⁴ Law of January 29, 1926, *Sobr. Zakonov i Rasp., S.S.S.R. I*, No. 6 art. 37 (1926), effective from Mar. 1, 1926.

⁴⁵ Law of March 1, 1926, *Sobr. Uzakon. R.S.F.S.R.* No. 13 art. 101 (1926).

⁴⁶ *Op. cit. supra* note 4, at § 57.

⁴⁷ *Id.* at § 61.

⁴⁸ *Id.* at § 63.

⁴⁹ *Id.* at § 58. The limitations will be discussed under guardianship.

aside the relationship.⁴⁹ Codes of some Republics provide restrictions on adoption by foreigners.⁵⁰

A request to be permitted to adopt must be approved by the organs of guardianship, and when arranged must be registered at the bureau for registering acts of civil status.⁵¹

An adopted child has all the rights and duties accorded to natural children, including the rights of inheritance⁵² and maintenance during minority or while unable to work after coming of age.⁵³ In like manner the adopted child in his turn bears the usual burden of support of adopting parents under the rules which have been stated.⁵⁴

DEPENDENCY

In addition to adoption there has been added to the code in recent years a provision permitting persons to take children into their homes for education as a dependent.⁵⁵ This status does not involve the incidents of adoption such as possible change of name, inheritance rights, and support under the usual rules applying after the divorce of parents, whether they be natural or adopting parents. The status in like manner does not involve some incidents of guardianship, for the child taken as a dependent is protected to a greater extent than is the ward. This arises from the fact that the person offering care and education is thereafter bound even in the face of lack of desire to continue to support a minor or child unable to work if its own natural parents have died or have insufficient means to support their children.⁵⁶

Although a child taken into a home as a dependent does not share with other heirs in an intestate estate as would an adopted child, he may, however, qualify under the civil code as a total dependent of the deceased

⁴⁹ *Id.* at § 66.

⁵⁰ The Uzbek code § 50, *op. cit. supra* note 15, requires that the foreigner first receive permission from the District Executive Committee. The Azerbaidjan code § 64, *Sobr. Uzakon Az. S.S.R. I. No. 11 (1928)*, requires permission of the Presidium of the Central Executive Committee of the Republic, or in Baku of the Executive Committee of the city. This limitation was later changed to require less, demanding only the permission of the District Executive Committee at the domicile of the child, but the foreigner must be of working or small-peasant classification, *Sobr. Uzakon., Az. S.S.R. I, No. 18 art. 312 (1928)*. The Georgian code in § 77 provides similarly to the amended form of the Azerbaidjan code., Georgian code, *op. cit. supra* note 15.

⁵¹ *Op. cit. supra* note 4, at § 59.

⁵² Civil Code of the R.S.F.S.R. § 418, *op. cit. supra* note 35.

⁵³ *Op. cit. supra* note 4, § 41, 42. These apply by reason of § 64.

⁵⁴ *Id.* at § 49 applied by reason of § 64.

⁵⁵ *Id.* § 423, added by amendment in 1928.

⁵⁶ *Ibid.*

providing this has been the case for a period of one year before the death of the foster parent.⁵⁷ This means that the dependent receives a share of the property equal in size to that received by any other heir.⁵⁸ If a will has been made omitting such a child, those who receive legacies are required to share proportionally to the size of their legacy in any maintenance which may be necessary.⁵⁹

THE PATRONAT

Another new status has recently appeared, for during 1936 there was instituted the *patronat*⁶⁰ formerly known to Roman law. Under this form of juvenile care a person may take a child between the age of five months and fourteen years into his home under contract. The contract is made with the People's Commissariat of Health if the child be under four years of age, and with the Commissariat of Education if the child be older. The relationship ceases when the child reaches sixteen. In country districts the contract is made with the president of the village soviet acting as agent for the People's Commissariat of Social Insurance or as agent for the collective farm's fund for mutual assistance. The patron is paid monthly by the Commissariat for the care given.

In this type of case the family code does not govern the relationship between parent and child, but the contract alone is controlling. This means that there is no right of inheritance or maintenance by way of parental duty. Such payments occur only if they are specified in the contract. The child could not even qualify as a dependent in the event of the death of the patron since the child is in the last analysis dependent upon the Commissariat and not upon the person to whom the Commissariat assigns him for care. In other matters the patron ranks as a guardian⁶¹ and is criminally responsible if the child is left without supervision or support while under the patron's care.⁶²

This novel institution permits the People's Commissariats of Education and Health to provide for the care of stray children within a family group, without subjecting the family to duties and contingent liabilities which they might not be willing to assume.

GUARDIANSHIP

Drawing the distinction of Roman law between *tutela* (tutorship) and *curatio* (curatorship), all Soviet codes since the original liquidation of

⁵⁷ Civil Code of the R.S.F.S.R., *op. cit. supra* note 35 at § 418.

⁵⁸ *Id.* at § 420.

⁵⁹ *Op. cit. supra* note 4, at § 422, added by amendment in 1928.

⁶⁰ Law of April 1, 1936, 9 *Sobr. Uzakon.*, R.S.F.S.R. art. 49 (1936).

⁶¹ *Id.* at § 6.

⁶² *Id.* at § 10.

Tsarist guardianship organs⁶³ have provided these two types of guardianship. In the 1918 Code distinction was drawn between the two types insofar as they related to minors,⁶⁴ but in other respects the 1918 Code did not differ from the 1927 code in distinguishing between the two.

Tutorship may now be declared over minors to the age of fourteen years, and over persons declared according to law to be feeble-minded or insane.⁶⁵ It may also be declared over the property of a person declared by a court inexplicably absent or dead.⁶⁶

Curatorship is declared over minors from the age of fourteen to eighteen and even over adults if they are believed to be unable to protect their own rights because of their physical condition (the sick as opposed to the mentally unbalanced).⁶⁷ The distinguishing feature between these two forms is found primarily in the legal capacity of the guardian; the tutor having power to actually make contracts and conduct matters for the person under tutorship,⁶⁸ while the curator is only permitted to assist his ward. This means that the person under curatorship acts in his own name, but only upon the advice and with the assistance of the curator.⁶⁹

Although the 1918 code of the R.S.F.S.R. provided for tutorship over spendthrifts,⁷⁰ this was eliminated in the 1927 Code. It remains, however, in the codes of the Ukrainian S.S.R., the White Russian S.S.R., and the Azerbaidjan S.S.R.⁷¹

Rules specifying the type of person who may be appointed, to whom an appointee is responsible, and by whom they may be removed are the same for both tutor and curator. Henceforth in the discussion they will be classed together under the more general term "guardian."

The 1918 Code laid the emphasis upon the People's Commissariat of

⁶³ Law of Nov. 10, 1917 on the elimination of estates and civil ranks. 3 *Sobr. Uzakon.*, R.S.F.S.R. No. 3 art. 31 (1917).

⁶⁴ *Op. cit. supra* note 2, at § 190.

⁶⁵ *Op. cit. supra* note 4, at § 69. Only the Ukrainian Family Code in § 56 provides for tutorship over children to the age of eighteen, or until married. In the Ukraine a female may marry at sixteen, although the male must wait until he is eighteen. Codes in all other Republics put children over fourteen under curatorship and not tutorship. For Ukrainian Code see Code of Laws on the Family, Guardianship, Marriage and Acts of Civil Status, May 31, 1926, *Sobr. Uzakon. Uk. S.S.R.* Nos. 67-69 (1926), corrected in *Id.* no. 72 (1926).

⁶⁶ *Op. cit. supra* note 4, at § 69.

⁶⁷ *Id.* at § 70.

⁶⁹ *Id.* at § 90.

⁶⁸ *Id.* at § 69.

⁷⁰ *Op. cit. supra* note 2, at § 198.

⁷¹ Ukrainian Code, *op. cit. supra* note 65, at § 56; Azerbaidjan Code, *op. cit. supra* note 50, at § 76 and White Russian Code of Laws on Marriage, the Family and Guardianship effective March 1, 1927, *Sobr. Zakonov (B.S.S.R.)* No. 7 art. 26 § 88 (1927).

Social Security as a guardian⁷². Institutional guardianship was the rule, although as an exception the institution might name an individual as its deputy.⁷³ As early as 1920⁷⁴ this principle was enlarged, and control was passed to three Commissariats depending upon the type of guardianship involved. The People's Commissariat of Education supervised the guardianship of minors; the People's Commissariat of Health had charge of the guardianship over the mentally ill; while the People's Commissariat of Internal Affairs was given guardianship over spendthrifts and those who needed supervision because of actions too dangerous to permit.

Experience showed that this principle of institutional guardianship did not provide the personal touch necessary to insure the greatest success. To put the matter into the hands of local authorities, and to swing the emphasis from the institution to the individual,⁷⁵ the 1926 Code passed the control over the naming of guardians from the Commissariats to the local Executive Committees.⁷⁶ These still retain powers of supervision.

Not every one may qualify as a guardian. The 1918 Code provided broader limits than the later 1927 Code, but the new Stalin Constitution⁷⁷ promulgated on December 5, 1936 will result in the widening of the class even more than was the case under the 1918 Code. The new Constitution has removed the restriction on electoral rights.⁷⁸ It was this restriction which had acted under the 1927 Code to deprive certain members of the former hostile class elements of the right of being a guardian. The 1918 Code defined three limitations;⁷⁹ persons being denied the right of being named if (a) they were themselves under guardianship, (b) had been deprived by a court of their rights as citizens, or (c) if they had interests in conflict with the interests of the person under guardianship, especially if the relationship was hostile. The 1927 Code increased⁸⁰ the limitations by adding an additional category composed of persons deprived of electoral rights by Article 69 of the 1925 Constitution of the

⁷² *Op. cit. supra* note 2, at §§ 184, 190.

⁷³ See Brandenburgsky, *op. cit. supra* note 10, at 131.

⁷⁴ Law of Dec. 2, 1920, *Sobr. Uzakon.*, R.S.F.S.R. No. 93 art. 506 (1920).

⁷⁵ See Brandenburgsky, *op. cit. supra* note 10, at 135-136.

⁷⁶ The organs of tutorship and curatorship are the Presidium of the Territorial and Regional Executive Committees, the Presidium of the Regional (Autonomous Region) and District Executive Committees and the city and village soviets. See *op. cit. supra* note 4, at § 72.

⁷⁷ *Izvestiya Ts. I. Ka*, S.S.R. No. 283 (6140) of Dec. 6, 1936. For English Translation see *V. Moscow Daily News*, No. 280 (1382) of Dec. 6, 1936 or Rappard, Sharp, Schneider, Pollock, and Harper, *Source Book on European Governments* part V, 107 (New York, 1937).

⁷⁸ *Id.* at art. 135.

⁷⁹ *Op. cit. supra* note 2, at § 208.

⁸⁰ *Op. cit. supra* note 4, at § 77.

R.S.F.S.R.⁸¹ This article had disenfranchised the declassed hostile elements.

In choosing a guardian special considerations must be borne in mind; the personal attributes of the person, his ability to handle the duties which will fall upon him, the relations existing between himself and the person to be put under guardianship, and also the will of the person to be put under guardianship when this may be discovered.⁸² Whereas illiteracy may operate to influence the choice of a guardian, it does not automatically prevent selection.

Serving as guardian is a duty which may be avoided only in certain cases;⁸³ (a) if a person is over sixty years of age; (b) if a person is unable to carry out the duties due to illness, physical deficiencies, property status, or because of his studies or duties of work, (c) if he or she is rearing two or more children; (d) if she is a nursing mother or one having a child under eight years of age; and (e) if it is a person already acting as tutor or curator.

Service is without remuneration,⁸⁴ although expenses of the person under guardianship may be paid out of the property of this person if there be such.⁸⁵

If a citizen or his property is beyond the borders of the Soviet Union, the representative of the Soviet Union within that country acts as guardian.⁸⁶

The guardian may conclude on his own initiative all agreements which the ward might himself conclude if he were legally competent to act; except those concerning (a) the alienation of property, (b) the pledge of property, (c) the giving of personal notes or other obligations of debt, (d) the rejection of property received by inheritance, by intestacy, or by will, (d) the leasing of property for periods over one year, (f) the stopping of the business of an organization belonging to the ward, (g) the making of partnership agreements. For all of these acts the consent of the organ controlling the guardianship must be acquired.⁸⁷

Duties involve educating minors and taking measures to treat those mentally ill,⁸⁸ although in this case permanent medical surveillance must also be provided by the responsible health organ.⁸⁹

A guardian cannot delegate his duties of education of a minor or treat-

⁸¹ *Sobr. Uzakon. R.S.F.S.R. No. 30 art. 218 (1925).*

⁸² *Op. cit. supra* note 4, at § 76.

⁸³ *Id.* at § 78.

⁸⁴ *Id.* at § 81.

⁸⁶ *Id.* at § 85.

⁸⁸ *Id.* at § 79.

⁸⁵ *Id.* at § 82.

⁸⁷ *Id.* at § 86.

⁸⁹ *Id.* at § 84.

ment of the mentally ill without the consent of the organs of guardianship.⁹⁰ Should he fail in his duty to supervise the child in such a way that juvenile delinquency cannot occur, he is subject to criminal prosecution.⁹¹

Removal of the guardian may be effected by the organs of guardianship, either on their own initiative, or at the request of governmental organs, social organs, any citizen, or the ward himself if the organ of guardianship finds negligence or malicious use of the position of guardian. To hear complaints from any of these sources the Executive Committee of the District is empowered to act as a court of appeal.⁹² From their decision appeal may be had to the Regional Executive Committee, but no higher as their decision is final.⁹³

The guardian must make an annual report to the organs of guardianship, containing not only information as to the administration of the property, but also as to the fulfilment of the duty of education or treatment of the wards.⁹⁴ At the termination of the period of guardianship, a general report must be made covering the whole period.⁹⁵ The organ of guardianship may demand additional documents or explanation, and may withhold approval until satisfied.⁹⁶

Rules quite similar to those for trustees under the law of many American states apply to the method of administration. Funds and valuable documents must be deposited in a bank and may not be kept by a guardian at home.⁹⁷ Sales of property must be made at public sale or at prices established by experts as being fair, and the sale must be approved by the organs of guardianship.⁹⁸ The guardian cannot himself make contracts with the ward or represent the ward in making contracts with the wife or near relatives of the guardian.⁹⁹ Debts of the ward to the guardian or his wife or relatives are paid only with the consent of the organs of guardianship.¹⁰⁰ Perishable goods may be sold without permission of the organs of guardianship if the total value is not over fifty rubles.¹⁰¹

Declaration of a person as mentally ill is made only after a decision of a committee appointed by the organs of guardianship. This committee is composed of the President of the organ of guardianship and not less

⁹⁰ *Id.* at § 89.

⁹¹ See Law of May 31, 1935, *op. cit. supra* note 20, at § 12 and Law of November 25, 1935, *op. cit. supra* note 22, at § 4.

⁹² *Op. cit. supra* note 4, at § 92.

⁹³ *Id.* at § 94.

⁹⁶ *Id.* at § 102.

⁹⁹ *Id.* at § 88.

⁹⁴ *Id.* at § 101.

⁹⁷ *Id.* at § 100.

¹⁰⁰ *Ibid.*

⁹⁵ *Ibid.*

⁹⁸ *Id.* at § 99.

¹⁰¹ *Id.* at § 86.

than two doctors, one of whom must be a psychiatrist.¹⁰² They must notify all interested organs and persons of the time of the hearing¹⁰³ and take all evidence which is presented, and their decision must be signed by all members of the commission stating just what really is the condition of the ill person.¹⁰⁴ If the person under guardianship or any other person or organ asks that it be recognized that recovery has occurred, the same type of commission hears the petition.¹⁰⁵ Expenses are charged to the account of the person subjected to the examination.¹⁰⁶ Appeal from the decision of this commission of doctors lies to the Presidium of the Executive Committee of the district.¹⁰⁷

INSTITUTIONAL CARE

Families are not always to be found for all homeless children, nor are some in a physical condition where family care would be the most advisable approach. To handle children in these groups, the law of May 31, 1935, has increased the number of institutions caring for children and at the same time set up concrete rules to assure the successful operation of such institutions.¹⁰⁸

Four types of children's homes are delineated. Under the People's Commissariat of Education are placed homes for normal children who may not have funds to support themselves, as well as for children whose parents wish to pay for their care in boarding institutions, and also for problem children who need special attention in their education. Under the People's Commissariat of Health are placed homes to which are assigned children needing long periods of medical care. Under the People's Commissariat of Social Insurance are placed homes for invalided children, while under the People's Commissariat of the Interior are placed isolation houses, and labor colonies, as well as temporary detention places in which delinquents are placed for not more than a month while awaiting final disposition.

In each type of home manual labor is to be instituted as the situation may demand, inasmuch as work is considered as the best corrective as well as prophylactic for youth. Children over fourteen years of age are to be sent to collective farms, tractor stations, and factory schools to continue their study and work.

To man these institutional homes the People's Commissariat of Education is obliged to select its best prepared workers. The Central Committee of the Communist Party is required to delegate two hundred

¹⁰² *Id.* at § 103.

¹⁰⁴ *Id.* at § 106.

¹⁰⁶ *Id.* at § 109.

¹⁰³ *Id.* at § 104.

¹⁰⁵ *Id.* at § 108.

¹⁰⁷ *Id.* at § 110.

¹⁰⁸ *Op. cit. supra*, note 20, at § 1.

communist party members, while the All-Union Leninist Communist Youth League is required to provide five hundred of its most active kom-somols. The trade unions must name three hundred qualified members to assist in the teaching of trades which will be a part of the program of the institutions.

Many of these homes have already been put into operation, but the development is not fast enough to please some writers who are demanding greater activity and speed.¹⁰⁹ Time alone can show the effect these institutions will have in caring for the youth of the country and in preventing crime.

COMPULSORY EDUCATION

Continuation in school to the latest possible moment may also be a means of preventing juvenile delinquency. The Institute of Criminal Politics' statistics¹¹⁰ show that of the children examined only 14.9% committed crimes while still in school or after having completed lower or middle schools. The remaining 85.1% of the delinquents had left school before completing the minimum course, and of this latter group 30% had withdrawn during the first and second classes when they were eight or nine years old; 40% had left during the third or fourth year, and 30% during the fifth or sixth year.

Figures in Moscow showed even more strikingly the relation of school during formative years to the amount of child delinquency. Of the nine year olds examined twenty-nine were studying and twenty-nine had left school; of the ten year olds thirty were studying and fifty-six had left; of the eleven year olds thirty-two were studying and seventy-seven had left; of the twelve year olds twenty were studying and one hundred and fifty-five had left; of the thirteen year olds one hundred and fifty were studying and one hundred and ninety had left; of the fourteen year olds one hundred and fourteen were studying and two hundred and forty had left; of the fifteen year olds seventy-six were studying and four hundred and twenty-eight had left. When interrogated as to why they had withdrawn from school, the answers showed that 60% left because they did not want to study, 16.6% wanted to work, 10.3% wanted to enter a trade school, 4% left because their parents prevented further study, 3.3% left because they were in material need, while 5.3% gave other reasons. The figures do not account for the remaining one-half of one per cent. These figures have

¹⁰⁹ See Utevsky, *Stalinskaya Konstitutsiya i Okhrana Prav Nesovershenoletnikh* [The Stalin Constitution and the Protection of the Rights of Children] (1937), *Sovetskaya Yustitsiya* No. 12.

¹¹⁰ See *op. cit. supra* note 1.

led to the conclusion that the organs entrusted with the task of education must increase efforts to reach every child, and the People's Commissariat of Education is called to account.¹¹¹

Any examination of compulsory education within the Soviet Union must start with the Program of the Communist Party¹¹² calling for "The inauguration of free, compulsory, general and polytechnical education [which in theory and practice acquaints the pupils with all the main branches of industry] for all children of both sexes up to the age of seventeen." This now takes form in the Stalin Constitution guaranteeing the right to education.¹¹³

Education is free and in its most advanced form is available for those who meet the scholastic requirements. Not only is this education free, but students even receive monthly grants of money on which they may subsist.

Present-day compulsory education is governed by the law of August 14, 1930¹¹⁴ which required all Republics of the Union to enact laws which would demand compulsory four-year education for all children in city or country. Children who were at that time eight, nine or ten years old were to be admitted to the first grade. For children at that time between the ages of eleven and fifteen years who had never attended school, special one- and two-year courses were instituted so that they might have at least an elementary training, and still not interfere with the normal operation of the regular beginner's grades. This section of the All-Union law applied in both village and city, but a second part went further to require a seven-year school in cities, factory areas, and workers' settlements. In these districts every child was required to attend school for the full seven years, starting with those aged eight, nine, and ten. Those who may have completed the four-year elementary schooling in the previous year were required to continue so that their total might be seven years.

This general law enacted by All-Union organs was re-enacted in each of the Republics¹¹⁵ and remains the basic law in force today. It now means that every child at the age of eight enters school. If it is a country area this schooling must continue for four years, while if it is a city area the child must continue for seven years. The R.S.F.S.R. has gone further

¹¹¹ *Id.* at 85.

¹¹² See Program and Rules of the Communist Party of the Soviet Union (Bolsheviks) 26 § 12 (revised English ed., Moscow 1935), also printed in Rappard et al, *op. cit. supra* note 77, at p. 7.

¹¹³ *Op. cit. supra* note 77, at art. 121.

¹¹⁴ *Sobr. Zakonov i Rasp.*, S.S.S.R. I, No. 39 art. 420 (1930).

¹¹⁵ In the R.S.F.S.R., see *Sobr. Uzakon*, R.S.F.S.R. No. 39 art. 479 (1930).

to bring country districts up to the seven-year requirement.¹¹⁶ With the 1937-1938 season children completing the four year course must continue in school for three more years. This law has not yet been carried out in every district, but most rural areas have met this requirement.

Laws require a parent or guardian to send the child to school.¹¹⁷ A parent who fails in his duty is deprived of parental rights,¹¹⁸ while criminal penalties await guardians who fail in this duty of education.¹¹⁹ That some parents have failed is apparent from the fact that some 300,000 children within twenty-three provinces and twelve Autonomous Republics of the Union at the present time have in some way avoided attendance at school.¹²⁰ This figure should be read in conjunction with figures on school attendance which showed twenty-seven and four-tenths millions of children enrolled in these compulsory schools in 1936-1937.¹²¹

Any evaluation of this school system must not lose sight of the fact that in rural areas any education is a novelty. Introduction of four-year compulsory courses should be considered in the light of their revolutionary effect in rural areas where even a minimum of teachers was not available.

MANUAL LABOR BY MINORS

Work is another factor playing an important part in keeping the youth busy and out of the corrupting influence of the streets. From the earliest decree on labor of October 29, 1917¹²² youths have been permitted to work on the same basis as adults after reaching the age of legal majority. Minors have on the other hand been permitted to work at different ages as labor needs may have required during the course of the revolution, and then only under precautionary restrictions. The 1917 decree forbade the employment of children under the age of fifteen years, and declared that this provision would go into effect on January 1, 1919. Children between the ages of fifteen and eighteen were restricted to the six-hour day instead of the eight-hour day otherwise in force. This early decree went further to declare that after January 1, 1920 no person under the

¹¹⁶ Law of March 13, 1934, *Sobr. Uzakon*, R.S.F.S.R. No. 12 art. 82 (1934).

¹¹⁷ *Op. cit. supra* note 4, at § 41.

¹¹⁸ *Id.* at § 46.

¹¹⁹ Criminal Code of the R.S.F.S.R., *op. cit. supra* note 19, at § 158¹, added by amendment in 1936.

¹²⁰ See Utevsky, *O Likvidatsii Prestupnosti sredi nesovershenoletnikh* [Liquidation of Criminality Among Minors], *Sovetskaya Yustitsiya*, No. 7 20 (1937).

¹²¹ See *Moscow News*, No. 36 of Sept. 8, 1937 at p. 2.

¹²² *Sobr. Uzakon*, R.S.F.S.R. No. 1 art. 10 (1917).

age of twenty could be employed, but this part of the law never became effective, as other decrees superseded the earliest one.

The first Code of Labor Laws¹²³ came into force on December 10, 1918 and forbade labor of children under fifteen years of age. Those between fifteen and eighteen were not to toil more than a six-hour day, and were not permitted to do night work at all.

By 1920 the civil war had left its mark of destruction, and labor laws were revised¹²⁴ to make possible the speediest possible reconstruction. In this revision the age at which minors could begin work was dropped to fourteen, but from the ages of fourteen to sixteen the labor day was to be only four daytime hours. Other limitations on older children remained the same.

The 1922 Code of Labor Laws¹²⁵ introduced the system which remains in operation today. Persons under the age of sixteen may not be employed except in exceptional cases permitted by the Inspector of Labor on the basis of a special instruction of the People's Commissariat of Labor issued in conjunction with the Central Council of the Trade Unions.¹²⁶ In this exceptional case the age limit may be dropped to fourteen years, but for such cases the work day may be only four daytime hours.¹²⁷ For children from sixteen to eighteen the day remains at six daytime hours.¹²⁸ In no case may a child under eighteen work at night¹²⁹ or overtime,¹³⁰ nor may he be employed in heavy, harmful or underground work.¹³¹ His employment in loading and unloading is so restricted that a special instruction¹³² sets forth the kinds of material he may handle and sets a top limit of twenty kilograms to any load, or fifty kilograms if two are working together on the same article. No child under sixteen may take part in loading or unloading.

Holidays must be at least twenty-four days for minors instead of the

¹²³ *Id.* nos. 87-88, art. 905 (1918).

¹²⁴ Law of June 17, 1920 entitled "General Regulations on Wages," which in fact amounted to a whole code. *Sobr. Uzakon*, R.S.F.S.R. Nos. 61-62 art. 276 (1920).

¹²⁵ Law of Oct. 30, 1922, *Id.* no. 70, art. 903 (1922).

¹²⁶ Code of Labor Laws § 135. The People's Commissariat of Labor was fused with the All-Union Central Council of Trade Unions by the Law of September 10, 1933, *Sobr. Zakonov i Rasp. S.S.S.R.* I, No. 40 art. 238 (1933).

¹²⁷ *Id.* at § 136.

¹²⁸ *Id.* at § 95.

¹³⁰ *Id.* at § 105.

¹²⁹ *Id.* at § 130.

¹³¹ *Id.* at § 129.

¹³² Instruction of People's Commissariat of Labor of the U.S.S.R., dated Sept. 20, 1931. See *Izv. N.K.T.* No. 30 (1931), or *Sbornik Vazhneishikh Postanovlenii po trudu*, [Collection of the Most Important Enactments on Labor] by Kiselev and Malkin 231 (6th ed., Moskva, 1936).

usual twelve days for adults, and generally they are to be one calendar month.¹³³

A special inspector has been appointed by the trade unions to supervise the work of minors and youths and determine that all protective laws are being obeyed.¹³⁴ Annual medical examinations of employed youths are also compulsory.¹³⁵ In a socialist society where the regenerative and prophylactic value of work is emphasized these laws provide for the youth who does not wish or is not able to continue his studies, and at the same time they assure that the toil be of a character which will not undermine his health. It is a system going far to fit into the general scheme of family and school as a third element in building the new generation for the socialist world in which it lives.

CRIMINAL RESPONSIBILITY

To handle the problem of children who do not react to the ordinary methods of education directed toward making law-abiding productive citizens, Soviet criminal law has varied the approach, starting with rather lenient laws and progressing to the more vigorous reforms of 1935.

Until 1919 judges had no criminal codes to guide them but continued to administer in accordance with their revolutionary conscience.¹³⁶ In practice children were not convicted for crime, but were turned over to educational organs for care in labor communes. By 1919 the elements of a system of Soviet criminal law were published, and these declared that children under fourteen years of age were not to be held responsible criminally for their actions. Those between fourteen and eighteen were to be subject to the criminal laws only if they acted wittingly.¹³⁷ Juvenile delinquents were still put in correction homes but this system did not prove successful as the country was going through such trying periods of intervention and civil war that little was possible. Starvation periods were not times in which children could be reformed, but with the return of more normal conditions, the first full criminal code was promulgated in the R.S.F.S.R. This document effective June 1, 1922¹³⁸ provided that children under fourteen were in no way to be held responsible for their acts. Those between the ages of fourteen and sixteen were to be subjected

¹³³ *Op. cit. supra* note 124, at § 114.

¹³⁴ Order of presidium of Central Council of Trade Unions, dated Oct. 16, 1935, see Byul. V.Ts.S.P.S. No. 20 (1935) or Sbornik, *op. cit. supra* note 132, at p. 230.

¹³⁵ Law of Oct. 13, 1922, *Sobr. Uzakon*, R.S.F.S.R. No. 65 art. 842 (1922).

¹³⁶ *Sobr. Uzakon*, R.S.F.S.R. No. 4 art. 50 § 5 (1918).

¹³⁷ *Id.* no. 66 art. 590 § 11 (1919).

¹³⁸ *Id.* no. 15 art. 153 (1922).

not to judicial measures of social defense but to medical-pedagogical correction.¹³⁹ Here was inaugurated a principle which was to reappear with a change in age limits until the reforms of 1935. One novel provision of the 1922 code permitted the committee on distribution of children among children's institutions to appear before the People's Court in the region in which a minor might be confined in a labor reform institution and ask that the period of detention be extended beyond the period originally named until the child might be considered reformed, but not longer than one-half the original commitment.¹⁴⁰ This provision was removed in the 1926 code.

The 1926 code in the R.S.F.S.R.¹⁴¹ divided minors into three groups. It declared that children below the age of fourteen would not be responsible under the usual provisions of the code, but could be subjected only to medical-pedagogical measures administered by a special commission for juvenile cases.¹⁴² This commission in its final form was composed of a representative of the People's Commissariat of Education as president, a people's judge, a doctor, and a school inspector.¹⁴³ Children from fourteen to sixteen might be subjected to the provisions of the criminal code if the special commission thought such a procedure advisable, while those over sixteen were treated like adults. This rule was simplified in 1929 so that only two classes were created: children under sixteen being brought before the commission for the application of medical-pedagogical measures, and those over sixteen being taken to the People's Court for application of the usual articles of the criminal code. The code required that the penalty in these cases be reduced by one-third of the penalty which might be given to an adult in such circumstances, and it specified further that in no case could it be more than half maximum penalties,¹⁴⁴ (i.e., not more than five years' deprivation of liberty for serious crimes and six months of supervised toil without imprisonment in the case of lesser offenses).

This special treatment of minors continued until the reforms of 1935. By the law of April 7, 1935¹⁴⁵ a child from the age of twelve is liable under the regular provisions of the criminal code if he commits crimes of larceny, rape, bodily injury, mutilation, murder, or attempt to murder. The

¹³⁹ *Id.* at § 18.

¹⁴¹ *Op. cit. supra* note 19.

¹⁴⁰ *Id.* at § 56.

¹⁴² *Id.* at § 12.

¹⁴³ See *Sobr. Uzakon R.S.F.S.R.*, No. 38 art. 301, § 11 (1931).

¹⁴⁴ *Op. cit. supra* note 141, § 50.

¹⁴⁵ 19 *Sobr. Zakonov i Rasp.*, S.S.S.R. I, art. 155 (1935).

Supreme Court of the U.S.S.R. later interpreted this as also including obtaining of property by means of fraud.¹⁴⁶ This new law means that children under the age of sixteen are no longer immune from punishment if their crime falls within this classification, and those between sixteen and eighteen do not have their penalties automatically reduced. In practice conditional sentences are now given in most cases except when it be that of a recidivist.

The old commissions for juvenile cases were abolished, and the People's Courts regained jurisdiction, but special sittings of the People's Courts are arranged in the larger cities and all appeals go to a special bench of the cassational court.¹⁴⁷ In case a crime is not within the specified list, the child is still turned over to the People's Commissariat of Education for the administration of educational measures,¹⁴⁸ but the parents or guardians are held criminally liable for permitting their children or wards to act in a rowdy manner in the street. They may also be fined two hundred rubles by an administrative tribunal of the militia.¹⁴⁹

The new law does not, however, permit the application of the extreme penalty—shooting, to minors, since section 22 of the criminal code forbidding the application of this penalty to pregnant women and minors has not been repealed. This does not mean that penalties must not be severe. On the contrary, the courts have been criticized for giving light penalties to children, and the Supreme Court of the U.S.S.R. has felt obliged to warn that strong penalties should be given if the case warrants.¹⁵⁰ At the same time the Supreme Court demands¹⁵¹ that special examiners be delegated for juvenile cases, and that there always be a preliminary sitting to check the prosecution's preparation and make sure that a child is not subjected to the psychological danger of being brought into court when no case may be made out against it. Children when arrested must be kept isolated from adult criminals. Further protection is provided in that all cases are to be reviewed by special tribunals of the appellate-cassational courts.

¹⁴⁶ Order of the 55th Plenum of the Supreme Court of the U.S.S.R., of July 28, 1936 in accordance with the Protest of the Prosecutor's Office of the U.S.S.R., § 1 (b) see *op. cit. supra* note 24, at p. 40-41.

¹⁴⁷ Order of the Supreme Court of the R.S.F.S.R. of Sept. 3-4, 1936; see *Sovetskaya Yustitsiya*, No. 29 (1936) and *op. cit. supra* note 24, at 44.

¹⁴⁸ Circular of the Supreme Court and Prosecutor's Office of the U.S.S.R., No. 36/71 of July 21, 1935, § 1, *op. cit. supra* note 24, at p. 37.

¹⁴⁹ See *op. cit. supra* note 21.

¹⁵⁰ Order *op. cit. supra* note 146, at § II, (c).

¹⁵¹ Circular *op. cit. supra* note 148.

CONCLUSION

While the effect of these various measures of necessity cannot be accurately determined immediately, especially in view of the fact that cases of children under the age of sixteen did not previously go through the court system, statisticians already see a drop in juvenile crime.¹⁵² Taking the average for the period from April to June 1935 as the norm of 100% in the Azov-Black Sea Region, the succeeding months showed a drop during July to September to 88%, during October to December to 35.4% and from January to March, 1936 to 39.1%. Similar figures were registered in the Moscow Province.

The struggle to strengthen the family goes on, while official circles set for themselves the task of eliminating the problem of the homeless child. This struggle to protect the interests of the child has moved into the basic law and become the subject of an article of the Stalin Constitution.¹⁵³ Its importance has prompted the *Pravda* to write in its editorial columns "The Party and Soviet worker who has not appreciated the great political importance to be attached to children is risking falling behind one of the powerful movements of the country."¹⁵⁴ Children are but the grown people of tomorrow and all Russians bear in mind that Stalin has said, "Of all the valuable capital the world possesses, the most valuable and the most decisive is people, cadres."¹⁵⁵

¹⁵² *Op. cit. supra* note 1, at 93.

¹⁵³ *Op. cit. supra* note 77, art. 122.

¹⁵⁴ *Pravda* no. 323 (6569), Oct. 24 (1935).

¹⁵⁵ Address to the Graduates from the Red Army Academies, May 4, 1935 published in *The Soviet Union*, 1935, 3, 9 (Eng. ed., Moscow, 1935).