



## Russian and Soviet forensic psychiatry: Troubled and troubling<sup>☆</sup>



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### ABSTRACT

Russian forensic psychiatry is defined by its troubled and troubling relationship to an unstable state, a state that was not a continuous entity during the modern era. From the mid-nineteenth century, Russia as a nation-state struggled to reform, collapsed, re-constituted itself in a bloody civil war, metastasized into a violent “totalitarian” regime, reformed and stagnated under “mature socialism” and then embraced capitalism and “managed democracy” at the end of the twentieth century. These upheavals had indelible effects on policing and the administration of justice, and on psychiatry's relationship with them. In Russia, physicians specializing in medicine of the mind had to cope with rapid and radical changes of legal and institutional forms, and sometimes, of the state itself. Despite this challenging environment, psychiatrists showed themselves to be active professionals seeking to guide the transformations that inevitably touched their work. In the second half of the nineteenth century debates about the role of psychiatry in criminal justice took place against a backdrop of increasingly alarming terrorist activity, and call for revolution. While German influence, with its preference for hereditarianism, was strong, Russian psychiatry was inclined toward social and environmental explanations of crime. When revolution came in 1917, the new communist regime quickly institutionalized forensic psychiatry. In the aftermath of revolution, the institutionalization of forensic psychiatry “advanced” with each turn of the state's transformation, with profound consequences for practitioners' independence and ethical probity. The abuses of Soviet psychiatry under Stalin and more intensively after his death in the 1960s–80s remain under-researched and key archives are still classified. The return to democracy since the late 1980s has seen mixed results for fresh attempts to reform both the justice system and forensic psychiatric practice.

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### 1. Introduction

Russian forensic psychiatry is defined by its troubled and troubling relationship to an unstable state, a state that was not a continuous entity during the modern era. This banal historical fact distinguishes it from several jurisdictions examined in this volume, such as the United Kingdom, Sweden, Canada, the United States and the Netherlands, where society and government interacted in a relatively uninterrupted, democratic and peaceful fashion; even Nazi occupation failed to disrupt the long continuity of the Dutch state. In the modern era, Russia as a nation-state struggled to reform, collapsed, re-constituted itself in a bloody civil war, metastasized into a violent “totalitarian” regime, reformed and stagnated under “mature socialism” and then embraced capitalism and “managed democracy” at the end of the twentieth century.

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These upheavals had indelible effects on policing and the administration of justice, and on psychiatry's relationship with them. In Russia, physicians specializing in medicine of the mind had to cope with rapid and radical changes of legal and institutional forms, and sometimes, of the state itself. Despite this challenging environment, psychiatrists showed themselves to be active professionals seeking to guide the transformations that inevitably touched their work. In the twentieth century in particular, the institutionalization of forensic psychiatry “advanced” with each turn of the state's transformation, with profound consequences for practitioners' independence and ethical probity.

These physicians campaigned to make their expertise relevant and necessary to the administration of justice in tsarist Russia of the nineteenth and early twentieth centuries. Some felt that revolution held out the best hope for the profession and its concerns. They were particularly angry about political abuses of psychiatry, already manifest in tsarist Russia. Others, especially after the abortive 1905 Revolution, considered it wiser to work within existing structures to reform the administration of justice and the care of the mentally ill criminal. When World War I and the 1917 Revolutions came, psychiatrists began to realize the threat to their very existence posed by the complete breakdown of order. A substantial cohort of psychiatrists eagerly seized the opportunity presented by Vladimir Lenin's Bolsheviks who in October 1917 formed the world's first “socialist” regime. Many bourgeois professionals

recognized that Lenin's regime was determined to reconstitute the state upon modern and technocratic lines, even if according to an unfamiliar and unsympathetic ideology. Such "fellow travelers," including medical experts, would make common cause with Bolshevism. As the Soviet regime became increasingly interventionist and violent, psychiatrists as a profession could do little to challenge its inhumanity. Paradoxically, the period of Joseph Stalin's rule (1929–1953) saw a major expansion of investment in forensic psychiatric personnel and institutions. As other forms of state violence waned after Stalin's death, opportunists and careerists collaborated in distortions of psychiatric medicine, culminating during the 1960s–1980s in the well publicized abuses against Soviet dissidents.

This paper examines three broad periods in this history, beginning with the origins of Russian psychiatry and its institutionalization amid the "Great Reforms" of Tsar Alexander II in the 1860s. This era launched the discipline of forensic psychiatry, which often expressed an oppositional stance up to the February liberal-democratic and October socialist 1917 Revolutions. During 1917 to 1953, the second significant period in this history, the radicalized Soviet legal and institutional landscape offered psychiatric experts opportunities to "come inside," to build new institutions, and to abandon opposition in an embrace that severely curtailed medical autonomy until Stalin's death in 1953. The third period, from 1953 to 1985, opened with de-Stalinization that fostered political dissent, and the neo-Stalinist response that institutionalized the abusive penal psychiatry of the late-Soviet years. This approach was not formally repudiated until democrats revised regulations affecting the discipline in 1992 under the Russian Federation's first post-Communist president, Boris N. Yeltsin.<sup>1</sup>

## 2. Russian forensic psychiatry's origins (ca. 1600 to 1917)

### 2.1. Clerical and medical beginnings 1600–1861

Russian historians of psychiatry customarily refer to the pre-Enlightenment roots of the discipline in the Russian Orthodox Church's monastic tradition, which offered space for the pacification and treatment of the "deranged." From the time of the Kievan state (established in the tenth century CE) to the reign of Ivan the Terrible from 1533 to 1584, and then seventeenth-century Muscovy under the Romanov dynasty (founded 1613), lawgivers and ecclesiastics stated that the monastery with its hospital was the place for the individual who had lost his reason, and called upon clerics to watch and examine them. From the seventeenth century, with reinvigorated secular courts, monks might also be asked to comment in investigations about the criminal responsibility of the insane sent to their care. Some fortunate suspects escaped punishments such as execution or (more usual after the mid-seventeenth century) branding and exile to Siberia, and were confined to the relatively humane monastery instead. There was little system to these procedures. Administrators and government officials also undertook the examination of suspects themselves; as elsewhere in Europe the use of torture was integral to the inquisitorial process, especially for the most serious crimes, and death in custody was not uncommon (Gentes, 2008; Iudin, 1951; Morozov et al., 1976).

Russia's first emperor, Peter the Great (reigned 1682–1725), grasped the potential of Western science and statecraft, and implemented radical and violent reforms to transform weak Muscovy into a Russian Empire which participated in the European state system. Medicine played its role in Peter's construction of a modern army and navy, and a justice system modeled on European cameralism. Peter's Military Statute of 1716 established a modern Russian medical profession as a group of government servitors, licensed, supervised and regulated by the state,

rather than by a corporate or professional body. During the eighteenth and early nineteenth centuries, with the state's establishment of the first universities, medical education was increasingly available to men of middling ranks, and the state ensured that forensic medicine formed part of the medical curriculum. The predominant forensic duty of the eighteenth-century physician was explaining cause of death in doubtful or criminal cases. Yet the need for judgments about the living subject was also felt, and the century saw an accelerating secularization of such assessments. Peter had already decreed in 1723 in his activist state where military or government service was compulsory, that any noble claiming incapacity on grounds of damage "in their reason" had to be examined by the Senate, not by monks. By 1767 the Orthodox Church's Synod (itself a state body) recognized the distinction between cases of mental infirmity to be handled by a doctor, and souls affected "by evil spirits" and in ecclesiastical care. Suicide had long been explained in religious terms but was now acquiring secular glosses: it was the result either of rationality (the preservation of one's honor, the pursuit of some political goal) or mental illness (and Peter's Military Statute anticipated that suicide might be the result of "madness"). By the end of the eighteenth century, medical investigation of suicides was commonplace in St. Petersburg, and perhaps a third were ascribed to mental torments: melancholy, madness or despair (Iangoulova, 2007; Iangoulova, 2001; Iudin, 1951; Morrissey, 2006; Morozov et al., 1976).

The emergence of psychiatry as a discipline, and forensic psychiatry as a sub-field, took place in Russia in the nineteenth century as engagement with European political, military and intellectual life intensified. This engagement often destabilized the state, when for example Napoleon invaded and occupied Moscow in 1812, or when liberal army officers staged the Decembrist Revolt against autocracy in 1825. In response, the autocratic monarchy sought to strengthen the armed forces and government, often with European "technologies" divorced from their socio-political roots. It was also not averse to refining "traditional" methods such as Siberian exile, which was formalized as a penal system in the 1820s (Gentes, 2008).

Under Nicholas I (1825–1855) the state significantly refined legal and policing mechanisms to combat liberalism even as it expanded education and technical training. Nicholas is credited with confining Russia's first political prisoner to be detained on the speciously concocted grounds of derangement, the philosopher Peter Chaadaev. This tsar's social vision relied on serfdom combined with a deep suspicion of modernization and civil society. Nevertheless, Russia's elite jurists and medical experts often had experience studying in German and other jurisdictions; they were aware of European developments in both the adversarial and inquisitorial systems, and this was the era when Russians acquired the intellectual habit of automatic self-measurement against European trends. Russian medical experts might be well trained to a "modern" standard, but they were kept on a tight leash (Becker, 2011; Wortman, 1976). Reflecting wider debates about free will and determinism percolating in Russia's heavily censored press in the 1840s, professors of law and medicine began to debate the validity of legal responsibility (in Russian, *vmeniaemost'*, imputability). Even if the personality of the criminal mattered less in old Russia's inquisitorial process than the facts of the crime, legal refinements implied a closer examination of the offender's state of mind at the time of the act (Becker, 2011). Forensic-medical regulation was codified in 1828, and new criminal and procedural codes with provisions regarding imputability were enacted in the 1830s and 1840s (Becker, 2011). Medical observation of the insane who committed crimes was given legal form in 1835: they were to be sent for two years' observation by doctors in "houses for the insane" (relatively few such asylums then existed). This legislation first mentioned temporary insanity (*umoistuplenie*, delirium) as a mitigating factor in crime, and mandated a six-week period of medical observation in asylums. In 1845 the last tsarist penal code elaborated these provisions for the criminally insane and the

<sup>1</sup> In the text I use simplified Russian transliteration without soft-sign marks and the usual English spelling for common names; in references modified Library of Congress transliteration is used. All translations are the author's own.

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