

УДК 343.8-05

DOI 10.33463/2712-7737.2019.01(1-3).3.212-219

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SCIENTIST, MENTOR, TEACHER
(FOR THE 90TH ANNIVERSARY
OF ALEKSANDR SOLOMONOVICH MIKHLIN'S BIRTH)
[16.02.1930–30.10.2007]

УЧЕНЫЙ, НАСТАВНИК, ПЕДАГОГ
(К 90-ЛЕТИЮ СО ДНЯ РОЖДЕНИЯ
АЛЕКСАНДРА СОЛОМОНОВИЧА МИХЛИНА)
[16.02.1930–30.10.2007]

Abstract. This article is dedicated to the memory of ScD (Law), Professor, Honored scientist of the RSFSR Aleksandr Solomonovich Mikhlin and to the 90th anniversary of his birth. Aleksandr Solomonovich Mikhlin was born in Moscow on February 16, 1930. In 1951, he graduated from the Moscow law Institute, after which he worked as a legal adviser in the system of the Ministry of Railways. In 1954, he entered the full-time postgraduate course of the All-Union Institute of Legal Sciences of the Ministry of Justice of the USSR. In 1959, he defended his PhD thesis on the topic “Consequences of crime in Soviet criminal law” (under the scientific supervision of a well-known scientist in the field of criminal and correctional labor law, ScD (Law), Professor B. S. Utevskiy). After the defense, he worked for some time as a legal adviser, and in 1962–1965 as a scientific Secretary of the Research Institute of Technology and Chemistry. In 1965 he joined the All-Union Scientific-Research Institute of public order protection at the Ministry of public order of the RSFSR, which later was reorganized into All-Union Scientific Research Institute of the MIA of the USSR (all-Russian Research Institute of the MIA of Russia), where he worked the rest of his life. Since the end of the 60s (with the participation and also under the leadership of A. S. Mikhlin) for 30 years (in 1970, 1975, 1979, 1989, 1994, 1999) the work to prepare and conduct special censuses of convicts was carried out. A huge amount of unique information was obtained on persons sentenced to various punishments, as well as on suspects and accused for committing crimes in custody. Based on the materials of a special census in the late 60s, A. S. Mikhlin began working on his ScD thesis, which was defended in 1974 on the topic “The Identity of convicts sentenced to imprisonment and the problems of their correction and re-education”. After 1997 A. S. Mikhlin became

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involved in interpretation and explanation of newly adopted legal acts. Under his scientific supervision and direct participation, scientific and practical comments of the Criminal Code of the Russian Federation, the Penal Code of the Russian Federation, the Federal law on detention of suspects and accused for committing crimes, and the Criminal Procedure Code of the Russian Federation were prepared and published. Thematic judicial collections of current decisions of the Plenums of the Supreme Courts of the USSR, the RSFSR, and the Russian Federation, as well as textbooks on criminal law, penal law, and criminal procedure, were very popular. Three editions of the monograph on the death penalty were also published (in Moscow in 1997 and 2000, and in London in 1999, in English). In total, Professor A. S. Mikhlin published more than 550 scientific papers, more than 1000 printed pages, including more than 100 monographs, textbooks, commentaries, manuals on criminal and correctional labor (penal) law in various publications in Russia, the former Soviet Union Republics, as well as in the United States, Great Britain, Canada, Belgium, Romania, Czechoslovakia, Hungary, Germany, and Bulgaria.

Keywords: Aleksandr Solomonovich Mikhlin, biography, correctional labor law, penal law.

Аннотация. Настоящая статья посвящена памяти доктора юридических наук, профессора, заслуженного деятеля науки РСФСР Александра Соломоновича Михлина и приурочена к 90-летию со дня его рождения. Александр Соломонович Михлин родился в г. Москве 16 февраля 1930 г. В 1951 г. окончил Московский юридический институт, после чего работал юрисконсультom в системе Министерства путей сообщения. В 1954 г. поступил в очную аспирантуру Всесоюзного института юридических наук Министерства юстиции СССР. В 1959 г. защитил кандидатскую диссертацию на тему «Последствия преступления в советском уголовном праве» (под научным руководством известного ученого в области уголовного и исправительно-трудового права доктора юридических наук, профессора Б. С. Утевского). После защиты некоторое время работал юрисконсультom, а в 1962–1965 гг. – ученым секретарем Научно-исследовательского технолого-химического института. В 1965 г. поступил на работу во Всесоюзный научно-исследовательский институт охраны общественного порядка при Министерстве охраны общественного порядка РСФСР, который впоследствии был реорганизован во Всесоюзный научно-исследовательский институт МВД СССР (ВНИИ МВД России), где и работал всю оставшуюся жизнь. С конца 1960-х гг. с участием (а также под руководством А. С. Михлина) на протяжении 30 лет (в 1970, 1975, 1979, 1989, 1994, 1999 гг.) проводилась работа по подготовке и проведению специальных переписей осужденных. Был получен огромный объем уникальной информации о лицах, осужденных к различным наказаниям, а также о содержащихся под стражей подозреваемых и обвиняемых в совершении преступлений. На основе материалов специальной переписи в конце 1960-х гг. началась работа А. С. Михлина над докторской диссертацией, которая была защищена в 1974 г. на тему «Личность осужденных к лишению свободы и проблемы их исправления и перевоспитания». После 1997 г. А. С. Михлин включился в работу по толкованию и разъяснению принятых новых законодательных актов. Под его научным руководством и с его непосредственным участием были подготовлены и опубликованы научно-практические комментарии Уголовного кодекса Российской Федерации, Уголовно-исполнительного кодекса Российской Федерации, Федерального закона о содержании под стражей, подо-

зреваемых и обвиняемых в совершении преступлений, Уголовно-процессуального кодекса Российской Федерации. Большим успехом пользовались тематические судебные сборники действующих постановлений Пленумов Верховных Судов СССР, РСФСР, Российской Федерации, а также учебников уголовного права, уголовно-исполнительного права, уголовного процесса. Также вышло три издания монографии о смертной казни (в 1997 и 2000 гг. в Москве и в 1999 г. в Лондоне на английском языке). Всего профессором А. С. Михлиным опубликовано более 550 научных работ, объемом свыше 1000 п. л., в том числе свыше 100 монографий, учебников, комментариев, пособий по проблемам уголовного и исправительно-трудового (уголовно-исполнительного) права в различных изданиях России, бывших союзных республик СССР, а также в США, Великобритании, Канаде, Бельгии, Румынии, Чехословакии, Венгрии, Германии, Болгарии.

Ключевые слова: Михлин Александр Соломонович, биография, исправительно-трудовое право, уголовно-исполнительное право.

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Recommended citation / Для цитирования

Seliverstov, V. I. 2019, 'Scientist, mentor, teacher (for the 90th anniversary of Aleksandr Solomonovich Mikhlin's birth) [16.02.1930–30.10.2007]', *International penitentiary journal*, vol. 1(1–3), iss. 3, pp. 212–219, doi: 10.33463/2712-7737.2019.01(1-3).3.212-219.

Селиверстов, В. И. Ученый, наставник, педагог (к 90-летию со дня рождения Александра Соломоновича Михлина) [16.02.1930–30.10.2007] / В. И. Селиверстов // Международный пенитенциарный журнал. – 2019. – Т. 1(1–3), № 3. – С. 212–219. – DOI : 10.33463/2712-7737.2019.01(1-3).3.212-219.

**A. S. Mikhlin**

16.02.1930–30.10.2007

In the Research Institute and in many educational institutions of the Federal penitentiary service of Russia, portraits of famous scientists who worked on the problems of criminal penalties execution hang on the walls. Young employees, adjuncts and cadets see these portraits, but not everyone can imagine what the people depicted in them were like in life and work. People who made a significant contribution to the development of Soviet correctional labor and Russian penal science. With help of this article, prepared for the 90th anniversary of the birth of a remarkable man, scientist, mentor and teacher, ScD (Law), Professor, Honored scientist of the RSFSR Aleksandr Solomonovich Mikhlin, we would like to “humanize” the perception of the younger generation of our scientific idols.

Our acquaintance with Professor A. S. Mikhlin took place in 1978, it was in absentia. That year in Tomsk I had to prepare together with the future ScD (Law) S. A. Kapitonov for admission to the adjunct department of the Academy of the Ministry of Internal Affairs of the USSR.

In the process of preparation, an unclear but fundamental question arose about the procedure for sentences execution in special commandant’s offices of the Internal Affairs Bodies. We decided to call the Department of correction and re-education of convicts of the Academy, which at that time was headed by Professor G. A. Tumanov and where our countryman – Professor A. I. Zubkov already worked. We had phones, and soon I heard a very short message on the phone: “Mikhlin is listening.” It was hard to wish for a more qualified specialist at that time, we have just studied from cover to cover the famous work of A. S. Mikhlin and S. A. Miklin on special commandants. Aleksandr Solomonovich gave an exhaustive consultation to our question, regardless of time or the fact that he probably had other important things to do.

Then we met in person at the department of the Academy of the Ministry of Internal Affairs of the USSR, where Aleksandr Solomonovich, together with Professor I. V. Shmarov, taught at 0.5 rates. I was an adjunct of the department,

and Aleksandr Solomonovich was a well-known scientist, ScD (Law), and Professor. It was difficult to guess the further course of events, it seemed that Professor Mikhlin had already achieved everything that an inquisitive and creative researcher could wish for. However, it was not necessary to know Aleksandr Solomonovich well in order to draw a conclusion about his future creative destiny. The description of this creative asceticism is presented below. Our close creative cooperation and friendship allow me to make additions and some comments to it.

Aleksandr Solomonovich Mikhlin was born in Moscow on February 16, 1930. In 1951, he graduated from the Moscow law Institute, after which he worked as a legal adviser in the Ministry of Railways. In 1954, he entered the full-time postgraduate course of the All-Union Institute of Legal Sciences of the Ministry of Justice of the USSR. In 1959, he defended his PhD thesis on the topic “Consequences of crime in Soviet criminal law” (under the scientific supervision of a well-known scientist in the field of criminal and correctional labor law, ScD (Law), Professor B. S. Utevskiy). As the official opponents were ScD (Law), Professor A. A. Gertsenzon and PhD (Law) V. F. Kirichenko. After the defense, he worked for some time as a legal adviser, and in 1962–1965 as a scientific secretary of the Research Institute of technology and chemistry.

In 1965 he joined the All-Union Scientific-Research Institute of public order protection at the Ministry of public order of the RSFSR, which later was reorganized into All-Union Scientific Research Institute of the MIA of the USSR (all-Russian Research Institute of the MIA of Russia), where he worked the rest of his life.

The most significant problems developed by A. S. Mikhlin at this time were related to the execution of non-custodial sentences and release from punishment. The results of the research were books written individually and co-authored: “Correctional work and its effectiveness”, “Early release from punishment”, “Preparation for release of prisoners and

securing the results of their re-education”, “Problems of parole”, “The activity of the commandant’s office and execution of probation and parole with mandatory involvement in labor”, etc.

In 1970–1982, under the guidance of ScD (Law), Professor S. V. Borodin, A. S. Mikhlin participated in the study of the problem of suicides among different categories of the population (employees of Internal Affairs bodies sentenced to imprisonment, the population of the RSFSR, etc.), which resulted in the preparation of various reports to the Council of Ministers of the USSR and the Ministry of Internal Affairs of the USSR, which drew attention to the increase in number of suicides. As a result of the research, the monograph “suicide prevention” was published (authors: A. G. Ambrumova, S. V. Borodin, A. S. Mikhlin).

Since the end of the 60s (with the participation and also under the leadership of A. S. Mikhlin) for 30 years (in 1970, 1975, 1979, 1989, 1994, 1999) the work to prepare and conduct special censuses of convicts was carried out. A huge amount of unique information was obtained on persons sentenced to various punishments, as well as on suspects and accused for committing crimes in custody. The results of each census were published in the form of booklets and books, and were used and are now used in scientific and practical work. A number of theses, including ScD theses, were prepared on the basis of these censuses.

I was lucky enough to take part in the census of prisoners in 1999, mainly at the level of summarizing the results of the census and preparing scientific publications. Aleksandr Solomonovich took over all the organizational work for the census and did it masterfully! In 1998, when the criminal enforcement system was transferred from the Ministry of Internal Affairs to the Ministry of Justice of Russia, when interdepartmental relations were violated, and the leadership of the Ministry of Justice was not up to the census, and A.S. Mikhlin managed to conduct it within the established time frame. This can only be assessed by

following this path. In 2009, the eighth special census of convicted persons and persons in custody was conducted. It was held without the participation of Aleksandr Solomonovich, but its results in the form of scientific publications were dedicated to the founder of this method of sociological research in Russia – A. S. Mikhlin.

Based on the materials of a special census in the late 60s, A. S. Mikhlin began working on his ScD thesis, which was defended in 1974, on the topic “The Identity of convicts sentenced to imprisonment and the problems of their correction and re-education”. As opponents were well-known scientists – Professor S. S. Ostroumov, Professor N. A. Struchkov and Professor A. M. Yakovlev. A number of monographs and articles have been published on the topic of this thesis.

According to the materials of the dissertation and other topics, Aleksandr Solomonovich publishes works individually and co-authored: “Study of convicts’ personality in Correctional Labor Institutions”, “Work of convicts in amateur organizations”, “Amnesty is a new humane act of the Soviet state”, “Parole is an important stage in introducing convicts to an honest working life”, “Registration of convicts serving their sentence in a Correctional Labor Institution and persons in pre-trial detention centers”, “Management of bodies executing punishment”, “Personality of convicts sentenced to imprisonment and problems of their correction and re-education”, “The identity of especially dangerous recidivists and issues of differentiation of punishment execution”, “Problems of early release from serving a sentence”, “Malicious violators of the regime”, “Pardon of convicted persons”, “Procedure and conditions for sentences execution in the form of deprivation of the right to hold certain positions or engage in certain activities”, “Malicious disobedience to the requirements of the administration of a Correctional Labor Institution”, “Released from punishment: rights, duties, labor and household maintenance”, “Comment on the Criminal Code of the RSFSR”, “Comment on changes made to the Criminal Code of the RSFSR”, etc.

An important stage in the work of Professor A. S. Mikhlin was the participation in the work of commissions on draft fundamentals preparation of Penal legislation of the USSR and the Union republics (1987–1989), of the Penal Code of the RSFSR (1989–1991), the Penal Code of the Russian Federation (1992–1996) and the Model Penal Code of the Commonwealth of Independent States (1994–1996). A number of projects were published in the periodical press.

After 1997, A. S. Mikhlin became involved in the interpretation and explanation of new adopted legislative acts. Under his scientific supervision and with his direct participation, scientific and practical comments on the Criminal Code of the Russian Federation, the Penal Code of the Russian Federation, the Federal law on detention of suspects and accused for committing crimes, and the Criminal procedure Code of the Russian Federation were prepared and published. Thematic judicial collections of current decisions of the Plenums of the Supreme Courts of the USSR, the RSFSR, and the Russian Federation, as well as textbooks on criminal law, penal law, and criminal procedure, were very popular. Three editions of the monograph on the death penalty were also published (in Moscow in 1997 and 2000, and in London in 1999, in English). In total, Professor A. S. Mikhlin published more than 550 scientific papers, more than 1000 printed pages, including more than 100 monographs, textbooks, commentaries, manuals on criminal and correctional labor (penal) law in various publications in Russia, the former Soviet Union Republics, as well as in the United States, Great Britain, Canada, Belgium, Romania, Czechoslovakia, Hungary, Germany, and Bulgaria.

Many people envied Aleksandr Solomonovich’s enormous efficiency. To master a computer at the age of 65, to become managing editor and author of textbooks on criminal and penal law, comments to the Criminal Code, Code of Criminal Procedure, the Penal Code, to conduct such extensive research and teaching not only in Russia

but also in CIS countries, this is not given to everyone. We have a lot of jointly released educational and scientific publications, and I always was a malicious violator of the agreed schedule for preparing work, and Aleksandr Solomonovich managed not only to write everything, but also to prepare his section for the next edition.

I want to note one more thing about him: Aleksandr Solomonovich was always happy and ready, when he was offered a new creative project. This was the case when he was asked to draft a Federal law “On pardons in the Russian Federation”. This project was prepared and published, and the main responsible person in this work, as in other initiatives, was Professor A. S. Mikhlin.

Professor A. S. Mikhlin gave most of his creative life to the Institute of the Ministry of internal Affairs of Russia (USSR). In 1982, Aleksandr Solomonovich was awarded the academic title of Professor, in 1989—the honorary title of “Honored worker of science of the RSFSR”. For his achievements in science and educational activities, he was awarded the order of Honor in 1996 by presidential decrees, the 2nd class medal of the Order of Merit for the Fatherland in 2001, the Order of Friendship in 2006, and previously 8 medals of the USSR and the badge “Honored worker of the Ministry of Internal Affairs”.

In addition to the Research Institute of the Ministry of Internal Affairs of Russia, Professor A. S. Mikhlin worked as a part-time chief researcher at the Research Institute of the Federal Penitentiary Service of Russia. In addition, he combined his scientific activity with pedagogical work in All-Union Correspondence Institute of Law, in the Academy of management of MIA of Russia, at the law faculty of the Academy of National Economy under the Government of the Russian Federation, Moscow State Linguistic University, Moscow Academy of Economics and Law, Academic University of State and Law of Russian Academy of Sciences, Military University, International Law Institute, the

Academy of the Federal penitentiary service of Russia and other universities of the country.

He took an active part in the work of the expert Advisory boards of the security Committee of the State Duma and of the legislation Committee of the Federation Council, was a member of the scientific Advisory Board of the Supreme courts of the RSFSR and the Russian Federation, academic Council of the Research Institute of the MIA of Russia and the research Institute of the Federal penitentiary service of Russia, member of dissertation councils for defense of ScD theses of the Research Institute of the MIA of Russia, law faculty at Lomonosov Moscow State University, faculty of Economics and law at Moscow State Linguistic University.

A special feature of Professor A. S. Mikhlin is his attitude to his students. Under his scientific guidance and advice, more than 50 people defended their theses, a third of them – for the degree of ScD (Law).

It was necessary to see how respectfully his students treated Professor Aleksandr Solomonovich Mikhlin. There was so much attention that he often forwarded it to us. This was the case in Kyrgyzstan and Kazakhstan, where he has a large group of students, including ScD (Law). Aleksandr Solomonovich made a lot of efforts to establish legal science in these independent States. It should be said that Aleksandr Solomonovich took care of his students with special attention. In almost everyone, he saw makings of a future PhD or ScD, and he “inspired” them. Although there were some of them to whom he said his famous words: “It is not for you.” These were the most unpleasant words that could be heard from him. For his students and others (potential opponents), he liked to tell an anecdote about a graduate student—a hare and a scientific supervisor—a lion. The comparison was figurative, but, in my opinion, very true.

It so happened that the description of the creative path of Professor A. S. Mikhlin does not contain “criticism”. Indeed, no matter how much I forced myself to look in my memory

for something that I could reproach Aleksandr Solomonovich with, I do not find it. A person of a very lively mind, subtle humor, open and friendly in communication, a master of all trades, whether it is scientific work, handicrafts, car repairs and much, much more. If a person is talented, then he is talented in many fields. This well-known truth was fully confirmed in the creative path and life of famous scientist, caring teacher, wise mentor, reliable friend and our colleague A. S. Mikhlin.

Aleksandr Solomonovich died suddenly on October 30, 2007 in Ryazan, in the building of the Academy of the Federal penitentiary

service of Russia, where he had come to participate in an International conference. The day before he left for Ryazan, Aleksandr Solomonovich called me and offered to go to the conference together. However, the rector's duties did not allow me to take advantage of his invitation. I arrived with my colleagues in Ryazan, when Aleksandr Solomonovich was no longer with us.

It so happened that the acquaintance with this amazing person, a scientist, the highest professional began with a telephone conversation and ended with a telephone conversation.