

The Creation of Modern Prisons in the Russian Empire

Research Report

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Introduction

Labor camps are a widespread phenomenon that existed in a variety of countries all over the world and lastingly influenced different nations and their history. The beginnings of this phenomenon can be traced back to the formation of the imperialist world, when stronger countries, mostly European states, developed a need to expand their zones of influence in the newly discovered continents.

Given the scope of the subject, this research paper focuses on the development of punitive law and forced labor in the Russian Empire. The main focus was on the push into Siberia, which began at the end of the sixteenth century, and the establishment of a new prison system there. These two processes were simultaneous and were clearly influenced by one another. The selection of the topic and the perspectives through which it was assessed were also affected by the historiography that emerged and the view that, as a colony of Tsarist Russia, Siberia was understood only as a place for exile and punishment. Taking the research forward to Soviet Russia, it can be seen that Siberia became a place of torture and death because of the concentration camps that were developed in these territories from 1926. By choosing this penal colony of Russia, efforts were made to trace the genealogy of imprisonment and forced labor. Furthermore, Siberia represented the aspirations of the imperialist attitude toward newly conquered lands, which were somewhat similar to those of other large states around the world and, therefore, provided an opportunity to compare the prison system and labor camps in Russia with those of other nations.

It is important to acknowledge that in concept Siberia had a dualistic meaning – geographical and political. As a geographical term Siberia was and remains the region in Northern Asia characterized by a combination of harsh climatic conditions and inexhaustible natural resources. The political concept describes Siberia as the land which was conquered by the Russian Empire and which became the penal colony of this state. In this work, the term Siberia is used in the second meaning.

The chronological limits of this study span the period from the late sixteenth century to the end of the nineteenth century. This time frame was determined by the choice of the investigated subject and its direct link with the history of Siberian conquest and uses of the new lands. The research concludes at the end of the nineteenth century, because the investigation concentrated on the initial stage of the prison system in Russia and its reformation into the modern structure.

The prison system and penal servitude in exile in Siberia in the period of Imperialist Russia played an important role in the future history of the Soviet state. The model of the punitive structure, though subsequently taken to a new level, still inherited many features from its predecessor. Bruce F. Adams, in the introduction of his book *The Politics of Punishment: Prison Reform in Russia 1863-1917*, showed the difference in the degree of Tsarist and Soviet repression against society: “In 1918 the Cheka (an Extraordinary Commission for Combatting Counter-Revolution and Sabotage)¹ managed to execute more people than

¹ An organization similar to the *Cheka* of the Soviet Union was first created during the reign of Nicholas I, in 1826, to guarantee state security. The emperor established both the Third Section of His Imperial Majesty's Own Chancellery and the Corps of Gendarmes. In the 1870s, when a revolutionary underground came into existence, the failings of the security police became alarmingly apparent. As a result, the Third Section was abolished in 1880, and its functions were transferred to the new Police Department of the Ministry of the Interior. Together with a new central headquarters, the security services that year also acquired a new institution – the security sections (*okhrannye otdeleniya*), usually known in the West

the tsarist government had in the previous 300 years.”² To understand this enormous harshness of the penal system in the twentieth century, it is necessary to look back to the origin of punitive laws in Tsarist Russia and to find out how people were affected by the existing framework. It could be said that the exile and prison systems that were established in this state contributed to the rapid development of concentration camps in the twentieth century.

Penetration into Siberia

By the middle of the sixteenth century, colonial expansion had become a part of European states' politics. During the exploration of unknown parts of the world the newly discovered continents of America were quickly embraced by Spain, Portugal, England, Holland and France by the middle of the seventeenth century. This exploration then became the basis for later European conquests in Africa, India and the East Indies. Colonies of settlers from the home country became bridgeheads for the conquest of vast foreign territories and economic exploitation at the expense of the native inhabitants.

Russia in the sixteenth century had become one of the most formidable states in Europe. “Using similar means of conquest and colonization, Muscovite Russia participated in this European expansionism by annexing the largest continuous territory of any empire – the whole of northern Asia which came to be called Siberia.”³ Since the reign of Ivan the Terrible (1547-1584), Russia's northern Empire, which lay east of the Urals, has played a crucial, though frequently unacknowledged, role in the development of the Russian state and society.

Siberia and its natural environment created major challenges for the new settlers. The average winter temperatures over much of its territory are between -30° and -40°C. In some parts of the north-east, such as Verkhoyansk and Oymyakon which are the coldest places in the northern hemisphere, the temperatures can fall as low as -71°C, although in summer they can rise to +34°C. Western Siberia – just east of the Ural Mountains – can be divided into the northern part beyond the Arctic Circle, where the ground is permanently frozen and the surface of the Arctic Ocean is icebound for many months of the year, and the region south of the Arctic Circle, where the vegetation is rather sparse forest of pine, cedar, larch

as the Okhrana. It first operated in St. Petersburg, Moscow, and Warsaw, and after 1902 in many other cities as well. The Okhrana's main tasks were usually to uncover, infiltrate, and destroy revolutionary organizations. (D. Lieven, “The Security Police, Civil Rights, and the Fate of the Russian Empire, 1855-1917”, in O. Crisp and L. Edmondson (eds), *Civil Rights in Imperial Russia* (Oxford, 1989), pp. 235-263.)

² B.F. Adams, *The Politics of Punishment: Prison Reform in Russia 1863-1917* (DeKalb, IL, 1996), p. 6.

³ J. Forsyth, *A History of the Peoples of Siberia: Russia's North Asian Colony 1581-1990* (Cambridge, 1992), p. 1. J. Forsyth's book about the conquest and the exploitation of Siberia provides extensive information about the native people, their customs, way of life and relationship with new settlers. However, the book mainly deals with the beginning of exploration and further development of Northeast Asia. The author presents the history of the territories step by step from the sixteenth to the twentieth century, dealing with separate areas of Siberia. He provides sporadic information about the colonial settlement of Russians in Siberia in different parts of the book and in the chapter *Colonial Settlers in Siberia: The Nineteenth Century*, which has a section about *Exiles and political prisoners in Siberia*. Nikolaj Michajlovič Jadrincev, in the book *Sibir' kak kolonija v geografičeskom, etnografičeskom i istoričeskom otnošenija* (Novosibirsk, 2003), first published in 1882, systematically examined Siberia's natural environment, its historical settlement and colonization, the effects of the exile system, and the plight of the aboriginal peoples. He also provided an elementary programme of economic, agrarian, penal and educational reforms.

and spruce interspersed with peat bogs of moss and lichen. This kind of forest is called taiga and is inhabited by wild animals such as brown bears, wolves, elk, reindeer, lynx and many other smaller fur-bearing animals common throughout Siberia. Central Siberia – east of the West Siberian plain - rises to an average elevation of about 2,000 feet, with the Yenisey River running northward along the western edge. East of the Yenisey the zone of permafrost extends much farther south to embrace practically all of Central and Eastern Siberia. However, because of more broken relief and better drainage, the taiga is more dense and continuous; the most common tree is the larch. The Sayan Mountains, which rise up to 9,800 feet, together with the Altai Mountains form the natural southern boundary of Central Siberia. Beyond the middle reaches of the Amur – the Eastern part of Siberia – lies a very different region where the maritime climate has a warmer summer and is affected by monsoon winds from the Pacific that bring much rain. The coniferous forest of the mountains gives way at lower elevations to such deciduous trees as oak, maple, walnut, ash and lilac, and the high grasses, and cane-brakes of the river valleys are home to spotted deer, black Himalayan bears and tigers. In the northern part of Eastern Siberia rise the rugged Verkhoysk, Suntar-Khayat and Cherskiy mountains, with peaks exceeding 10,000 feet. These areas have extremely low temperatures, but the climate is dry so the forest is sparse and the region provides relatively favourable conditions for human life. The Kamchatka Peninsula has a high ridge of mountains with peaks up to 15,586 feet and many active volcanoes. In these territories, because of the abundance of moisture, vegetation is luxuriant, with deciduous forests and tall grasses. Tundra stretches right across the far north of Siberia, where the average temperature rises above -10°C on no more than half of the days in the year, and the ground is covered with snow for at least 240 days in the year. In such conditions the only plants that can grow are mosses, lichens and stunted woody shrubs, with a brief flowering of small herbaceous plants in the summer.⁴

The first serious step toward colonizing Siberia was the creation of a continuous land route from the Urals to Irkutsk and beyond. This project, called *The Great Moscow Trakt*, was begun in 1763 and required the clearance of a road to carry wheeled vehicles and sledges. This land road was an enormous achievement that had far-reaching consequences. One achievement was the opening of new land for peasant settlers, which greatly stimulated the growth of towns that lay on or near the new road, such as Tyumen, Tomsk, Yeniseysk and Irkutsk. The Siberian *Trakt* was a high road by which multitudes of migrants from European Russia came to swell the population of Siberia. Another event of enormous significance for migrants was the construction of the Trans-Siberian railway, which began in 1891.⁵

The exploration of Siberian lands continued until the end of the nineteenth century because of the discovery of the vast resources that could be utilized for the development of the Russian economy, which was expanding every year. In 1848 the island of Sakhalin was the subject of this kind of exploration and big coal deposits were found there. At that time Russia was in great need of a coaling station in the Pacific, and this need was met by the purchase of the island. Because of the harsh conditions like desolate wilderness, “suggestions were made to Alexander II which subsequently led that Emperor to establish penal colonies on the island, by which labor many coal mines were opened”.⁶

⁴ J. Forsyth, *A History of the Peoples of Siberia*, pp. 6-10.

⁵ *Ibid.*, pp. 190-191.

⁶ J.W. Buel, *Russian Nihilism and Exile Life in Siberia: A Graphic and Chronological History of Russia's Blood Nemesis, and a Description of Exile life in Its True and Horrifying Phases, Giving the Result of a Tour through Russia and Siberia* (Philadelphia, PA, 1889), p. 377. J.W. Buel's book is a very informative source

Despite Russia's efforts to colonize Siberia, the results were not as visible as in the colonies which were owned by other imperialistic states. David N. Collins, in an article about Russia's conquest of Siberia, expressed the opinion that "it was not totally incorrect in using the term 'colony' with reference to Siberia, this hardly meant that it was a colony in the sense that Spain's Central American possessions were colonies. The contiguity of Russia and Siberia meant that the peoples had rubbed shoulders over a long period".⁷

Other authors were interested in why an agricultural country like Russia, which had possessed Siberia for three centuries, had not done more with this possession. They even proposed that Russia "understands well enough how to conquer new countries, but not how to colonize them". The slow development of these vast and rich territories in Asia was due in no small part to a simple lack of desire to colonize them and the absence of knowledge of how to do so. In fact, these territories were looked upon as rivals, not to be colonized but exploited for what they were.⁸

The most important factor that was slowing settlement and the development of natural resources was the use of Siberian land as a penal colony. Though it has never been suggested that the Russian government conquered Siberia in order to provide a location for undesirables, it is quite clear that after the conquest many people were sent there. This process started from the earliest stages of the conquest, when the first people were sent into punitive exile in Siberia. These included convicted criminals, political prisoners and prisoners-of-war taken in every conflict from the Livonian War⁹ onward, including Poles and

about life in Russia in the second part of the nineteenth century. The author is personally acquainted with the history of the state through the stories told by local people he met while travelling. He provides graphic descriptions of conditions in prisons and convict life, and unique facts about the colonization of Siberia and exile life there. For more information about Sakhalin Island see: J.J. Stephan, *Sakhalin: A History* (Oxford, 1971); C.H. Hawes, *In the Uttermost East: Being an Account of Investigations among the Natives and Russian Convicts of the Island of Sakhalin, with Notes of Travel in Korea, Siberia and Manchuria, with Stills and Maps* (New York, 1904); V. M. Doroševič, *Sachalin* (Moscow, 1907); M. Ackeret, *In der Welt der Katorga: die Zwangsarbeitsstrafe für politische Delinquenten im ausgehenden Zarenreich (Ostsibirien und Sachalin)* (München, 2007). There is a special chapter about Sakhalin Island in H. Lansdell and W. Müldener, *Durch Sibirien: Eine Reise vom Ural bis zum Stillen Ocean* (Jena, 1882).

⁷ David N. Collins, "Russia's Conquest of Siberia: Evolving Russian and Soviet Historical Interpretations," *European Studies Review*, vol. 12, no. 1 (London, January, 1982), pp. 17-44. Although the article deals with the penetration into Siberia, the main focus is on the fur trade and relations between new settlers and natives. Information about Siberia as a penal colony is mentioned as an integral part of the history of this territory, but is not the key part of this work. Boris Kagarlitsky provides another perspective on the colonization of Siberia in the book *Empire of the Periphery: Russia and the World System* (London, 2008): "It might be said that in socio-economic and cultural terms, the Russian conquest of Siberia was more like the British colonization of North America than the conquest of South America by the Spanish and Portuguese." On the other hand, "the Russian economy in historical perspective has been closer to that of Latin America than to the North American economy." (p. 130).

⁸ F. Nansen and A.G. Chater, *Through Siberia, the Land of the Future* (London 1914), pp. 282-284. This book is a travel journal that contains sporadic details about prisons and exiles. The most interesting part of the book is the chapter that deals with Russia's colonialist aspirations for Siberia. For more about Russia's imperialist politics: A. Wood, *Russia's Frozen Frontier: A History of Siberia and the Russian Far East 1581-1991* (London, 2011); G.V. Lantzeff, *Siberia in the Seventeenth Century: A Study of Colonial Administration* (Berkeley, 1943).

⁹ "Livonian War, (1558–83), prolonged military conflict, during which Russia unsuccessfully fought Poland, Lithuania, and Sweden for control of greater Livonia—the area including Estonia, Livonia, Courland, and the island of Oesel—which was ruled by the Livonian branch of the Teutonic Knights (Order of the Brothers of the Sword)." ("Livonian War," *Encyclopædia Britannica*, <http://www.britannica.com/EBchecked/topic/344935/Livonian-War>.)

Ukrainian Cossacks, Germans, Swedes, Mordva and others. By the time of Tsar Alexis I (1645-76), exile to Siberia was well established as a punishment for a number of offences. These ranged from suspicion of treasonable intent on the part of courtiers if they behaved with insufficient respect towards the Tsar, to common crimes such as robbery or forging coins. Some of those sent into Siberian exile were put to work on the land as peasants, or employed as craftsmen in towns, but the majority were drafted into the ranks of the Cossacks.¹⁰

The penetration into Siberia and the conquest of these lands was a long process that took more than three centuries to complete. From the first stage of incorporation, this part of the Empire had become a place where the tsars' unwanted elements of society had been deported. The perception of Siberia as a penal colony discouraged new settlers from going there, and thus hindered the colonization of the land and economic development. In order to achieve the best results from forced settlement, exiles and prisoners were sent to those areas that needed labor resources the most. It would remain that way until the nineteenth century.

Administrative Reforms and the Creation of Modern Prisons

The creation of new reforms and subsequent implementation began in the middle of the eighteenth century and lasted until the collapse of the Russian Empire. The first steps in the formation of a prosecution system and the newly implemented prison structure required well thought-out and complex reforms that demanded a great deal of time, money, and consideration for the changing public opinion about civil and penal law. In order to grasp the changes, it is necessary to take into account the changes taking place in other countries around the world, especially European countries, and to understand what kind of ideas had circulated, the way people thought and how this movement was digested in Russia.

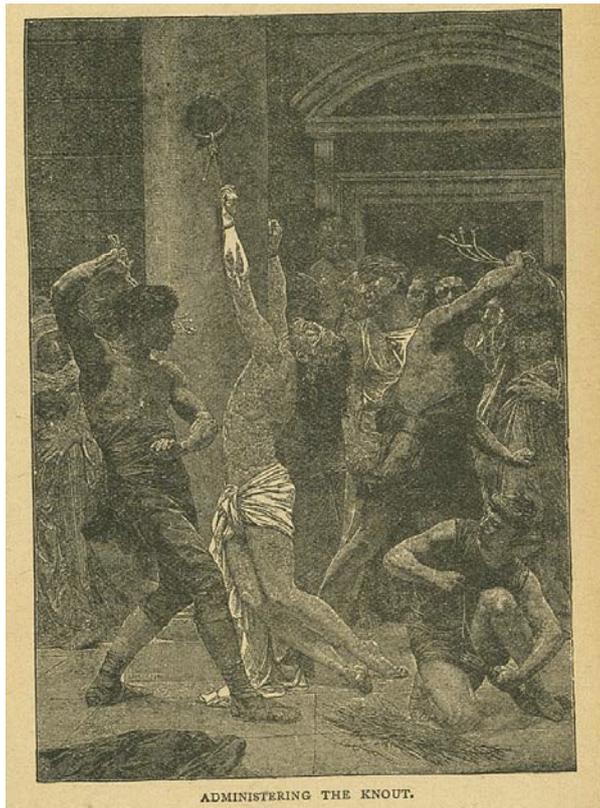
The ideas of the Enlightenment had a significant influence on intellectual society in Russia. The new understanding about the emancipation of nations, the rights of man and human dignity affected changes in civil law that spilled over into criminal law as well and contributed to changes in European criminal and penal practices. Russia did not share in the social changes that sustained these ideas or in the political upheavals of the "age of revolutions", but the ideas moved across its borders and were accessible to its society. The works of Locke, Montesquieu, Rousseau, Beccarria and Bentham were read by educated Russians, who were impressed by the force of their ideas and the recent social and political changes in Europe that seemed to stem from them. These ideas inspired Russia's educated upper class to implement a program of "liberal" reforms, as most of Europe had done long before. At the same time, the desire to be seen as modern Europeans, and to have Europeans accept them and their nation as such played an equally significant role.¹¹

The tsars' incessant repression against their own nation also had a deep impact on Russian society. It made everyone feel insecure about their future, because anyone could be

¹⁰ J. Forsyth, *A History of the Peoples of Siberia*, p. 43. Information about the first exiles in Siberia can be found in G. Kennan, *Siberia and the Exile System* (New York, 1891); L. M. Gorjuškin, *Ssylka i katorga v Sibiri. (XVIII- načala XX v.)* (Novosibirsk, 1975).

¹¹ B.F. Adams, *The Politics of Punishment*, pp. 13-14. The author suggests that Russians' "feeling of shame at the 'barbarity' of their country was a most important motivation for the penal reform."

banished to Siberia at any moment, regardless of their privileges. An episode from 1760 provides a good illustration of this arbitrariness. In that year, under the reign of the indolent and extravagant Elizabeth, “Madame Lapoukin, a woman of rare beauty, of which the Czarina was envious, was condemned to the knout¹² and transportation (to Siberia), in spite of the privilege of the nobility never suffer the former punishment”.¹³ The constant fear and the insecurity of an individual’s position led the community to unite and struggle against the atrocities in order to reform the law in the Russian Empire.



Administering the *Knout*

J.W. Buel, *Russian Nihilism and Exile Life in Siberia: A Graphic and Chronological History of Russia's Blood Nemesis, and a Description of Exile Life in its True and Horrifying Phases, Giving the Result of a Tour through Russia and Siberia* (Philadelphia, PA, 1889), p. 281.

¹² The *knout* was one of the corporal punishments used by the tsars to penalize people. It was more painful and dangerous than whipping or beating with rods. A *knout* – the instrument of punishment – consisted of a thong of thick leather, cut in a triangular form, from four to five yards long, and an inch wide, tapering off at one end, and broad at the other; the small end was fastened to a little wooden handle, about two feet long. Germain de Lagny, in *The Knout and the Russians; or the Muscovite Empire, the Czar, and His People* (London, 1854, p. 178), declared: “The knout! On hearing this single word, a Russian is seized with an icy shudder, he feels the cold invade his heart, and the blood coagulate in his veins; the word produces fever; it confuses the senses, and fills the mind with terror: the single word stupefies an entire nation of 60,000,000 souls.”

¹³ G. de Lagny, *The Knout and the Russians; or the Muscovite Empire, the Czar, and His People* (London, 1854), p.181. This book contains information about the administrative structure of the Russian Empire: the army, the nobility, the clergy, the navy, slavery, finances, etc. The chapter on *The Knout* is very comprehensive and provides information about conditions in the main prisons in the country’s biggest cities, and discusses basic sentences. The author wrote this book based on his own personal experience so the text is emotional and vivid.

This first stage of reform could be said to have begun with the appearance of the Code of Laws (*Sobornoye Ulozhenie*, usually referred to simply as *Ulozhenie*) in 1649 and continued until the reforms of Siberia in 1822, which were significantly influenced by the statesman Mikhail Speransky. The second stage came with the reforms which took place from the middle of the nineteenth century to the twentieth century, the 1845 Code of Criminal and Correctional Punishment and the times of the Great Reforms that began in the 1860s. During this time the modern system of prisons was implemented and became operational.

The Creation of Penal Law

An enormous achievement was made in the codification of civil law in Russia during the reign of Tsar Alexis I (1629-1676). In 1649 The Russian Empire drafted and signed the written law code, for the first time compiling the laws of the nation in one document. The scope was ambitiously comprehensive and covered all aspects of law, including the church, criminal law, slavery and serfdom, landholding, inheritance, travel and military service. In the *Ulozhenie*, terrifying physical punishments, both capital and corporal, as well as exile were legitimated as the penalties for offenders. The code also consolidated Russia's slaves and free peasants into a new serf class and pronounced this class to be hereditary and inflexible.¹⁴ The code survived well into the nineteenth century (up to 1849), when its articles were revised under the direction of Mikhail Speransky. The *Sobornoye Ulozhenie* evolved over the next two centuries, but the main laws did not change.

Reforms in the civil law code concerning criminal law began during the reign of Tsarina Elizabeth (1741-1762), who *de facto* abolished the death penalty for criminal offences in 1753. Under the influence of these changes, corporal punishment and, even more importantly, Siberian exile came to be regarded as an alternative institution, increasingly replacing the gruesome forms of capital punishment.¹⁵ As Alan Wood claimed:

Exile soon in fact became established as the tsarist government's most common form of punishment for a wide variety of criminal offences and acts of political, civil and religious disobedience. There was, moreover, a conscious attempt to direct the exiles to locations and kinds of occupation for which they were most fitted or trained.¹⁶

¹⁴The Code of Laws of 1649 also said that only noblemen could own estates worked by servile labor. However, the nobility itself was essentially a class of serving men, holding land under the form of tenure known as *pomestie*, which obliged them to give service to the state, while being supported by the labor of their serfs. (H. Seton-Watson, *The Russian Empire 1801-1917* (Oxford, 1967), p. 22.)

¹⁵The use of capital punishment remained for persons of lower military rank who had committed serious offences and those from the civil sector who had committed crimes against the autocratic system or the tsar and his family.

¹⁶A. Wood, "Russia's 'Wild East': Exile, Vagrancy and Crime in Nineteenth-century Siberia," in A. Wood (ed), *The History of Siberia: From Russian Conquest to Revolution* (London, 1991), pp. 118-119. The citation from A. Wood's book had a reference to two books: I.Ya. Foinitskii, *Uchenie o nakazanii v svyazi s tyurmovedeniem* (St. Petersburg, 1889), pp. 260-266; and *Ssylka v Sibir. Ocherk yeya istorii I sovremennago polozheniya* (St. Petersburg, 1900), pp. 6-9.

However, this is debatable since the newly implemented and widely used system of exile was still in the first stages of development. There was neither legislation nor a special organization that could control the transportation of banished people to their place of exile or provide for them.¹⁷ So it is difficult to believe that the government managed to direct exiles to locations most fitted for their skills.

The other step was taken by Tsarina Catherine II (Catherine the Great) when she moved to abolish corporal punishment. An important cause of Catherine's decision can be found in her own understanding of herself as the enlightened monarch. She corresponded with Voltaire, Montesquieu, and Beccaria¹⁸, among other leading philosophical lights of the day.¹⁹ When she prepared to convene the Legislative Commission in 1767, she incorporated many of their basic ideas into her *Instructions* to the commission.²⁰ The commission did not, however, produce penal legislation. Russians disagreed with their empress about many of her enlightened notions, including the wisdom of making punishment less severe. They thought Catherine's partial abolition of torture in 1763 might suit more enlightened nations, but that Russia was not yet ready for this. Only a minority of delegates suggested that the gentry be exempted and supported the argument that the movement to limit and finally abolish corporal punishment depended on an important idea – that it was uncivilized and undignified. However, none of them maintained that it was ineffective. These instructions did not ask for the general abolition of corporal punishment or even for the extension of the exemption to other groups, although “it was not the penalty itself that was offensive to them but the application of that penalty to themselves as a class”.²¹

The self-conscious Russian gentry were embarrassed by what they considered Russia's backwardness in comparison with Europe. They sought to separate themselves from what was archaic and barbaric in Russia and to secure privileges and an honored

¹⁷ The first reforms which took control of exiles were made at the beginning of the nineteenth century. See below: The Siberian Reforms of 1822 on page 14.

¹⁸ Cesare Beccaria had a direct and profound influence on European thinking about crime and punishment. In 1764 he published *On Crimes and Punishments* (Indianapolis: Boobs-Merrill, 1963), in which he compiled ideas on the subject from the Encyclopedists, the philosophes, and his enlightened Italian friends. “Beccaria did not advocate the abolition of corporal punishment. On the contrary, he declared that corporal penalties were still needed. He was most concerned about doing away with the death penalty, with torture, which he insisted was not punishment at all because it preceded determination of guilt, and with mutilation, which he and historians of punishment have called the most barbarous form of corporal punishment.” (B.F. Adams, *The Politics of Punishment*). The same ideas could be found in John Locke's *Second Treatise of Government* (London, first published in 1690).

¹⁹ B.F. Adams, *The Politics of Punishment*, pp. 16-17.

²⁰ N. D. Chechulin (ed), *Nakaz Imperatritsy Ekateriny II* (St. Petersburg, 1907), passim; and Robert V. Allen, “The Great Legislative Commission of Catherine II of 1767” (Ph.D., Yale University, 1950), pp. 103-50.

²¹ B.F. Adams, *The Politics of Punishment*, pp. 16-17.

This represented a characteristically “enlightened” attitude. Beccaria believed corporal punishment to be a necessary and useful weapon of justice, at least for the lower class. He conceivably adopted his attitude from Montesquieu *The Spirit of the Law* (first published 1748), which suggested imposing fines for crimes against property. “But,” he continued, “as those who have no property are generally the readiest to attack the property of others, it has been found necessary, instead of a pecuniary, to substitute a corporal punishment.” He also stressed that law and punishment must conform to national customs and character (B.F. Adams, *The Politics of Punishment*, pp. 17-18). This last idea would be widely used in nineteenth-century discussions about the reforms of the new penal code. For more information on the eighteenth-century gentry's intellectual development in Russia, see Marc Raeff, *Origins of the Russian Intelligentsia: The Eighteenth-Century Nobility* (New York, 1966).

place in the state, as well as a satisfying image of themselves. Catherine needed educated, committed civil servants for her military and rapidly growing bureaucracy. At that time only the gentry had the resources and opportunity to educate their children for such service so the empress turned increasingly to the gentry and in 1785 she released an extensive program of privileges²², one of which was the exemption from corporal punishment.²³ At the same time, Catherine freed merchants of the first two guilds from corporal punishment as well, thus recognizing the slowly emerging mercantile and industrial bourgeoisie as another precursor of the modern world. The changes begun by Catherine were continued by her grandson Alexander I, who extended the exemption to a few small ethnic groups on the grounds that by local customs they were not subjected to corporal punishment. During the reign of this tsar, in 1817, the slitting of nostrils was abolished as well, though branding (*kleimienie* – actually a form of tattooing) was not. Legislators felt it was necessary for the identification of criminal exiles.



Клеймо ВОР, введенное в 1754 г. и отмененное в 1846 г. Подлинник хранится в Областном музее г. Калнина.

Клеймо КАТ, введенное в 1846 г. и отмененное в 1863 г. Подлинник хранится в Московском историческом музее и в музее г. Ярославля.

VOR brand, introduced in 1754 and abolished in 1846. The originals are stored in the regional museum of Kalinin.

KAT brands, introduced in 1846 and abolished in 1863. The originals are stored in the Moscow Historical Museum and in the regional museum of Yaroslavl.

Michail Nikolaevič Gernet, *Istorija carskoj tjur'my*, tom 2 (Moscow, 1951), p. 43.

²² In 1785, Catherine the Great issued the Charter to the Nobility, which codified the nobility's rights and privileges, including the rights to own and exploit land and serfs, exemptions from poll tax, recruitment obligation and corporal punishment, and the right to participate in provincial noble associations. The charter increased noble involvement in the new system of provincial administration set up in 1775.

²³ B.F. Adams, *The Politics of Punishment*, p.19. The pamphlet *The Flogging of Political Exiles in Siberia*, published in 1890 by The Society of Friends of Russian Freedom, provides a view on the use of corporal punishment against educated society: "The Government though essentially brutal in its methods, recognized that flogging, cruel in any case, is unspeakably revolting when the victims are educated people, to whom death is as nothing compared with degradation of such a punishment," (p. 6).



Фотография с портрета клейменого Петра Алксева, убийцы корабейника Лощкова. Рисовал с натуры в тюрьме в ноябре 1853 г. академик Н. Тютрюмов. Подлинник хранится в Государственном музее этнографии в Ленинграде.



Фотография с клейменной головы. Голова в заспиртованном виде хранилась в 1905–1908 гг. в Харьковском музее судебной медицины.

Photograph of the portrait of branded Peter Alkseev – killer of peddler Loshkova. It was painted from nature in prison in November 1853 by academician N. Tyutryumov. The original is stored at the State Museum of Ethnography in Leningrad.

Photograph of a branded head. The head was stored in alcohol in 1905-1908, from Harkozskom **Museum of Forensic Medicine.**

Michail Nikolaevič Gernet, *Istorija carskoj tjur'my*, tom 2 (Moscow, 1951), p. 44.

Under Alexander I, and later under Tsar Nicholas I, other limitations were imposed on corporal punishment. The use of physical penalties did decline, but the practice did not come to an end in this period.²⁴ The serfs had not been affected by these reforms and it was only in 1845 that the power of estate owners to inflict capital punishment upon their serfs was restricted by the state in the penal code. Finally, in 1863, most remaining corporal punishments were abolished and those that continued to be used were reduced in severity.

During the reign of Catherine the Great, there was a significant reform concerning serfs that had an undeniable influence on the later development of the Russian prison system. The rapid industrialization taking place in the Russian Empire required an increasingly larger labor force, especially in Siberia, where there were vast natural resources such as gold, silver, coal, and timber that were needed for expanding industries, as well as enormous areas of land suitable for agriculture. All attempts to accommodate Siberia did not have the expected results and the region was short of human resources, so a decision was needed to solve this growing problem. The laws issued in the 1760s by Catherine (mentioned above) increased the arbitrary powers of nobles over their serfs.²⁵ Nobles were permitted to exile recalcitrant serfs to Siberia or for penal servitude without trial.²⁶ The relevant decrees stipulated that only young, virile and healthy peas-

²⁴ *Ibid.*, pp. 19-20.

²⁵ The previous reform carried out by Peter III in 1762 affected serfdom as a system as well. He abolished compulsory service by the nobility; the whole theory on which serfdom was based broke down, because the nobles were exploiting the labor of serfs without discharging a duty to the state for which this was considered compensation.

²⁶ D. Moon, *The Abolition of Serfdom in Russia: 1762-1907* (Great Britain, 2001), pp. 38-39.

ants – accompanied by their womenfolk and not flogged or mutilated so badly as to render them unfit for work – should be disposed of in this way. Nonetheless, dishonest landlords regularly took advantage of the law to get rid of the old, infirm and otherwise unprofitable in return for the promised military recruit quittance.²⁷

Throughout the seventeenth and eighteenth centuries, the Russian Empire developed a codified system of laws that remained little changed until the middle of the nineteenth century. Beginning with the first written civil laws – *Sobornoye Ulozhenie* – when the exile system was legalized, to the partial abolition of corporal punishment in the eighteenth century, high priority had been given to the penal code, which was necessary in the constantly expanding state with its growing population. These reforms were partly motivated by the ideas of the Enlightenment, which were admired among educated Russians, not only because they accepted these new ideas, but because they felt ashamed of the backwardness of the archaic and barbaric culture in the Empire. The other reform that influenced the creation of labor camps and their use for economic purposes applied directly to serfdom in the Russian Empire. It was carried out by Catherine the Great who gave permission for landlords to exile serfs to Siberia or to penal servitude without trial. The combination of these newly enacted pieces of legislation provided the framework for the creation of modern prisons in the future.

The Siberian Reforms of 1822

In the early nineteenth century, reforms were needed for the further colonization and industrialization of Siberian lands. The Russian Empire aspired to become a rich and modernized country that would be in no way inferior to the rest of the world. Realizing this ambition required greater amounts of gold, silver, coal, timber, and grain. The soil of Siberia could offer all of these natural resources, but there were not enough people there to produce all these commodities. Issues concerning the settlement and administration of Siberia needed to be resolved, and in 1822 new reforms tried to deal with this and for the first time proposed the use of exile labor.

The importance of Siberia in the Russian Empire grew with every year and the need for a new administrative system that would help to impose order in this region became necessary. From the beginning of the nineteenth century the government discussed and developed ideas about how this could be achieved. Finally, the person capable of accomplishing this – Mikhail Speransky²⁸ – appeared in Siberia. He was appointed governor-general of Siberia on 31 March 1819. Within three years he had prepared a new draft organizational model for the government of Siberia that marked a turning

For a discussion of the wording and implications of these decrees, see A.D. Kolesnikov, *Ssylka i zaselenie Sibiri* (Goryushkin, 1975).

For more about serfdom in Russia see: D. Field, *The End of Serfdom: Nobility and Bureaucracy in Russia, 1855-1861* (Cambridge 1976); D. Moon, *Russian Peasants and Tsarist Legislation on the Eve of Reform: Interaction between Peasants and Officialdom, 1825-1855* (Basingstoke, 1992); P.A. Zajončkovskij, *Otmena krepostnogo prava v Rossii* (Moscow, 1954).

²⁷ A. Wood, "Russia's 'Wild East'", p. 119.

²⁸ For more on this influential figure see: Marc Raeff, *Michael Speransky, Statesman of Imperial Russia 1772-1839* (Hague, 1957); V.A. Tomsinov, *Svetilo Rossijskoj Bjurokreatii: Istoričeskij portret M. M. Speranskogo* (Moscow, 1991); A.N. Fateev, *M. M. Speranskij: 1772-1839* (Prague), pp. 41-51; S.A. Čibirjaev, *Velikij Russkij Reformator: Žizn', dejatel'nost'. Političeskie vzgljady M. M. Speranskogo* (Moscow, 1993).

point in the history of this vast region. Two general-governorships were created, for western and eastern Siberia, each with subordinate provinces (in the West, Tobolsk and Tomsk provinces and Omsk region; in the East, Yenisei and Irkutsk provinces and the Yakut region with the maritime administrations of Okhotsk and Kamchatka). During his tenure as governor-general, Speransky tried to combine bureaucratic centralization and discipline with an initiative for local government, made necessary by the vast distances.²⁹

In his efforts to modernize Siberia, Speransky faced the need to improve the Siberian economy. This was directly related to the settlement of agricultural colonists there. However, a large amount of migration could not be expected until the government resettled its own peasants and allowed freedom of movement to the serfs. These obstacles obliged Speransky to concentrate “his attention on the traditional method of bringing people into Siberia, namely, the exile system. The system of exiling people for settlement purposes – not as punishment – dated from the seventeenth century”.³⁰ But there had never been any clear or specific rules for this, or for the settlement of the serfs sent to Siberia by their masters.

No records were kept, and no one really knew how many of these people came to Siberia, where they settled, or what became of them. This gave rise to unabashed abuses and ruthless exploitation and mistreatment of the exiles. The official records note the sad condition of the exiles, and Treskin made efforts to have the government allot more money for their support, at least during the journey, so that they did not need to rely on private charity or theft. Under such conditions the exiles could but rarely become useful agricultural colonists, and most of them either escaped and disappeared in the boundless spaces of Siberia or were caught trying to escape and became forced laborers in state mines and factories.³¹

Speransky believed that better rules for settlement could provide greater benefit to the state and the exiles themselves.³² One of the statutes of 1822 that he helped to prepare dealt with this issue.³³

These laws were drawn up to provide a new approach to the exile system and to take advantage of the possibilities for colonization that this system offered. The key innovations were established after these reforms. To begin with, administrative exile as a way to populate Siberia came to an end.³⁴ Exile to Siberia for forced labor, settlement

²⁹ H. Seton-Watson, *The Russian Empire 1801-1917* (Oxford, 1967), pp. 159-160.

³⁰ Marc Raeff, *Siberia and the Reforms of 1822* (Seattle, 1956), p. 59.

The information in the citation is from G.V. Lantzeff, *Siberia in the Seventeenth Century: A Study of the Colonial Administration* (Berkeley, 1943), p. 165.

³¹ *Ibid.*, p. 59.

When Ivan Borisovich Pestel was the nominal head of Siberia, from 1805 and for the next fourteen years, N.I. Treskin was a civilian governor of Irkutsk and for well over a decade he was the ruler of Siberia.

³² The first effort to reform the administration of the exile system and to impose stricter control was the organization of a suitable force of regular guards to escort exiles in 1811. All exiles were furnished with identification documents, called *stateini spiski*, to show who they were and where they were bound. In 1817, *étapes*, way stations for convicts being marched into Siberia, were built along the most important routes. (G. Kennan, *Siberia and the Exile System* (Chicago, 1958), pp. 24-25.)

³³ Marc Raeff, *Michael Speransky, Statesman of Imperial Russia 1772-1839* (Hague, 1957), p. 269.

The complete laws issued in 1822 can be found in *Polnoe Sobranie Zakanov Rossiiskoi Imperii s 1649*, Part 29.

³⁴ The administrative exile of political offenders remained unchanged. It was a widely used form of punishment where a person could be banished without a court's involvement. In the attempt to prevent and to reduce the number of felonies and misdemeanours, the government was able to banish to other parts of

or both became entirely a kind of punishment that was inflicted by the decision of a court. No longer could a landlord send his serfs to Siberia without serious cause. For minor offences a criminal was sentenced to settlement as a peasant in Siberia, with all the rights and privileges granted to a peasant. For more serious offenses, a criminal had first to work off his sentence in a state enterprise and would then be required to settle as a peasant. Marriage was permitted among exiles and all children born to exiles, either convicts or simple settlers, automatically became state peasants and inherited none of their parents' legal encumbrances. The Bureau of Exiles (*Ssyl'naia Ekspeditsiia*)³⁵, which was created by this new administrative reform, had to assign the convicts to one of five categories to fit with their punishment and physical abilities: forced labor in the mines, work in the chain gangs on the highways, agricultural settlement, workhouses and those who were incapable of productive work. After the term of forced labor imposed by the court (statutory maximum of twenty years), the convict was free to settle near the factory or mine in which he had worked, to engage in agricultural work and to remain there under simple police surveillance. Those who were too old or incapable of agricultural work were also settled in villages where they had to be fed by the community in return for light labor. The ex-convict was given an exemption from all taxes and dues for a three year period. Forced laborers who had a family were to be given land allotments in the neighborhood of the factories or mines in which they worked, so their families could then begin to till the land even before the end of the exile's term of hard labor.³⁶

The creation of the Bureau of Exiles in Siberia improved the organizational part of imposing these sentences, especially since records began to be kept on those who had been banished across the Siberian frontier. This was done very carefully and accurately, so the records of this central bureau provide the most complete statistical information on the operation of the exile system. These records indicate that between the years 1823 and 1887 there were a total of 772,979 exiles sent to Siberia. The records also provide details on the different types of exiles, who could be subdivided into four main categories:

1. *Katorzhniki*, or hard-labor convicts
2. *Poselentsi*, or hard labor colonists
3. *Silni*, or persons simply banished
4. *Dobrovolni*, or women and children who went to Siberia voluntarily with their exiled husbands or parents

Persons belonging to the first two classes, who were supposed to be criminals, are deprived of all civil rights and must remain in Siberia for life. Persons belonging to the third class, who are not necessarily criminals, retain some of their civil rights and may

the country anyone whom it regarded as politically suspect or dangerous. These powers of administrative arrests were at times widely abused and the principle that it is better to punish ten innocent people than to allow one criminal to escape was acted upon.

³⁵ The Bureau of Exile Administration was established in Tobolsk but soon after was moved to Tyumen. All persons condemned to banishment, colonization or penal servitude in Siberia passed through this city. The bureau had two main duties: it sorted and classified all exiles upon their arrival in Tyumen and kept a full and accurate record of them; and it monitored and controlled, through six subordinate bureaus (in Kazan, Perm, Tobolsk, Tomsk, Krasnoyarsk, and Irkutsk), their transportation and settlement throughout Siberia. (G. Kennan, *Siberia and the Exile System*, p. 25.)

³⁶ Marc Raeff, *Siberia and the Reforms of 1822*, pp. 60-61; Marc Raeff, *Michael Speransky*, p. 269-270.

return to European Russia at the expiration of their terms of banishment. Convicts and penal colonists go to their places of destination in five-pound leg-fetters and with half-shaven heads, while simple exiles wear no fetters and are not personally disfigured.³⁷

Nevertheless, these new regulations did not work out as planned. The rules had been drafted on the basis of the average number of exiles sent to Siberia in the first two decades of the nineteenth century, which was about 1,500 to 2,000 persons per year. After 1822, reforms to the policy of sending petty criminals to Siberia released chronic vagrants, and the old soldiers of fortress garrisons. These new categories swelled the number of exiles enormously; it rose to 6,000 in 1823 and to an average of 11,000 per year between 1824 and 1827. The new exiles found it much more difficult to gradually and normally assimilate into the local peasant community of Siberia. There was constant friction between exiles and the old settlers, and their access to these lands was very limited.³⁸

In summary, the 1822 reform aimed to make the changes that were needed in the administration of Siberia, as well as renew the economic system in this region. Mikhail Speransky managed to improve and modernize the existing system. The statute had shown the way for more efficient and productive use of exile labor and it provided for a better system of supervision and placement of these people. Their quality of life improved as a result of this law and some former convicts found a new home and a productive role in Siberia. Exile labor became an important part of the economic development of Tsarist Russia, and in the following years it would become even more entrenched. However, the reform failed to tap the full potential of the system because it was developed using the earlier number of exiles without taking into account their growing numbers, and thus did not succeed in dealing with the permanent growth of the new banished society.

The Great Reforms in the Russian Empire

The middle of the nineteenth century became a major restructuring period for the Russian Empire. During this time the old system of privilege based on estates was breaking down, which led to reforms in the social system – the abolition of serfdom, which meant the end of estates. The Russian government had become increasingly aware of the fact that Russia lacked a regulated administrative system and laws by which to govern the vast imperial expanse. New civil and administrative laws were established in the significant time of the Great Reforms in the 1860s. Russian society attempted to modernize the existing system along a European model, so it repeatedly turned to Europe and consulted European legal traditions when codifying Russian law. The tensions caused by these reforms, beginning with the 1845 Code of Criminal and Correctional Punishment (or simply the Code of 1845), persisted throughout the era of the Great Reforms and into the beginning of twentieth century.³⁹

³⁷ All information about statistical records, as well as the different groups of exiles, was taken from G. Kennan, *Siberia and the Exile System*, pp. 25-26.

³⁸ Marc Raeff, *Siberia and the Reforms of 1822*, pp. 61-62; Marc Raeff, *Michael Speransky*, pp. 269-270; N.M. Jadrincev, *Sibir' kak kolonija v geografičeskom, etnografičeskom i storičeskom otnošenija* (Novosibirsk, 2003), p. 246.

³⁹ The reforms mentioned in this work were not the only ones made during this period, however, they had the biggest influence on the creation of modern prisons in the Russian Empire and reflected all earlier

During the period of 1832-1845, a great codification effort was made to improve the quality of Russian criminal law. The legislative activities were divided into two distinct phases. The first aimed to establish and publish the laws of the Russian Empire, combining and structuring all applicable laws at the time in one document, and the second phase concerned the preparation and revision of the new criminal code. The result of these legislative initiatives was the adoption of a new set of laws, namely, the 1845 Code of Criminal and Correctional Punishment, which was highly influenced by the models of criminal law in other European countries.⁴⁰ Although this code sought to modernize the existing order by sculpting it to European standards, the autocracy in Imperial Russia was established in it as well.⁴¹ Nevertheless, it was the first full-fledged criminal code in the Russian Empire.

The ideas in this document were developed to use punishment as a way of educating and correcting the offenders who could be rehabilitated. It abolished the use of the *knout*, limited some other forms of corporal punishment and prescribed incarceration in modern prisons.⁴² The ladder of punishment⁴³ was for the first time codified in Russian laws, which meant that the punishment depended on the seriousness of the offence – listed from most severe (death penalty) to lightest (warning). This was done to separate offences from misconduct, to ensure that the punishment fit the crime, to reduce the range of punishment for certain crimes and to impose restrictions on the courts that would help to prevent arbitrariness.⁴⁴ However, the structure proposed by the govern-

developments as well, so there was no need to present a detailed examination of all small changes in codified law.

⁴⁰ Vladimirkii yuridicheskii institute Federal'noi sluzhby ispolneniya nakazanii, *Lishenie svobody v sisteme nakazanii po ulozheniyu o nakazaniyah, ugovnykh i ispravitel'nykh, 1845 goda*, <http://www.alldocs.ru/zakons/index.php?from=4521>.

In order to create a modern system of penalties, the codifiers used the structure of European countries' criminal codes. Special attention was given to the French (1810), Austrian (1803), and Prussian (1798) models.

⁴¹ The Code presented new offences like crimes against the government, crimes violating public safety, crimes against governance arrangements.

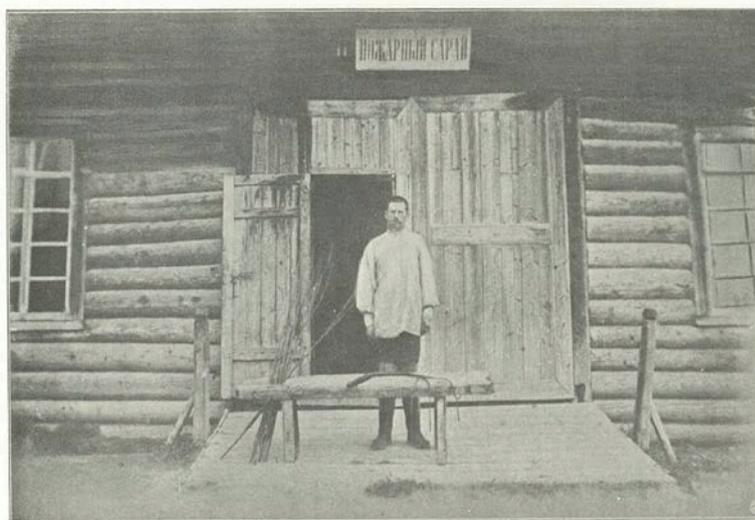
⁴² The codifiers decided that "all corporal punishment could not yet be abolished, although that final end was desirable. [...] they [the codifiers] would like to see all corporal punishment eliminated and replaced by correctional imprisonment or fines. But, they agreed, the Russian people did not have enough money to pay such fines, and the state did not have enough jails, let alone modern correctional facilities. Temporarily, then, birches would still have to be used. The lash could be replaced by the birch, which was a milder instrument, and all birching should be done privately." (B.F. Adams, *The Politics of Punishment*, p. 27.)

The other attempt to abolish corporal punishment could be associated with the law "On Several Changes in the Existing System of Criminal and Correctional Punishment," which was released 1863. The new law eliminated most remaining instruments and forms of corporal punishment. They stopped using branding, the rod, public whipping, and the whipping of women except exiles.

⁴³ Although the ladder of punishment was first codified in law in The Code of 1845, this idea originated in the first years of the nineteenth century. In 1804, Alexander I convened a legal commission that was to report directly to the Legislative Department of the State Council. The work of this commission was significant in two respects: a project to specify crimes and their punishment with greater precision and differentiating between different levels of crime, and the creation two ladders of punishment where one would be for upper estates to rehabilitate the offenders and the second for the lower class to intimidate the criminals. The commission completed the work in 1813 and presented it to the State Council in 1826, but it was never ratified. (From the dissertation of A.M. Schrader, *The Languages of the Lash: the Russian Autocracy and the Reform of Corporal Punishment, 1817-1893* (Michigan, 1996), p. 34.)

⁴⁴ Vladimirkii yuridicheskii institute Federal'noi sluzhby ispolneniya nakazanii, *Lishenie svobody v sisteme nakazanii po ulozheniyu o nakazaniyah, ugovnykh i ispravitel'nykh, 1845 goda*, <http://www.alldocs.ru/zakons/index.php?from=4521>.

ment had two parallel scales of penalties – one was applied to “privileged” groups and the other was adapted for the lower estates. The nobility, the educated and those who held offices within their communities could lose their social rights, be incarcerated and exiled, but were exempt from corporal punishment. For the lower class the punishments of flogging and branding still remained.



THE “KABILA” (FLOGGING BENCH), “ROZGI” (BIRCH RODS), AND THE “PLET” AT RIKOVSK.

The *Kabila* (Flogging Bench), *Rozgi* (Birch Rods), and the *Plet* at Rikovsk.
Ch.H. Hawes, *In the Uttermost East: Being an Account of Investigations among the Natives and Russian Convicts of the Island of Sakhalin, with Notes of Travel in Korea, Siberia and Manchuria*, (New York, 1904), p. 341.

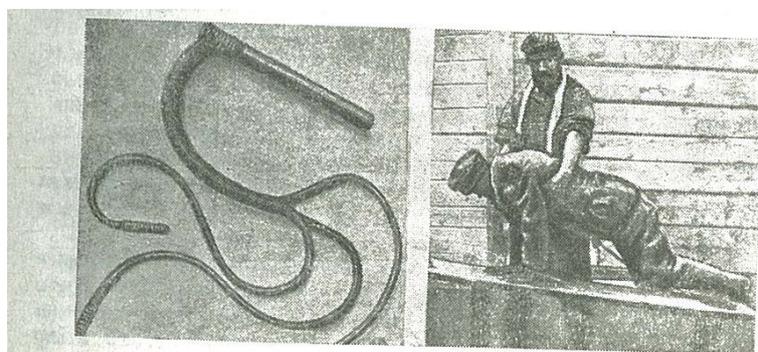


Рис. 1. Треххвостная плеть Рис. 2. После наказания плетью.
Переснимок из книги Н. С. Лобас, «Каторга и поселение на Сахалине»

Pic. 1. The triple whip; Pic. 2. After flogging. Images transferred from the book of N.S. Lobas, *Katorga i poselenie na Sahaliine*.

Michail Nikolaevič Gernet, *Istorija carskoj tjur'my*, tom 3 (Moscow, 1951), p. 20.

Another step taken by the government was the creation of a corporal punishment scale taking into consideration the physical condition of the accused, differentiated by age, illness, and gender. These restrictions on corporal punishment applied to the young, the old, the infirm and pregnant women. Milder corporal punishments were reserved for them.⁴⁵

The 1845 Code of Criminal and Correctional Punishment was hailed in its time as progressive legislation. Nicholas I and the codifiers looked to it to spur the modernization of the Russian penal system. This new legislation required the use of preliminary detention prisons, workhouses, “strait” houses, houses of correction, and correctional prisons. Such institutions did not exist in the Russian Empire and no provisions had been made for their development. However, the Code remained the basic instrument of judges, lawyers, and juries for the next four decades, until modern facilities were built. It caused overcrowding in prisons, which were not the complex variety of modern correctional facilities required by the legislation, but the simple barracks-like holding facilities that already existed. The situation deteriorated until 1848, with prisons becoming too crowded for the health of inmates or to maintain security. Some officials became aware of the need to build new prisons, but no support could be found for such an expensive task.⁴⁶

The government found a cheaper way to deal with the growing problem in the prisons. In 1848, many prisoners of military correctional units were taken into active service, other types of prisoners were sent off to Siberia, and still others were formed into “work companies” to labor for the Department of Railways. The overcrowding was reduced, but other issues that highlighted the backwardness of the Code of 1845 remained. To ensure that overcrowding would not again threaten these already overpopulated prisons, the government used a loophole in the Code of 1845 that permitted courts to substitute corporal punishment for incarceration where particular types of prisons did not exist or were overcrowded. In addition, judges, and later juries, because of their distrust and fear of prisons, avoided sentencing defendants to imprisonment by acquitting some accused persons even when they knew them to be guilty.⁴⁷

Another important factor in the development of the new reforms was Russia’s defeat in the Crimean War (1853-1856), which was seen as an ideological catastrophe – “the state lost its main justification, the reason for existence” – that created serious tensions in society. This defeat at Sebastopol (Sevastopol) created an exceptionally favorable set of conditions in society for political and social reforms, which were the outcome of far deeper processes in Russia and in the world at large.⁴⁸ The world economic crisis that had been postponed by the Crimean War broke out immediately after the war ended. The Russian Empire, as the war had shown, could not succeed in conquering foreign markets and it was necessary to expand the internal market. The abolition of serfdom was seen as an indispensable step toward opening up the domestic market, and overcoming the country’s technical and social backwardness. Though the profitability of

⁴⁵ Special attention was given to corporal punishment for women, who were recognized as weaker, tender, and more sensitive. This “would serve the development and confirmation of respect that it is necessary people of the female sex enjoy in every educated society.” (B.F. Adams, *The Politics of Punishment*, p. 27.)

⁴⁶ B.F. Adams, *The Politics of Punishment*, pp. 10-11.

⁴⁷ *Ibid.*

⁴⁸ However, many Russian historians explained the abolition of serfdom and subsequent reforms as the results of the lost war because they confused the instigation with the cause. (B. Kagarlitsky, *Empire of the Periphery*, p. 200.)

Russian serf-holding estates remained high and labor productivity was continuing to rise, industry had an acute need for new markets, for labor resources and for consumers. In this context, the system of serfdom became a disincentive. So in 1861 serfdom was abolished in the Russian Empire⁴⁹, following changes in the world economy, which turned to colonial expansion. The Western European powers set about conquering Africa, and Russia seized Central Asia.⁵⁰

Alexander II saw it as a necessity to reform the system of justice, which was very slow and corrupt. It was understood that, after the abolition of serfdom, it had become possible to introduce a better and simpler judicial structure. In 1861 the emperor instructed the Imperial secretary, Butkot, to prepare a report on judicial reform and in 1863 detailed statutes were prepared in accordance with the principles of European systems of justice. It was approved in 1864 and implemented in 1865. The basic institution became the regional court, of which there was to be one in each province, for civil and criminal cases. A special procedure was established for dealing with crimes committed by senior officials and crimes against the state. Cassation departments were created to handle both of these types of cases. The new legislation allowed the Ministry of the Interior to banish to other parts of the country those it regarded as politically suspect or dangerous. However, there was a provision that officials could not be indicted for offences committed in their official capacity unless the consent of their superior was given. Special courts such as ecclesiastical and military courts remained outside of the general system of justice. Exclusive courts for state peasants were created and extended to former serfs by the Emancipation Statute, which dealt only with cases between peasants. Another valuable institution – the court of the justice of the peace – was created to deal with offences punishable by a rebuke or reprimand, a fine of not more than 300 rubles, or a prison term of three months to one year. Judges were appointed by the Ministry of Justice, but had to have clearly defined juridical qualifications. They were paid good salaries, and could not be dismissed. Criminal cases were tried by juries and the court proceedings were public. These new institutions modernized the Russian Empire and raised general moral and political standards.⁵¹

The main legislation considered in this work is that which concerned prison reforms, which faced many obstacles. First of all, in a state where autocracy was the main component of governance, the ruler's personal involvement in the legislative process was necessary, but the tsars never saw the prison system as a major issue and did not pay as much attention to it as was needed, so reform simply did not move ahead quickly. However, Emperor Alexander I approved the idea to establish a prison aid society in Russia and in 1819 it was implemented by law in St. Petersburg.⁵² The society was

⁴⁹ The Russian Empire was not the only country which faced new social and political reforms. Germany was being united under the power of Prussia and was modernizing rapidly. Italy was being united as well. Austria-Hungary was being transformed into a federative state. In Japan, rapid development of capitalism was beginning. In the United States, there was the Civil War, which would end in the emancipation of the slaves. Thus the reforms in Russia were a part of the restructuring of international politics during the 1860s. (B. Kagarlitsky, *Empire of the Periphery*, p. 201.)

⁵⁰ B. Kagarlitsky, *Empire of the Periphery*, pp. 200-202.

⁵¹ H. Seton-Watson, *The Russian Empire 1801-1917*, pp. 354-357.

⁵² The inspiration to establish a prison aid society came to Russia from Western Europe. The first such organization was founded in Philadelphia, in North America in 1776. It was called the Society for Assisting Distressed Prisoners, and it operated for only nineteen months before the British occupied Philadelphia. The Society promoted attitudes of nonviolence, tolerance, and sympathy for the unfortunate. (B.F. Adams, *The Politics of Punishment*, pp. 40-42.)

called *Popechitel'noe Obshchestvo o Tiur'makh* and its first director was Prince A. N. Golitsyn. This organization, despite semi-official status, never had any serious influence on improving fundamental conditions in Russian prisons, because the government resisted any public pressure for prison reform. Another obstacle to prison reform was the bureaucratic system itself. New proposals to reform the existing system first needed to be discussed in various commissions, administrations, ministries, departments of the State Council, and the State Council itself. After being discussed by these various interests, the reform was more likely to be gutted than polished. The reformers were perennially short of funds for new improvements, and the government could never find enough money to undertake an essential prison construction program.⁵³

Even though this bureaucratic machine did not help to establish modern prisons, there was still a willingness to do so in Russian society. In 1862-63, two young men were sent to conduct a study of European prison systems, which at that time had already acquired the features of modernization. The report of one of these men was published in Russia in 1867, providing an account of the conditions in prisons and recommendations for reforms. A new variety of prisons was established, the most important of which were the correctional prisons where daily work was seen as a part of rehabilitation.⁵⁴ An administration was created as well to oversee these types of prisons. Ideas about convicts' integration into society were discussed.⁵⁵

On the other hand, it was believed among Russian officials that many Western correctional methods did not suit Russian conditions. They rejected the notion of probation as an alternative to incarceration, because the under-governed frontier had always enabled Russians to avoid contact with officials. Thus no peasant, it was widely assumed, would report regularly to a probation officer. Once released from custody, he would obtain a counterfeit passport for three rubles and disappear forever into the vastness of the country. The modernization that they resisted particularly was the isolation cells widely used in the West.⁵⁶ The Russian government believed that these cells would drive Russians mad rather than correct their behavior. They noted the differences in mentality and education between Western criminals and Russian criminals. It was thought that the better educated Western criminal would have something to think about in isolation, while the Russian had little in his head and could not bear the isolation. However, Russia finally undertook the task of building a modern prison system, almost a century after the first penitentiaries were created in the West and at a time when in Europe and the United States this system was already considered to be eroded.⁵⁷

The movement to abolish exile, which began in the early nineteenth century, played an important part in the creation of the modern prison system. In the first half of the century, the exile system was attacked almost exclusively because of the danger it posed for the citizens of the regions to which the exiles were sent, especially Western Siberia. When the idea that this punishment should be used as an instrument of correc-

⁵³ B.F. Adams, *The Politics of Punishment*, pp. 40-65.

⁵⁴ Before using labor as the instrument of correction, rehabilitation was attempted through religion.

⁵⁵ B.F. Adams, *The Politics of Punishment*, pp. 65-121.

⁵⁶ Western prisons had three main ideas: silence, labor and discipline. The silence meant that prisoners should never speak with one another or even with the guards. They had to live in isolated cells alone and could not have any contact with anyone. It was believed that such conditions would help offenders to understand their misbehavior and to rehabilitate. (Randall McGowen, "The Well-Ordered Prison: England, 1780-1865", in N. Morris and David J. Rothman (eds), *The Oxford History of the Prison: The Practice of Punishment in Western Society* (New York, 1998), pp. 71-100.)

⁵⁷ B.F. Adams, *The Politics of Punishment*, pp. 65-164.

tion was digested, advocates of reform began to attack the system as harmful to exiles as well, because it expelled people from their natural environment into sparsely populated, 'wild' areas. This kind of solution implied that these individuals were eternally lost to society, as they were incorrigible in their behavior. The thought that there were those who could be incorrigible was not accepted by the reform advocates, who believed in the power of orderly, professional corrections. This kind of thinking was also encouraged by the example of other European countries, where the use of the exile system had been abandoned and was seen as barbaric. Proposals were constantly made to replace exile with imprisonment.⁵⁸ The question of abolishing exile became part of a complex debate over a new criminal code that continued throughout the 1890s, but only after eleven years did such a proposal reach the State Council and the emperor.⁵⁹

The struggle for new reforms continued throughout the nineteenth century. Russian society tried to modernize the existing system along the lines of European penal law. Aspirations to have the same system as Western countries helped stir the outcry to abolish barbaric laws. Reform was also stimulated by the defeat in the Crimean War, which exposed the dire situation of the state to the Russian people. In 1845, the first full-length criminal code was released, introducing a scale of punishment and attempting to establish an advanced structure of prisons in the Russian Empire. However, the state did not have enough resources to implement the innovations. Action was taken only in the second part of the nineteenth century, when serfdom was abolished because it prevented further economic development. This led to the development of a judicial system and at the same time the creation of a modern prison system where daily labor became an instrument of correction for convicts. The movement to abolish the exile system was promoted in society as well, but it did not achieve anything until the end of the nineteenth century. It could be said that Russian prison reformers made some major gains over the time they had, but compared with Western countries these innovations were already dated and obsolete. Nevertheless, the process that began with these reforms continued even after the collapse of Tsarist Russia, and in different forms it was used as the framework for the rapid creation of concentration camps in the Soviet Union.

⁵⁸ It was believed that exile and especially exile with penal servitude had failed to produce the desired results. Only a small part of the exiles sent into penal servitude did the productive work and others were not strong enough to do it or got sick during their work and could not continue it any more. In some parts of Siberia, such a large workforce was not necessary and not everyone could participate in work.

⁵⁹ B.F. Adams, *The Politics of Punishment*, pp. 121-164.

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