

## EXILE ON PENAL SERVITUDE IN THE RUSSIAN EMPIRE IN THE 19<sup>th</sup> CENTURY: SOME ASPECTS OF APPLYING

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**Abstract:** *The results of the research of the main features of the execution of criminal penalties in the form of exile on servitude in the Russian Empire in the 19<sup>th</sup> century are presented in the article. The study was based on the use of narrative, comparative and historically-genetic methods of scientific research. The information base of the research includes acts, analytical and statistical data that concern exile on servitude in the Russian Empire, published in Russian and foreign scientific literature before 1917 and in the modern period. Main positions of the "Exile Statute" from 1882 and the appropriate law enforcement practice were analysed. The cause and consequences of the abolition of exile on servitude as a kind of penalty for criminals in the central provinces of the Russian Empire were determined. The features of the servitude organization, the discharge system of arrived to prison convicts' classification were analysed. The legal framework and features of the regulation and organization of labour of convicts in the first half of the XIX century in the newly annexed western parts of the Russian Empire were studied. Largely, that exile on servitude in the Russian Empire in the studied period should be regarded as a significant socio-economic phenomenon that has had a great impact on the development of the country. Generally, it concerns the colonization of Siberia, the Far East and Sakhalin Island. Historical experience, gained during the development of the exile on servitude institution in pre-revolutionary Russia is essential and requires its consideration today. It was determined that a significant change of infrastructure, communications and information capabilities improve the relevance of the question of the return to the historical experience of the application of exile on servitude as one of the types of punishment, not related to incarceration.*

**Keywords:** *exile; penal servitude; Russian Empire; prison system*

**Rezumat:** *Exilul la muncă forțată în Imperiul Rus în secolul al XIX-lea: particularitățile implementării.* Articolul prezintă rezultatele cercetării principalelor trăsături ale executării pedepselor penale sub forma exilului la muncă forțată în Imperiul Rus în secolul al XIX-lea. Studiul s-a bazat pe utilizarea metodelor narative, comparative și istoric-genetice de cercetare științifică. Baza de date a cercetării include documente, date analitice și statistice care se referă la exilul în detenție grea în Imperiul Rus, publicate în

literatura științifică rusă și străină înainte de 1917 și în perioada contemporană. Au fost analizate aspectele principale ale „Statutului Exilului” din 1882 și practicile de aplicare a legii. Au fost determinate cauza și consecințele abolirii deportării la muncă forțată ca pedeapsă pentru infractorii din provinciile centrale ale Imperiului Rus. Au fost analizate caracteristicile de organizare a servituții, clasificarea sistemului de achitare a condamnaților ajunși la închisoare. Au fost studiate cadrul juridic și caracteristicile reglementării și organizării muncii forțate a condamnaților în prima jumătate a secolului al XIX-lea în părțile occidentale nou-anexate ale Imperiului Rus. În linii mari, exilul la muncă forțată în Imperiul Rus în perioada studiată ar trebui privit ca un fenomen socio-economic semnificativ care a avut un mare impact asupra dezvoltării țării. În general, el se referă la colonizarea Siberiei, a Orientului îndepărtat și a insulei Sahalin. Experiența istorică câștigată în timpul dezvoltării instituției exilului de servitute în Rusia prerevoluționară este esențială și necesită o analiză în prezent. S-a constatat că o schimbare semnificativă a infrastructurii, comunicațiilor și capacităților de informare îmbunătățește relevanța problemei întoarcerii la experiența istorică a aplicării exilului la muncă forțată ca una dintre tipurile de pedeapsă care nu au legătură cu încarcerarea.

**Résumé : L'exil au travail forcé dans l'Empire Russe au XIX<sup>e</sup> siècle : les particularités de son implémentation.** L'article ci-joint présente les résultats de la recherche des principaux traits de l'exécution des sanctions pénales sous la forme de l'exil au travail forcé dans l'Empire Russe au XIX<sup>e</sup> siècle. L'étude se basa sur l'utilisation des méthodes narratives, comparatives et historiques – génétiques de recherche scientifique. La base de données de la recherche comprend des documents, des données analytiques et statistiques qui font référence à l'exil à travaux forcés dans l'Empire Russe, publiés dans la littérature scientifique russes et étrangère avant 1917 et dans la période contemporaine. On y analysa les principaux aspects du « Statut de l'Exil » de 1882 et les pratiques d'application de la loi. On y détermina la cause et les conséquences de l'abolition de la déportation au travail forcé comme punition pour les délinquants des provinces centrales de l'Empire Russe. On y analysa, aussi, les caractéristiques de l'organisation de la servitude, la classification du système d'acquiescement des condamnés arrivés en prison. On y étudia de plus le cadre juridique et les caractéristiques de la réglementation et de l'organisation du travail forcé des condamnés pendant la première moitié du XIX<sup>e</sup> siècle les parties occidentales récemment annexées de l'Empire Russe. En général, on devrait apercevoir l'exil au travail forcé dans l'Empire Russe pendant la période étudiée comme un phénomène socio-économique significatif qui eut un grand impact sur le développement du pays. En général, il s'agit de la colonisation de la Sibérie, de l'Orient lointain et de l'Ile Sakhalin. L'expérience historique qu'on gagna pendant le développement de l'institution de l'exil de servitude dans la Russie pré-révolutionnaire est essentielle et nécessite une analyse actuelle. On constata qu'un changement significatif de l'infrastructure, des communications et des capacités d'information améliora la relevance de la question du retour à l'expérience historique de l'application de l'exil au travail forcé comme un des types de punition qui n'eut pas de liaison avec l'incarcération.

## INTRODUCTION

Exile on penal servitude during a long time was a widely spread punishment, that was used in the Russian Empire. The significance of this kind of punishment extends far beyond the borders of purely scientific sphere of legal interest. Siberian exile on servitude also had significant economic, military, social, political values. With its application was related great number of aspects of the remote and sparsely populated areas development, defence construction, the origin and development of industrial production in Siberia and the Far East of Russia.

As the information base of the study were used normative legal acts of the Russian Empire, which concerned penological, procedure and other questions of Exile application. In the preparation process of the article, the analytical and statistical information about the application of Exile in the Russian Empire, published in scientific literature and periodicals were used.

In order to achieve the research objectives, as well as the solution of put in its framework tasks, have been used narrative, comparative legal, historical and genetic methods of science research. With these research methods and the results of the detailed analysis and systematization of information base, the general practice of the exile on servitude in the Russian Empire in the 19<sup>th</sup> century has been studied. The research was also based on application of general scientific research methods.

Exile, including servitude, in Siberia and the Far East of Russia in the works of a number of scientists<sup>1</sup> is regarded only as a way of slave labour organization, which was determined by numerous political and economic reasons, among which the most important were technology backwardness, expansionism and colonial aspirations of the Russian Empire. In our opinion, exile on servitude in the 19<sup>th</sup> century was a significantly greater social phenomenon in comparison with an usual punishment. Meanwhile, the character of Russian criminal policy in the 19<sup>th</sup> century doesn't give us an opportunity to talk about its repressive direction. The same applies to the scale, nature and the results of convicts' labour application. It is also worth to talk about the positive effect of exile on servitude on

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<sup>1</sup> Youngho N. *Why do Russian workers work?: an ethnographic study of manufacturing workers in Siberia*. [PhD thesis]. The Old Schools, Trinity Ln: University of Cambridge; 2007, p. 178; Witzentrath C. *Institutional culture and the Government of Siberia: empire, rebellion, and the Cossacks, 1598-1725*. [PhD thesis]. London: University of London; 2005, p. 195; Wood A. *Russia's Frozen Frontier: A History of Siberia and the Russian Far East (1581 – 1991)*. London: Bloomsbury publ.; 2008, p. 162.

the fight against professional crime and solution of other internal problems of the Russian Empire.

During the research, we used the works of pre-revolutionary experts in the field of punishment execution organization in the form of Exile on servitude<sup>2</sup>. Contemporary works on the topic of Siberian and Far Eastern Exile problems in the Russian Empire<sup>3</sup> were also used as a part of information base of the research. Noteworthy are the works devoted to the problems of punishment execution in the western provinces of the Russian Empire in the 19<sup>th</sup> century<sup>4</sup>.

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<sup>2</sup> Таганцев Н.С. *Русское уголовное право: Лекции. Часть общая*. Т. 1 [Russian criminal law: Lectures. The general part.], С.-Пб.: Гос. Тип., 1902; Фойницкий И.Я. *Учение о наказании в связи с тюремоведением* [The doctrine of punishment in connection with prison studying], СПб.: Типография Министерства путей сообщения, 1889; Максимов С.В. *Сибирь и каторга* [Siberia and penal servitude]: В 3-х ч., СПб.: Тип. А. Траншеля, 1871, Ч. 1, *Несчастные* [Hapless people].

<sup>3</sup> Алексеев В.И. *Российская пенитенциарная политика в сфере применения ссылки и тюремного заключения в начале XIX столетия* [Russian penitentiary policy in the sphere of application of exile and imprisonment at the beginning of the 19<sup>th</sup> century], in "Юрист-правоведъ", 2014, № 4 (65), с. 92-95; Иванов А.А. *Уголовная ссылка в Сибирь в XVIII - XIX вв.: численность, размещение, использование в экономике региона* [Criminal exile in Siberia in 18<sup>th</sup> -19<sup>th</sup>centuries: the number, placement, use of the region's economy], in "Гуманитарные исследования в Восточной Сибири и на Дальнем Востоке" [Humanities Research in Eastern Siberia and the Far East], 2014, № 1 (27), с. 42-53; Скиба А.П. *Пенитенциарные больницы (организационно-правовые и исторические аспекты): Монография* [Penitentiary Hospital (organizational, legal and historical aspects): Monography], Улан-Удэ: Изд-во Бурятского госуниверситета, 2007, с. 162; Упоров И.В. *Деятельность особой комиссии Министерства внутренних дел по реформированию тюремной системы Российской Империи в 60-е годы XIX века* [Activities of a special commission of the Ministry of Internal Affairs of the Russian Empire on the reform of the prison system in the 60s of the 19<sup>th</sup> century], in "Новая наука: проблемы и перспективы" [The new science: problems and prospects], 2016, № 6-3 (85), с. 176-179.

<sup>4</sup> Андрущак О.І. *Праця як засіб виправлення і виховання засуджених (історико-правовий нарис)* [Labour, as the way of correcting the convicts (historical and juridical essay)], in "Юридична Україна" [Juridical Ukraine], 2011, № 6, с. 17-21; Григор'єв О.М. *Історіографія розвитку пенітенціарної системи і законодавства України (до 1917 з.)* [Historiography of the prison system and the legislation of Ukraine (before 1917)], in *Ученые записки ТНУ им. Вернадского. – Серия «Юридические науки»* [Scientific notes of TNU "Vernadsky". - Series «Juridical sciences»], 2009, №. 1, Т.22, с. 36-39; Стефанов С.О. *Праця як міра карального впливу при виконанні карних покарань в історії Української держави (період до*

## ARGUMENTATION

Discussions about the exile, including servitude, in the Russian Empire as a widely spread phenomenon, which has a clear legal framework with relatively time-tested practice, is possible only starting from the 19<sup>th</sup> century.

Precisely in this period, exile on servitude becomes the primarily punishment, appointed by courts, according to the norms of criminal law. We should take in consideration, that in those times, pure criminal procedure law was absent, and practice of justice was based on the norms of criminal law. From the start of the wide propagation of Exile on servitude, as a kind of criminal sanction, it served only as a punishment for a convicted person. Exile on penal servitude wasn't focused on any economic, political or other problems' solving. Significant progress in convicts' labour regulation was achieved after the adoption in the 1822 *The Statute for exiled convicts*<sup>5</sup>.

*The Statute for exiled convicts* was adopted along with *The Statute for escorting in the Siberian provinces*<sup>14</sup>. These Statutes were codified normative acts that were aimed on streamlining and regulating a wide range of problematic questions in the eastern part of the Russian Empire. *The Statute for exiled convicts* was acting as a whole until 1917, remaining the main document that regulated various penological procedure and other matters that concerning the execution of exile. Thus, the courts, inter alia, sent special notifications about sentenced to servitude in Tobolsk prison, which was involved in the distribution and the account of the exiled convicts.

In the 19<sup>th</sup> century servitude has been an actively used method of execution of punishments. The place of exile was determined depending on the degree of public danger of the convicted person. The most dangerous criminals were exiled to eastern Siberia and Sakhalin Island. Only minor party of sentenced to penal servitude was sent for the extraction of coal on Sakhalin Island until 1879. In 1879, on Sakhalin Island of 600 people for penal servitude and the subsequent settlement were sent. Since 1883 the Sakhalin penal servitude started exiling

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1900 з.) [Labour as a punitive measure impact at execution of criminal sanctions in the history of the Ukrainian state (before 1900)], in *Актуальні проблеми політики: зб. наук. праць* [Actual issues of the politics: alm. of scientific works], Одеса: Юридична література, 2000, Вип. 9, с. 431-437.

<sup>5</sup> *Российское законодательство X-XX вв.* В 9-х т. Т. 6. *Законодательство первой половины XIX века* [Russian legislation of X-XX centuries (The Russian legislation of the X-XX centuries. In 9 vol. Vol. 6. The legislation of the first half of the 19<sup>th</sup> century)], М.: Юрид. лит., 1988, с. 432.

women, and since 1895 – all sentenced women under the age of 40 years. In addition to economic reasons and the desire of remote areas rapid colonization, such close attention to Sakhalin Island can be explained by relatively prosperous situation in epidemiological terms among prisoners, compared with other regions of the Russian Empire.

On Sakhalin penal servitude agricultural works (growing crops, animal husbandry, and horticulture) were organized, as well as mineral exploration (ore, coal and oil). N. Tagantsev mentioned that due to comfortable climate conditions and as a result – the lack of epidemics, the aim of the Sakhalin penal servitude (taking into account the fact that the convicts were to settle here later) consisted in the preparation of the area to right colonization.

*The Statute for exiled convicts* made provisions for separation of sentenced convicts on six digits. However, if the classification criterion of the first category took into account the degree of public danger of the person, all the other digits were aimed on keeping the health status and qualifications of the exiled convict, his fitness for a particular type of work. Classification of sentenced to exile (the settlers) was the following: 1 digit – work in factories; 2 digit – road workers; 3 digit – craftsmen; 4 digit – sphere of services; 5 digit – agricultural work; 6 digit – sick and old persons who are not fit to work (the last digit composed a significant part of the total number of exiled prisoners because of inadequate medical provision of places, that served penal servitude, as well as the so-called landmark prisons).

Digit of road workers existed for not a long time and was abolished in 1828 as a virtually absent. Exiled prisoners of the first Digit were employed with difficulties and reluctantly due to the overflow of workers on factories and mines of Western Siberia. The only place where the exiled prisoners were taken to work was the Omsk cloth factory<sup>6</sup>, but the maximum number of convicted persons who worked on it in 1837 did not exceed 200 people.

Digit of craftsmen also did not exist for a long time. Tomsk craft houses functioned until 1830 and similar institutions in other cities fell into decay until 1836. In 1852 functioned only Irkutsk craft house in which were employed 56 men and 42 women with a combined income of 86 kopecks per year (in best years - 3000 rubles). According to opinion of the General Governor of Western Siberia P. D. Gorchakov (1789-1868), failure in the organization of such operations was

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<sup>6</sup> Зиновьев В.П. *Промышленность, промыслы, ремесла и торговля в Сибири в XVIII в. – 1820-е гг.* [Industry, crafts and trade in Siberia in the XVIII century - 1820s], in *Вестник Томского государственного университета* [Bulletin of the Tomsk State University], 2016, № 409, с. 61-67.

due to the distrust of the local population to exiled convicts<sup>7</sup>.

Terms of convict's incarceration was determined by the court sentence. After the end of the penal servitude serving, prisoners were attached to the enterprises on which they worked. End of the penal servitude meant the beginning of the lifelong exile. In the Siberian exile on penal servitude convicts had to prove independently housing for themselves. There was no provision and conditions for the separation of the exiled convicts, depending on the degree of their public danger or sex. As a rule, all prisoners on penal servitude were stigmatized. All prisoners were obliged on wearing of shackles and handcuffs out of the places of work. Special attention in the *The Statute for exiled convicts* was given to escorting, which was explained by a significant number of escapes of convicts during transportation to the place of penal servitude, as well as the selection from prisoners those who was fit for work and knew the craft by local officials for their needs. Pledged by M. M. Speranski's norms to *The Statute for exiled convicts*, in 1822, nipped this practice<sup>4</sup>.

However, the practice of the exiled prisoners work organization has shown the failure of the taken measures. Thus, in 1827 six thousand prisoners were exiled to the Yenisei province. On their arrangement and work organization was spent 480 thousand of rubles. Additionally, for each of the exiled prisoners was picked out an area of 15 hectares of agricultural land. The supplementary of inventory, seeds, provision and other values was also established<sup>8</sup>.

However, the exiled prisoners often escaped, some of them started engagement in criminal activities (horse stealing was widely spread). Moreover, prisoners faced with lack of job places, due to which they massively signed up to the digit of sick and old persons who were not fit to work. Because of this new job places and settlements didn't occur. Wives of the prisoners rarely went to exile with their husbands (about 1 from 30), which has led to an imbalance in the gender structure of the settlers. Separately there were the problem of morbidity and mortality of convicts (including mortality among their children). The situation in this sphere was much worse in comparison with residents without a criminal record. Among the most pressing questions was the extreme physical exhaustion of exiled prisoners during their escorting, as well as their moral decay as a result of a prolonged stay in the socially disadvantaged environment. Further all middle

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<sup>7</sup> Бараболя Е.В., *Российская политика на Дальнем Востоке в середине XIX в.* [Russian policy in the Far East in the middle of the XIX century], in "Россия и АТР" [Russia and the Asia-Pacific region], 2009, № 4, с. 17-27.

<sup>8</sup> Жигунова М.А., Ремнев А.В., Суворова Н.Г. *Сибирский ракурс региональной идентичности* [Siberian perspective of regional identity], in "Национальные приоритеты России" [Russia's national priorities], 2014, № 2(2), с. 48-62.

of the 19<sup>th</sup> century the discussions on the feasibility of exile to Siberia at the level of the Emperor, the government (the Ministers of Interior and Justice), as well as governors-general of eastern provinces was going on. An active defender of the position of conservation of Siberian exile remained N. Speransky<sup>9</sup>.

In 1832 was adopted the Code of the Russian Empire laws. In this act have been clearly defined six types of work which sentenced prisoners had to carry out: servitude, building of fortresses, work in the port, work on the state-owned factories, work in a strait home, work in a labour house and mining. The term of sentence serving started after the arrival to the prison, as the escorting to Siberia and the Far East at that time could hold 1,5 - 2 years. The transportation in Russia was on foot until 1858, and the inclusion of the period to the total escorting duration to sentence after the verdict was provided only in 1876<sup>10</sup>.

Penal and correctional punishments Code of the Russian Empire considered forced labour as the second by the level severity sanction after death. Since 1845 were envisaged three kinds of servitude: mining ore, building of fortresses, work on state factories. Terms of sentences for servitude had duration from 4-6 years to lifelong. This sentencing in the form of servitude was accompanied by the appointment of corporal punishment (whipping of 40 to 100 beats), and with respect to nobility - exposition on the scaffold to the pillory with breaking of court sword (Article 963 of the Statute of criminal proceedings from 1864)<sup>11</sup>.

Special attention is worth to be given to the labour organization of convicts in the first half of the 19<sup>th</sup> century in the western newly annexed parts of the Russian Empire. The legislation, as it was codified, applied to all attached territories of Malorossia and Belorussia. In 1804-1808 was adopted the Code of the local laws of the provinces and regions. In 1811 Lithuanian Statute was translated into Russian. In 1830-1833 was developed the Project of the Code of

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<sup>9</sup> Зиновьев В.П. *Промышленность, промыслы, ремесла и торговля в Сибири в XVIII в. – 1820-е гг.* [Industry, crafts and trade in Siberia in the XVIII century - 1820s], in *Вестник Томского государственного университета* [Bulletin of the Tomsk State University], 2016, № 409, с. 61-67.

<sup>10</sup> Упоров И.В. *Деятельность особой комиссии Министерства внутренних дел по реформированию тюремной системы Российской Империи в 60-е годы XIX века* [Activities of a special commission of the Ministry of Internal Affairs of the Russian Empire to reform the prison system in the 60s of the 19<sup>th</sup> century] in “Новая наука: проблемы и перспективы” [The new science: problems and prospects], 2016, № 6-3 (85), с. 176-179.

<sup>11</sup> Фойницкий И.Я. *Учение о наказании в связи с тюремоведением* [The doctrine of punishment in connection with prison studying], СПб.: Типография Министерства путей Сообщения, 1889.

local laws of western provinces of the Russian Empire (the Right-Bank Ukraine and Belorussia). In these legal acts, along with other forms of punishment, servitude was also consolidated<sup>12</sup>.

Significant changes in the organization of labour of convicted prisoners occurred in the 1860-1870. Thus, prison labour and its results used by management of separate penal institutions at their discretion. State-owned factories, in particular distillery, opened without binding to public needs and public development plans. The prison system as a whole started to increase the employment opportunities for its officers due to excess of prisoners' labour and budget financing. Further was observed a gradual accumulation of losses and enrichment of the prison administration. Due to this the Ministry of Finance has started the process of privatization of state enterprises and the closure of the prison system's production objects.

Experiments in the sphere of convicts' labour organization on the objects of precious metals extraction also have not led to success. The organization of gold mining in the basin of the river Kara<sup>13</sup> in the 1850-1860 and massive exile of convicts to these places has led to an increase of overcrowding level in prisoners' settlements. This in turn led to epidemics and massive mortality among exiled convicts that obtained numbers of thousands of people every year. Further, it has been recognized, that labour of civilian persons on the extraction of precious metals had much higher level of efficiency in compare with prisoners.

From the use of prisoners in the construction of fortresses Defence Ministry also declined. It was explained by higher preference of civilian labour builders. Starting from 1864, it was decided not to contain prisoners in the fortresses, as it was not profitable in the military sense. Only Tobolsk fortress continued to accept convicted prisoners (from 1870 to 1876, later they were transferred to Ust-Kamenogorsk fortress), but it concerned exclusively convicted persons, who previously served in the army.

At the beginning and in the middle of the 19<sup>th</sup> century exile on penal

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<sup>12</sup> Скуратов Ю.И., Глазкова Л.В., Грудинин Н.С., Незнамова А.А. *Развитие организованной преступности в России: системный анализ* [The development of organized crime in Russia: a system analysis], in "Всероссийский криминологический журнал" [Russian journal of criminology], 2016, Т. 10, № 4, с. 638-648. DOI : 10.17150/2500-4255.2016.10(4).638-648

<sup>13</sup> Гатинский Ю.Г., Прохорова Т.В., Рундквист Д.В., Соловьев А.А. *Современная геодинамика горнопромышленных регионов запада азиатской части России и ближнего зарубежья* [Modern geodynamics of mining regions of West Asian part of Russia and the close foreign countries], in Альманах Пространство и Время [Almanac Space and Time], 2015, № 2, Т.8, с. 16-19.

servitude remained a priority criminal penalty among other that were used in the Russian Empire. Thus, in 1827-1846, through Tobolsk order passed 159 755 exiled prisoners. However, it is worth to take into account the fact that exile on penal servitude was not only the criminal penalty, but also an administrative sanction (here is also used modern terminology – author's note). Link as an administrative measure was used by landowners against those who didn't agree with the existing socio-economic system, but more often – for personal reprisal of peasants and other persons. Moreover, 60% of convicts were vagrants, who had been exiled by administrative procedure (48 600 people), which were established as a result of numerous escapes of peasants from feudal oppression. Number of exiled farmers for active disobedience to the landowners in the 1837-1846 doubled in comparison with 1827-1836 and reached 4755 people. Statistics of the political exile on penal servitude during 1825-1861 is important from factual point of view. Political exile touched upon 268 000 people, half of whom were exiled by administrative procedure for the escape and disobedience. The number prisoners, who were convicted for crimes against state amounted 600 people, and for the anger and disobedience to the authorities – 4000 people<sup>14</sup>.

Change in the number of convicts, who were exiled for their political activity was the result of large-scale political actions. In the 1830 occurred the insurrection in Sevastopol (insurrection of military settlers) and intensified the political opposition in Poland. Following these events, the number of crimes in the 1833-1845 in comparison with the previous period doubled, and the number of political prisoners has reached the number of 2400 people. As a result, the number of political convicts, exiled on the penal servitude amounted 29% of the total number of prisoners, convicted for ordinary crimes. More than 10% of political convicts were nobles<sup>15</sup>. During the same period, the number of exiled convicts, who were incarcerated in administrative procedure amounted 4612 people (an increase of 400%)<sup>16</sup>.

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<sup>14</sup> Пашенцев Д.А. *Конструирование преступности в отечественном праве периода сословно-представительной монархии* [The construction of criminality in Russian law of the estate-representative monarchy period], in “Всероссийский криминологический журнал” [Russian journal of criminology], 2016, Т. 10, № 3, с.431-437. DOI : 10.17150/2500-4255.2016.10(3).431-437.

<sup>15</sup> Богданов С.В., Репецкая А.Л. *Организованная преступность в экономической сфере СССР в 1930-1950-е годы: особенности воспроизводства, масштабы, формы проявления* [Organized crime in the sphere of economics in the USSR in 1930-1950-s: specifics of reproduction, scale, forms] in “Криминологический журнал Байкальского государственного университета экономики и права” [Criminology Journal of Baikal National University of Economics and Law], 2011, № 4, с. 70-79.

<sup>16</sup> Рапор А.И. *Уголовная политика и уголовно-правовые амбиции* [Criminal policy and

Significant analytical material about the processes of the organization of penal servitude and labour in prisons in the middle of the 19<sup>th</sup> century contains in the materials of the commission of the Ministry of Internal Affairs, which concerned the reform of the prison system of the Russian Empire. Analysis of this document is expressed in the work of I. Uporov. The reason for the formation of this commission was caused by a deplorable state of the prison system in the Russian Empire and the country's authorities desire to change this provision. The Commission concluded that the most appropriate species of penitentiary facilities were correctional prisons. It was assumed to exclude the exile from the number of penalties as an unreasonably mild punishment and replace it by imprisonment. This initiative was actually taken due to the high population and overcrowding of a great number of traditional places for exile. Consequently, the main aim of the reform – was to decrease the severity of the punishment. At the same time, Siberian governors have increasingly turned to the capital with a request to stop sending prisoners on exile because of their negative impact on the locals<sup>17</sup>.

Solution of the problem of the mass escapes from prison was based on the adoption of the Provisional Regulations of 1869. Later, Provisional Regulations were included in the text of *The Statute for exiled convicts* in the redaction of 1886. According to these changes, only convicts from Siberia, Perm (the part of the province, which is beyond the Urals) and Orenburg provinces could be sent to Siberian exile on penal servitude. It also concerned exiled convicts, whose families followed them, and settled in the place of exile. All the other prisoners were to be kept in special prisons: Novoborisoglebsk (Arakcheyev military settlements, Kharkiv province) Novobelgorodsk (Pechenegi settlement, Kharkiv province.) Iletsk (Sol-Iletsk, Orenburg Province), Vilensk (Vilno city, Vilno Province), Perm, Simbirsk, Pskovsk, Tobolsk and Alexandersk (Alexandrov village, Irkutsk province). Vilensk, Perm, Pskov and Simbirsk prisons were later reorganized into

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criminal law ambitions], in “Всероссийский криминологический журнал” [Russian journal of criminology], 2016, Т. 10, № 3, с. 470-479, DOI: 10.17150/2500-4255.2016.10(3).470-479.

<sup>17</sup> Бебякин М.В. *Правовые реформы и развитие пенитенциарной системы Российской Империи* [Legal reform and the development of the penitentiary system of the Russian Empire], in “Вестник научно-исследовательской лаборатории «Взаимодействие уголовно-исполнительной системы с институтами гражданского общества: историко-правовые и теоретико-методологические аспекты»” [Bulletin of the research laboratory «Interaction of penitentiary system with institutions of civil society: legal, historical and theoretically-methodological aspects»], 2013, № 2, с. 98-111.

correctional prisons<sup>18</sup>. Until 1875 neither order of detention nor labour activity of prisoners were not regulated in these prisons. Subsequently residence of convicts in these prisons have been likened to exile on penal servitude. As a result, was established a requirement to all convicts, who were released from prisons, to serve the lifelong exile in Siberia on settlement. Established after these innovations system of punishment execution organization in the form of exile on penal servitude existed, with some modifications until 1917. However, starting from the second half of the 19<sup>th</sup> century, a prison incarceration became the major penalty in Russian criminal justice practice.

## RESULTS

The legal framework and features of the normative regulation and organization of labour of convicts in the first half of the 19<sup>th</sup> century in the newly annexed western parts of the Russian Empire were studied. Such kind of the research gives opportunity to consider advances and experience of Russian penitentiary system in the studied period. During the research was grounded, that exile on penal servitude in the Russian Empire is worth to be regarded as a significant socio-economic phenomenon that has had a great impact on the development of the country. Generally, it concerns the colonization of Siberia, the Far East and Sakhalin Island. Urbanization and creation of big working settlements in the Far East of Russia greatly depended on the national penitentiary policy. Historical experience, gained during the development of the exile on penal servitude institution in pre-revolutionary Russia is essential and requires its consideration today. It generally concern demographic and financial issues of contemporary Russian penal policy development. It was determined that a significant change of infrastructure, communications and information capabilities improve the relevance of the question of the return to the historical experience of the application of exile on servitude as one of the types of punishment, not related to incarceration. Reanimation of old kinds of criminal punishments gives opportunity to combine in the future all of their positive characteristics with contemporary possibilities, which can compensate all disadvantages that determined abolition of exile on penal servitude in the Russian Empire.

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<sup>18</sup> Иванов А.А. *Уголовная ссылка в Сибирь в XVIII - XIX вв.: численность, размещение, использование в экономике региона* [Criminal exile in Siberia in 18<sup>th</sup> –19<sup>th</sup> centuries: the number, placement, use of the region's economy], in "Гуманитарные исследования в Восточной Сибири и на Дальнем Востоке" [Humanities Research in Eastern Siberia and the Far East], 2014, № 1 (27), с. 42-53.

## CONCLUSION

Institution of exile on penal servitude in the Russian Empire in the 19<sup>th</sup> century is worth to be regarded as a large-scale social phenomenon that has had a significant impact on the country's development in the studied historical period. Direction of thousands of convicts on Sakhalin Island on exile for penal serving helped to colonize this territory in relatively short period. Construction of Trans-Siberian Railway at the beginning of the 20<sup>th</sup> century also was organized with the involvement of convicts, sentenced for penal servitude. Satisfactory wages along with tolerable food supply of the prisoners, who were involved the building, have resulted in comparable with civilian personnel labour productivity in the Far East railway construction. These and many other achievements are the foundation for a number of achievements, which are used by the current generation.

Much remote of places for exile and inefficient usage of resources for the organization of convicts work in remote areas of Siberia and the Far East, significantly complicated the further application of penal servitude at the end of the 19<sup>th</sup> century. These circumstances have led to a gradual transition to the concentrated content of convicts in prisons of the central part of the country. Subsequently, such kind of concentrated content of the significant part of convicts, along with the other reasons, caused an extreme growth of professional crime, which has increased substantially<sup>19</sup> in the revolutionary and post-revolutionary periods, becoming one of the main components of the forces that had a destructive effect on the state.

Modern Russia is one of the world leaders in the number of convicts, sentenced to imprisonment. At the same time Siberia and the Far East are still sparsely populated regions with a significant shortage of manpower. Modern Siberia and the Far East of Russia are the regions where industrial development is focused. Conditions of work and social amenities in these regions meet high standards of the developed countries. In modern Russian conditions, exile on public works (kind of modern penal servitude in the 21<sup>st</sup> century), as a kind of criminal sanction, can be observed as a step for humanization of state penitentiary policy. Exile on penal servitude may be used as an alternative

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<sup>19</sup>Бабаев М.М., Пудовочкин Ю.Е., *Репрессивное решение социальных проблем: причины и последствия* [Babaev M.M. Pudovochkin Y.E. Repressive solutions of social problems: causes and consequences] in "Всероссийский криминологический журнал" [Russian journal of criminology]. 2016. Т. 10, № 3. с. 419–430. DOI: 10.17150/2500-4255.2016.10(3).419-430

measure to incarceration, which gives a chance to convicts to avoid imprisonment and getting into criminal environment. Free work on industrial enterprises in remote areas for a certain period is a good substitution of incarceration. The above-mentioned circumstances, in our opinion, actualize the experience of the Russian prison activity in the 19<sup>th</sup> century. It becomes urgent and requires consideration of authorities in the 21<sup>st</sup> century.