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**HUMAN RIGHTS AND HUMANIZATION OF THE
EXECUTION OF PUNISHMENTS IN THE HISTORY OF
WESTERN SIBERIA**

Abstract. *The purpose of the study is to compare the Prison Reform of 1879 carried out in Russia with the requirements of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations in 1955. The study was conducted on the example of the Tobolsk prison complex of the late XIX – early XX centuries, based on practically achieved results. The sources of the study were the materials of the State Archives of the Tyumen, Omsk, Tomsk regions, as well as the State Archives of the Russian Federation. The methodological basis of the study combines two approaches: modernization and civilizational, using two methods: comparative historical and actualization. The scientific novelty of the work lies in a new look at the Prison Reform of 1879 through modern European standards of the rights of prisoners.*

The results of the Prison Reform of 1879 were compared with the requirements of the UN on the following grounds: prohibition of discrimination, protection of religious rights, compilation of a register of prisoners, their breakdown into categories, sanitary conditions and nutrition, education, libraries, recreation, work and work of prison inspections. The comparison showed that at the turn of the XIX – XX centuries, the Tobolsk prison complex (“Prison Castle”) was an advanced penitentiary institution of that time, not only generally conforming to European standards of the mid-XX century, but partly surpassing them. The Russian government planned to extend the achieved experience to other places of detention, but the process was interrupted by the revolution of 1905-1907.

The results of the study showed that in Russia, the humanization of imprisonment was based not only on the principles of utility and rationalism, but in many respects – on Orthodox ideas of mercy, therefore, initially coincided with future European standards. Meanwhile, some reform measures turned out to be premature, as they were carried out in conditions of exceptional poverty of the rest of the Russian people and the absence of the concept of “human rights”

in their lives. This contradiction became one of the links in the system of socio-economic problems that eventually led Russia to revolution.

Key words: *Human rights, humanization, penitentiary system, Western Siberia, execution of punishments, prisoners.*

LJUDSKA PRAVA I HUMANIZACIJA IZVRŠENJA KAZNI U HISTORIJI ZAPADNOG SIBIRA

Apstrakt: *Cilj studije je uporediti Zatvorsku reformu iz 1879. godine s zahtjevima Standardnih minimalnih pravila za postupanje s osuđenima koje je usvojila Ujedinjene nacije 1955. godine. Studija je sprovedena na primjeru Tobolskog zatvorskog kompleksa kasnog XIX - ranih XX vijeka, na osnovu praktično postignutih rezultata. Izvori studije bili su materijali Državnog arhiva Tjumenske, Omske, Tomskih oblasti, kao i Državnog arhiva Ruske Federacije. Metodološka osnova studije kombinuje dva pristupa: modernizacijski i civilizacijski, koristeći dva metoda: komparativno-historijski i aktualizaciju. Naučna novost rada leži u novom pogledu na Zatvorsku reformu iz 1879. godine kroz moderne evropske standarde prava osuđenika.*

Rezultati Zatvorske reforme iz 1879. godine upoređeni su s zahtjevima UN-a po sljedećim osnovama: zabrana diskriminacije, zaštita vjerskih prava, sastavljanje registra osuđenika, njihova kategorizacija, sanitarni uslovi i ishrana, obrazovanje, biblioteke, rekreacija, rad i rad zatvorskih inspekcija. Uporedba je pokazala da je Tobolski zatvorski kompleks ("Zatvorski dvorac") na prelazu XIX - XX vijeka bio napredna kaznionica toga doba, ne samo u općem usklađivanju s evropskim standardima sredine XX vijeka, već djelimično ih je i nadmašio. Ruska vlada planirala je proširiti postignuto iskustvo na druge zatvore, ali je proces prekinula revolucija 1905-1907.

Rezultati studije pokazali su da je u Rusiji humanizacija zatvorske kazne bila zasnovana ne samo na principima korisnosti i racionalizma, već u mnogim aspektima - na pravoslavnim idejama milosrđa, stoga se initialno podudarala s budućim evropskim standardima. Međutim, neke reforme su se pokazale preranim, budući da su sprovedene u uslovima izuzetne siromaštva ostalog ruskog naroda i odsustva koncepta "ljudskih prava" u njihovim životima. Ova kontradikcija postala je jedna od veza u sistemu socijalno-ekonomskih problema koji su na kraju doveli Rusiju do revolucije.

Ključne riječi: *Ljudska prava, humanizacija, kazneno-popravni sistem, Zapadni Sibir, izvršenje kazni, zatvorenici.*

Introduction

In 2020, Russia completed the next stage of humanizing the execution of sentences according to the European model, with the advice of Norway and the use of its experience: it is this state that has the most humane penitentiary system in the world, as shown by the history of the terrorist A. Breivik. The content and results of the reform are being discussed,¹ and during the discussion the question arose about the applicability of European approaches to the correction of convicts to Russia. To comprehend the results of the reform, it is necessary to analyze historical experience, since the transformation of places of detention according to the European model in Russia has been carried out more than once. The identification of repeated results (including consequences) that have manifested themselves in different historical periods will show patterns specific to Russia, and will allow them to be taken into account in the future.

In international law, standards for the treatment of prisoners were first formulated in 1955 in Geneva at the first UN Congress on the Prevention of Crime and the Treatment of Offenders. The appearance of these rules has gone through a long history, which included international prison congresses of the XIX – XX centuries, scientific disputes, practical approbation and, finally, penitentiary reforms. In pre-revolutionary Russia, there were no separate rules for the treatment of prisoners, except for certain norms of criminal law, however, a number of factors due to the Orthodox nature of the state (the absence of the Inquisition, in some periods - the restriction of the death penalty, etc.) formed legal ideas that initially corresponded to international standards. Meanwhile, the differences between Russia and Europe in the spiritual and ideological sphere could not but affect the understanding of humanization and the motives for its implementation, and, consequently, the results of reforming the penitentiary system.

In 1879, prison reform began in Russia, the main task of which was to reorient the penitentiary system towards a correctional and educational orientation. In the documentation of that time, there are no special provisions with the terms “humanization”, the concept of the rights of prisoners was not formalized, and the transformations themselves were carried out slowly, spanning decades. Meanwhile, an analysis of the measures taken shows that the reform was carried out according to the same scheme, which is reflected in the Standard Minimum Rules for the Treatment of Prisoners, adopted by the United

¹ Yerkina, T.N, The concept of the development of the penal system of the Russian Federation until 2020: the goal, the main directions of development, the current state. *Modern Society and Power*, 4 (10), 2016, 132-135; Teplyashin, P.V, The concept of development of the Russian penitentiary system in the light of the interpreted principles of European penitentiary practice. *Bulletin of St. Petersburg University*, 11(1), 2020, 129-139. <https://doi.org/10.21638/spbu14.2020.109>; Utkin, V.A, A new concept for the development of the penitentiary system: foundations and principles. *Bulletin of the Kuzbass Institute*, 4 (37), 2018, 99-103, et.al.

Nations in 1955²; further - “Minimum Rules ... 1955”.

There are no special historical studies devoted to the rights of prisoners in Russia in the XIX – early XX centuries, with the exception of a single article on elections in prisons of elders following the example of peasant communities, which the author called “special suffrage of convicts”.³ Scientists have published works on the history of the penitentiary system of Western Siberia, but without emphasis on human rights⁴; they touched upon the Prison reform of 1879, but only within the framework of the characteristics of prisoners' labor activity, their education, the construction of prison churches and the creation of conditions for spiritual and moral education, without reference to European standards and without analyzing factual material from the point of view of prisoners' rights. Publications reflecting human rights violations in Soviet penitentiary institutions relate only to the period of repression.⁵ Research works of an earlier period written by convict revolutionaries and Soviet historians⁶ reflected the impact of communist ideology and are tendentious, but it was they who laid down in Russian historiography the idea of the complete absence of prisoners' rights in the penitentiary system of pre-revolutionary Russia. Currently, there is an opportunity to make adjustments to this point of view, which represents the scientific novelty of the work.

Materials and Methods

The purpose of the study: using the example of the Tobolsk prison complex of the late XIX – early XX centuries to identify the degree of compliance of the reform of 1879 with the first international UN document on the treatment of prisoners – “Minimum Rules ... 1955”. Research objectives: 1) to characterize the degree and direction of humanization of the penitentiary

² The United Nations. *Standard Minimum Rules for the Treatment of Prisoners (adopted at the First UN Congress on the Prevention of Crime and the Treatment of Offenders on August 30, 1955, approved by the Economic and Social Council at the 994th plenary meeting on July 31, 1957)*. Geneva, Switzerland 1955. Retrieved from: <https://76.xn--b1aew.xn--p1ai/document/9765166>.

³ Kolina, I.V. Features of the implementation of the special suffrage of prisoners in prisons of tsarist Russia. *Penitentiary Law: Legal Theory and Law Enforcement Practice*, 1 (1), 2014, 135-138.

⁴ Bortnikova, O. N. (1999). *Siberia prison: the penitentiary system of Western Siberia in 1801-1917*. Vector Book, Tyumen, Russia 1999; Mikheev, A.P. General prisons and the prison department of the Tobolsk province in the late XIX - early XX centuries. *News of the Omsk State Museum of History and Local Lore*, 11, 2005, 217-226; Naumenko, O.N. *Tobolsk Prison castle: pages of history*. Tyumen State University Publishing House, Tyumen, Russia 2008.

⁵ Kudenko, N.V. Hunger strikes by prisoners as a means of fighting for their rights in the first half of the 1920s. (Based on the materials of the Altai province). *Works of young scientists of the Altai State University*, 12-1, 2015, 33-37; Kuzmin, S.I. The struggle of prisoners for their rights and legitimate interests in the special camps of the Soviet state. *Bulletin of the Vladimir Law Institute*, 1 (2), 2007, 23-25; Smykalin, A.S. *Colonies and prisons in Soviet Russia*, Ural State Law Academy, Yekaterinburg, Russia 1997, et al.

⁶ Gernet, M.N. *The history of the tsar's prison*, Gosyurizdat. Moscow, Russia 1954, et al.

system of Western Siberia in the late XIX – early XX centuries; 2) to determine the content of the rights of prisoners in Western Siberian prisons during the period under review; 3) to explain the relationship between the Prison reform of 1879 and the “Minimum Rules ... 1955”.

Research sources:

1) Materials of the State Archives of the Tyumen, Omsk, Tomsk regions, as well as the State Archive of the Russian Federation, which characterize the state of places of detention in Western Siberia after the Prison Reform of 1879. A sample was made from archival documentation concerning the Tobolsk prison complex, which at the end of the XIX century included two convict prisons, a prison castle and a convict department with a total number of prisoners of about 1000 people.⁷ The emphasis on the analysis of the rights of prisoners in the Tobolsk prison complex is due to its special status, since it was a key link in the penitentiary system of Western Siberia, it was distinguished by the most difficult regime of hard labor and, accordingly, was a difficult object for the implementation of the rights of prisoners in accordance with international standards. Therefore, an analysis of the results of the reform in this particular regime institution will maximally show Russia's possibilities for using the European penitentiary experience.

2) The text of the document with the full title “Standard Minimum Rules for the Treatment of Prisoners (adopted at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders on August 30, 1955, approved by the Economic and Social Council at the 994th Plenary Meeting on July 31, 1957)”.

Using the comparative historical method, the article compares the “Minimum Rules ... 1955” with the actual realization of the rights of prisoners in the Tobolsk prison complex in the late XIX - early XX centuries. “Minimum Rules... 1955” were formulated 76 years after the start of prison reform in Russia, but a primary comparative analysis allows us to put forward a hypothesis about numerous coincidences. This suggests the relationship of this document with the penitentiary experience of pre-revolutionary Russia. Only those provisions of the “Minimum Rules ... of 1955” that could be implemented in the XIX – early XX centuries were taken for analysis: in particular, the requirement to “listen to the radio” was excluded from the analysis, because it was not yet available then, and so on. In addition, requirements were not taken into account that are not feasible even at the present time in the main part of the prisons of the world, for example: “p. 9.1) Where prisoners sleep in cells or rooms, each of them must have a separate cell or room.”

The study also uses the actualization method, which allows us to project the current state of the penitentiary system of Russia, reflecting the results of the implementation of the reform of 2010-2020, to the historical past - for a better

⁷ Naumenko, O.N, *Tobolsk Prison castle: pages of history*. Tyumen State University Publishing House, Tyumen, Russia 2008, 68.

understanding of the features of the Prison reform of 1879.

The methodological basis of the study combines two approaches: modernization and civilizational. The theory of modernization explains the mechanism of Russia's borrowing of the European penitentiary experience, the regularity of this process and the expected results. The civilizational approach allows us to understand the Russian specifics associated with the reform of places of detention, and to explain the results of the Prison Reform.

Results

Comparison of the “Minimum Rules ...” of 1955 with the real state of penitentiary institutions in Western Siberia in the late XIX – early XX centuries showed the following results.

The “Minimum Rules ... of 1955” (part 1, paragraph 6.1) prohibit discrimination “on the basis of race, skin color, sex, language, religious, political or other beliefs, national or social origin, property status, family origin or social status,” and Rule 6.2 requires “respect for religious beliefs and moral installations of prisoners belonging to certain groups of the population.”

In Tobolsk prisons, already at the end of the XIX century, prisoners were not divided on a social basis, and primarily because a sentence to hard labor automatically meant deprivation of a privileged status, and the convict was transferred to the category of “exiled” (in this case, “exiled–convict”). In the first half of the XIX century, “exiled settlers” from among the nobles were entitled to increased cash payments: according to the data at the beginning of the XIX century, the “noble allowance” was 5 kopecks per day, while unprivileged prisoners received about 2 kopecks.⁸ However, there has never been an increased allowance in the Tobolsk convict prisons. The nobles there had no indulgences either: for example, the weight of the shackles was the same for everyone - about 5 pounds.⁹ The differentiation of the use of shackles did not exist on social, religious or any other discriminatory grounds, but taking into account the physical capabilities of the prisoners: hand and foot shackles were used for men, only hand shackles were used for women, and they were not used at all for convicted children.¹⁰ Note that this rule was introduced in 1822, long before the prison reform of 1879.

They also tried to avoid discrimination against convicts on the basis of nationality or religion in Tobolsk prisons, which is confirmed by the following rules. Hard labor prison No. 2 was intended for the maintenance of the disabled, the elderly and the so-called “Gentiles” (mainly Jews and Mohammedans) in order to create more favorable conditions for religious worship and protect

⁸ The State Archive of the Tyumen region in Tobolsk [SATR in Tobolsk], f. 329, op. 13, d. 671, l. 7.

⁹ SATR in Tobolsk, f. 329, op. 13, d. 780, l. 40.

¹⁰ SATR in Tobolsk, f. 329, op. 13, d. 780, l. 40.

against possible incidents from the majority. The number of Gentiles in this prison varied: in 1881 Jews made up 34.4%, and in 1905 only 6.2%; Mohammedan in 1881 was 26.9%, and in 1905 - already 46.6%.¹¹ In convict prison No. 2, a prayer room for Jews was equipped like a synagogue, and on the days of fasts and big religious holidays, all Jewish prisoners under investigation and held in prison wards were transferred there.¹² There were few of them, but a temporary transfer to a hard labor prison ensured the exercise of religious worship, if possible, the preparation of kosher food, and so on. The same thing was practiced with regard to Muslim prisoners. Clergy of the respective faiths were invited to the Gentiles, and sometimes the prison administration even sought funds to pay for their work. In particular, it is known that a Muslim mullah was paid 1 ruble for a one-time performance of “spiritual demands”.¹³ Christians (Orthodox, Catholics, Lutherans) were kept in penal colony No. 1. Prayer rooms were also arranged for them: an Orthodox church, a Protestant church and a Catholic church.¹⁴ Let us note that such care for the spiritual needs of prisoners of other faiths was practiced in conditions when only Orthodoxy was declared the state religion.

The described experience surpassed the requirements of the “Minimum Rules ... of 1955”, which states that a minister of a religious cult should be allowed to perform the appropriate rites if the institution contains “a sufficient number of prisoners belonging to the same religion.” In the Tobolsk prison complex of the late XIX century, the clergy were invited even for a small number of Gentiles.

“Minimum Rules ... 1955” (Part 1, paragraph 7-8) concern the compilation of a register of prisoners and their breakdown into categories. Registers existed in the Tobolsk prison complex, which allowed us to conduct a statistical study on the number and movement of prisoners according to various criteria: gender, age, religion, previous and present social status, place of commission of a crime, criminal article, term of imprisonment and even data on victims. Such registers appeared before the Prison Reform of 1879. In addition, “article lists” were compiled for prisoners - a complete description, including height, eye and hair color, fullness, special signs, etc., with photographs of convicts attached. For example, an article list on the well-known anarchist Mikhail Bakunin in Russia (1857) reflected a “pockmarked face” and even a description of the teeth for their depravity¹⁵; no photographs were taken at that time. There was also a distribution of prisoners by category: convicts were placed in two hard labor prisons intended only for adult men, and hard labor women and

¹¹ SATR in Tobolsk, f. 17, op. 1, d. 1, 2, 25, 31, 36.

¹² *Report of the Tobolsk Prison Inspection for 1898*. Diocesan printing house, Tobolsk, Russia 1899, 26.

¹³ SATR in Tobolsk, f. 15, op. 2, d. 1, l. 14.

¹⁴ *Report of the Tobolsk Prison Inspection for 1898*. Diocesan printing house, Tobolsk, Russia 1899, 26.

¹⁵ SATR in Tobolsk, f. 471, op. 1, d. 10, l. 3-9.

children were sent to Eastern Siberia; those under investigation and those in transit were kept in the Prison Castle; there was also a prison department (for minor crimes), where the “women’s corps” functioned, although it was always half empty¹⁶

“Minimum Rules... 1955” (part 1, paragraphs 9-19) are devoted to sanitary conditions. At the end of the XIX century, Russia also had standards that corresponded to the life of ordinary people in general: prisoners visit the bathhouse and change linen once a week. Due to the overload of prison baths, the standards were violated, but the administration resolved the issue in a different way: for example, in the Ishim and Kurgan prison castles, prisoners were taken to private baths at a cost of 5 kopecks per person, and this cost from 260 to 420 rubles per year.¹⁷ The Tobolsk prison complex had both a bathhouse and its own laundry. The requirements for the quality of clothing and footwear were also regulated, and since 1893 standards for sheepskin fur and leather were introduced: for prison coats it was necessary to purchase only high-quality skins “from Russian, Horde and all kinds of sheepskins”, and for fabrics - wool and other materials (necessarily white). To ensure the wear resistance of clothing, a technological standard was introduced: the number of threads per inch must exactly match 32 by 72; also tested the strength of the fabric, which was supposed to withstand a weight of 700 pounds.¹⁸ Judging by the fact that the prisoners made ropes for escape from clothes, the requirements for the quality of the fabric were met.

Indeed, the sources are full of complaints from the prisoners themselves about the poor quality of clothes and shoes, but there is another testimony recorded by an eyewitness - a well-known researcher of Siberian penal servitude and exile S.V. Maksimov. He wrote that “the prisoner came out of the Tobolsk prison a rich man”¹⁹, i.e. received a set of new clothes and shoes free of charge: a long sheepskin coat (for 1 year), fur shoes (for 3 years) and other things. For example, a shirt was issued for 6 months, and a canvas prison bag for only 3 months. Used things were transferred to the prisoner additionally if the new ones were worn out earlier. Note that the period of use of things refers to 1850, long before the prison reform of 1879²⁰ - at that time in Russia serfdom was still in effect, and the term “humanization” was generally absent from the documentation of the penitentiary system.

“Minimum Rules... 1955” (Part 1, paragraph 20.1) fix the nutritional requirements: “The Prison Department must, during normal hours, provide each prisoner with food that is nutritious enough to maintain his health and strength, of sufficient quality, well prepared and served.” Poor nutrition in pre-

¹⁶ The State Archive of the Russian Federation [SARF], f. 122, op. 1, d. 6024, l. 114.

¹⁷ SARF, f. 122, op. 1, d. 6024, l. 53, 123.

¹⁸ Circular of the General Prison Administration, *Prison Bulletin*, 2, 1893, 3

¹⁹ Maksimov, S.V., *Siberia and hard labor*. type-lithography by N. Stefanov, St. Petersburg, Russia 1891, 12-13.

²⁰ SATR in Tobolsk, f. 20, op. 1, d. 3, l. 5.

revolutionary prisons is also reflected in all kinds of reports and prisoner complaints, but we will cite the testimony of the famous scientist D.I. Mendeleev, who in 1899 visited the Tobolsk convict prison: “We went into the kitchen, where the convict offered to try cabbage soup and such black bread that many in St. Petersburg would envy”.²¹ Judging by the description of D.I. Mendeleev, in this prison they adhered to the established standards for a hot lunch: “... cabbage soup or soup with a piece of meat on fast days and porridge from millet or buckwheat”.²² The third was usually quass.

“Minimum rules ... 1955” (part 1, paragraphs 21-26) concern the health of prisoners. According to the data for 1882, the Tobolsk prison complex was one of the leaders in Russia in terms of the number of sick prisoners.²³ Of the prisoners in two hard labor prisons, 43.2% of the total staff visited the hospital during the year, which approached 900 people, while the average duration of stay in the hospital was 50 days.²⁴ Based on these data, it is possible to imagine the size of the prison hospital (a separate building was given for it) and the scale of medical care provided. The effectiveness of treatment was also not an empty phrase, as can be seen from the experience of fighting tuberculosis. In addition to medications and longer walks, such patients received additional food daily: milk, butter and eggs. Statistics reflecting the result are available only for the Tomsk province: if in 1893 7% of the total number of prisoners suffered from tuberculosis there, then in 1913 these cases have become isolated, and in the Kuznetsk and Mariinsky prisons are not recorded at all.²⁵

“Minimum Rules... 1955” (part 2, paragraph 71) require: “The work of prisoners should not bring them suffering. All convicted prisoners are required to work in accordance with their physical and mental abilities, certified by a doctor.” The Tobolsk convict prison also exceeded these requirements, because convicts worked only at will, and this is reflected in the records of D.I. Mendeleev, who visited the prison in 1899: “The main, daily method of exposure is work. It is, as far as possible, not forced: the unwillingness or even the disinclination to work today is taken into account, and such people are left in the cells; we saw a lot of them there...”.²⁶ The phrase “we saw a lot of them there” quite clearly indicates the attitude of convicts to work, especially since the refusal

²¹ Mendeleev, D.I, *Trip to Tobolsk*. In D.I. Mendeleev (Ed), *The Ural iron industry in 1899* (pp. 433–434). Publication of the Ministry of Finance for the Department of Trade and Manufactories, St. Petersburg, Russia 1900, 433.

²² Stremoukhov, A.M, *A brief outline of the prison system and measures in the field of prison affairs in Russia for 1900-1903*. St. Petersburg Prison Printing House, St. Petersburg, Russia 1905, 11.

²³ *Information about morbidity and mortality among prisoners in places of detention of a civil department*. (1882). Main Prison Department, St. Petersburg, Russia 1882, 10.

²⁴ *Supplement to the sanitary report of the Main Prison Department for 1883*. Main Prison Department, St. Petersburg, Russia 1884, 11, 12.

²⁵ The State Archive of the Tomsk region [SATR], f. 3, op. 26, d. 2373, l. 88.

²⁶ Mendeleev, D.I, *Trip to Tobolsk*. In D.I. Mendeleev (Ed), *The Ural iron industry in 1899* (pp. 433–434). Publication of the Ministry of Finance for the Department of Trade and Manufactories, St. Petersburg, Russia 1900, 433.

to work did not affect the availability of hot and free food - it was given to everyone.

The education and leisure of prisoners was also regulated. "Minimum Rules... 1955" (part 1, paragraph 40) established: "Each institution must have a library accessible to all categories of prisoners and containing books of both entertaining and educational content. All prisoners should be encouraged to use the library." Prison libraries in Western Siberia at the end of the 19th century were formed mainly through donations from private individuals. If in 1899 they averaged hundreds of books²⁷, then by 1914 the funds had grown several times, and there were cases when a benefactor donated about a thousand books at once.²⁸ The most popular novels in prisons were the works of F.M. Dostoevsky: "The House of the Dead" and "Crime and Punishment".²⁹ Meanwhile, the experience of prison libraries in Western Siberia was available long before the reform of 1879. In particular, it was mentioned that during 1861 more than 80 books were received in the Omsk prison castle³⁰, and in 1870 a historical library appeared in the Tomsk prison castle, when the donor immediately handed over 400 books³¹. Books were also collected in the native languages of the prisoners. In particular, in 1908, after visiting the Tobolsk convict prison, the Swedish ethnographer W. Hartevelde wrote to the boss, who asked him to help with literature: "I repeat my promise once again, namely: a library in all languages, as well as sheet music and harmonium will be sent to your name from Moscow in the middle of August this year".³² Shortly after the arrival of the library and the rest, which was supposed to ease the fate of convicts, the prison governor was also killed by them.³³

"Minimum Rules ... 1955" (Part 2, paragraph 77): "The education of prisoners should, as far as possible, be linked to the education system in force in the country, so that released prisoners could continue to study without difficulty." Prison classes in Western Siberia operated even before the reform of 1879, but educational activities were not properly organized, and schools were periodically closed, but reopened. In particular, the relevant archival document has been preserved: "... in 1861, a school was reopened in the former Tobolsk prison castle".³⁴ The reform of 1879 brought convict education into the system; the main task was to eliminate illiteracy, since in Western Siberian prisons almost 90% of

²⁷ *Report of the Tobolsk Prison Inspection for 1898*. Diocesan printing house, Tobolsk, Russia 1899, 50.

²⁸ *Prison Bulletin*, 11, 1909, 428.

²⁹ SATR, f. 3, op. 26, d. 1957, l. 10.

³⁰ The State Archives of the Omsk region [SAOR], f. 93, op. 1, d. 12, l. 113.

³¹ SATR, f. 3, op. 26, d. 1957, l. 28.

³² Hartevelde, W. *Hard labor and vagabonds of Siberia*. Moscow, Russia: Delo. *Information about morbidity and mortality among prisoners in places of detention of a civil department*. (1882). Main Prison Department, St. Petersburg, Russia 1912, 70.

³³ Naumenko, O.N. *Tobolsk Prison castle: pages of history*. Tyumen State University Publishing House, Tyumen, Russia 2008, 137.

³⁴ SAOR, f. 93, op. 1, d. 12, l. 43.

men and 99% of women could not read and write.³⁵ In the course of the reform, a mechanism appeared in which the role of teachers could be performed by simply literate (or educated) prisoners, if it was impossible to attract clergy, students, professional teachers or “volunteers”.

“Minimum rules ... 1955” (part 2, paragraph 78) oblige: “In all institutions, prisoners should be provided with opportunities for recreation and cultural activities in the interests of their physical and mental health.” At the end of the XIX century, the “cultural activity” of prisoners in Western Siberia took various forms: singing in a church choir, practicing icon painting, creating works of decorative and applied art, painting portraits, paintings, and even participating in prison theatrical productions.³⁶ Among the passive forms, evening “prisoner readings” dominated (“volunteers” read books aloud to prisoners), as well as slide shows through a “magic lantern” and other events, including even a Christmas tree.

The “Minimum Rules ... of 1955” (part 1, paragraph 55) state: “Penitentiary institutions and services must be regularly inspected by qualified and experienced inspectors appointed by the competent authorities.” Prison inspections also operated in Russia at the end of the XIX century. In the Tobolsk province, this body was established in 1895 and its activities also surpassed the corresponding paragraph of the “Minimum Rules ...”: it did not just control the work of places of detention, but directly created conditions for the correction of convicts. As a result, the first Tobolsk provincial prison inspector P.P. Pochtarev. After 4 years, Pochtarev fell ill with a “nervous disorder” and died, and, as the management recognized, “his death was undoubtedly the result of work”.³⁷

The Tobolsk prison complex was considered an advanced penitentiary institution of that time, therefore the described facts of humanization of conditions of detention were not a general rule, but the government planned to extend this experience to other prisons. It is no coincidence that the prison inspector P.P. Pochtarev, recognized as the best in Russia, was soon transferred from Tobolsk to Perm to repeat his success there.³⁸ However, his premature death and then the first Russian revolution of 1905-1907 thwarted these plans.

During the period under review, the assessment of prison transformations was different, but the most complete impression of humanization was reflected by D.I. Mendeleev: “The reasonable humanity of the attitude towards convicts and the results achieved so impressed me that I can't find words to express. Inside, however – at the moment – there was a severe Latin doubt about the usefulness of such a soft attitude towards the villains, but the Christian-Russian view was touched by the supreme truth of the temporary elimination of criminals from society, still with the hope of directing them to a common cause – work,

³⁵ SATR, f. 3, op. 26, d. 1250.

³⁶ SATR, f. 3, op. 26, d. 1957, l. 24.

³⁷ Naumenko, O.N, *Tobolsk Prison castle: pages of history*. Tyumen State University Publishing House, Tyumen, Russia 2008, 132.

³⁸ *Ibidem*, 130.

prayer and good-nature...”³⁹ In this assessment, the main difference between the European (“Latin”) and Russian perception of prison transformations is given: in the first case, rationalism dominated, and in the second, Orthodox charity.

Discussion

The results obtained do not contradict the opinion of other researchers. The idea that the conditions of detention of prisoners should correlate with the standard of living of the people is in G. Geltner's study on the example of medieval prisons in Europe.⁴⁰ In relation to Western Siberia, other scientists came to the same conclusion, tracing the connection between prison reforms in Russia and the crisis of imperial power⁴¹, as well as conducting a study of the history of the Tobolsk prison of the Soviet period.⁴² The general conclusion of the authors is as follows: if the limits of humanization of the penitentiary system are not limited in Russia, then the meaning of criminal punishment is lost.

Analyzing the use by Russia of the European penitentiary experience in organizing floating prisons for minors, A.R. Pavlushkov noted differences in the worldview of Europeans and Russians: for the British, the main factor was discipline and subordination of prisoners, for Russia - religious education and an emphasis on spirituality.⁴³ The same feature of the Russian mentality during the implementation of prison reforms in the Tobolsk prison complex was also seen by D.I. Mendeleev⁴⁴, which corresponds to the main conclusions of this article.

A certain specificity of Russian prisons of the pre-revolutionary period, leading to the rights of prisoners, was noticed by I.V. Kolina, who discovered in the first third of the XIX century the presence of “special suffrage of prisoners in prisons of tsarist Russia”.⁴⁵ Her research fully confirms the conclusions of this

³⁹ Mendeleev, D.I, *Trip to Tobolsk*. In D.I. Mendeleev (Ed), *The Ural iron industry in 1899* (pp. 433–434). Publication of the Ministry of Finance for the Department of Trade and Manufactories, St. Petersburg, Russia 1900, 434.

⁴⁰ Geltner, G, *Prisons of the Middle Ages: between myth and reality, hell and purgatory*. *Bulletin of the Voronezh State University*, 2, 2018, 5-12.

⁴¹ Naumenko, O.N, *The historical destiny of the Romanovs in the evolution of the Tobolsk prison castle*. *Bylye Gody*, 42 (4), 2016, 1087-1093.

⁴² Naumenko, O.N, & Naumenko, E.A, “Breivik syndrome” in the Tobolsk prison castle. *The Modern History of Russia*, 3 (20), 2017, 198-208. <https://doi.org/10.21638/11701/spbu24.2017.314>.

⁴³ Pavlushkov, A.R, *Floating prisons for juveniles and the role of religion in the correction of offenders: on the use of foreign experience in Russia*. *Bulletin of the Kostroma State University*, vol. 22, 2, , 2017, 32-36.

⁴⁴ Mendeleev, D.I, *Trip to Tobolsk*. In D.I. Mendeleev (Ed), *The Ural iron industry in 1899* (pp. 433–434). Publication of the Ministry of Finance for the Department of Trade and Manufactories, St. Petersburg, Russia 1900.

⁴⁵ Kolina, I.V, *Features of the implementation of the special suffrage of prisoners in prisons of tsarist Russia*. *Penitentiary Law: Legal Theory and Law Enforcement Practice*, 1 (1), 2014, 135-138.

article about the actual existence of prisoners' rights in Russian (and Siberian) prisons, which existed even before the Prison Reform of 1879.

Summary

A comparison of the “Standard Minimum Rules for the Treatment of Prisoners” from 1855 and the Prison Reform measures of 1879 shows that Russia was not a country of “catching up development” in the penitentiary sphere. Moreover, many of the rights of prisoners formulated by the UN in Siberian prisons were tested and implemented in the early– mid-19th century, i.e. more than 100 years before the “Minimum Standard Rules ... 1955”. This is partly due to Russia's study of foreign penitentiary experience and participation in international prison congresses. However, the first such congress was held only in 1846 (in Frankfurt am Main), and in Russia the transformations began much earlier. Therefore, in the Russian reality of the XIX century, there were their own internal mechanisms and motives that encourage humanity in the penal sphere, and the prison reform of 1879 can be considered the logical conclusion of this process and an opportunity to show Orthodox (in accordance with the type of state) mercy in a particularly important area for society - the penitentiary.

However, as the history of the Tobolsk prison complex has shown, the degree of humanization exceeded acceptable limits, since it extended without restrictions to all categories of prisoners: both those who stumbled for the first time, capable of correction, and especially dangerous recidivists convicted of repeated murders and sentenced to maximum terms of hard labor, including life. It was this category that was kept in two Tobolsk convict prisons, and the main efforts of the administration, the public and philanthropists were directed there.

The experiment was not completed due to the beginning of the revolution, so the effectiveness of humanization on the model of Tobolsk prisons is unknown. However, it is the revolution that can be considered the main result of the reform, since prison transformations have become a link in the system of contradictions that caused a revolutionary explosion. The main contradiction of the reform of 1879 was that humanization according to the “Tobolsk variant” was carried out in conditions of exceptional poverty of the Russian people and the absence of the concept of “human rights” in their lives. It turned out that only criminals have rights, and among the common people (and there were most of them) this caused misunderstanding. In Western Europe, the situation was different: the introduction of the concept of “prisoners' rights” was a consequence of the natural process of democratization of the state and did not conflict with the rights of other citizens. The experience of the reform of 1879 showed that in Russia there are different economic and ideological conditions for such transformations than in Europe, and they must be taken into account when borrowing foreign experience.

Zaključak

Poređenje “Standardnih minimalnih pravila za postupanje s osuđenima” iz 1855. i mjera Zatvorske reforme iz 1879. pokazuje da Rusija nije bila zemlja “kazničkog zaostajanja” u sferi kazneno-popravnog sistema. Naprotiv, mnoga prava osuđenika formulirana od strane UN-a u sibirskim zatvorima testirana su i primijenjena u ranom i srednjem 19. vijeku, tj. više od 100 godina prije “Standardnih minimalnih pravila ... 1955.”. To je djelomice rezultat proučavanja ruskih iskustava u inostranstvu i učešća u međunarodnim zatvorskim kongresima. Međutim, prvi takav kongres održan je tek 1846. godine (u Frankfurtu na Majni), a u Rusiji su transformacije počele mnogo ranije. Stoga su u ruskoj stvarnosti XIX vijeka postojali vlastiti unutrašnji mehanizmi i motivi koji podstiču humanost u kaznenoj sferi, a zatvorska reforma iz 1879. može se smatrati logičkim zaključkom ovog procesa i prilikom da se pokaže pravoslavno (u skladu sa tipom države) milosrđe u posebno važnoj oblasti za društvo - kazneno-popravnj.

Međutim, kao što je pokazala istorija Tobolskog zatvorskog kompleksa, stepen humanizacije prevazilazio je prihvatljive granice, jer se protezao bez ograničenja na sve kategorije osuđenika: kako na one koji su prvi put pogriješili, sposobni za korekciju, tako i na posebno opasne recidiviste osuđene za ponovljena ubistva i osuđene na maksimalne kazne teškog rada, uključujući doživotnu robiju. Upravo su ove kategorije bile zadržane u dva tobolska zatvora, i glavni naponi uprave, javnosti i filantropa bili su usmjereni tamo.

Ekperiment nije bio dovršen zbog početka revolucije, pa je efikasnost humanizacije prema modelu tobolskih zatvora nepoznata. Međutim, upravo se revolucija može smatrati glavnim rezultatom reforme, jer su zatvorske transformacije postale jedan od elemenata u sistemu protivrečnosti koje su uzrokovale revolucionarnu eksploziju. Glavna protivrečnost reforme iz 1879. bila je ta što je humanizacija prema “tobolskom modelu” sprovedena u uslovima izuzetne siromaštva ruskog naroda i odsustva koncepta “ljudskih prava” u njihovim životima. Ispostavilo se da samo kriminalci imaju prava, a među običnim ljudima (a bilo ih je većina) to je izazvalo nerazumijevanje. U Zapadnoj Evropi situacija je bila drugačija: uvođenje koncepta “prava osuđenika” bilo je posljedica prirodnog procesa demokratizacije države i nije konfliktiralo s pravima drugih građana. Iskustvo reforme iz 1879. godine pokazalo je da u Rusiji postoje različiti ekonomski i ideološki uslovi za takve transformacije nego u Evropi, i da ih treba uzeti u obzir prilikom pozajmljivanja stranog iskustva.

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