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The Effectiveness of Insular Penal Systems: Why Sakhalin did not Become the Russian Australia

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This paper is focused on social effectiveness of open penal systems of the insular type in a broad sense, which implies the achievement not only of legal, but also economic and political goals. Two historical penal systems of the 18th and 19th centuries are compared — those of Australia and Sakhalin. The paper uses the method of PEST-analysis complemented by SWOT-analysis. The authors make the conclusion that insular penal systems associated with the development of new territories can only be socially effective when they create the necessary stimuli for convicts both to get there and stay in the same region after release. This finding can be applied to improve penal systems as well as to develop the uninhabited territories of various countries, including Russia.

Keywords: penal system, open insular type, social effectiveness, development of uninhabited areas, stimuli for convicts.

Research area: law.

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Introduction

Prison does not teach convicts to live in society — quite the opposite, it teaches them to live in prison. In order to assess the effectiveness of a penal system, it is not sufficient to establish correlations between the specific objectives set out for the

penal system (reducing recidivism, correction of convicts) and the results achieved in reality. One should also assess *social* effectiveness of penal systems that might have long-term characteristics and give a wide and sometimes unexpected effect not only on law enforcement or economy, but also on the spheres seemingly far removed from punishment execution, such as public morals, social psychology, demography, and, finally, politics and geopolitics.

Theoretical Framework

Social effectiveness of the penal system is among the national interests and priorities. This phenomenon can be studied with the strategic methodology consisting of the PEST-analysis that includes four research areas: “Policy, Economy, Society, Technology”, which at certain stages can be complemented by SWOT-analysis that allows to consider the strengths and the weaknesses of the researched object’s development as well as existing risks, in correlation with the influence factors of outer and inner environment (Tepliashin, 2015: 149–154).

Statement of the problem

Incredibly rich food for thought is provided by looking at artificially geographically isolated penal systems that can be nominally called “insular” penal systems. What is meant here, goes beyond the geographical location of certain penal institutions situated on islands, such as Alcatraz in the USA or Robben Island prison in South Africa and implies the very special *systems* of punishment execution, where their isolated (“insular”) geography plays the leading role in the implementation of the intended objectives. Moreover, the size is not a decisive factor here, be it an ultra-modern prison on the tiny Norwegian Bastoy Island or whole insular regions and even continents, the historical evolution of which was in many ways shaped by the penal policies carried out by the state.

Methods

Since the wide social effectiveness of a penal system, as opposed to the economic and criminological one, can hardly be subjected to adequate formalization, let us try to apply a different method for its assessment, namely the comparative historical method that draws a comparison between two homogeneous historical processes having similar goals and taking place within close time parameters. It allows assessing, firstly, the relative scale of processes under comparison and, secondly, in case they produced different

results, the reasons for this difference predetermined by discrepant factors. Fortunately, this task is facilitated by the fact there is only one example of historical making of large insular penal systems, namely the history of the development of Australia by Britain and Sakhalin by Russia. The purity of the experiment is of particular interest here as an isolated institution seemingly starts from “square one”, which makes its advantages and disadvantages, conditions and consequences most obvious.

Discussion

The British became the first nation to send convicted criminals to places not simply remote but completely isolated, where nature itself took on the role of prison. By doing that they cleansed the metropole of outgrowing number of criminals and compelled the convicts to make overseas lands habitable for the Crown. In 1786, desert-like and wild Australia was chosen as a place of criminal reservation. On the whole, the period from 1788 to 1868 saw over 162 000 people sentenced to penal labour in Australian colonies. Among those 80 % were convicted for theft. They were mostly urban citizens as only 20 % were residents of rural areas (Chirkova, 2018). Penal labour was hard, food ration was often reduced to a starvation diet, but the convicts could freely move inside the colonies. At the beginning everything produced by the prisoners went to government-owned shops and was strictly rationed from there. However, by the early 19th century Australia was able to provide for its basic needs independently and 90 % of penal labourers were working in the private sector. From then on, the Australian penal model acquired the system of convict assignment meaning every new arriving convict was assigned to a free citizen as free labour power. If a prisoner worked hard, he was released before serving his time, after which he — just like those arriving in Australia of their own free will — signed a contract with the government for a minimum of one year, and received 12 hectares of land in his ownership plus the same amount for his wife and children, and new convicts as free labourers. However, if novice farmer was unable to provide for his labourers or used them inefficiently, he was fined and deprived of his convict labourers. This way, the future of convicts was predetermined not by the gravity of the committed crime but by their abilities and readiness for honest labour. As a result, the absolute majority of convicts settled down in Australia after serving their sentence, while only 7 % returned to England. The incomes of ex-convicts were on average higher than of those who worked in the metropole, which contributed to the country’s image of “the prison El Dorado”. So when in 1851 gold mines were opened indeed, Australia saw a major influx of free settlers.

As for the “black pearl of Russia”, the forced colonization of the Sakhalin Island took place in the second half of the 19th century after the Emperor Alexander II officially declared Sakhalin to be the national place of penal labour and exile. The island’s development project was originally intended to repeat the Australian experiment (Panov, 1905: 236). 37 thousand people were sent to the Sakhalin over 37 years. However, its great remoteness and difficult environmental and climatic conditions left no hope for quick natural development through the migration of free population. Free labour force represented by the convicts provided the only possibility to accelerate the development of the island’s abundant natural resources to supply the Russian military fleet and to export to neighbouring countries. Thus, Sakhalin’s development plan was preconditioned by political and economic and only after that legal purpose. Imprisonment conditions were extremely harsh. Prisoners wore shackles around their wrists and ankles for 3 to 5 years, and some were permanently chained to a wheelbarrow. Penal recidivism made 20 %, while new crimes (including escape) often resulted in death penalty. Convicts received 10 % of the sum they earned, but they could use only 5 % of it, while the rest was available only after their release in the distant future, which weakened the material stimuli for labour and was aggravated by authorities’ right to deprive the convict of the money as a disciplinary punishment. Following the example of Australia, the authorities tried to make prisoners stay on the island by charging them with agricultural duties. In a few years’ time, they had the right to leave Sakhalin, after having paid off their debt to the state, which was what the majority of the released did in fact (Dril’, 1899: 69). Thus, in 1880 the government prohibited them from leaving the island. In order to continue colonization several categories of exiled prisoners that showed “industrious and kind behaviour” were released on parole. However, the conditions for parole were quite severe as it was mostly granted two years before the end of imprisonment as a special favour on the authorities’ behalf. Less than a third of convict settlers were released as a result. The Sakhalin experiment was stopped on 10 April 1906 when Russia conceded southern Sakhalin to Japan, which led to a massive outflow of the Russian population remaining only 6 000 residents by 1913 on the Russian part of Sakhalin (Sakhalinskaia katorga, 2018). However, the Sakhalin penitentiary successfully completed its penal function, contributed to the economic development of the territory, the increase of economic growth rates, consolidation of material resources (Korablin, 2005: 83). Nevertheless, immediate participant of the events gave a negative assessment to the economic activities on Sakhalin undertaken by the government that, having set the task of organizing large-scale sale of the Sakhalin coal did nothing to achieve it. The

official calls Sakhalin “the breadbasket of the Japanese”, as they control almost all of the fishing industry in the area, according to the treaty of 1875 (Panov, 1905: 44). Timber industry also was in its infancy, as prisoners and convict settlers did not get paid for their work. Limitedness of the land area suitable for cultivation should be mentioned along with labour intensity of uprooting and ploughing, unaccustomedness of the convicts to agricultural labour, and, most importantly, the forced nature of this labour as well. As we can see even from such a short historical account, the history of developing Australia has a lot in common with that of Sakhalin: both projects pursued not only economic but also military and political goals, both were implemented by means of exploitation at the world’s end, under harsh natural and climatic conditions and the circumstances of isolation from the metropole and forced labour of the convicts; in both areas the stake was placed on populating uninhabited land by former convicts after their release. Despite its success in Australia, this plan did not work on Sakhalin — the island was almost deserted at the end of the experiment and the half of it was occupied by the strategic enemy. So what was the reason for such dramatically different results? In our view, the answer is obvious: in Australia, the state “slavery” of convicts mostly consisted of convicted for property and economic crimes and was quite soon flexibly replaced by the private enterprise model that allowed the convicts to avoid being in custody, and diligent workers became owners of big allotments and farmsteads themselves after a rather quick parole. On Sakhalin, on the contrary, the traditional guarding approach took place, preconditioned by the fact that this was the place of exile for the most dangerous and incorrigible offenders, sentenced to long-term imprisonment; the conditions of incarceration were extremely severe and did not stimulate the convicts to work productively; their being exploited had no entrepreneurial nature and was consequently ineffective, and parole was granted when it was too late as convict settlers’ strength and health were irreversibly damaged. Such severe conditions created an image of Sakhalin as a “hell on Earth”, which resulted in the fact that few people wanted to go there of their own free will.

Conclusion

One can assume that penal “insular” systems can only be effective if they become an attractive place for those sentenced to imprisonment, so that the convicts are eager to get there and stay in the colony built by their own hands after their release. The dilemma of penal “paradise” or “hell” in case where colonization and punishment (correction) are combined, was successfully resolved to the advantage of the Australian

“paradise”. This historical lesson was taken into account in the Norwegian prison on Bastoy Island, which today many consider exemplary. There is a queue of prisoners willing to get there and re-socialized by doing “free” work in the forest, kitchen garden etc. Following the results of this experiment the Norwegian Ministry of Justice decided to create such institutions in other parts of the country (Big picture, 2018). This experience holds relevance for Russia with its vast territories of undeveloped land in Siberia and the Far East.

References

Chirkova, E. (2018). Avstraliia na katorzhnykh rabotakh [Australia in Hard Labour]. In: *Kommersant-Den'gi* [*Kommersant-Money*], 20(1028), available at: <https://www.kommersant.ru/doc/2724762>

Dril', D.A. (1899). *Ssylka vo Frantsii i Rossii* [*Exile in France and Russia*]. St. Petersburg, Izdatel'stvo L. F. Panteleeva, 174 p.

Ostrov Bastoi: norvezhskaia tiurma dlia osobo opasnykh prestupnikov i mechta dlia kazhdogo zakliuchennogo [Bastoy Island: Norwegian Prison for Especially Dangerous Criminals and the Dream of Every Prisoner] (2018). Available at: <https://bigpicture.ru/?p=624429>

Panov, A.A. (1905). *Sakhalin kak koloniia: ocherki kolonizatsii i sovremennogo polozheniia Sakhalina* [*Sakhalin as a Colony: Essays on Colonization and the Current State of Sakhalin*]. Moscow, Tipografia T-va I.D. Sytina, 236 p.

Tepliashin, P.V. (2015). Mnogofaktornyi analiz effektivnosti funktsionirovaniia evropeiskikh penitentsiarnykh sistem: sovremennyi teoretiko-pravovoi podkhod [European Penal Systems' Efficiency Assessment: Multiple Factor Analysis]. In: *Yuridicheskaiia nauka i pravookhranitel'naiia praktika* [*Legal science and law enforcement practice*], 2 (32).

Почему Сахалин не стал русской Австралией: к вопросу об эффективности пенитенциарно-островных систем

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Данная работа посвящена вопросу о социальной эффективности «открытых» пенитенциарных систем островного типа в широком смысле, имея в виду достижение не только правовых, но и экономических и политических целей. Для примера сравниваются две исторически существовавшие пенитенциарные системы 18–19 вв. — австралийская и сахалинская. За основу берутся методы сравнительно-правовой, PEST-анализа, дополняемого SWOT-анализом. Результатом данного исследования является вывод о том, что пенитенциарные «островные» системы, сопряженные с освоением новых территорий, могут быть социально эффективны лишь в том случае, если они создают необходимые стимулы для осужденных, которые стремятся туда попасть, а затем и остаться после освобождения в том же регионе, где они расположены. Данный вывод может иметь область применения совершенствование пенитенциарных систем, а также освоение необжитых территорий, в том числе и в России.

Ключевые слова: пенитенциарная система, открытый «островной» тип, социальная эффективность, освоение необжитых территорий, стимулы для осужденных.

Научная специальность: 12.00.00 – юридические науки.
