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Exile to Settlement in Siberia in the Criminal Punishment System of the Russian Empire in the 19th and Early 20th Centuries

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The paper focuses on the evolution of the exile to settlement in Siberia from being a mitigating alternative to the death penalty to becoming a criminal punishment that ranks third in severity. It also provides an assessment of the theory that the exile was a way of Siberian colonization. We explore the role of the exile in the transformation of serf peasants into the state peasants in Siberia. The papers analyses various crimes punishable by the exile to settlement in Siberia in the imperial period. The authors consider the use of the exile of the convicted person together with his relatives as a way to prevent escapes. The involvement of statistical data led to the conclusion that by the early 20th century “colonization” function failed.

Keywords: decrees, Code of Criminal and Corrective Penalties of 1845, exile to settlement in Siberia, criminal justice system, attainder.

Research area: law.

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Introduction

The exile to settlement in Siberia was a penalty that existed from the second half of the 18th to the early 20th century and had the goal to not only punish a criminal offender but also to solve a number of social and economic problems. The exile unloaded prisons

that were overcrowded during the imperial period; partially solved the demographic problem in Siberia, as exiles were commonly sent to serve their sentence together with their families, also it was a “secret” mean of transferring serfs to state peasants.

Despite the fact that by the early 20th century the potential of the exile as a state punishment was exhausted, the Bolsheviks quickly began to use it. In the 1924, the Fundamental Principles of the Criminal Legislation of the USSR and the Union Republics, introduced expulsion beyond the limits of a Union Republic or beyond the limits of a separate region with or without settlement in various localities, and with or without the prohibition of residence in certain localities. Though the term “exile to settlement” was not used, the new authorities introduced the exact kind of penalty that existed most of the time in the criminal legislation of the Russian Empire. At the present stage there is such a form of punishment as colonies-settlements (article 128 of the Penal Code of the Russian Federation (Ugolovno-ispolnitel'nyi kodeks, 2017)), which are mainly located in the forest area of Siberia and Far East.

Theoretical Framework

The study is based on the consideration of the exile to settlement in Siberia in the criminal justice system of the Russian Empire in the context of two theories that have developed in the legal science. According to the first theory, the exile should have been, above all, a hard labour, which is one of the most severe types of punishment and is used to exploit cheap labour in order to solve the economic tasks of the state. Supporters of the second theory consider the exile to the remote regions of the country as a development of territory and settling of border districts, and therefore exile conditions should not be very strict (Uporov, 2018a: 169).

Statement of the Problem

The exile to settlement in Siberia was a punishment designed to solve a broad range of problems. It was a penalty for a crime and a way to settle Siberia. It also privately transfer owned peasants to the state ones and used the knowledge of the convicts and exiles to obtain new data on mineralogy and minerals exploration.

In the 19th century, especially with the adoption of the Code of criminal and corrective penalties of Russia, it became obvious that exile was considered more as a punishment then rehabilitation. Thus, the article deals with the ineffective use of exile to settlement in Siberia in Russia of 19th and early 20th centuries.

Methods

The chronological method identifies the sequence of legal acts regulating the exile to settlement in Siberia as a criminal penalty. The technical legal method allows analysing the content of the Senate decrees (*Senatskii ukaz*) and Code of criminal and corrective penalties of Russia, 1845. The criminal justice system in the Russian Empire is defined using the descriptive method. The comparative legal method is used to show the evolution of the penal system in Russia and the use of the exile to settlement in Siberia. Attraction of statistical data allows to estimate the scale of application of this type of penalty and to draw a conclusion about the inefficiency of its use with the purpose of colonization of the Siberian region.

Discussion

Exile as a form of penalty is known to be used in Novgorod land in the 15th century. However, it primarily served the purpose of the deportation of boyars or their children from the north-western lands (Bentsianov, 2015). In the Council Code, 1649 the modern understanding of the exile first prevailed (*Sobornoe Ulozhenie*, 1961). Then representatives of the nobility were exiled to the North during the reign of Peter I, i. e. the exile acquired a political character.

There is an opinion that initially the exile to Siberia appeared in 1593 as a mitigating penalty instead of the death penalty (Sergeevskii, 1887: 172). In the 17th century various decrees on thieves and robbers, slanderers, counterfeiting etc. established lifelong settlement in Siberia as a penalty.

For the first time the concept of “exile to settlement in Siberia” was introduced in the Senate decree of 13 December 1760. Private, palace, synodal, bishops, monastic and state peasants under the age of 45 years were sent to Siberia for stealing, drunkenness, indecent offenses with the credit of the landowners. Peasants could be accompanied by wives and children, for whom the state paid a certain price to the landowners. This measure was taken to prevent possible escapes. The exile fulfilled the need for settlement for the arable farming of the Siberia governorate (*guberniia*).

For the serfs the exile was the way to change their legal status as in 10 years they became state peasants, during the next decade they were released from the taxes and could receive 30 tithes of land per capita. Thus, there was not only the liberation of peasants from serfdom, but also the acquisition of land.

By the late 18th century the exile to Siberia was regulated by a considerable number of unsystematised decrees that conflicted with each other. The state faced numerous

difficulties imposing this type of punishment. Although it was abrogated from 1773 to 1775, it was still applied in practice. This was due to the fact that about 5,000 of exiled accumulated in Kazan and could not continue their way to Siberia because of the poor organization (Uporov, 2018a: 171).

At the early 19th century the exile to settlement in Siberia was applied to sectarians. For example, in 1816 the Committee of Ministers ordered the sending to the Irkutsk governorate (guberniia) of non-effective Skopets.

The year 1822 became the turning point. Firstly, the Rules (Ustav) of the exiled criminals was approved establishing that exiles were deprived of all the rights of the estate, could not acquire property, could not be in the public service, engaged in public activities, pedagogical, legal, medical practice. Secondly, the Tobolski order of exiled criminals and the Central Collecting Point for exiled criminals to Siberia, and in Irkutsk — the Expedition of exiled criminals were established in connection with the fact that the exiled criminals moved on the route Kazan — Perm — Tobolsk — Tomsk — Yeniseisk — Irkutsk.

The distribution of exiles along the territory of Siberia was uneven and to high degree accidental as the exile to settlement did not imply the location on free lands, but settlement over populated areas instead.

In the Code of criminal and corrective penalties of Russia, 1845, the exile was classified as a criminal penalty and was in the third place in severity after the death penalty and exile for hard labour. Among the crimes that were sentenced with exile to settlement in Siberia were: murder, arson, insult of the sanctuary by action, violation of the quarantine rules.

The use of the exile to settlement in Siberia was resumed during the period of the “great reforms” of Alexander II due to the constant terrorist acts by Narodniks movement and anti-Russian uprising in the Kingdom of Poland.

A few exiled criminals settled in Siberia. The following data was obtained during the general census of the population in 1897: in general, exiles constituted only 5.2 % of the population in Siberia, although in some regions these figures were up to 14 % (Korablin, 2016: 20).

During this period, the authorities were clearly aware that exile bears not only positive but also negative consequences. Some of the exiled criminals were not used to work and lived at the expense of the local population, committing thefts, robbery, and violence.

Exile to settlement existed up to 1917 though during the First Russian Revolution many persons convicted for religious crimes were allowed to return.

Conclusion

The exile to settlement in Siberia as a criminal penalty went through a number of stages during its existence in Russia. At first, the exile was considered a mild alternative to the death penalty, which was commonly practiced in the 16th century. In the 17th century, the exile was associated with lifelong forced settlement in remote areas. And only in the middle of the 18th century, the definition of the exile united both the forced settlement and penalty.

The exile was imposed for various types of crimes: political, religious, antigovernmental etc. And while political criminals could carry with them culture and enlightenment, those falling under common criminal articles were a threat to the local population.

The use of the exile to settlement in Siberia increased the number of state peasants in Russia who were assigned the land they could not obtain prior to their punishment in the central part of the country. However, statistically most of the exiles attempted to leave Siberia after serving their sentences.

By the early 20th century, the development of the Siberian lands acquired new realities, especially during Stolypin's agrarian reform. Therefore, only the exile for state and religious crimes was preserved.

The exile to settlement in Siberia proved to be an ineffective type of punishment for a number of reasons: the poor organization of the prisoner transfer and its high cost to the treasury; the uneven distribution of the convicts over various parts of Siberia; the replacement of new settlements organization at the expense of the state with the "additional settling" to existing settlements; and the lack of differentiation between political prisoners and other convicts. The imperial experience was later used by the Bolsheviks.

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Ссылка на поселение в Сибирь в системе уголовных наказаний Российской империи XIX — начала XX в.

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В статье рассматривается эволюция ссылки на поселение в Сибирь от смягчающего смертную казнь наказания к уголовному наказанию, занимающему третье место по тяжести. Показано значение теории, относящей ссылку на поселение к одному

из способов колонизации Сибири. Раскрыто значение применения ссылки на поселение в Сибирь, начиная с царствования Елизаветы Петровны, в трансформации крепостных крестьян в разряд государственных крестьян. Проанализированы разнообразные преступления, за которые в имперский период назначалась ссылка на поселение в Сибирь. В статье использование ссылки осужденного вместе с родственниками рассмотрено как способ предотвращения побегов. Привлечение статистических данных позволило сделать вывод о том, что к началу XX в., когда ссылка на поселение в Сибирь была исключена из системы уголовных наказаний, ее «колонизаторская» функция себя не оправдала.

Ключевые слова: указы, Уложение о наказаниях уголовных и исправительных 1845 г., ссылка на поселение в Сибирь, система уголовных наказаний, лишение всех прав состояния.

Научная специальность: 12.00.00 – юридические науки.
