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Poles in the Russian Penal System and Siberia as a Penal Colony (1815 1914): A Quantitative Examination

Beata Gruszczyńska, Elżbieta Kaczyńska*

Abstract: This study concentrates on punishment as one of the crucial elements of Russian domestic policy, especially in the Polish territories under Russian occupation. The statistical approach is difficult especially since the quality of Russian statistics is so poor. Moreover, there was no meaningful relationship between the official data and reality. To understand this fact, we have provided general information about the principles of Russian material law and procedure and we have stressed the extra-judicial system of punishment and repression. The crime coefficients do not demonstrate any long-term growth. It is interesting, however, that they show a general downward tendency in offences against property especially as they demonstrated an opposite trend in cases of crimes against the state and against the person. In Russia and especially in Poland, the political situation had an important impact on the increase or decrease in crime, sentencing, and punishment rates. The coefficient of convicted persons was low, but there were widespread prosecutions outside of the official juridical procedure. Penal policy played a special role in regard to the practices of exile and *katorga*. The development of modern prisons came slowly. The death penalty was contained in the military code and it was often applied even on the civilian population. Whipping survived until 1824. Political repression played a tremendous role in the history of Russian penal policy.

The present study was prompted by interest in the social history of Russian domestic policy: punishment is one of the crucial elements of that policy.

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It also reflects the process of modernisation of the state administration and its changing political attitudes. Punishment results from codification of the law: it seems useful, therefore, to give some information about the nature of the Russian criminal law (see: 1. *Principles of the Russian material law and procedure*). This study concentrates on the situation of Poles under the Russian occupation: for that reason, the legal situation in Russia and in Polish territories under Russian occupation will be discussed briefly (see: 2. *Poland under Russian rule*).

Polish and Russian historians find themselves in a particularly difficult situation due to the state of the sources. Most of the documents concerning Poland were destroyed during different wars or are inaccessible.(1) The quality of Russian statistics is low; some juridical collections however, have a greater value. Nevertheless, it is important to examine the statistics in order to learn about the method of their construction. Like any other source used by an historian, they must be subjected to a thorough and critical analysis (see: 3. *Some problems of the statistical approach*).

There was in Russia no close relationship between court procedure and the number of convicted persons, which was due to the fact that the penal system was based largely on extra judicial decisions. Nevertheless, before analysing the data on punishment, it is necessary to know the general extent of crime, or rather to examine the statistical record of indictments and convictions. Unfortunately, the investigation is most difficult and laborious here(2). Nevertheless, we have calculated some data for the Kingdom of Poland (see: 4. *The man before the court*).

Some of the statistical data concerning penalties are rather deficient (incomplete, not always comparable, often unclear); on the other hand, the data that concern certain other spheres are most detailed. The study contains a discussion of the basic data only, that is the structure of judicial decisions and the number of imprisoned persons (Point 5); capital punishment - death sentences and executions (Point 6); and the basic data on penal servitude (katorga) and exile (Point 7).

1. The principles of the Russian material law and procedure.

The period under study was characterized by fairly radical transformations in the sphere of law and punishment: in most European and several non-European countries thorough reforms of the penal law and the penitentiary system were introduced. That trend could also be found in Poland; even in Russia, law imposed by the despotic political system underwent transformations similar to those taking place in the West at that time, although a certain peculiarity became distinct there. The general trend was towards a greater leniency of laws and depenalisation of many acts; abo-

lition of inquisitional procedural methods; increased role of the defense; abolition of the most cruel, humiliating and crippling penalties; limited imposition of the death penalty and so on.

The first Russian penal code entered into force in 1845. It was exceptionally casuistic, and provided for about ten basic types of penalties, divided into thirty degrees. The division was indistinct and the practice contributed even more to obliterating the differences. The Code limited the death penalty considerably but provided for cruel corporal punishment. Procedural reforms were approved in the 1860s by Alexander II, along with several other long awaited reforms concerning peasants, towns, etc. The reforms modified the penal system but did so inconsistently, and their introduction was delayed. In 1866 the code was amended and the number of articles was reduced; despite this, however, many different kinds of penalties were still very stiff. Worth noting among them was exile to Siberia which could be accompanied by hard labour and civil death. The death penalty was imposed not for murder but for designs on the life of the tsar or his family, and on his privileges, even if the perpetrator did not actually intend to kill but just to undermine or insult the principle of authority. The only change, however, that was truly significant in relation to criminal punishments and their execution was the abolition of whipping (1863) as a statutory penalty. It could still be inflicted on persons who concealed their identity or falsified data about themselves, and those classified as wanderers, and whipping remained a disciplinary penalty for prisoners, exiles and soldiers. Also worth mentioning is that the penal law and the regulations concerning the execution of penalties provided for different conditions of punishment for the privileged (the nobility, honorary citizens, higher functionaries, the educated, etc.). They were exempt from whipping, rode instead of walked to Siberia, were not manacled, had better conditions in prisons, and enjoyed various other privileges.

Democratic institutions, based on the principles of freedom, which the courts ought to embody by force of law, could not function in a despotic system, where the tsar had unlimited power over the people who were his *subjects* instead of *citizens*. That is the reason that soon after the promulgation of the laws their operation quickly became restricted by new laws which deleted many of the achievements of the legal reform. The law was vague and the rules conflicted with one another. All the favourable and progressive legal reforms were constantly crippled by new tsarist *ukases*, and functioned badly. Those restrictions led to the loss of the courts' independence (1892), cases of a political nature were removed from the competence of common courts altogether, and the civilian population was subjected to the jurisdiction of military courts and courts martial.

The jurisdiction of the military courts increasingly grew over time. Already in the first half of the 19th century, the principles of the operation of

a military court in Russia were expanded, and no limitations or civil guarantees were provided for. The competencies of military courts were further extended by a succession of exceptional laws in 1881 and 1892, which were never overruled. Hence the initially »exceptional« situation slowly became »normal.« People were brought before military courts even for criminal offences of no military or political nature whatsoever; many categories of criminal cases could be prosecuted by military courts, and a military commander could apply repressive and preventive measures not provided for by any regulations. There was a period when military courts issued a greater number of death sentences than common courts. During the more serious disturbances (1863-1864, 1905-1907) a court martial was established which passed summary sentences. In 1906, the first execution by the firing squad, ordered in administrative proceedings and not by a court, was carried out in the Kingdom of Poland.

The extra-judicial system was applied extensively : disciplinary penalties and administrative »preventive« measures were widespread. One of them was exile to Siberia, imposed regularly in large quantities. The extra-judicial procedure was used to impose the so-called administrative exile to Siberia or to distant gubernias in European Russia. This concerned persons *suspected* of an anti-State activity or of the *intention* to embark upon such activity (which was understood very widely), and also those *whose guilt could not be proved*. A person could be sent into exile by an administrative order for five, and later for three years (governors and chiefs of the gendarmerie had the power to extend that term). Also village communities had the right to decide about sending into exile persons found to be »demoralized«. What is more, a community could also refuse to admit to the village a person coming back after having served his term.

The exile system and the provisions that regulated exile to Siberia were frequently changed. There was in that sphere an even greater confusion of countless provisions, sometimes conflicting and sometimes simply impracticable (as e.g. Speranskiy reforms of 1822). Already under Tsar Peter I, exile ceased being the usual deportation and colonization of the borderline and became a penalty and a reprieve at the same time: it was a penalty for many offences (the catalogue of which kept growing all the time), accompanied by deprivation of rights and usually by whipping. But it was also a reprieve, as the death sentence was usually commuted to penal servitude and exile.

To simplify it greatly, the exile system from the 1860's till World War I included the following basic penalties: the most severe penalty was *katorga*, either unlimited (for up to 20 years beginning from mid-19th century) or for a specified term. It was always followed by banishment (settlement *poselenye*) for life. In the first case, it also involved the loss of all rights, while as regards penal servitude for a specified term, that loss could con-

cern some rights only. Another type of penalty was *poselenye* (without *kaiorga*), which theoretically meant that the convicted person was to spend the rest of his life in the place where he had been sent to. Banishment, however, was seldom imposed as the only penalty: it was usually preceded by penal servitude or labour in the so-called civilian convict gangs (under military supervision; the work consisted mainly in citadel building). Another type was so-called *vodvorennye*: in practice, it was identical to banishment for life but the convicted person could afterwards be included in the so-called taxpaying population. The final type was *sosslannye na zhi-tye*: that was deportation to another place of residence which was a penalty imposed for a specified term.

Of those types, only the latter, that is »residence« (*sosslanye na zhi-tye*) could be imposed administratively; the remaining ones required a juricial procedure, including, however, also proceedings before military courts (and not only for cases of military men). The administrative exile which has already been mentioned before involved neither imprisonment (apart from the period of inquiry and placements in stage prisons on the way to exile) nor forced labour. As far as the very decision imposing such exile is concerned, its following three types can be distinguished: exile imposed by the community (including the community's refusal to admit a person coming back after having served his term); exile of tramps without trial by force of a special statute (in that case, tramps were sent to *vodvorennye*, that is for life); and political exile. All exiles came under police supervision and had to abide by a great variety of bans. It should be mentioned here that Siberia was not the only place of penal servitude, but it did become the main one with time (together with Sakhalin), while the places of exile included Siberia, the Caucasus, and some, particularly the north-eastern *guberniyas* (provinces) of European Russia.

To sum up, the Russian penal system, acting also in the Kingdom of Poland, had the following three main features under Tsar Alexander II (1855-1881) and Tsar Alexander III (1881-1894) in common: 1) the countless ordinances, most of them secret circulars, which explained, changed, and suspended basic civil rights: it was a true legislative inflation; 2) the discrepancy between the letter of law and the actual practice, much greater than elsewhere; 3) disregard to law on the part of the legislator himself which resulted in a growing disregard of law in society. The Tsar was above the law, his decisions could reverse any sentence, also one that he himself had already approved before. A counter-balance therefore emerged in the form of acts of pardon and amnesty; These were relatively frequent, although their actual implementation could take years.

2. Poland under Russian rule.

Disregard of the law was particularly intense in Polish society which perceived law as foreign and imposed. In independent Poland, as early as the 18th century, representatives of the Enlightenment demanded reforms; the consecutive partitions of Poland, however, made it impossible to follow the course of reforms. In 1815, the territory under the Russian occupation was divided; a small area which comprised Warsaw - the so-called Kingdom of Poland - had a *quasi*-autonomy (until 1831, or 1876 as regards a number of particular institutions). In 1818, the Polish Code of Punishment was passed, patterned after the Austrian one. Under Nicholas I, the efforts towards introducing in the Kingdom of Poland a system identical with the Russian one gathered strength. After the November uprising of 1830, some of the autonomous institutions, including certain judicial ones, were abolished. The Russian penalties now imposed on Poles called for a procedure which up to then had been constitutionally banned (exile, penal squads - the so-called *roty*). In 1847 the Russian penal code was imposed. But neither the criminal procedure nor the court system were altered. In the 1860s it was hoped that the reforms would be introduced, but the outbreak and defeat of the January uprising (1863) made the situation most difficult. Russia's reactionary and repressive tendencies grew stronger. An abnormal situation persisted: martial law proclaimed during the 1863 uprising was never abolished. It was only in 1876 that the Russian court system and criminal procedure were extended to the Kingdom of Poland.

For the Poles there was the problem that the legislation was subjected to the supreme goal of strengthening despotism, the Orthodox Church and Russian imperialism. While in the Kingdom of Poland equality before the law was introduced in a period of independence, the subsequent subjugation of Poles to Russian law resulted in a reversal of the penal system. The negative effects of employing the Russian penal system consisted not only in Russification and the obliteration of a distinct national character but also in the introduction of chaos. As a result, law was ignored even by those who should have been guarding it.

3. Some problems of the statistical approach.

Can crime be measured? Delinquency and criminal offences are historical and changing phenomena, dependent largely on a lot of entirely external factors, many of them quite formal, like the nomenclature and classification of criminal acts (which sometimes renders comparisons almost impossible), *criminalisation* or *decriminalisation*, the creation of new categories of acts, numerical force and effectiveness of the police, and so on.

The attempts at estimating the *dark number* ought to be given up. Statistics provide a much more faithful reflection of legislative actions and the functioning of institutions than of the actual processes occurring in society. There is also another important factor to consider: the divergence between the legal and the moral condemnation of different acts. This was clearly noticeable in the Kingdom of Poland, where various forms of law-breaking did not arouse public disapproval. Quite the contrary, some were even thought commendable and heroic.

Statistical recording depends on political factors. Statistics are normally part of democratic institutions, institutions based on the principle of freedom which are what the courts (or police) ought to be by force of law, - and these could not function in a despotic State. The Russian police never kept any statistics, and court statistics were compiled but irregularly and were most inaccurate up to 1876. One fact comes into special prominence here: the number of condemning sentences passed by military courts was not published and not recorded in the statistics. Thus the court statistics provide an idealized and fictitious representation of the punitive Russian system.

The figures that follow have been compiled basing on the following statistics: 1) from the Ministry of Justice with regard to the number of new cases examined, of persons tried, of those found guilty, and the kind of penalties imposed on the latter (there being no use trying to estimate the dark numbers); 2) from the administration of the exile system in Siberia with regard to the number of new arrivals in Tobolsk or Tiumen (centers of registration) and of the registered exiles at the moment of the two *revizya* (audits, 1833, 1898). It should be noted that the number of persons coming to Siberia is in no way related to that of persons convicted by courts as decisions imposing exile were also taken by the administration, the police, the army, and village communities, and all those cases lack statistical representation. One should also keep the fact in mind that a number of exiles were accompanied by their families; they received treatment that was but a little better than what the exile himself met with, and enjoyed a limited personal freedom only.

4. The man before the court.

The figures for the Kingdom of Poland have been compiled based on statistics from the Ministry of Justice. The police kept no statistics so that the bulk of detected crime can only be estimated from the number of new cases examined. In the first half of the 19th century the number of criminal cases tried by criminal courts was very large considering the size of the population (Tab.1, Fig.1). At that time, the coefficients for France, for

example, were much lower but this could have well been happenstance due to the incomparability of the two codes and to the shortcomings of the Polish statistics which failed to differentiate between old and new cases, trials in courts of various instances, etc.). Uniform statistics for 1876-1908 indicate that detected, confirmed and tried offences showed an upward tendency till 1883, that is immediately after the introduction of the new structure of courts. Later their extent decreased rapidly to become comparatively stable (Tab.2 and 3, Fig.2). A slow increase in coefficients only started in the years after 1900. Thus the statistics do not show any long-term growth in crime. Corruptibility of officials and the police, however, which made itself felt by the end of the 19th century, could have hindered the prosecution of professional crime which may be suspected to have been on the increase.

Of those brought before the court, a considerable portion were acquitted or set free due to lack of evidence. The difference between the number of defendants and that of convicted persons was considerable, particularly as compared with the parallel data from other countries (Leaute 1972, 267), and aroused the lawyers' interest already in the 19th century. In the early part of the 19th century, an average of 55 per cent of defendants were found guilty; that ratio went up late in the century and amounted to 65-72 per cent in the years 1877-1908. That was thought to evidence an improper conduct of inquiry and hearing of evidence: a look at the methods of operation of the police and organization of criminal proceedings confirms that opinion.

A general downward tendency in offences against property, mainly theft, manifested itself at that time (Fig.3). Theoretically, as a result of the growing number of regulations to protect property and the powers of the Treasury, the number of cases which could be qualified as economic offences should have gone up. And yet the actual number of offences against State and private property, considered both directly and indirectly (e.g. by fraud, embezzlement, etc.), was relatively lower. On the other hand, battery (wounding, beating), active insult and physical violence against state functionaries, guards, and the police were on the increase. The trend observed here differs from that noted in historiography, though perhaps somewhat superficially, with regard to the other European countries, especially France*. The political situation probably did have an impact on the increase in the rate of brawls, holdups and other violent acts. Strikes were frequent at the end of the century and the police often used delinquent individuals to break them. Strike-breakers were fought against, and the

* *Editors note:* Various recent studies, not available to the authors at the time of their writing, have shown rather that the Polish trends noted here were actually quite similar, broadly speaking, to several European countries, particularly Germany.

fact that workers were not allowed to form unions and to submit their demands peacefully contributed to the increase in the number of violent incidents. Similarly, an increase was noted in the number of cases and persons accused of and convicted for abuse of authority, corruption, forgery of documents, neglect of duty, non-compliance with instructions issued by superiors, brutality towards subordinates, and other related offenses. Such acts were called service offences; they also included negligence (e.g. in health care).

Crime coefficients concerning the cases detected, tried, and punished neither seemed to reflect economic fluctuations nor were they obviously related to the rate of industrialization and urbanization. Only in the first half of the 19th century could such a relationship could be found between thefts and price movements. International comparisons show that after 1876, and from the mid-1880s in particular, the ratio of persons accused or convicted per 100 thousand inhabitants of the population was low. It is worth noting, however, that some cases tried by military courts or by special government agencies were not included in the statistics. In the situation that prevailed in the Kingdom of Poland the main factor influencing the incidence of offences detected (and tried) in the last thirty years of the 19th century was the activity of the police and the courts.

In order to understand who the punished persons were, it is worthwhile to have a look at statistics of convicted persons which takes those persons' various social traits into account (Tab.4). From 1865 till 1908, if we consider the separate social and professional categories, it appears that courts mainly convicted labourers, i.e. unskilled workers who performed casual hired works, often changed jobs and were always situated somewhere between the proletariat and social fringe. They usually committed thefts or other acts against other persons' property. The situation was similar with regard to farmers. Offences against life and health were usually committed in rural areas; they were committed, however, not by various farm labourers. Also itinerant peddlers as well as domestic servants would often be brought to justice. Factory workers and miners were tried relatively seldom. Most of those convicted (80 per cent) were illiterate, but this comes as no surprise as illiteracy was common in the Kingdom of Poland (in 1877, the percentage of the illiterate was 73%). As time went on, the proportion of women among those sentenced decreased, still remaining relatively high, however, as compared to other European countries (21 per cent in 1878, and 16 per cent in 1908). The increase in the number of delinquent children and juveniles, most of them thieves, was quite clear.

It is likely that the basic findings of statistical studies of the Kingdom of Poland and of Russia are not likely to differ greatly; this is particularly true for the period after 1876 when the two territories shared not only an identical material law but also rules of procedure, and the Kingdom had

the same police as Russia. Specific differences might no doubt be observed; they would concern, however, some more detailed aspects which are not discussed in the present study.

5. Structure of sentences and the number of prisoners.

In the years 1815-1914, the coefficient of convicted persons per 100.100 of the population fluctuated from 110 to 245. That coefficient, however, was in actuality much higher as it was estimated from data based on decisions passed by the common courts with no account of military courts' and administrative decisions for which no statistical information can be found. Fragmentary data show that beginning from the 1870s, the proportion went up of sentences based on exceptional laws and of administrative decisions: in the years 1882-1885, 57 per cent of all exiles were sent to Siberia by decisions not of common courts but of administrative agencies (as compared to 51 per cent in the years 1867-1876), the proportion going up to 82-96 per cent in the years 1905-1909.

Taking just the decisions of common courts into consideration, the proportion of prison and arrest sentences grew in the latter half of the 19th century (Fig. 4). At the turn of the 19th century about 30 per cent of those found guilty were sentenced to such penalties. With time, fines grew in proportion. But the decline in sentences involving capital punishment and other severe penalties was illusory: common courts were replaced by military ones or other agencies which did not keep statistical records or at least did not publish them.

The shaping of modern prisons was a slow process; it was only due to the truly reformatory zeal of the 19th century that the first penal institutions were organized according to specially elaborated theoretical premises. In the Kingdom of Poland, the reforms were introduced in the 1820s-1830s. In Russia, until the end of the rule of Tsar Alexander II, attention was focused mainly on the penalty of exile while penitentiaries remained in a pitiful state. It was only beginning in the 1880s that some changes took place in this sphere. In the Kingdom of Poland, in the mid-1890s, there were 26 prisons, the houses of detention left out account, a penal colony for juvenile delinquents and 12 of the so-called »transit posts« (halfway houses). The originally very large number of prisoners started to go down. In 1827, there were about 8000 prisoners, i.e. 193 per 100,000 of the population. In the years 1858-1864, this coefficient amounted to 189, but many persons should be added here who served their sentences in Siberia or in prisons and penal squads in Russia itself. In 1905, in the entire Russian Empire there were 122,600 prisoners and detained persons (with the system's capacity of 101,600), although these figures do not include penal

labour camps, penal squads and persons in transit prisons and the so-called police houses of detention. The coefficient was then 87.6.

6. Death penalty.

The greatest change which various countries began to introduce already in the 18th century was a regular decline in the number of death sentences and abolition of the qualified death penalty (the very principle of the penalty was arraigned yet before the outbreak of World War I, though only a few countries decided to abolish the death penalty). According to a common but mistaken belief, that penalty was abolished in Russia as early as 1744. That was what tsarist manifestos stated repeatedly. In fact, however, death sentences were passed, although seldom, even by common courts (the average of two sentences being carried out each year). The penalty of whipping was most widespread, and those sentenced to it could easily be whipped to death. Above all, however, a broad variety of cases involving the death penalty was contained in the military code which was applied also towards the civilian population. In the years 1863-1864 (during the Polish uprising) and in 1906, the executions were decided by field marshals, and there were also cases of executions by the firing squad on decisions of governors.

Until the mid-19th century, cases of death following whippings were numerous. They went down afterwards, but the number of sentences and executions decided on by the courts was on the increase. No relevant statistics were kept and the actual extent of that kind of repression can only be illustrated by fragmentary data, concerning Russia, perhaps including Polish people. It is known that between 1826 and 1906, at least 600-700 persons were shot in Russia for political reasons, apart from the executed insurgents of 1863. Moreover, about 0.5 per cent of those sentenced condemned to hard labour in Siberia were subsequently sentenced to death for new offences. In a country which always took pride in the fact that »it did not have the death penalty,« the average annual number of executions in the years 1876-1900 amounted to 16-17, and in years 1901-1904 to more than 13. Military courts alone passed about 6700 death sentences (not all of which were performed). In the years 1910-1912, more than 1100 such sentences were passed - the peak of a court terror worldwide. In 1908, 14 European countries passed 2182 death sentences, out of which 1372 were carried out, 1959 sentences were passed and 1340 out of them were carried out in Russia.

7. Exile and penal servitude in Siberia.

Penal servitude and exile cannot be studied basing on court statistics. It was imposed on a relatively small proportion of convicted persons: in Russia not more than 13 per cent, in the Kingdom of Poland the proportion of those who were found guilty and were sentenced to *katorga* and exile were 1.6 in 1878, 2.2 in 1888, 1.6 in the years 1901-1905, and 4 per cent in 1906-1911 (Figs. 5 and 6). Admittedly, the penalty of sending convicts to a convicts gang should be added to the above, imposed in the Kingdom of Poland on 6.7 per cent of convicted persons in 1878, and on 8 per cent in 1888. Yet despite these data, the penalty of exile was used widely, and Siberia was overcrowded with exiles. On the one hand, not all those sentenced by courts actually went into exile; on the other hand, however, thousands of persons were sent to exile every year by force of decisions taken outside of the common courts. Thus the only possible method of statistical investigation is to focus on the records of arrivals to Siberia (such records were kept first in Tobolsk, and then in Tiumen, a station through which about 80-90 per cent of all exiles passed), or on the so-called audits of which only two provide material of tolerable reliability: of 1833 and 1898. What escapes investigation are therefore exiles to the Caucasus and to distant *gubernyas* of European Russia.

The first considerable increase in the number of exiles took place in the early years of the rule of Nikolai I which was no doubt connected with the Decembrist insurrection and the Polish one of 1830 (though the number of persons towards whom direct repressive measures were applied for that reason is statistically insignificant). The next increase took place in the 1860's. Therefore, it resulted on the one hand from reforms introduced by Alexander II, called the Liberator, and on the other hand from the Polish insurrection of 1863 and peasant disorders (Fig. 7). Until 1860, the average yearly number of persons sent to Siberia was 5.300 - 10.000; later the number was 13.800, and reached the maximum of 18.000 in the years 1881-1885. The highest rate of increase in the number of exiles falls on the years 1846-1850, 1861-1865, and 1866-1870 (Fig.8). Later on, there was a regular increase. It was not before late in the 19th century that that increase could be stopped which was due to actions of the liberals and pressures of certain governmental circles aimed at abolition of that form of punishment.

Compared to the bulk of the free population in Siberia, the number of persons sent there into exile in the 19th century went down: late in the 18th century, it was estimated at 16 per cent, while in the mid-19th century at 6.9 per cent of the entire population. Late in the 19th century, despite a substantial increase of the displaced persons' movement among the Russian peasants, the proportion underwent no changes, and exiles amounted

to 6.8 per cent of the entire population of Siberia in 1898 (the percentage being higher if we consider the adult population only). Added to that must be families that accompanied the exiles and literally shared their fate, as family members were deprived of various rights and submitted to supervision, as well as ill treated. It was only at the end of the discussed period, as a result of development of the railways and of Peter Stolypin's policy, that a considerable increase took place as regards free colonization, and the proportion of exiles among the population amounted to 4.9 per cent (Gorushkin 1976, 135; Yadrintsev 1892, 91; Okladnikov 1968, 360). The data are probably somewhat underestimated. In 1897, the first census of the Russian Empire was carried out, and lists of exiles were audited in 1898. There were nearly 300,000 of them in Siberia, with an additional 100,000 of their family members. With the incompleteness of the lists taken into account, there were at least 300,000-310,000 exiles, or 410,000 if we count the families in. They constituted 7.1 per cent of the population, and 8.4 per cent of Siberians of European descent. The exiles were not evenly distributed: in many towns, they amounted to over one third of the inhabitants, in Ishim to 63 per cent, in Kainsk 64 per cent, and in Yalutorovsk 77 per cent (in 1878).

The relevant statistics provide a rather good illustration of the exiles' distribution, employment (which was much lower than expected), family situation, sex etc. There are, however, no data (apart from fragmentary or chance information) about nationalities and religions of the exiles. As we know from written accounts, Siberia was a melting-pot of nations, all of whom, however, were treated as *russskiye poddannye* (Russian subjects) apart from a few foreigners usually sentenced for political offences. But the number in Siberia after 1863 (the accompanying persons included) exceeded 24,000 (of whom there were 18,600 convicts). Of the total of exiles sent to Siberia not only for political offences in the 1860's, the Poles constituted over 30 per cent. The only data about the exiles' national composition come from the years 1908-1914 and concern political exiles only (Figs. 8 and 9).

A very large portion of all exiles, Russians, Poles and others were persons deported administratively and not sentenced by court: in the years 1882-1886, they constituted 51.7 per cent (or 57.5 per cent, the families included), in the years 1887-1891 44 per cent (or 49 per cent with families), and in the years 1892-1896 59.6 per cent (or 64.3 per cent). As we can see, therefore, Siberia was an important element of the extrajudicial system of repression. This is manifested also by still another example: in the years 1867-1879, persons sentenced to *katorga* constituted 15.1 per cent of all new arrivals to Siberia, those sentenced to *poselenye* 19 per cent, to *vodvorennye* and *zhitye* 2.1 per cent, and those sent into exile by an administrative decision 63.8 per cent (CGIAL, f.1286, op.53, d.1, k.435; Yadrintsev 1892, 463).

It must be stressed here that *katorga* was actually imposed in practice much less frequently than might be judged from the sentences. A very large number of convicted persons fled and wandered about Siberia, reinforcing the masses of dangerous tramps; some were not fit to work due to old age, poor state of health, emaciation caused by a long journey (particularly in the days when the exiles had to walk all the way). The convicts sentenced to penal servitude were bad workers and private owners of mines or factories were reluctant to employ them unless forced to do so by a shortage of manpower. The exile administration admitted they were unable to control all exiles: on average, one third of convicts were all the time in *bessvestna otluchka* which meant that their actual place of residence was unknown (sometimes their proportion was even greater), and one fourth at most had any job at all.

Despite the rather widespread contrary opinion, Siberia was a place of mass exile of common offenders and tramps, and not of political offenders. Russia had a peculiar political system: on the one hand, society was highly criminalized which was due to the fact that acts were treated as offences which were not penalized anywhere else, such as expressing one's opinions, exhibiting the relics and symbols of the subdued nations, possessing and reading the »wrong« books. A great number of citizens found themselves under an open or secret political supervision.

Political exiles played a tremendous part in the history of Siberia itself. But statistically, they were a handful of men compared to the masses of criminals, with the exception of the 1860's when over a 12.000 of participants of the Polish national insurrection came to Siberia. It was only then that political offenders constituted over 30 per cent of all new arrivals; but even in those days, those victimized for political acts never amounted to more than 2.5 per cent of all exiles already inhabiting Siberia. The normal proportion of the political offenders constituted 1-1.5 per cent or less of all new arrivals; their proportion went up to nearly 4 per cent after the 1905 revolution; then, however, all participants of strikes and street disturbances were considered political offenders.

Recapitulation

This study presents a fragment of statistical research into crime and the penal system. Left out of account here have been many important issues, more interesting usually than the general ones, which however present a lot of difficulties if one tries to discuss them. Due to the poor quality of statistics, incomparability of some of the data, and so on, all quoted figures should be provided with a critical scrutiny which would make the present paper most elaborate and tiring. As regards future research, comparative

studies seem most advisable which will naturally present a lot of methodological problems. International cooperation in this field might prove most interesting and fruitful, the more so as - owing to the International Penitentiary Congresses, organized since 1846 - we have at our disposal more or less uniform statistics supplied by countries participating in those congresses(3). Those statistics are not used at all in professional literature.

The Russian penal system evolved in the same direction as the Western one, fines showing the strongest upward tendency of all penalties. At the same time the history of Russian penal policy helps us to understand the whole tsarist domestic system. Without studies on the judicial and widespread non-judicial repression, the history of the Russian Empire is not complete. The Russian peculiarity was the maintenance and the actual development, despite temporary deviations, of the exile system, and also of penal servitude in Siberia and Sakhalin, which yielded none of the anticipated results.

The crime and punishment statistics add to our knowledge about the social problems of the era of modernization and urbanization in the Kingdom of Poland at the end of 19th century. The Polish particularity was the strong anti-governmental attitude. Unfortunately, neither in Russia nor Poland has anyone as of yet fully investigated the statistics - the work is hard and needs much time. For this reason we could not compare the crime patterns of the Polish and the Russian populations.

One should, however, not equate *katorga* and exile in the Tsarist days on the one hand and labour camps of the Soviet system on the other hand. The Tsarist system was incomparably less severe, and even had some good sides from the point of view of punishment (which were naturally only relative when one compares prison life and the normal life of the large part of Russian people), though it had negative effects on Siberia itself. It was mitigated by numerous amnesty laws and acts of reprieve; the exiles were not famished; the discipline in Siberia was relaxed. Exile is surrounded by a dark legend which - though suggestive, as created by outstanding authors like Dostoevsky and Chekhov - is really only partly justified. This problem goes beyond the scope of the present paper, and it is not our object to demysticize exile. It should be stressed, however, that all comparisons with the horrible Communist GULAG have little use and lack scientific justification^).

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Notes

1. Polish researchers have **greater difficulties in gaining access to the** archives than their colleagues from the West.
2. For example, **156 different offences were used in the statistics; each** local government had to group them appropriately every year; some territories had a different penal system; figures for different periods have to be calculated separately, etc.
3. See, for **example, Congres Pénitentiaire International. Mémoires et Rapports...**, etc., Roma 1855, Stockholm 1879, Petersbourg 1890, Paris 1895, and others.
4. See, for **example, Jacqueline Fenner, Le Goulag de Tsars, Paris, Talandier, 1986.** The book claims to be a scientific study but is actually a complete misunderstanding.

Table 1. Criminal cases tried by the courts of Kingdom of Poland (per 100,000 inhabitants) in 1822-1849

| Years | No. of cases per 100,000 | Rate of growth |
|-------|--------------------------|----------------|
| 1822 | 422 | - |
| 1823 | 466 | 110 |
| 1824 | 515 | 111 |
| 1825 | 543 | 105 |
| 1826 | 552 | 102 |
| 1827 | 518 | 94 |
| 1828 | 517 | 100 |
| 1829 | 530 | 101 |
| 1830 | 583 | 112 |
| 1831 | 330 | 57 |
| 1832 | 756 | 229 |
| 1833 | 1193 | 158 |
| 1834 | 682 | 57 |
| 1835 | 684 | 100 |
| 1836 | 657 | 96 |
| 1837 | 629 | 96 |
| 1838 | 667 | 106 |
| 1839 | 728 | 109 |
| 1840 | 745 | 102 |
| 1841 | 789 | 106 |
| 1842 | 810 | 103 |
| 1843 | 836 | 103 |
| 1844 | 934 | 100 |
| 1845 | 931 | 112 |
| 1846 | 946 | 98 |
| 1847 | 914 | 100 |

Source: R. Buczynski 1885, 242

Table 2. New cases in all courts of Kingdom of Poland, 1877-1905

| Years | New court examination | | | New court cases | | |
|-------|--------------------------|---------------------------|-----|--------------------------|---------------------------|-----|
| | Total No. of cases | Per 100,000 population | | Total No. of cases | Per 100,000 population | |
| | | 1 | 2 | | 1 | 2 |
| 1877 | 24,445 | 361 | 100 | 16,809 | 248 | 100 |
| 1878 | 28,600 | 417 | 116 | 21,515 | 314 | 126 |
| 1879 | 30,119 | 432 | 120 | 25,162 | 361 | 145 |
| 1880 | - | - | - | - | - | - |
| 1881 | - | - | - | - | - | - |
| 1882 | 26,853 | 366 | 101 | 21,529 | 223 | 118 |
| 1883 | 19,256 | 260 | 72 | 16,890 | 228 | 92 |
| 1884 | 20,991 | 275 | 76 | 18,131 | 238 | 96 |
| 1885 | 21,132 | 269 | 75 | 18,433 | 234 | 94 |
| 1886 | 21,930 | 274 | 76 | 19,727 | 247 | 100 |
| 1887 | 22,777 | 281 | 78 | 19,745 | 244 | 98 |
| 1888 | 21,990 | 266 | 74 | 19,534 | 237 | 96 |
| 1889 | 22,858 | 278 | 77 | 19,101 | 232 | 94 |
| 1890 | 23,731 | 285 | 79 | 19,473 | 240 | 97 |
| 1891 | 23,681 | 280 | 78 | 21,061 | 249 | 100 |
| 1892 | 24,222 | 284 | 79 | 21,945 | 257 | 104 |
| 1893 | - | - | - | - | - | - |
| 1894 | 22,690 | 257 | 71 | 20,287 | 230 | 93 |
| 1895 | 23,990 | 266 | 74 | 21,089 | 234 | 94 |
| 1896 | 24,502 | 259 | 72 | 22,336 | 236 | 95 |
| 1897 | 25,009 | 266 | 74 | 22,524 | 240 | 97 |
| 1898 | 26,094 | 272 | 75 | 23,594 | 246 | 99 |
| 1899 | 26,440 | 270 | 75 | 24,062 | 246 | 99 |
| 1900 | 27,654 | 277 | 77 | 24,778 | 248 | 100 |
| 1901 | 31,567 | 308 | 75 | 28,297 | 276 | 111 |
| 1902 | 29,983 | 285 | 79 | 26,206 | 249 | 100 |
| 1903 | 30,997 | 287 | 80 | 27,598 | 256 | 103 |
| 1904 | 31,894 | 289 | 80 | 28,658 | 259 | 104 |
| 1905 | 33,933 | 300 | 83 | 28,599 | 253 | 102 |

1 = No. of Cases

2 = % change (1877= 100)

Table 3. New examinations and cases in District courts per 100,000 population (5-year moving averages), 1878-1904

| Years | Examinations initiated | | Court cases | |
|-------|------------------------|-----------------------|-------------|-----------------------|
| | Numbers | Index 1904 =100 | Numbers | Index 1904 =100 |
| 1878 | 403 | 138 | 308 | 121 |
| 1879 | 403 | 138 | 323 | 127 |
| 1880 | 405 | 139 | 294 | 116 |
| 1881 | 353 | 121 | 253 | 100 |
| 1882 | 300 | 103 | 248 | 98 |
| 1883 | 293 | 100 | 248 | 98 |
| 1884 | 289 | 99 | 248 | 98 |
| 1885 | 272 | 93 | 238 | 94 |
| 1886 | 273 | 93 | 240 | 94 |
| 1887 | 274 | 94 | 239 | 94 |
| 1888 | 277 | 95 | 240 | 94 |
| 1889 | 278 | 95 | 240 | 94 |
| 1890 | 279 | 96 | 243 | 96 |
| 1891 | 282 | 97 | 245 | 96 |
| 1892 | 277 | 95 | 244 | 96 |
| 1893 | 272 | 93 | 243 | 96 |
| 1894 | 267 | 91 | 239 | 94 |
| 1895 | 262 | 90 | 235 | 93 |
| 1896 | 264 | 90 | 237 | 93 |
| 1897 | 267 | 91 | 240 | 94 |
| 1898 | 267 | 91 | 243 | 96 |
| 1899 | 279 | 96 | 251 | 99 |
| 1900 | 282 | 97 | 253 | 100 |
| 1901 | 285 | 98 | 255 | 100 |
| 1902 | 289 | 99 | 258 | 102 |
| 1903 | 296 | 101 | 259 | 102 |
| 1904 | 292 | 100 | 254 | 100 |

Table 4. The structure of crimes, 1848 - 1860

| Years | Crimes against | | | | | | | |
|-------|----------------|----|----------|----|--------------|----|--------------------|----|
| | Persons | | Property | | Public Order | | Religion & Customs | |
| | A | B | A | B | A | B | A | B |
| 1848 | 530 | 49 | 451 | 42 | 78 | 7 | 19 | 2 |
| | (100) | | (100) | | (100) | | (100) | |
| 1849 | 576 | 53 | 430 | 36 | 116 | 9 | 20 | 2 |
| | (109) | | (95) | | (149) | | (105) | |
| 1850 | 629 | 57 | 428 | 37 | 128 | 11 | 21 | 2 |
| | (119) | | (95) | | (164) | | (111) | |
| 1851 | 619 | 45 | 174 | 41 | 174 | 12 | 21 | 2 |
| | (117) | | (103) | | (223) | | (111) | |
| 1852 | 605 | 44 | 516 | 42 | 187 | 12 | 23 | 2 |
| | (114) | | (114) | | (240) | | (121) | |
| 1853 | 624 | 46 | 300 | 41 | 166 | 11 | 23 | 2 |
| | (118) | | (67) | | (213) | | (121) | |
| 1854 | 519 | 40 | 606 | 47 | 159 | 12 | 17 | 1 |
| | (98) | | (134) | | (204) | | (89) | |
| 1855 | 481 | 44 | 492 | 44 | 113 | 10 | 17 | 2 |
| | (91) | | (109) | | (145) | | (89) | |
| 1856 | 539 | 43 | 572 | 45 | 149 | 10 | 19 | 2 |
| | (102) | | (127) | | (191) | | (100) | |
| 1857 | 659 | 52 | 417 | 34 | 146 | 12 | 21 | 2 |
| | (124) | | (92) | | (187) | | (111) | |
| 1858 | 656 | 54 | 396 | 32 | 144 | 12 | 26 | NO |
| | (124) | | (88) | | (185) | | (137) | |
| 1859 | 739 | 56 | 395 | 30 | 153 | 12 | 27 | NO |
| | (139) | | (88) | | (196) | | (142) | |
| 1860 | 713 | 55 | 402 | 31 | 153 | 12 | 26 | 2 |
| | (135) | | (89) | | (196) | | (137) | |

Legend: A = no. of crimes per 100,000 population
 B = percent of total
 () = percent of increase, 1848=100

Source: Buczynski 1885, 348

Fig. 1: Criminal cases tried by the courts in Kingdom of Poland 1822-1849

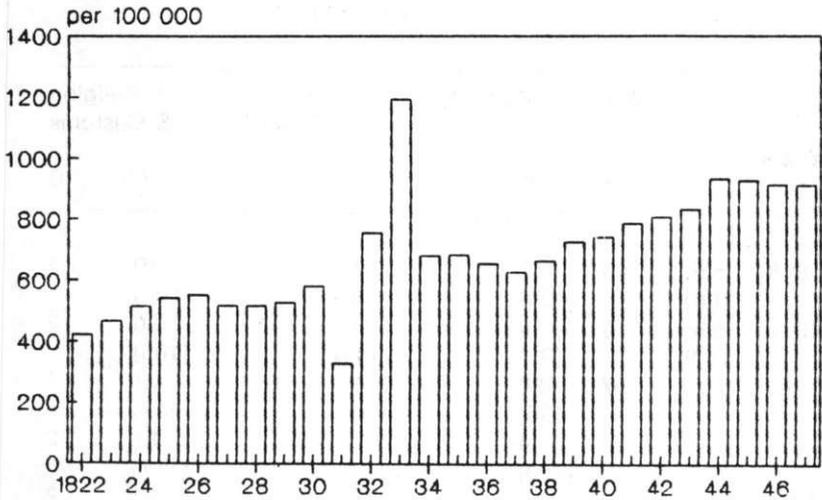


Fig. 2: New Cases in district courts (5-year moving averages)

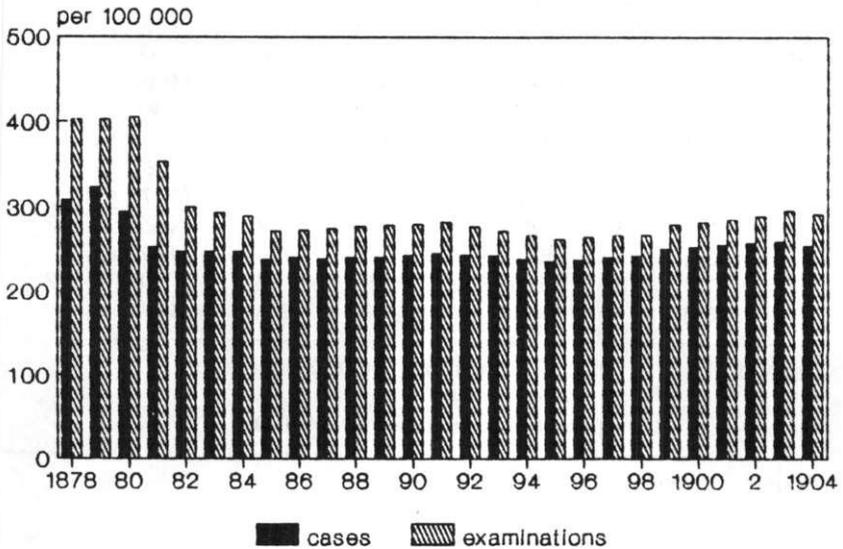
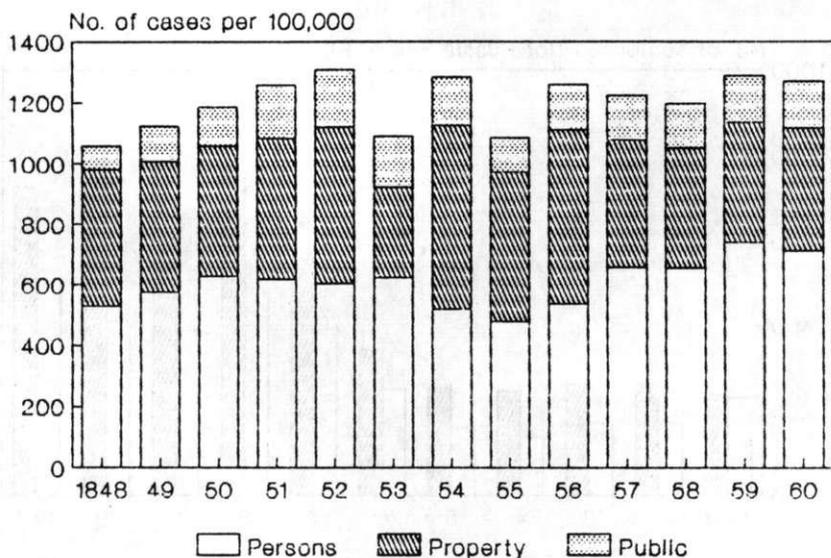


Fig. 3: The structure of crimes in Kingdom of Poland, 1848-1860



Crimes against:

Fig. 4: The structure of sentences in Kingdom of Poland (1868) and Russia (1865-68)

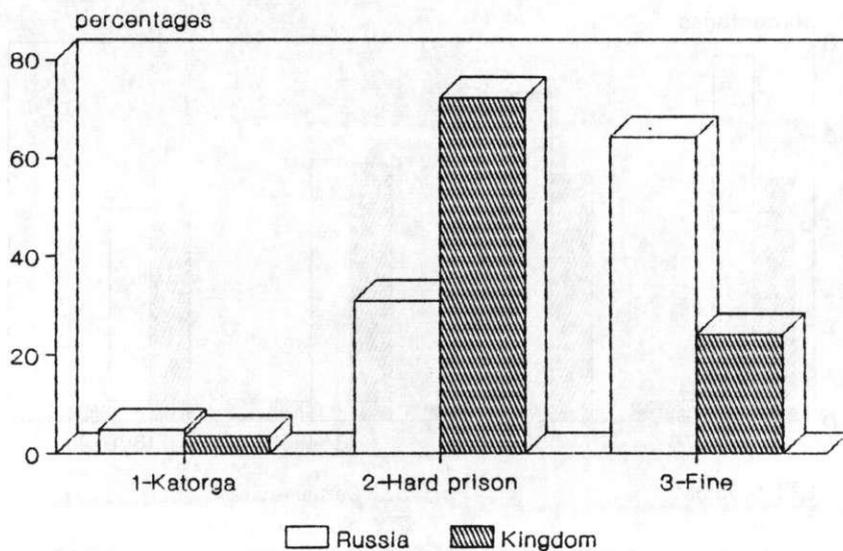


fig. 5; Persons sentenced to »katorga« and exile in Kingdom of Poland and Russia

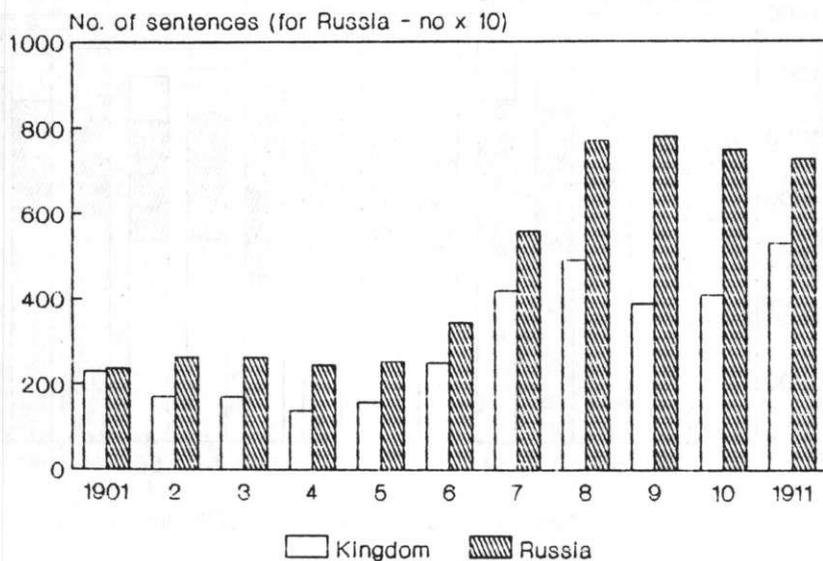


Fig. 6: The structure of sentences in European Russia 1874-1893

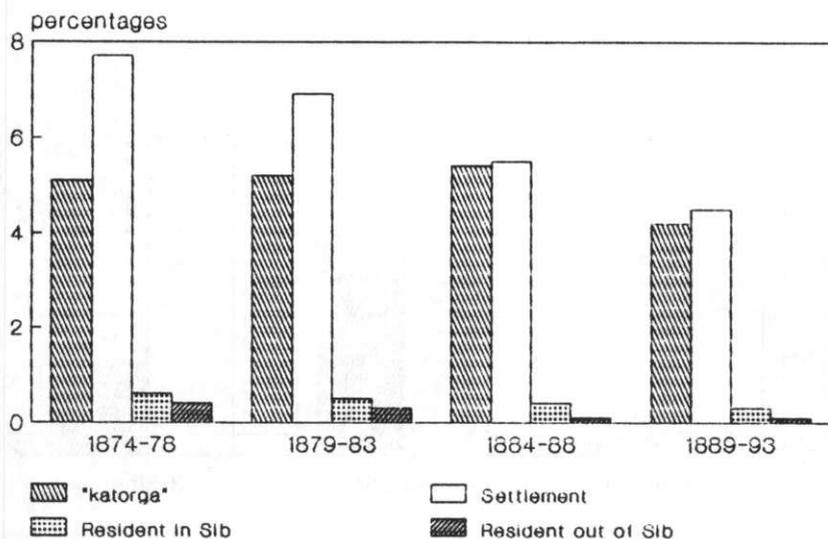


Fig. 7: Persons exiled to Siberia in 19th century (anually average)

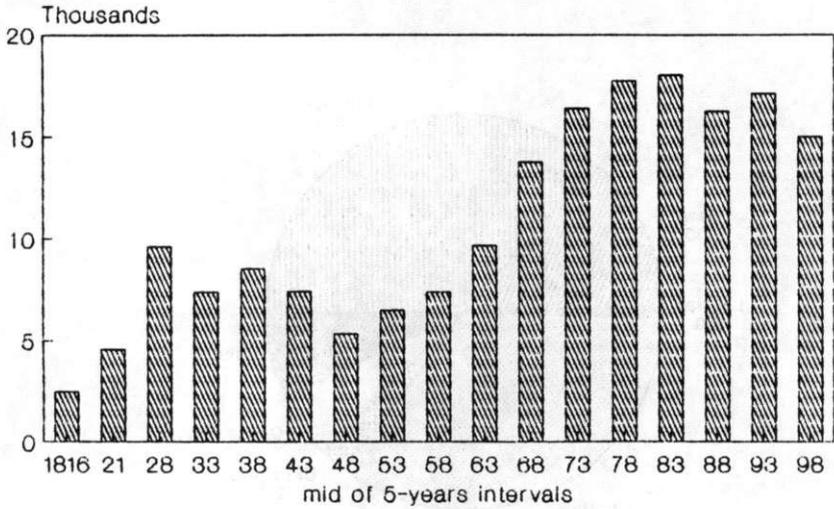


Fig. 8: Persons arrived to Siberia (3-year moving average)

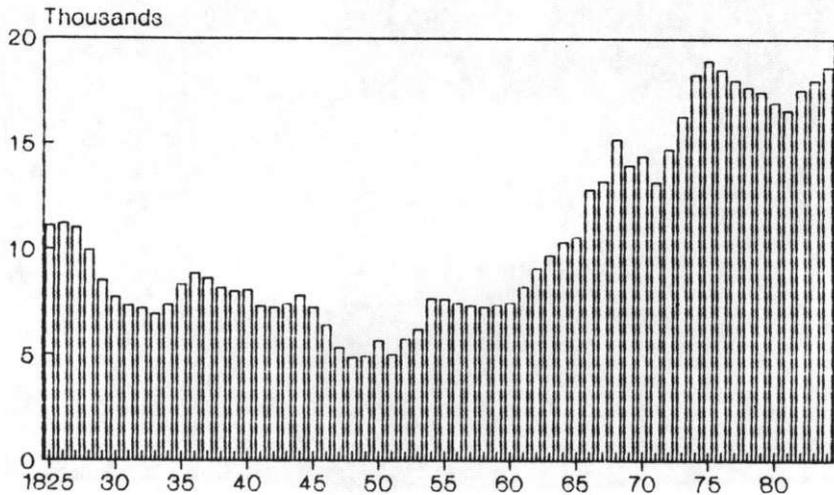
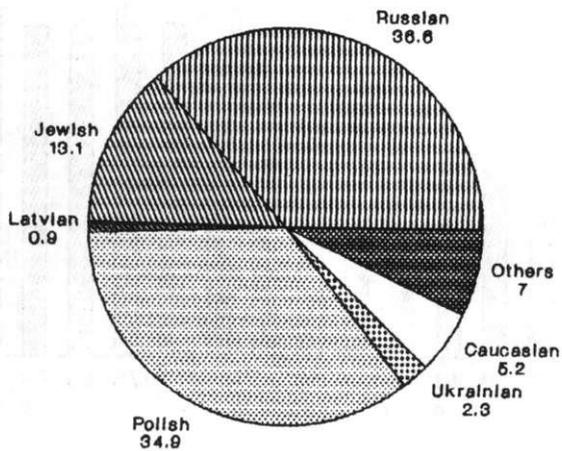


Fig. 9: Nationality of political exiles to Siberia in 1906-1909



percentages