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On Managing Places of Confinement in the Early Soviet Period

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Abstract

Introduction: the article examines the institutional system for managing places of confinement in the RSFSR, starting from the October Revolution of 1917 and up to the establishment of the USSR in December 1922. *Purpose:* based on the analysis of legal and regulatory acts, to reveal the mechanism for managing places of confinement in the early years of Soviet power. *Methods:* the study is based on general principles of historical objectivism and a systematic approach to working with sources and scientific literature, as well as formal-legal methods. *Results:* the development of places of confinement during the formative years of Soviet power is of a dual nature. In the RSFSR, two types of detention facilities developed simultaneously: those under the People's Commissariat of Justice, which were largely represented by traditional forms such as prisons, reformatories, etc., and those under the Cheka and the NKVD of the RSFSR, which acquired legal form after the Bolsheviks announced the policy of the Red Terror on September 5, 1918. These detention facilities included concentration camps, forced labor camps, and some prisons. Throughout the entire period under consideration, these three agencies fought for control over the entire penitentiary system in the country. If the People's Commissariat of Justice largely represented a progressive system of imprisonment based on the principle of reforming and re-educating prisoners, then the NKVD, in turn, saw the foundation of penitentiary work in the forced labor and in removing detention facilities from state subsidies. A compromise solution was found in the autumn of 1922, when a new agency was established within the NKVD – the GUMZ (Main Directorate of Places of Confinement), which took over all the detention facilities in the country. Despite the apparent victory of the NKVD, people from the People's Commissariat of Justice of the USSR were appointed to leadership positions in the GUMZ. In turn, the newly created GPU (State Political Directorate), which also became part of the NKVD, retained control over the camps in the Arkhangelsk Governorate, on the basis of which the Solovetsky Special Purpose Camp of the OGPU was established in October 1923.

Key words: places of detention; penitentiary system; concentration camps; forced labor camps; prisons; correctional facilities; the NKVD; the Cheka; the GPU; the People's Commissariat of Justice of the USSR.

5.1.1. Theoretical and historical legal sciences.

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Introduction

The period from 1923 to 1960 in the history of the Soviet penitentiary system is extensively documented in scholarly literature, archival collections, and personal recollections. Much less attention in domestic and foreign historiography is paid to Soviet penitentiaries in the period from 1918 to 1923. Studying the system of managing penitentiary institutions in the early Soviet years makes it possible to better understand the domestic political situation in Soviet Russia during the years of war communism and the early years of the New Economic Policy.

Soviet institutions of power, especially those that implemented punitive policies, were characterized by flexibility and informal approaches, through which Soviet legislation took shape, determining the trajectory of the “historical rut” of the Soviet penitentiary system. The Soviet system of detention facilities, which took shape during the Civil War, played a significant role in the history of Soviet Russia and the future USSR; however, these pages of life in post-revolutionary society remain virtually unexplored to this day and require in-depth study, which is primarily determined by the needs of historical science.

Research on penitentiary systems and punitive policy in the RSFSR in 1917–1923 can be conditionally divided into two independent directions: legal and historical. Within the historical direction, two subgroups can be distinguished: a narrowly focused one, in which the system of detention facilities in the RSFSR is considered in isolation from global experience, and a global one, in which researchers compare penitentiary systems across different countries and time periods.

The first works on the history of penitentiary institutions in Soviet Russia appeared simultaneously with the formation of criminal law in the 1920s–1930s and reflected the legal aspect of the issue within the framework of penal law. As a rule, the works of scholars in Soviet law did not address the early post-revolutionary years. In this context, it is worth highlighting the works of prominent experts in the field of correctional and labor law in the USSR, such as M.M. Isaev, B.S. Utevsii, E.G. Shirvindt, and others, who examined the system of detention

facilities within the framework of the existing legislation, ignoring the extrajudicial aspect of the punitive policy in the USSR [1–3].

Until 1991, the topic of the Soviet system of detention facilities in historical literature in the USSR had remained within the scope of legal literature. At the same time, foreign historical works addressed the topic of concentration camps as one of the branches of the development of penitentiary thought in Soviet Russia. A distinctive feature of these works was the insufficient source base, which was mainly based on memoir literature [4–5].

Opened archives in the 1990s spurred Russian scholarship on the RSFSR penitentiary system, with many works adopting an institutional approach [6–8]. Nowadays, there is an independent field of study focusing on the Soviet penitentiary system. Historian G.M. Ivanova, who studies Soviet camps, notes the undeniable progressive reforms implemented by the Provisional Government (the abolition of hard labor and corporal punishment) and highlights the complete disruption of the progressive development of detention facilities after the October Revolution, with the introduction of extrajudicial practices and the establishment of concentration camps [9]. On the other hand, a number of researchers believe that a significant part of the places of detention inherited by Soviet Russia from the Main Prison Department of the Russian Empire were based on a common international context and developed in a pan-European manner [10].

The purpose of this study is to reveal, based on the analysis of legal and regulatory acts, the mechanism of functioning and management of places of detention in the early years of Soviet power (1917–1922).

The study draws on legislative sources that shaped the evolution of the country's penitentiary system. A second key category of sources comprises the statutory and regulatory documents issued by Soviet departmental bodies, including the People's Commissariat of Internal Affairs of the RSFSR, the People's Commissariat of Justice, and the All-Russian Extraordinary Commission for Combating Sabotage and Counter-Revolution.

The research is based on general principles of

historical objectivism and a systematic approach to working with sources and scientific literature.

Research

Before the February Revolution, most places of detention in the Russian Empire had been under the jurisdiction of the Main Prison Department (GTU), which was part of the Ministry of Justice. The GTU's system of detention facilities included provincial, district, and regional prisons, penal prisons, and correctional-prisoner units. The most severe criminal punishments in Russia included hard labor and exile [9, p. 32].

One of the first legal acts issued by the Provisional Government after the February Revolution of 1917 was a decree granting amnesty to all political prisoners. The sentences of those convicted under criminal charges were reduced by half. In addition, the new government faced the task of conducting a comprehensive review of the judicial system, criminal legislation, and reducing the number of prisons and detention facilities. In the area of punitive policy, the major achievement of the Provisional Government was the abolition of hard labor as a form of punishment. The principle of executing punishments changed significantly: shackles, manacles, prisoner's robes, and corporal punishment were abolished.

The Provisional Government began reforming the penitentiary system; its leaders were declared "tsarist henchmen". However, the Provisional Government did not have the resources to create a new centralized punitive apparatus, as it lacked personnel.

The October Revolution of 1917 and the Bolsheviks' rise to power triggered a sweeping transformation of the country's domestic political order. On October 26, 1917, in accordance with the decree "On the establishment of the Council of People's Commissars," republican people's commissariats were established, including the People's Commissariat of Internal Affairs (NKVD) and the People's Commissariat of Justice (NKYu). On December 7, 1917, the All-Russian Extraordinary Commission for Combating Counter-Revolution and Sabotage (Cheka) was established under the Council of People's Commissars, headed by F.E. Dzerzhinskii. Over the next five years, these three agencies (the NKVD, the NKYu, and the Cheka) determined the entire punitive policy in the country.

Early Soviet discourse on detention was marked by "anti-prison" rhetoric [10, p. 41]. One of the important promises of the two revolutions was the complete eradication of crime, as well as the complete abandonment of prisons. Marxist theorists believed that prisons had emerged together with capitalism and were an institution of class suppression [10, p. 5]. At the transitional stage, the Bolsheviks intended to replace prisons with more lenient

forms of punishment: colonies, camps, reformatories, and correctional houses. The Bolsheviks sought to completely distinguish their penitentiary system from the discursive framework of the tsarist penal servitude and exile, which had become a thing of the past.

In the early years of Soviet power, the powers of the people's commissariats, as well as the Cheka, were not clearly defined. For example, in addition to its role as an executive body (searching for and capturing criminals), the Cheka had the right to conduct its own legal proceedings, in particular, the right to arrest, search, conduct investigations, and even the right to execute, i.e., it was the de facto implementer of domestic policy.

At the turn of 1917–1918, all places of deprivation of liberty (with the exception of camps for prisoners of war) in Soviet Russia were under the jurisdiction of the People's Commissariat of Justice, which had the Main Directorate of Places of Confinement (GUMZ). Prison inspections monitoring all places of detention in the country were under the authority of the GUMZ. Since the GUMZ was the direct heir of the Main Prison Department (GTU), the new authorities did not trust old prison officers. Probably for these reasons, in April 1918, the Main Directorate of Places of Detention was abolished, and instead a new corresponding to the revolutionary spirit Central Punitive Department (TsKO) was formed.

A significant overhaul of the detention system was launched by the Central Punitive Department in July 1918 (reorganized in 1921 as the Central Correctional and Labor Department (TsITO). The reform's foundational principles were codified in the Temporary Instructions. These stipulated two key tenets: selfsufficiency and the reeducative treatment of prisoners (State Archive of the Russian Federation, Archive 4042, List 8, Case 1, Page 21). These two basic revolutionary principles, which were completely absent in pre-revolutionary Russia, formed the basis for the entire subsequent Soviet penitentiary system. The principle of self-sufficiency of places of deprivation of liberty inevitably led to the idea of using inmates' labor. All former places of confinement of the former GTU, mainly prisons, were subordinate to the TsKO.

According to the Temporary Instruction on Deprivation of Liberty, issued by the People's Commissariat of Justice on July 23, 1918, the following places of deprivation of liberty were assigned to the People's Commissariat: general places of confinement (prisons), probationary institutions with a more lenient sentence, reformatories and agricultural colonies, punitive-therapeutic institutions for prisoners with mental disorders, and prison hospitals. Few of the listed confinement types were actually put into practice. The essence of these reforms lay in the use of a progressive system of imprisonment, under

which each type of imprisonment corresponded to a specific category of prisoners. In turn, as part of their rehabilitation, prisoners were to be transferred from one type of imprisonment to another: from a more severe to a more lenient regime of detention.

The reformist trajectory in Soviet Russia's penitentiary system was disrupted by the onset of the Red Terror policy, which triggered mass arrests and led to severe overcrowding in detention facilities. With the transition of the Civil War into an active phase, from the summer of 1918, the Central Committee stopped having enough prison space. Then the Soviet leadership decided to form a new type of detention facilities.

Beginning in the summer of 1918, a distinct strand of penitentiary development took shape in the form of the Cheka's detention system. This network incorporated concentration camps intended for adversaries of the Soviet regime alongside separate prison facilities. For example, in Moscow, in April 1919, the Butyrka Prison was transferred to the jurisdiction of the Cheka. In the autumn of 1918, the Cheka camps received official status. On September 5, 1918, the Council of People's Commissars issued the decree "On the Red Terror", fixing the necessity to protect the Soviet Republic from class enemies by isolating them in concentration camps" [11, p. 70]. Three days before the official issuance of the decree, a secret order of the Cheka of September 2, 1918, was issued. It clarified the essence of using the new punitive measure, in particular, "to arrest major representatives of the bourgeoisie, landowners, factory owners, merchants, counter-revolutionary priests, and all officers hostile to Soviet power, and confine this entire group to concentration camps, establishing the most reliable guard, forcing these gentlemen to work under escort. At any attempt to organize, to stage an uprising, or to attack the guards, the perpetrator must be shot immediately" [12, p. 14].

Summarizing the above, it can be said that by mid-1918, two parallel punitive systems had emerged in the RSFSR. One system was subordinate to the People's Commissariat of Justice, which included the Central Punitive Department with its prisons; the other system was formed by the Cheka and included concentration camps and several large prisons. The first system was based on Soviet legal law, while the second was largely guided by revolutionary legal consciousness.

It is worth mentioning that in terms of organizing camps, the provincial Cheka received full freedom in September 1918. No coordination with the center was required to organize a camp; camps could be established by decision of a local authority. The camp population could be expanded through administrative coercion, without the need for judicial approval.

The next evolutionary stage in the development of the Soviet camp system occurred on April 1, 1919, when, at the suggestion of F.E. Dzerzhinskii, the NKVD of the RSFSR adopted a draft resolution of the All-Russian Central Executive Committee "On concentration camps". After the final revision, the resolution of the Central Executive Committee "On forced labor camps" was issued on April 15 [11, pp. 14–15]. On May 17, 1919, the Department of Forced Labor (OPR) was formed within the People's Commissariat of Internal Affairs, which was soon reorganized and renamed the Main Directorate of Forced Labor (GUPR). From September 1920 to February 1921, the GUPR was temporarily renamed the General Directorate of Public Works and Duties. After that, the old name was restored to the administration. The GUPR was finally abolished on October 12, 1922.

In May 1919, all camps established by the Cheka were to be transferred to the jurisdiction of the NKVD. From this point on, all places of detention in the country were divided among three agencies: the People's Commissariat of Justice, which was in charge of the Central Punitive Department with its prisons; the Cheka, which had its own system of concentration camps; and the NKVD of the RSFSR, with forced labor camps intended for political opponents of Soviet power and class-alien elements. The main problem, which clearly stemmed from the existing system of detention facilities, was the distribution of prisoners. There was no clear boundary in the existing legislation between the NKVD camps and the NKYu prisons. The same categories of prisoners could be held both in camps and in prisons. In turn, the Cheka used the prison facilities of the NKYu for its own needs. A conflict between these three agencies became inevitable.

The camp system had many advantages compared to traditional forms of incarceration. Camps were more mobile; they did not require expenditures on their establishment and could be located in former monasteries, estates, barracks, etc. Imprisonment in a camp often (in 50% of cases) took place on an administrative basis and did not require a court decision. The camp form of incarceration provided the Bolsheviks with a quick and effective way to concentrate and isolate a large number of their opponents and was in line with the extraordinary measures of the revolutionary era. The camps provided for the needs of "revolutionary legality" during the Civil War, balancing between different legal norms.

In 1921, the Council of People's Commissars made a choice in favor of forced labor in camps, pushing the principles of re-education of prisoners put forward by the NKYu into the background. On November 28, 1921, the Council of People's Commissars issued a resolution signed by V.I. Lenin "On

the use of labor of prisoners in places of deprivation of liberty of the RSFSR and those serving forced labor". Henceforth, the NKVD and NKYu had to supply prisoner labor to the People's Commissariat of Labor's institutions. At the same time, all those sentenced to compulsory labor without imprisonment were also transferred to the GUPR. Over the eight months of its existence, from September 1918 to April 1919, the camp system evolved from a place to detain opponents of Soviet power to a system that used prisoners for labor purposes. The GUPR was the body that set the new direction for the historical development of the system of using prisoners' forced labor.

After all the production activities of the camps had been transferred to the jurisdiction of the People's Commissariat for Labor in March 1921, the NKVD of the RSFSR issued instructions in November of the same year on the use of prisoners' labor in the republic's penitentiary institutions. According to these instructions, every penitentiary institution in the country had to submit reports on prisoner movements within its jurisdiction to the local labor departments. These departments maintained records of both working and non-working prisoners, along with details of their professions and specialties. Data flowed through a clear chain of command: first it went to the People's Commissariat for Labor and the penal-labor unit of the People's Commissariat of Justice, and from there it was passed down to the Main Directorate for Labor, which used it to allocate prisoner labor across economic sectors. From that point on, three agencies (the People's Commissariat for Labor, the Main Directorate for Labor of the NKVD, and the People's Commissariat of Justice) made decisions on the distribution of prisoners to various construction projects and enterprises, giving priority to enterprises of state importance. The instructions also contained recommendations on how to use prisoners in accordance with their professional skills.

All this bureaucratic work was carried out with one goal in mind – to remove the camps from state supply, which was done at the end of December 1921. At this juncture, the crisis within the camp system began to deepen: penallabor facilities deemed unprofitable were designated for liquidation. The situation regarding the removal of the camps from state supply was complicated by an epidemic that broke out in 1921, accompanied by mass famine in the places of detention. In this context, the working capacity of the camp population began to decline sharply.

In October 1921, the Central Correctional Labor Department (TsITO) was formed inside the NKYu instead of the Central Punitive Department. On June 22, 1922, Yevsei G. Shirvindt, a prominent criminologist and lawyer, became its head. In the summer of

1922, most of the detention facilities became part of the TsITO, including detention facilities (*domzaki*) for investigative prisoners, correctional facilities (*ispravdoma*) for holding prisoners serving short sentences, labor facilities for minors aged 14 to 16, and agricultural and craft colonies, where prisoners from correctional houses were sent by decision of distribution commissions and prisons.

The transformation of the entire penitentiary policy in the country began in the first half of 1922. The centralization of the country's leadership, which was completed with the formation of the USSR on December 30, 1922, required all executive bodies to unify their management of their departments. All detention facilities were brought under a single department as part of the centralization policy.

On February 6, 1922, the Cheka under the Council of People's Commissars of the RSFSR was abolished. Its powers were transferred to the State Political Directorate, which was established on the same day and placed under the authority of the People's Commissariat for Internal Affairs of the RSFSR. The GPU insisted on retaining control over part of the detention facilities, specifically the camps in the Arkhangelsk Governorate, for hardened criminals, repeat offenders, and political prisoners.

The existence of three separate systems of detention facilities within the NKYu, GPU, and GUPR NKVD created enormous difficulties in keeping records of prisoners, determining their legal status, and also caused problems with supplying penitentiary institutions. Choosing one of the people's commissariats to which all prisoners would be transferred meant choosing the direction of development of the country's penitentiary institution. The People's Commissariat of Justice focused on the rehabilitative policy towards prisoners, while the NKVD focused on the labor use of the workforce. The GPU's detention facilities were designed to isolate prisoners from the external environment and completely separate the criminal environment from free society.

The rivalry between the agencies had to be resolved before the adoption of the first Soviet Criminal Code of the RSFSR, which was prepared by the People's Commissariat of Justice and the Institute of Soviet Law. In addition to establishing a common criminal and judicial law for the RSFSR, the code was intended to shape the country's penitentiary institution. Considering the system of camps to be not entirely legitimate, the People's Commissariat of Justice prepared a project in the spring of 1922 to develop places of detention, which excluded camps from the country's penitentiary system [13, p. 60] and transformed them into various types of colonies. On June 1, 1922, the first Criminal Code of the RSFSR came into force, with Article 34 listing all places of detention. Camps were not included in this list. The Crimi-

nal Code of the RSFSR also avoided the concept of “prison”. They were called “correctional labor facilities”. The process of dismantling the camp system administered by the NKVD’s Main Administration of Places of Detention (GUPR) commenced at that time and was completed by late 1922.

The interdepartmental struggle between the two People’s Commissariats ended on July 25, 1922, when the Council of People’s Commissars issued a decree on the transfer of all places of detention from the NKYu to the NKVD [14, p. 14]. The new penitentiary system finally took shape on October 12, 1922, when the Main Directorate of Places of Detention (GUMZ) of the NKVD was formed on the basis of the TsITO NKYu. It included all existing places of detention at that time, including camps, but excluding the system of GPU detention facilities (northern camps, a number of prisons and detention facilities for political prisoners). The NKYu remained responsible for prosecutorial supervision of places of detention. The Prosecutor’s Office of the RSFSR was established by the decree of the Central Executive Committee on May 28, 1922 and became part of the NKYu.

This transformation cannot be called a complete victory for the NKVD, as the NKVD managed to lobby for the complete liquidation of the Main Department of Forced Labor. The principle of forced labor – the cornerstone of the camp system – was supplanted by the People’s Commissariat of Justice’s emphasis on a broad policy of prisoner re-education. The entire administrative staff of the new GUMZ department was appointed from the heads of the TsITO NKYu, and not the GUPR NKVD. With the removal of forced labor – its core element – the camp system effectively lost its rationale for continued existence. All documents issued by the GUPR in 1919–1922, which served as the basis for the camp system, were declared invalid by circular letters from the head of the GUMZ in October–November 1922 [13, p. 61]. By December 1922, there had been only 330 places of detention in the NKVD GUMZ holding 80,559 people (State Archive of the Russian Federation, Archive 4042, List 3, Case 4, Page 98).

Nevertheless, the GPU managed to maintain its system of places of detention, including camps in the Arkhangelsk Governorate and detention facilities for political prisoners. The Solovetsky Special Purpose Camps were established by the GPU in 1923 on the basis of these earlier camps, heralding a new phase in the evolution of the USSR’s camp system.

Conclusion

The early Soviet penitentiary system evolved in two directions at once.

On the one hand, the system of detention facilities under the People’s Commissariat of Justice of the RSFSR developed as the successor to the Main Prison Department of the Russian Empire and the

Provisional Government. This penitentiary branch followed a reformist path promoting a more progressive way to run correctional institutions. Detention facilities under the People’s Commissariat of Justice had a step-by-step structure, which was generally characteristic of the European tradition of that time. Places of confinement varied depending on the severity of the crime committed and involved a gradual transition from one institution to another as the inmate improved.

The rehabilitative component in the penitentiary system gradually began to decline after the Bolsheviks announced their policy of the Red Terror on September 5, 1918. At that time, the Cheka began establishing concentration camps as a separate type of confinement. The Cheka camps, unlike the system of detention facilities of the NKYu, were guided primarily not by legal norms of the Soviet law, but by revolutionary expediency at the time of the Civil War. The camp system was of an extraordinary nature and met the challenges of the revolutionary period.

In the spring of 1919, all the Cheka camps that had been established (with the exception of three camps in the Arkhangelsk Governorate) came under the jurisdiction of the NKVD, being concentrated in a single agency – the Main Directorate for Forced Labor. It was precisely the use of forced labor, as the main element of the camp system, that became decisive for the entire penitentiary system. The primary aim of employing prisoner labor was to make detention facilities self-sufficient.

Despite the successes in the economic activities of individual camps, maintaining a vast and fragmented camp system with a relatively small number of prisoners was not profitable for the state. At the end of 1921, the process of optimizing the camp system began. Camps that did not generate profits were to be closed. An irreversible process of reorganizing the entire camp system of the GUPR began, which culminated in its complete liquidation at the end of 1922 – the beginning of 1923.

In the process of liquidating the camp system, interdepartmental rivalry between the NKYu and the NKVD played a certain role. Each of these people’s commissariats sought to establish control over the entire penitentiary system. As a result of this interdepartmental rivalry, the Main Directorate of Places of Confinement (GUMZ) was established within the NKVD, to which all the prisons existing in the country were transferred. The new leadership of the GUMZ consisted entirely of NKYu employees. Furthermore, thanks to the efforts of the head of the Cheka, F.E. Dzerzhinskii, the newly established GPU managed to retain control over the camps in the Arkhangelsk Governorate, which became the foundation for the creation of the Solovetsky Special Purpose Camp in 1923.

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